

Portsmouth, Virginia 23704-5004, or hand delivered to Room 516 at the same address between 7:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6204. Comments will become part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT:
S. L. Phillips, Project Manager, Search and Rescue Branch, at (757) 398-6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

This Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05-97-004) 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 acknowledgement 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 address listed 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.

Background and Purpose

Ports Events, Inc., the sponsor of the Crawford Bay Crew Classic, has requested to change the dates of this annual event from the third Friday and Saturday in March to the fourth Friday and Saturday in April to conduct the event in warmer weather conditions. To enhance the safety of participants, spectators, and transiting vessels, special local regulations are necessary to control vessel traffic during the event. This proposal would update the regulations to reflect the new dates of the event.

Discussion of Proposed Rule

The Coast Guard proposes to amend the effective period of special local regulations previously established for

this event from the third Friday and Saturday in March to the fourth Friday and Saturday in April to reflect the new event dates. Since this action will not increase the period of time that the channel is restricted and the Coast Guard patrol commander will be allowing vessels to transit whenever a race heat is not being run, commercial traffic should not be severely disrupted.

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 been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). 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 merely changes the effective date of an existing regulation and does not impose any new restriction on vessel traffic.

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" 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). 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

This proposal contains no collection of Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

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 section 2.b.2.e(34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; 27 March 1996), this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. Section 100.523 is amended by revising paragraph (c) to read as follows:

§ 100.523 Southern Branch, Elizabeth River, Portsmouth, Virginia.

* * * * *

(c) *Effective periods.* This section is effective on the fourth Friday of April and on the fourth Saturday of April, unless otherwise specified in the Coast Guard Local Notice to Mariners and a Federal Register notice.

Dated: February 5, 1997.

Kent H. Williams,
Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.

[FR Doc. 97-4357 Filed 2-20-97; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 181

[CGD 92-065]

RIN 2115-AE37

Hull Identification Numbers for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to amend its regulations concerning the identification numbers affixed to the hulls of recreational boats, including boats carrying six or fewer passengers for hire. These amendments are necessary to align the present numbering system with the newly-adopted international system. This would facilitate the sale of U.S. products abroad. In addition, the Coast Guard is proposing several minor amendments to its regulations on hull identification numbers.

DATES: Comments must be received on or before May 22, 1997.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 92-065), 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 9:30 a.m. and 2 p.m., Monday through Friday, 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, DC 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 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection at room 3104, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Office of Boating Safety, (202) 267-0981.

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 92-065) 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.

Regulatory History

On May 6, 1994, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Expanded Hull Identification Number and New Requirements for Certificates of Origin" in the Federal Register (59 FR 23651). The Coast Guard received 114 letters commenting on the proposal. No public hearing was requested, and none was held.

On November 9, 1994, a notice announcing a workshop and reopening the comment period for the NPRM was published in the Federal Register (59 FR 55823).

Background and Purpose

Under 46 U.S.C. 12501, the Secretary of Transportation is required to establish and maintain a vessel identification system (VIS) for use by law enforcement and other public officials. This authority has been delegated to the Commandant of the Coast Guard (49 CFR 1.46(ss)). The VIS is intended to provide a nationwide pool of information on vessels and vessel owners that will help in identifying and recovering stolen vessels and deterring vessel theft. To aid in the development of a VIS for recreational boats, the Coast Guard proposed to expand the hull identification number required for those boats under 33 CFR part 181 to include certain vessel-specific information and a check digit to make fraudulent alternations more difficult. In addition, the Coast Guard proposed that vessel manufacturers and importers provide a Certificate of Origin (COO) with each vessel produced in, or imported into, the U.S. for the purposes of sale. The COO would ensure that documentation certifying the information and establishing a chain of ownership was available.

Due to extensive opposition to the proposed 19-character HIN and the COO, the comment period was extended from November 9, 1994, to January 9, 1995, and a public workshop was held on December 8, 1994. After review of all comments received, the Coast Guard decided to issue a new proposal that would align the HIN with the recently-adopted standard of the International Organization for Standardization (ISO) and delete the COO.

Discussion of Comments and Changes to the NPRM

The Coast Guard received 114 comments in response to the NPRM

from 33 boat manufacturers, 8 boat dealers, 6 insurance companies, 42 State and law-enforcement organizations, and 25 individuals and organizations. In addition, the Coast Guard received oral comments at the December 8, 1994, workshop. These comments and the changes made to the NPRM are summarized as follows.

(a) *Format of hull identification number (proposed § 181.25).* The present regulation in 33 CFR 181.25 requires that a 12-character HIN be affixed in two places on the hull of each new recreational boat made in the U.S. or imported into the U.S. The HIN consists of the manufacturer identification code (three characters), the boat's serial number (five characters), the month and year of certification or manufacture (two characters), and the model year (two characters). The NPRM proposed an expansion of the present HIN to include a two-character prefix to indicate the country of origin and five characters following the HIN to indicate overall length, hull material, means of propulsion, type of boat, and a check digit to help detect fraudulent alterations of the HIN. As a result of the overwhelmingly negative comments received to the NPRM, this supplemental notice of proposed rulemaking (SNPRM) proposes to add only the two-character prefix for country of origin and delete the last five proposed characters. The HIN, as proposed in this notice, is aligned with the format recently adopted by the International Organization for Standardization (ISO).

