

until a certain date. If the employee's work authorization will expire, the employee must provide the expiration date in the appropriate space in section 3 of the Form I-9. If an individual is unable to complete section 3 of the Form I-9 or needs it translated, someone may assist him or her. The preparer or translator must read the Form to the employee, assist him or her in completing section 3—"Updating and Reverification," and have the individual sign or mark the Form in the appropriate place. The preparer or translator must then complete the "Preparer/Translator Certification" portion for section 3 of the Form I-9.

* * * * *

9. In § 274a.12, a new paragraph (c)(20) is added, to read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(c) *

(20) Any alien who has filed a completed legalization application pursuant to either section 210 or 245A of the Act (and either 8 CFR parts 210 or 245a). Employment authorization shall be granted in increments not exceeding 1 year during the period the application is pending (including any period when an administrative appeal is pending) and shall expire on a specified date.

* * * * *

10. In § 274a.14 paragraphs (c) (1) and (2) are revised to read as follows:

§ 274a.14 Termination of employment authorization.

* * * * *

(c) *Automatic termination of temporary employment authorization granted prior to June 1, 1987.*—(1) Temporary employment authorization granted prior to June 1, 1987 pursuant to 8 CFR 109.1(b) or its redesignation as § 274a.12(c), shall automatically terminate on the date specified by the Service on the document issued to the alien, or on December 31, 1996, whichever is earlier. Automatic termination of temporary employment authorization does not preclude a subsequent application for temporary employment authorization.

(2) A document issued by the Service prior to June 1, 1987, that authorizes temporary employment authorization for any period beyond December 31, 1996, is null and void pursuant to paragraph (c)(1) of this section, and must be surrendered to the Service on the date that the temporary employment authorization terminates or on December 31, 1996, whichever is earlier. The alien shall be issued a new

employment authorization document at the time the document is surrendered to the Service if the alien is eligible for temporary employment authorization pursuant to § 274a.12(c).

* * * * *

Dated: April 25, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-15232 Filed 6-21-95; 8:45 am]

BILLING CODE 4410-10-M

Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

A copy of the air quality data and EPA's analysis are available for inspection at the following addresses:

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Commonwealth of Kentucky, Division of Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601

State of North Carolina, Air Quality Section, Division of Environmental Management, North Carolina Department of Environment, Health, and Natural Resources, Raleigh, North Carolina 27626

Environmental Management Division, Mecklenburg County Department of Environmental Protection, 700 N. Tryon Street, Charlotte, North Carolina 28202-2236

State of Tennessee, Division of Air Pollution Control, Tennessee Department of Environment and Conservation, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531

Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311—23rd Avenue, North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Kay Prince, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4221.

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

Dated: June 9, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-15235 Filed 6-21-95; 8:45 am]

BILLING CODE 6560-50-P

ADDRESSES: Written comments should be mailed to: Kay Prince, Regulatory

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 30, 31, 70, 71, 90, 91, and 107**

[CGD 95-010]

RIN 2115-AF 11

Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules (CGD 95-010)**AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend regulations to provide owners of U.S. tank vessels, passenger vessels, cargo vessels, miscellaneous vessels and mobile offshore drilling units an alternative method to fulfill the requirements for vessel design, inspection and certification. Under this proposal, the Coast Guard would issue a certificate of inspection based upon a recognized classification society's reports that the vessel complies with the International Convention for the Safety of Life at Sea, as amended (SOLAS 74/83), other applicable international conventions, classification society rules, and other specified requirements. This will reduce the burden on vessel owners and operators by eliminating duplicative plan reviews and inspections by the classification society and the Coast Guard.

DATE: Comments must be received on or before September 20, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LFA/3406) (CGD 95-010), U.S. Coast Guard Headquarters, 2200 Second Street, SW., Washington, DC 20593-0001, or may be delivered to Room 3406 at the above address between 8 a.m. and 3 p.m. weekdays, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, D.C. 20503, ATTN: Desk Officer, U.S. Coast Guard.

