Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Ida E. Walker, for criteria pollutants (617) 565–9168 or Janet Beloin, for HAPS (617) 565–2734.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 3, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95–8217 Filed 4–4–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IL92–1–6336b; FRL–5165–9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve Illinois' February 7, 1994, request to incorporate smaller source permit rule amendments into the Illinois State Implementation Plan (SIP). The purpose of these smaller source amendments is to lessen the permitting burden on small sources and on the permitting authority by reducing the frequency and/or the requirement for operating permit renewal for sources emitting less than twenty-five tons per year of regulated air pollutants. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this proposed rule must be received on or before May 5, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Genevieve Nearmyer, Permits and Grants Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4761.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: February 24, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–8220 Filed 4–4–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[AK7–1–6588b; FRL–5171–6]

Approval and Promulgation of State Implementation Plans; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Alaska for the purpose of reducing the National Air Quality Standards (NAAQS) for carbon monoxide (CO). The SIP revision was submitted by the state to satisfy certain federal Clean Air Act requirements for a basic motor vehicle inspection and maintenance (I/M) program in the Municipality of Anchorage and the Fairbanks Northstar Borough area. In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this notice.

DATES: Comments on this proposed rule must be received in writing by May 5, 1995.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (AT–082), Air Programs Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 10, Air Programs Section, 1200 6th Avenue, Seattle, WA 98101.

The State of Alaska Department of Environmental Conservation; 410 Willoughby, Suite 105, Juneau, Alaska 99801–1795.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air Programs Branch (AT–082), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: March 2, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95–8314 Filed 4–4–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 94–040]

RIN 2115–AE85

Vessel Rebuilt Determinations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise its rules regarding rebuilt determinations to provide guidelines to clarify the standard for determining when work on a vessel constitutes a rebuilding of that vessel. The rebuilt standard has been criticized as too subjective to provide guidance to vessel owners, who often must make critical business planning decisions with the outcome of a potential rebuilt determination by the Coast Guard in mind. The proposed guidelines, if adopted, would establish clear upper and lower thresholds relevant to rebuilt determinations and would provide for greater certainty to vessel owners making business decisions regarding work to be performed on their vessels.

DATES: Comments must be received on or before July 5, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 94–040), U.S. Coast Guard Headquarters, 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. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Laura Burley, Vessel Documentation and Tonnage Survey Branch; (202) 267–1492.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 94–040) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information: The principal persons involved in drafting this document are Ms. Laura Burley, Project Manager; Lieutenant Commander Don M. Wrye, Attorney Advisor, Vessel Documentation and Tonnage Survey Branch; and Mr. Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Background and Purpose

When Congress enacted the Merchant Marine Act, 1920, popularly referred to as the ''Jones Act,'' it included a provision to provide for a protected cabotage trade. Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. app. 883), generally prohibited the transportation of merchandise in the coastwise trade except in vessels built in and documented under the laws of the United States and owned by citizens of the United States. In 1956, Congress amended Section 27 by enacting what is known as the ''Second Proviso.'' Under the proviso, as enacted, a vessel of more than 500 gross tons entitled to engage in the coastwise trade which is then rebuilt outside the United States permanently loses the right to engage in the coastwise trade. Further, the proviso required owners of vessels of more than 500 gross tons documented in the United States which are rebuilt outside the United States to make a report of the circumstances of the rebuilding to the Secretary.

As originally proposed, the proviso contained a definition of ''rebuilt.'' However, the definition was determined to be problematic and was deleted. The legislative history noted that a ''generally accepted'' definition of the term as applied to vessels may be found in the case of *United States* v. *The Grace Meade,* 25 F. Cas. 1387 (E.D. Va. 1876) (No. 15,243). That definition is that ''a vessel is considered rebuilt if any considerable part of the hull of the vessel in its intact condition, without being broken up, is built upon.'' Further, the legislative history noted, the definition had been adopted by the Supreme Court in *New Bedford Dry Dock Co.* v. *Purdy* (The Jack-O'Lantern), 258 U.S. 96 (1922), and had been incorporated into the regulations of the Bureau of Customs, which then administered the vessel documentation program, as a regulatory standard.