The HIN format, as proposed in the NPRM, was based on the Vehicle Identification Number (VIN), which has worked well in the automotive industry. Unfortunately, while there are probably fewer than 100 companies manufacturing automobiles worldwide, there are more than 4,500 boat manufacturers in the U.S. alone. Recreational boat manufacturers tend to be small and less likely to have computers. Consequently, spending 15 minutes to manually calculate the check digit alone for a single boat is, for them, an excessive paperwork burden.

Though the present regulations have changed only slightly since they became effective in 1972, the Coast Guard estimates that hundreds of boats still are manufactured annually with incorrect 12-character HIN's. Were the Coast Guard to expand the HIN to 19 characters, including a check digit, the potential for error would significantly increase, making it more difficult to determine whether an error was intentional or not.

The comments also noted a number of practical problems. For example, several comments noted that some boats do not have room to accommodate a longer number in the required location and would have to be redesigned. One noted that an error found in an HIN on the transom of an aluminum boat might require replacement of the entire transom. Still others mentioned problems for law enforcement officers in reviewing documents that repeat the HIN because of the difficulty in reading long numbers, particularly numbers not separated by hyphens or spaces.

Though a number of alternative formats were suggested in the comments, most calling for a 17-character format, the Coast Guard decided that it would propose using the shorter 14-character format consistent with ISO. By using the ISO format, it enables U.S. manufacturers to market their products abroad without having to affix two different sets of numbers on each boat.

One other reason why the Coast Guard proposes removal of the requirement for the five additional HIN characters is because the Office of Management and Budget (OMB), which administers the Paperwork Reduction Act (see the "Collection of Information" section in this preamble), received many negative comments alleging that the additional characters would impose significant paperwork burdens. OMB indicated that it would be taking a very close look at the proposed paperwork requirements in this rulemaking and that more justification for the additional characters, if retained, would be necessary.

As the proposed 14-character HIN is consistent with the internationally-adopted ISO HIN, entities or organizations, such as State, insurance, theft investigation, or law enforcement agencies, that favor an HIN with additional characters to aid in marine investigations and deter boat theft should work with the ISO to change the international standard. In this way, a single, internationally-recognized format can be maintained. In the interim, existing § 181.27 allows manufacturers to place additional characters before or after the HIN.

(b) *Certificate of Origin (Removed)*. The requirement for a certificate of origin (COO), as proposed in the NPRM, has been removed. The COO was to be a document identifying the boat and certifying transfer of ownership from its manufacturer to the retail purchaser and so on to subsequent purchasers. It was expected to provide assistance in proving ownership of the boat. Many of the States currently have laws requiring

manufacturers to furnish COO's. Considering the costs and information collection burdens associated with the proposed COO requirements and the fact that States are not subject to the Paperwork Reduction Act, the States are in a better position to develop their own uniform Certificate of Origin requirements. The major obstacles to the proposed requirement for a COO are the information-collection burdens, the costs of forms meeting security features recommended by the National Association of State Boating Law Administrators (NASBLA), and the absence of Coast Guard authority to charge manufacturers for expenditures on these forms.

(c) *Applicability (existing § 181.21)*. Several comments suggested that the Coast Guard require hull identification numbers for all vessels, including commercial vessels. These suggestions are beyond the scope of this rulemaking, which is limited to recreational boats, including boats carrying six or fewer passengers.

Section 181.21 is also proposed to be amended to remove obsolete and unnecessary provisions without substantive change.

(d) *Definition of model year (proposed § 181.3(f))*. In existing § 181.3(f), "model year" is defined as the period beginning August 1 of any year and ending on July 31 of the following year, with the model year being designated as the year in which the period ends. Several comments stated that this definition is vague and subject to varying interpretation. For example, it is not keyed to a specific date, such as the date of construction, assembly, or importation. Other comments complained that the model year should not be confined to specified dates (i.e., August 1 and July 31) in case they wanted to vary the introduction date of a new model.

The proposed definition has been completely revised to address these concerns.

(e) *Assignment of hull identification number (proposed § 181.24)*. This new section is provided for clarity and contains no substantive changes from the existing regulations.

(f) *Display of hull identification number (proposed § 181.29(b))*. One comment stated that the primary HIN location should be revised to make the HIN readable when a boat is in the water. The Coast Guard agrees and proposes amending the paragraph to indicate that the HIN must be affixed where it is readily visible above the waterline.