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: Mr. Albert G. Kirchner, Jr., Office of Marine Safety, Security and Environmental

Protection (G-MTH-4/13), Room 1304, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-0168.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in the rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-010) 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 8 1/2 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 and may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing the Marine Safety Council at the address under

ADDRESSES. The request should include reasons why a hearing would be beneficial. If the council 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 Mr. Albert G. Kirchner, Jr., Project Manager, Office of Marine Safety, Security and Environmental Protection and Commander Thomas R. Cahill, Project Counsel, Office of Chief Counsel.

Background and Purpose

As part of its regulatory reform efforts, the Coast Guard invited the maritime industry to identify unnecessarily burdensome regulations. In response, the U.S. maritime industry submitted many comments noting the continuing pressure on the competitive position of the U.S. oceangoing merchant fleet and commercial shipbuilding industry. Members of the industry called for greater alignment of Coast Guard regulations with international standards to reduce the cost disadvantages incurred by U.S. maritime industry and thereby improve the competitiveness of the U.S. industry. These developments, together with a desire to focus more attention on human element and port

state control activities, prompted the Coast Guard to review its approach of ensuring maritime safety through vessel compliance inspections.

This proposal would be responsive to the needs expressed by the U.S. maritime industry to reduce the regulatory burden and alleviate duplication of effort between the Coast Guard and the classification societies. These processes are the culmination of one public meeting and more than 10 follow-on meetings involving all major shipbuilding and maritime operator interests in the nation. As a result of this intensive cooperative effort, the concept of alternative compliance was developed as a means of reducing adverse regulatory effects without jeopardizing safety.

As part of this review, a joint USCG/American Bureau of Shipping (ABS) task force compared the requirements in the Code of Federal Regulations (CFR), ABS Rules, the 1974 Safety of Life at Sea Convention, as amended (SOLAS 74/83), and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). The purpose of this comparison was to identify redundancies and determine if other regulations could be used in place of CFR requirements to achieve an equivalent level of safety. Over 370 separate regulatory provisions have been examined to date, and the task force has determined that many of the CFR requirements examined could be satisfied by ABS Rules, SOLAS 74, MARPOL 73/78 or combinations of the three. This led to the development of an ABS U.S. Supplement (USS). The USS addresses those areas where current Coast Guard requirements are not embodied by either ABS Rules or international conventions or, in the case of international conventions, whose interpretations are needed by the U.S. flag administration. The Coast Guard has concluded that the design requirements and survey provisions of ABS class rules, applicable international conventions, and the USS provide a level of maritime safety equivalent to corresponding Federal regulations which govern the same aspects of U.S. vessels.

Under this proposal, owners, operators, shipbuilders, and designers of U.S. flagged tank vessels, passenger vessels, cargo vessels, miscellaneous vessels, and mobile offshore drilling units subject to inspection under Part B of Subtitle II of 46 U.S.C. (sections 3101-4705) would have an alternative to traditional inspection by the Coast Guard. They could use the services of a recognized classification society to perform inspection and plan review

functions now performed by the Coast Guard. The cognizant Coast Guard Officer-in-Charge of Marine Inspection may issue a certificate of inspection based upon the classification society's reports that the vessel is classed and complies with applicable requirements. This alternative would free Coast Guard resources and allow the Coast Guard to move from assessing a vessel's equipment and material condition to evaluating more pressing concerns related to the human element. In addition, it would allow the Coast Guard to shift resources from inspection of U.S. vessels to port state enforcement efforts without degrading the safety of U.S. vessels. The Coast Guard would maintain oversight of this Alternative Compliance Program (ACP) through random checks of delegated tasks, monitoring of the classification society's quality system via participation in system audits and tracking demonstrated performance in identifying and correcting quality deficiencies.

Under current law, the Coast Guard may, with limited exceptions, only delegate inspection and examination functions to the ABS or similar United States classification society. Separate legislation has been introduced that would allow the Coast Guard to recognize additional classification societies. If the Coast Guard recognizes other classification societies, each classification society's rules would be examined and a separate supplement developed to be incorporated by reference in a future rulemaking.

An ACP pilot program with ABS was announced by the **Federal Register** notice of February 3, 1995 (60 FR 6687). The purpose of the pilot program is to test and evaluate the standards and procedures that have been developed in cooperation with the ABS. The Coast Guard may modify this proposal based upon the experience and findings of the ACP pilot program. In addition, the Coast Guard will use the pilot program to determine the level of resources involved in the alternate compliance process, and may adjust vessel inspection user fees through a separate rulemaking.