In 1960, Congress amended the Second Proviso. (Pub. L. 86–583.) The 1960 amendment closed a loophole which permitted foreign-built midbodies to be towed to the United States and then incorporated into the domestic rebuilding of an existing vessel in an operation known as ''jumboizing.'' As amended, the Second Proviso provided that a vessel of more than 500 gross tons eligible to engage in the coastwise trade which was then rebuilt permanently lost the right to engage in the coastwise trade unless the ''entire rebuilding, including the construction of any major components of the hull or superstructure of the vessel,'' was effected within the United States.

In 1988, the Second Proviso was once again amended to eliminate the 500 gross ton parameter for vessels rebuilt outside the United States. (Pub. L. 100–239.) Now, any vessel which has acquired the lawful right to engage in the coastwise trade which is later rebuilt outside the United States permanently loses coastwise trading privileges.

The Second Proviso is implemented by the Coast Guard primarily by regulations at 46 CFR § 67.177. The regulatory standard in § 67.177 states that a vessel is rebuilt when ''any considerable part of its hull or superstructure is built upon or substantially altered.'' While the wording of the regulatory standard has remained stable over the years, the Coast Guard's administration of the standard has changed.

Prior to September 1989, the Coast Guard evaluated whether work performed on a vessel constituted a rebuilding under the regulatory standard by focusing on whether the nature of the work was structural or nonstructural. In September 1989, the Coast Guard issued a rebuilt determination for work performed on the vessel *Monterey.* The *Monterey* determination explained that application of the Coast Guard's regulatory standard involves a two-step process. The first step is to identify work which involves building upon or

alteration of the hull or superstructure. Once the relevant work has been identified, the second step is to determine whether that work involves a considerable part of the hull or superstructure. If it does, then the vessel has been rebuilt.

As a result of the regulatory requirement, the Coast Guard frequently receives applications for preliminary determinations whether work to be performed on a vessel outside the United States would constitute a rebuilding. In support of an application for a preliminary rebuilt determination, the applicant will generally enclose extensive documentation addressing the character and scope of the work to be performed including plans, drawings, contracts, work orders, and materials lists. The applicant then attempts to show that the work will not build upon or ''substantially'' alter ''any considerable part'' of the vessel's hull or superstructure. Often, comparisons are made between the before and after area of the hull and superstructure; the weight of steel to be replaced or added to the vessel's total steelweight; or the cost of the planned work to the overall value of the vessel.

Sometimes, the vessel representative does not submit an application for a rebuilt determination or any supporting documentation until after the work is performed. While this approach is permissible, it assumes the risk that the Coast Guard may determine that the vessel has been rebuilt, with the disastrous consequence of loss of trading entitlements. In other cases, the work actually done on the vessel differs from or exceeds the planned work, with possible adverse effects on the final determination. In any event, following completion of the work, if the quantum of work involved raises a reasonable belief that the vessel has been rebuilt, the vessel representative must apply for a final rebuilt determination. Because of the wording of the standard and the unique nature of each vessel, every rebuilt determination is evaluated on a case-by-case basis.

Because the regulatory standard contains a number of undefined terms which could be problematic, the Coast Guard decided to seek public input on the advisability of engaging in a rulemaking. Two public meetings were held, both preceded by a notice in the **Federal Register**. The first meeting was on November 16, 1993 (58 FR 51298), and the second on February 15, 1994 (59 FR 725). The stated purpose of the public meetings was to obtain public input concerning whether the Coast Guard should undertake rulemaking to develop clearer standards for vessel rebuilt determinations, whether a negotiated rulemaking procedure would be appropriate, and to discuss problems encountered under existing procedures and possible solutions.

On May 10, 1994, the Coast Guard published a policy statement in the **Federal Register** (CGD 93–063; 59 FR 24060) announcing that it was planning to undertake rulemaking regarding vessel rebuilt determinations. Also, the policy statement concluded that, based on a review of its rebuilt determinations since the *Monterey* determination, work performed on a vessel which involved five percent or less of the vessel's steelweight has never been determined to constitute a rebuilding.

Discussion of Proposed Rules

The Coast Guard proposes to revise 46 CFR 67.177 regarding vessel rebuilt determinations. Section 67.177 would first restate the existing standard that a vessel is rebuilt ''when any considerable part of its hull or superstructure is built upon or substantially altered.'' Application of that standard would remain essentially a two-step process.