Discussion of Proposed Amendments

This proposal would establish alternate compliance procedures for U.S. flagged tank vessels, passenger vessels, cargo vessels, miscellaneous vessels, and mobile offshore drilling units. It would add new incorporation by reference sections in 46 CFR parts 30 (§ 30.01–4), 70 (§ 70.01–10) and 90 (§ 90.01–10). Each of these sections would incorporate, by reference, the

ABS Class Rules for Building and Classing Steel Vessels, 1995, and the ABS U.S. Supplement to Class Rules for Building and Classing Steel Vessels, 1995. When developed, the ABS Class Rules for Building and Classing Mobile Offshore Drilling Units would be added to the existing incorporation by reference provisions in 46 CFR 107.115. These documents are available from the American Bureau of Shipping at the address indicated in the applicable section. The Coast Guard has determined that compliance with applicable international requirements, the ABS Class rules, and respective ABS U.S. Supplement would provide a level of safety equivalent to compliance with existing regulations.

The proposal would also add new sections in 46 CFR parts 31 (§ 31.01–3), 71 (§ 71.15–5), 91 (§ 91.15–5), and 107 (§ 107.205). These sections would allow the owner or operator of a vessel subject to Coast Guard inspection for initial issuance or renewal of a certificate of inspection to submit the vessel for inspection by a recognized classification society, such as ABS. The classification society would inspect the vessel to ensure that it complies with applicable international requirements, their Class rules, and its U.S. supplement.

The owner or operator of an eligible vessel who desires to take advantage of these provisions would indicate on the Application for Inspection of U.S. Vessel (CG-3752) that the vessel has been enrolled in an accepted alternate compliance program, naming the classification society, and that the inspection would be conducted by that classification society. The cognizant Coast Guard Officer-in-Charge of Marine Inspection (OCMI) may issue a certificate of inspection (COI) based on reports from a recognized classification society, such as ABS, that the vessel complies with applicable international requirements, the classification society's rules, and its U.S. supplement.

If the OCMI declines to issue a COI even though the recognized classification society's reports indicate the vessel meets the applicable standards, the owner may appeal the OCMI's decision under 46 CFR 1.03–20. If the cognizant OCMI declines to issue a COI based on reports from the classification society that the vessel does not meet applicable standards, the vessel owner could choose to correct the deficiencies and arrange with the classification society for an additional inspection, request that the Coast Guard inspect the vessel under the other provisions of 46 CFR Ch. I, appeal the decision under 46 CFR 1.03–35, or appeal via the recognized classification

society to Chief, Merchant Vessel Inspection and Documentation Division, U.S. Coast Guard.

Regulatory Evaluation

The Coast Guard has determined the economic impact of this proposed rule change would be positive and that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This proposal is not significant under Executive Order 12866 and Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). The purpose of this rulemaking is to provide economic relief to the U.S. maritime industry without jeopardizing safety.

The Coast Guard believes this proposal, if adopted, would provide an economic benefit to the owners and operators of U.S. flagged vessels. Currently, 549 U.S. vessels may be eligible to participate in this proposed alternative compliance program. The Coast Guard estimates that while a vessel owner may have to pay an additional \$5 thousand in classification society fees for functions presently performed by the Coast Guard, the savings in design, construction and operating costs will recover this expense many times over during the lifetime of the vessel. Moreover, ships built and maintained to SOLAS 74/83, MARPOL 73/78, recognized classification society rules and accepted U.S. supplement are expected to experience greater competitiveness in the worldwide shipping market.

Additionally, streamlining the certification process will reduce time frames for Coast Guard involvement in the Certificate of Inspection process from an average of over 50 hours to 10 hours or less. Because the vessel is already inspected by the classification society, this program will reduce the duplication, decrease vessel "down time" and permit greater scheduling flexibility. Lower construction and operating costs, greater flexibility for the vessel in the global market and additional availability for vessel hire will offset the costs incurred through the alternative plan review and inspection process utilizing a recognized classification society. The Coast Guard specifically solicits comments on potential costs, savings and benefits.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have significant impact on a substantial number of small entities.

“Small entities” include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as “small business concerns” under section 3 of the Small Business Act (15 U.S.C. 632).

This rule change provides an alternative to complying with existing regulations. The Coast Guard believes that rulemaking would have a positive economic impact if the owner chooses to participate in the alternate compliance program. This rulemaking would have no impact on vessel owners who do not choose to participate in this program. Therefore, the Coast Guard certifies that under 5 U.S.C. 605(b) this rule 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 rulemaking which contains a collection of information requirement to determine if the practical value of the information is worth the burden imposed by its collection. Information collection requirements include reporting, recordkeeping, notification and other similar requirements.

Without changing the current Application for Vessel Inspection process, owners and operators would have the opportunity to declare whether the vessel will comply with SOLAS requirements, recognized classification society rules and their U.S. supplement or Coast Guard regulations. Since the application for inspection is already a requirement, this will not impose any additional documentation or paperwork requirements on vessel owners or operators. Under the memorandum of agreement between Coast Guard and ABS, ABS will provide a copy of its reports to the Coast Guard. Future agreements with classification societies wishing to be recognized for this program will contain similar provisions. The Coast Guard expects that the reports compiled by the classification society will be sufficient for Coast Guard review purposes. Although under this proposed rule, the classification society would only provide copies of its report to the Coast Guard with virtually no additional paperwork burden imposed, this is subject to OMB approval under the Paperwork Reduction Act.

This proposal contains collection-of-information requirements in the following sections: § 31.01-3, § 71.15-5, § 91.15-5 and § 107.205.

Dot No: New.

Administration: U.S. Coast Guard.

Title: Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules.

Need For Information: Vessel inspection reports are needed to document the compliance of a marine vessel with recognized classification society rules, the accepted U.S. supplement to rules, and applicable international maritime safety and marine environmental conventions. Classification societies recognized to participate in this program will submit copies of reports they routinely prepare to the Coast Guard.

Proposed Use of Information: The information will be used by the Coast Guard to determine if the vessel is in compliance with the requirements necessary for issuance of a Certificate of Inspection.

Frequency of Response: Reports are required whenever the recognized classification society inspects a vessel on behalf of the Coast Guard. This is generally for the initial issuance of the Certificate of Inspection (COI) and whenever the COI must be renewed. Renewal periods for vessel Certificates of Inspection are not being changed by this proposal. For tank, cargo, and miscellaneous non-nuclear vessels this period is two years; for passenger vessels over 100 gross tons and miscellaneous nuclear vessels the renewal period is one year; and for mobile offshore drilling units the renewal period is two years. A separate legislative proposal currently exists that would harmonize inspection intervals with international requirements.

Burden Estimate: There is no additional burden created by this rulemaking. The required reports are already being prepared in the course of business between the classification society and the vessel owner or operator.

Respondents: The recognized classification societies.

Forms: None.

Average Burden Hours Per Respondent: No additional burden is created by this rulemaking. The required reports are already being prepared in the course of business between the classification society and the vessel owner or operator.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES**.

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined it does not have federalism requirements warranting a Federalism Assessment. The authority to regulate safety requirements of U.S. vessels is committed to the Coast Guard by statute. Furthermore, since these vessels tend to move from port to port in the national market place, these safety requirements need to be national in scope to avoid numerous, unreasonable and burdensome variances. Therefore, this action would preempt State action addressing the same matter.

Environment

Coast Guard Commandant Instruction M16475.1B, Section 2.B.2 categorically excludes inspection and equipment aspects of this rulemaking from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

The Coast Guard also considered the design and construction aspects of this rulemaking for environmental impact, and concluded that preparation of an Environmental Impact Statement is not necessary. Since the combination of classification society rules, applicable international conventions and the U.S. supplement to the rules have been determined to provide a level of safety equivalent to current Coast Guard regulations, the Coast Guard expects that this proposal will have no adverse environmental impact. A draft Environmental Assessment and a draft Finding of No Significant Impact are available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen, Incorporation by reference.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements, Incorporation by reference.

46 CFR Part 70

Marine safety, Passenger vessels, Reporting and recordkeeping requirements, Incorporation by reference.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements, Incorporation by reference.

46 CFR Part 90

Cargo vessels, Marine safety, Incorporation by reference.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements, Incorporation by reference.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels, Incorporation by reference.