The standard, by its terms, encompasses only work which involves building upon or substantial alteration of a considerable part of the hull or superstructure of the vessel. Therefore, the first step in applying the standard must be to identify hull and superstructure work as distinguished from other work on the vessel. Once the relevant work has been identified, the second step in applying the standard is to determine whether that work results in a ''considerable part'' of the hull or superstructure being built upon or substantially altered. If it does, the vessel will be deemed to have been rebuilt.

To identify work constituting building upon or a substantial alteration of the hull or superstructure of a vessel, the hull and superstructure must be defined. Both terms are defined in 46 CFR 67.3. The hull is the shell, or outer casing, and internal structure below the main deck which provide both the flotation envelope and structural integrity of the vessel in its normal operations. The superstructure includes the main deck and any other structural part of the vessel above the main deck. Parts of the hull or superstructure include the shell plating, keel, decks, supporting bulkheads, beams, frames, girders, stringers, and other structural items.

On the other hand, the delivery, installation aboard the vessel, and modification or overhaul of inventory, equipment, furnishings, and stores are not included as parts of the hull or superstructure. Such inventory, equipment, furnishings, and stores include: Office inventory and equipment; medical stores and equipment; charts and flags; navigation and signaling equipment; portable VHS radio sets and rechargers; radio equipment; automatic telephone system; office amplifiers and loudspeakers; public address system; spare parts; mooring lines, towing lines, and manually operated rope storage wheels; lifeboats and liferafts; lifesaving equipment; firefighting equipment; CO2 systems; workshop tools and equipment; galley, pantry, and bar equipment; plates, crockery, cutlery, and glassware; games, gambling tables, and entertainment equipment; musical instruments; jacuzzis; print shop, photo laboratory and projector room equipment; bedding; table linens; window curtains; baggage handling equipment; steel storage shelves; deck furniture; cabin pictures and works of art; and furnishings for crew cabins, messes, recreation rooms, passenger cabins, lounges, public spaces, and service rooms.

Also, the installation and modification or overhaul of machinery, including foundations, that could be removed without affecting the structural integrity of the vessel are not included as part of the hull or superstructure. Among items of this type are: anchor windlass; steering machinery; bow thruster (the bow thruster tunnel must be constructed in the United States); elevator machinery; water systems evaporators and pumps; ventilation and air conditioning system units, motors, and compressors; garbage disposal system incinerator and compactor; steam turbine alternators, transformers, and electric motors; oily bilge separator; and sludge discharge pump.

Finally, many items involved in outfitting and maintaining the vessel that could be performed without affecting the structural and watertight integrity of the vessel are also not included as parts of the hull or superstructure. Among items of this type are: installation of windows and portholes; installation of partitions for interior spaces; installation of interior stairs (stairway trunks constructed in the United States); renewal of exterior stairways; renewal of handrails on passenger decks; installation of glass panes; repairs of exterior non-watertight steel doors; renewal of exterior fire hose lockers; overhaul of existing side gates, portholes, or watertight doors; cleaning and painting of the chain locker; sandblasting and painting of anchor chain; reinstallation of radar masts and modification of radar foundations;

overhaul of sound-powered telephone system; installation of new navigation consoles; extension of general and fire alarm system; installation of heat detectors; installation of new lifeboat davits or the reinstallation of repaired lifeboat davits and winches; installation of life-jacket lockers; installation or modification of interior spaces such as cabins, lounges, and restrooms; sandblasting, painting, or coating of decks; general sandblasting and painting; renewal of drain pipes and gratings; installation of scuppers; installation and extension of piping systems; installation of insulation, linings, ceiling panels, floor coverings, and interior doors; installation of prefabricated bathroom modules; installation of signs, funnel marks, and name plates; overhaul of external cathodic protection system; installation of electrical distribution and lighting systems; and installation and overhaul of electrical cables.

To determine whether any ''considerable part'' of the hull or superstructure, as defined, has been built upon or altered, the relevant work must be viewed in relation to the hull or superstructure of the vessel as a whole. Generally, the weight of the material involved in the relevant work is compared to the steelweight of the vessel as a whole. In cases where steelweights are not readily determined, as for work on a wooden or fiberglass vessel for example, the surface area of the relevant work is compared to the surface area of the vessel as a whole and, to the maximum extent practicable, a comparable steelweight is determined for the work performed and for the vessel as a whole. The term ''steelweight'' is generically used in the proposed rule relative to the construction material of the vessel.