PART 30—GENERAL PROVISIONS

1. The authority for part 30 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507.

2. Add new § 30.01–4 to read as follows:

§ 30.01–4 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register** and the material must be available to the public. All material is available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division, 2100 Second St., SW., Washington, DC 20593–0001, and is available from the sources listed in paragraph (b) of this section.

(b) The material incorporated by reference in this subchapter and the sections affected are as follows:

American Bureau of Shipping (ABS)

Two World Trade Center, 106th Floor, New York, NY 10048
Rules for Building and Classing Steel Vessels, 1995: 31.01–3
U.S. Supplement to ABS rules for Steel Vessels for Vessels on International Voyages, 1995: 31.01–3

PART 31—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 5115, 8105; 49 U.S.C. App. 1984; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR 1971–1975 Comp., p. 793; 49 CFR 1.46.

4. Add new § 31.01–3 to read as follows:

§ 31.01–1 Alternate compliance.

(a) In lieu of compliance with other provisions of this subchapter, the owner or operator of a vessel subject to plan review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard. Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(b) A vessel owner or operator wishing to have a vessel inspected under paragraph (a) of this section shall submit an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI, and indicate on the form that the inspection will be conducted by a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, the cognizant OCMI may issue a certificate of inspection to the vessel. If the OCMI declines to issue a certificate of inspection even though the reports indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

(1) Correct the reported deficiencies and arrange with the classification society for an additional inspection;

(2) Request inspection by the Coast Guard under other provisions of this subchapter; or

(3) Appeal via the recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, D.C. 20593–0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

American Bureau of Shipping

Two World Trade Center, 106th Floor, New York, NY 10048

Accepted rules: Rules for Building and Classing Steel Vessels, 1995.

Accepted supplement: U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995.

PART 70—GENERAL PROVISIONS

5. The authority for part 70 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 70.01–15 also issued under the authority of 44 U.S.C. 3507.

6. Add new § 70.01–10 to read as follows:

§ 70.01–10 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register** and the material must be available to the public. All material is available for inspection at the Office of the Federal Register, 800 North Capitol St., NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division, 2100 Second St., SW., Washington, DC 20593–0001, and is available from the sources listed in paragraph (b) of this section.

(b) The material incorporated by reference in this subchapter and the sections affected are as follows:

American Bureau of Shipping (ABS)

Two World Trade Center, 106th Floor, New York, NY 10048
Rules for Building and Classing Steel Vessels, 1995: 71.15–5
U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995: 71.15–5

PART 71—INSPECTION AND CERTIFICATION

8. The authority for part 71 continues to read as follows:

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

9. Add new § 71.15–5 to read as follows:

§ 71.15–5 Alternate compliance.

(a) In lieu of compliance with other provisions of this subchapter, the owner or operator of a vessel subject to plan

review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard.

Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(b) A vessel owner or operator wishing to have a vessel inspected under paragraph (a) of this section shall submit an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI, and indicate on the form that the inspection will be conducted by a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, the cognizant OCMI may issue a certificate of inspection to the vessel. If the OCMI declines to issue a certificate of inspection even though the reports indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

(1) Correct the reported deficiencies and arrange with the classification society for an additional inspection;

(2) Request inspection by the Coast Guard under other provisions of this subchapter; or

(3) Appeal via the recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

American Bureau of Shipping
Two World Trade Center, 106th Floor, New York, NY 10048

Accepted rules: Rules for Building and Classing Steel Vessels, 1995.

Accepted supplement: U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995.

PART 90—GENERAL PROVISIONS

10. The authority for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

11. Add new § 90.01-10 to read as follows:

§ 90.01-10 incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register** and the material must be available to the public. All material is available for inspection at the Office of the Federal Register, 800 North Capitol St., NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division, 2100 Second St., SW., Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section.

(b) The material incorporated by reference in this subchapter and the sections affected are as follows:

American Bureau of Shipping (ABS)
Two World Trade Center, 106th Floor, New York, NY 10048
Rules for Building and Classing Steel Vessels, 1995: 91.15-5
U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995: 91.15-5

PART 91—INSPECTION AND CERTIFICATION

12. The authority for part 91 continues to read as follows:

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

13. Add new § 91.15-5 to read as follows:

§ 91.15-5 Alternate compliance.

(a) In lieu of compliance with other provisions of this subchapter, the owner or operator of a vessel subject to plan review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard. Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(b) A vessel may be inspected under paragraph (a) of this section only if it has not been subject to Coast Guard intervention or enforcement action for violations of this chapter within the thirty-six months preceding the inspection. A vessel owner or operator wishing to have a vessel inspected under paragraph (a) of this section shall submit an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI, and indicate on the form that the inspection will be conducted by a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, the cognizant OCMI may issue a certificate of inspection to the vessel. If the OCMI declines to issue a certificate of inspection even though the reports indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

(1) Correct the reported deficiencies and arrange with the classification society for an additional inspection;

(2) Request inspection by the Coast Guard under other provisions of this subchapter;

(3) Appeal via the recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

American Bureau of Shipping
Two World Trade Center, 106th Floor, New York, NY 10048

Accepted rules: Rules for Building and Classing Steel Vessels, 1995.

Accepted supplement: U.S. Supplement to Rules for Steel Vessels for Vessels on International Voyages, 1995

PART 107—INSPECTION AND CERTIFICATION

14. The authority for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115; 49 CFR 1.45, 146; § 107.05 also issued under authority of 44 U.S.C. 3507.

15. Add new § 107.205 to read as follows:

§ 107.205 Alternate compliance.

(a) In lieu of compliance with other provisions of this subchapter, the owner or operator of a vessel subject to plan review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard.

Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(b) A vessel owner or operator wishing to have a vessel inspected under paragraph (a) of this section shall submit an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI, and indicate on the form that the inspection will be conducted by a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, the cognizant OCMI may issue a certificate of inspection to the vessel. If the OCMI declines to issue a certificate of inspection even though the reports indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

(1) Correct the reported deficiencies and arrange with the classification society for an additional inspection;

(2) Request inspection by the Coast Guard under other provisions of this subchapter; or

(3) Appeal via the recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Command (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

[No classification societies are recognized at this time.]

Dated: June 12, 1995.

J.C. Card,

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

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AD11

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearing on Proposed Endangered Status for Three Wetland Species in Southern Arizona and Northern Sonora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that a public hearing will be held and the comment period reopened on the proposed rule to list two plants, Canelo Hills ladies'-tresses (*Spiranthes delitescens*) and Huachuca water umbel (*Lilaeopsis schaffneriana* spp. *recurva*), and one amphibian, the Sonora tiger salamander (*Ambystoma tigrinum stebbinsi*) as endangered. The hearing and the reopening of the comment period will allow all interested parties to submit oral or written comments on the proposal.

DATES: The public hearing will be held from 7 p.m. to 10 p.m. on July 13, 1995, in Patagonia, Arizona. The comment period for this proposal will be reopened on June 24, 1995 and will close on July 24, 1995. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: The public hearing will be held in the Multi-Purpose Room at Patagonia Union High School, on the west-side of State Highway 82 in Patagonia, Arizona. Written comments should be sent to the State Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021-4951. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT:

Jeffrey A. Humphrey, at the above address, or phone at (602) 640-2720.

SUPPLEMENTARY INFORMATION:**Background**

Canelo Hills ladies'-tresses, Huachuca water umbel, and the Sonora tiger salamander occur in a limited number of wetland habitats in southern Arizona and northern Sonora, Mexico. They are threatened by one or more of the following—collecting, disease, predation, competition with nonnative species, catastrophic floods, drought, and degradation and destruction of habitat resulting from livestock overgrazing, water diversions, dredging, and groundwater pumping. All three taxa are also threatened with stochastic extirpations or extinction due to small numbers of populations or individuals. A proposed rule to list these species as endangered was published in the **Federal Register** (60 FR 16836) on April 3, 1995.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause.

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to two such requests, the Service will hold a public hearing on the date and at the address described above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Service. Legal notices announcing the dates, times, and locations of the hearings will be published in newspapers concurrently with the **Federal Register** notice.

The comment period on the proposal originally closed on June 2, 1995. In order to accommodate the hearing, the Service reopens the public comment period. Written comments may now be submitted until July 24, 1995, to the Service office in the **ADDRESSES** section.