Paragraph (a) of proposed § 67.177 would address the statutory provision that a vessel, regardless of its material of construction, is deemed rebuilt when a major component of the hull or superstructure not built in the United States is added to the vessel.

Paragraph (b) of proposed § 67.177 would establish numerical parameters for rebuilt determinations for vessels of which the hull and superstructure are constructed of steel or aluminum. A vessel would be deemed rebuilt if the relevant work performed constitutes more than 10 percent of the vessel's steelweight. Thus, 10 percent of the vessel's steelweight would be set as the upper parameter, beyond which a rebuilding would occur in every case.

A vessel may or may not be deemed rebuilt if the relevant work performed constitutes more than 5 percent but not more than 10 percent of the vessel's steelweight. In this case, the vessel owner bears the burden to demonstrate that the nature of the work performed, its scope in relation to the vessel as a whole, its cost as compared to the cost of the vessel, or other such factors, justify a conclusion that the vessel has not been rebuilt.

A vessel would not be considered rebuilt if the relevant work performed constitutes 5 percent or less of the vessel's steelweight. Thus, 5 percent of the vessel's steelweight would be set as the lower parameter, at or below which a rebuilding would be deemed to not have occurred in any case.

Paragraph (c) of proposed § 67.177 would establish numerical parameters for rebuilt determinations for vessels of which the hull and superstructure are constructed of a material other than steel or aluminum. The numerical parameters would be the same as those used in paragraph (b). However, for the parameters to work for vessels of which the hull and superstructure are constructed of a material other than steel or aluminum, the concept of comparability is introduced.

The comparability concept requires that the applicant for a rebuilt determination evaluate the vessel and, based on its overall size, class, configuration, or other such factors, calculate to the maximum extent practicable what the steelweight of the vessel as a whole would be if it were constructed of steel or aluminum. The applicant would also be required to evaluate the quantum of work performed on the vessel and, based on its scope, area or square footage of sideshell, decks, or bulkheads involved compared to the area or square footage of similar surfaces on the entire vessel, or other such factors, calculate to the maximum extent practicable what the steelweight of the work performed would be if the material used was steel or aluminum. The Coast Guard particularly solicits comment from vessel owners, shipyards, repair facilities, and other interested parties concerning the feasibility and practicality of the comparability concept.

Vessels of mixed construction, for example, a vessel the hull of which is constructed of steel or aluminum and the superstructure of which is constructed of fiberglass, would be addressed by paragraph (d) of proposed § 67.177. The applicant for a rebuilt determination would, using the comparability concept, calculate to the maximum extent practicable the total steelweight of the vessel and the steelweight of the work performed on the non-steel/aluminum portion of the vessel. The comparable steelweight of the work performed on the non-steel/aluminum portion of the vessel would then be aggregated with the work performed on the portion of the vessel constructed of steel or aluminum. The same numerical parameters used in paragraph (b) would then be applied to the aggregate of the work performed on the vessel to determine whether the vessel had been rebuilt.

Pursuant to paragraph (e) of proposed § 67.177, an application for a rebuilt determination, where required, would have to be filed within 30 days following completion of the work or redelivery of the vessel, whichever occurs first. An application for a rebuilt determination would be required if the work was performed outside of the United States and it is determined to constitute or be comparable to more than 5 percent of the vessel's steelweight, or if a major component of the hull or superstructure which was not built in the United States was added to the vessel. In addition, paragraph (e) would state the items required to be submitted with an application for a rebuilt determination. Generally, these materials consist of a statement applying for the determination, a detailed statement of the work performed and naming the place or places where the work was performed, applicable steelweight calculations, sketches or blueprints of the work performed, and any other material the Coast Guard may request in support of the determination.

Paragraph (f) of proposed § 67.177 would provide an alternative under which a vessel owner may submit a written statement to the Commandant declaring a vessel rebuilt outside the United States. By using this alternative, the owner who intends to forgo the restricted trading privileges may avoid submitting the detailed materials required for a rebuilt determination. A note would be added at the end of the proposed section explaining that a statement submitted in accordance with paragraph (f) does not constitute an application for a rebuilt determination and, therefore, does not require payment of a fee.

Lastly, the materials required to be submitted for a preliminary rebuilt determination would be specified in paragraph (g) of proposed § 67.177. Generally, these materials consist of a statement applying for the preliminary determination, a detailed statement of the work to be performed and naming the place or places where the work is to be performed, projected applicable steelweight calculations, sketches or

blueprints of the planned work, and any other material the Coast Guard may request in support of the preliminary determination.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. However, it is considered significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979) due to the interests expressed by a segment of the maritime industry and the Canadian Government. The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This proposal would, if adopted, merely clarify existing policies and practices followed in evaluating rebuilt determinations. As such, the proposed changes would be administrative in nature and provide better guidance to vessel owners planning for work to be performed on their vessels. In fact, by providing clearer guidance, the proposal, if adopted, would help vessel owners to avoid costs associated with an unexpected, and unintended, determination that their vessel has been rebuilt.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, 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.

The Coast Guard expects the economic impact of this proposal to be minimal because this proposal would, if adopted, merely clarify existing policies and practices followed in evaluating rebuilt determinations. As such, the proposed changes would be administrative in nature and would provide better guidance to vessel owners planning for work to be performed on their vessel. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other similar requirements.

This proposal contains collection-of-information requirements in 46 CFR § 67.177. However, these collection-of-information requirements are the same as those contained in the existing regulations which have been previously approved by OMB and assigned Control No. 2115–0110. This proposal would add no new or additional collection-of-information requirements. The proposed changes, if adopted, may even reduce paperwork submissions by providing sufficiently clear guidance that many of the applications for preliminary rebuilt determinations may become unnecessary.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.lB, this proposal is categorically excluded from further environmental documentation. This proposal has been determined to be categorically excluded because the changes proposed are administrative in nature and clearly have no environmental impact. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 46 CFR Part 67

Fees, Incorporation by reference, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR part 67 as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. app. 841a, 876; 49 CFR 1.46.

2. Section 67.177 is revised to read as follows:

§ 67.177 Application for rebuilt determination.

A vessel is rebuilt when any considerable part of its hull or superstructure is built upon or substantially altered. In determining whether a vessel is rebuilt, the following parameters apply.

(a) Regardless of its material of construction, a vessel is deemed rebuilt when a major component of the hull or superstructure not built in the United States is added to the vessel.

(b) For a vessel of which the hull and superstructure is constructed of steel or aluminum—

(1) A vessel is deemed rebuilt when work performed on its hull or superstructure constitutes more than 10 percent of the vessel's steelweight.

(2) A vessel may be considered rebuilt when work performed on its hull or superstructure constitutes more than 5 percent but not more than 10 percent of the vessel's steelweight.

(3) A vessel is not considered rebuilt when work performed on its hull or superstructure constitutes 5 percent or less of the vessel's steelweight.

(c) For a vessel of which the hull and superstructure is constructed of material other than steel or aluminum—

(1) A vessel is deemed rebuilt when work performed on its hull or superstructure constitutes a quantum of work determined, to the maximum extent practicable, to be comparable to more than 10 percent of the vessel's steelweight, calculated as if the vessel was wholly constructed of steel or aluminum.

(2) A vessel may be considered rebuilt when work performed on its hull or superstructure constitutes a quantum of work determined, to the maximum extent practicable, to be comparable to more than 5 percent but not more than 10 percent of the vessel's steelweight, calculated as if the vessel was wholly constructed of steel or aluminum.

(3) A vessel is not considered rebuilt when work performed on its hull or superstructure constitutes a quantum of work determined, to the maximum extent practicable, to be comparable to 5 percent or less of the vessel's steelweight, calculated as if the vessel was wholly constructed of steel or aluminum.

(d) For a vessel of mixed construction, such as a vessel the hull of which is constructed of steel or aluminum and the superstructure of which is

constructed of fibrous reinforced plastic, the steelweight of the work performed on the portion of the vessel constructed of a material other than steel or aluminum will be determined, to the maximum extent practicable, and aggregated with the work performed on the portion of the vessel constructed of steel or aluminum. The numerical parameters described in paragraph (b) of this section will then be applied to the aggregate of the work performed on the vessel compared to the vessel's steelweight, calculated as if the vessel was wholly constructed of steel or aluminum, to determine whether the vessel has been rebuilt.

(e) The owner of a vessel currently entitled to coastwise, Great Lakes, or fisheries endorsements which is altered outside the United States and the work performed is determined to constitute or be comparable to more than 5 percent of the vessel's steelweight, or which has a major component of the hull or superstructure not built in the United States added, must file the following information with the Commandant within 30 days following the earlier of completion of the work or redelivery of the vessel to the owner or owner's representative:

(1) A written statement applying for a rebuilt determination, outlining in detail the work performed and naming the place(s) where the work was performed;

(2) Calculations showing the actual or comparable steelweight of the work performed on the vessel, the actual or comparable steelweight of the vessel, and comparing the actual or comparable steelweight of the work performed to the actual or comparable steelweight of the vessel;

(3) Accurate sketches or blueprints describing the work performed; and

(4) Any further submissions requested by the Commandant.

(f) Regardless of the extent of actual work performed, the owner of a vessel currently entitled to coastwise, Great Lakes, or fisheries endorsements may, as an alternative to filing the items listed in paragraph (e) of this section, submit a written statement to the Commandant declaring the vessel rebuilt outside the United States. The vessel will then be deemed to have been rebuilt outside the United States with loss of trading privileges.

(g) A vessel owner may apply for a preliminary rebuilt determination by submitting:

(1) A written statement applying for a preliminary rebuilt determination, outlining in detail the work planned and naming the place(s) where the work is to be performed;

(2) Calculations showing the actual or comparable steelweight of work to be performed on the vessel, the actual or comparable steelweight of the vessel, and comparing the actual or comparable steelweight of the planned work to the actual or comparable steelweight of the vessel;

(3) Accurate sketches or blueprints describing the planned work; and

(4) Any further submissions requested by the Commandant.

Note: A statement submitted in accordance with paragraph (f) of this section does not constitute an application for a rebuilt determination and does not require payment of a fee.

Dated: October 21, 1994.

J. C. Card,

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

[FR Doc. 95–8386 Filed 4–4–95; 8:45 am]

BILLING CODE 4910–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GC Docket No. 95–21; DA 95–490]

Ex Parte Presentations in Commission Proceedings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Commission previously adopted a notice of proposed rulemaking proposing to amend its regulations concerning ex parte presentations in Commission proceedings. (See 60 FR 8995, Feb. 16, 1995.) By order of the General Counsel the comment and reply dates have been extended four weeks. The intended effect of this action is to give members of the public additional time to comment on the Commission's proposal.

DATES: Comments must be filed on or before April 13, 1995; reply comments must be filed on or before April 28, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington DC. 20554.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 418–1760.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 13, 1995; Released: March 15, 1995.

1. Under consideration by the Commission is a Motion to Extend Time in Which to File Comments and Replies filed March 8, 1995 by the Federal Communications Bar Association (FCBA).

2. The FCBA requests that the time for filing comments and reply comments in this proceeding be extended until June 14, and June 29, 1995, respectively. It asserts that this additional time is required to afford it an opportunity to ascertain the thinking of its members and prepare effective comments following both an April 25, 1995 seminar, to be held in conjunction with the FCBA's Continuing Legal Education Committee, which will address the issues raised in this proceeding, and consideration of the views expressed there by the FCBA's Executive Committee at its regularly scheduled meeting on May 23, 1995. It appears that immediate action on this Motion is warranted, pursuant to 47 CFR 1.45(e), so that all interested parties will have prompt notice of the pertinent filing deadlines.

3. After careful consideration of the Motion, we have determined that the FCBA has not made a showing that would warrant extending the time to the full extent requested. Given the fact that the primary purpose of this proceeding is to proceed without undue delay to improve the public's ability to communicate with the Commission in a manner that comports with fundamental principles of fairness, the public interest will be best served by a four week extension of time for the filing of comments and reply comments.

4. Accordingly, *it is ordered*, Pursuant to the authority delegated under 47 CFR 0.251(b) that the Motion to Extend Time in Which to File Comments and Replies filed March 8, 1995 by the Federal Communications Bar Association is granted in part and is denied in part and that the time for filing comments and reply comments is extended to April 13, 1995 and April 28, 1995.

Federal Communications Commission.

William E. Kennard,

General Counsel.

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