Two identical hull identification numbers are required to be displayed on

each boat hull, a primary HIN on the transom of most boats and a duplicate HIN somewhere on the interior of the boat. The intention is for the primary HIN to be readily visible. Marine police officers routinely attempt to read the HIN on boats during State law enforcement boardings, and many HIN's are not visible because they are affixed to the transom beneath swim platforms or below the waterline. Existing § 181.29 would be amended to show that the primary HIN must be affixed where it is readily visible above the waterline. If, when affixed in accordance with proposed § 181.29(b)(1), the primary HIN is not readily visible, the manufacturer must affix the HIN in accordance with proposed § 181.29(b)(2).

(g) *Display of duplicate hull identification number (proposed § 181.29(d))*. A comment from a law enforcement officer wanted a standard international requirement for placement of the duplicate HIN to ensure that it is accessible without having to disassemble portions of the boat.

While accessibility without requiring disassembly of portions of a boat is desirable, creating this accessibility would defeat the purpose of having a duplicate HIN, that is to help identify boats on which the primary HIN has been removed or altered. Considering the infinite variety of boat designs and configurations, defining such a uniform location would be prohibitively difficult.

(h) *Permanency of hull identification number (proposed § 181.29(e))*. Several comments stated that all vessels should be required to have HIN's affixed in a uniform manner. Another comment stated that the methods used to affix HIN's should be made more durable. According to the comments, manufacturers should be required to stamp or emboss HIN's into the hull instead of allowing glued or pop-riveted HIN plates.

The Coast Guard acknowledges the desirability of uniform permanency requirements for HIN's. However, because boats are constructed from so many different materials, such as canvas, vinyl, wood, aluminum and fiberglass, the variety of materials, prevents the establishment of uniform permanency requirements. As currently written in § 181.29, each HIN must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some

scarring of or damage to the surrounding hull area.

The words "otherwise permanently affixed" and "so that alteration, removal, or replacement would be obvious" are subject to interpretation. The Coast Guard considers these words to mean that ordinary and reasonable methods must be used to ensure that the HIN will remain intact and legible for the useful life of the boat, and in such a way that would discourage anyone from altering or removing the HIN number.

(i) *Assignment of manufacturer identification code (proposed § 181.31)*. One comment stated that the Coast Guard should accept a manufacturer identification code (MIC) issued by an international agency or an organization designated by the European Union (EU). According to the comment, a U.S. importer would then have to submit proof that the MIC displayed on a boat was assigned by the international agency or EU-designated organization.

One reason for requiring manufacturers and importers to obtain an MIC from the Coast Guard is because the Coast Guard has no legal recourse against foreign manufacturers of boats that contain substantial-risk defects or fail to comply with applicable Federal safety standards. The practical effect of requiring U.S. manufacturers and importers of boats built in foreign countries to obtain an MIC from the Coast Guard is to identify the U.S. agent or U.S. subsidiary responsible for notifying owners and correcting defects or non-compliances in accordance with 33 CFR part 179.

The Coast Guard does not believe it would be appropriate to accept manufacturer identification codes issued by other international agencies or EU-designated organizations, until such time as international agreements are in effect which establish the responsibilities and accountability of foreign manufacturers for defective or non-complying boats sold in the United States.

Several comments stated that the Coast Guard should not issue an MIC over the telephone and that applicants for an MIC should be required to submit a completed application with a notarized signature, a copy of a business license or a seller's permit, and photographs of the established place of business. The comments also stated that the regulations should require the Coast Guard or an official designated by the State to inspect the place of business before an MIC is issued.

The Coast Guard has ceased issuing MIC's over the telephone and concurs with the need for some means to ensure

that a company which applies for an MIC is, in fact, in the business of manufacturing boats. Some companies that have applied for and received MIC's were not in the business of manufacturing boats, but were engaged in boat theft or insurance fraud. While the Coast Guard does not concur with the comments proposing requirements for photographs of established places of business or notarized signatures, the Coast Guard agrees that a copy of an applicant's State business license or a State seller's permit will help the Coast Guard and the States keep track of company owners and the physical locations of boat manufacturing plants and discourage the use of MIC's for fraudulent purposes. Submission of an applicant's State business license or a seller's permit would also preclude the necessity for a visit to the manufacturer's place of business.

Both State boat registration and titling authorities and the Coast Guard need a means to ensure that a company applying for an MIC is, in fact, in the business of manufacturing boats. Therefore, § 181.31(a) would be amended to require a manufacturer apply for an MIC to include a copy of its State business license or seller's permit to help the Coast Guard keep track of the identities of company officials and the physical locations of its plants and to discourage the use of an MIC for fraudulent purposes.

One weakness in the existing regulations covering the issuance of these codes is that, as currently written, they do not provide for Coast Guard to refuse to issue or revoke an MIC. This has led to companies which applied for and received MIC's, which were not in the business of manufacturing boats, but were engaged in boat theft, insurance fraud or avoided responsibilities for defect notification and recall by filing for bankruptcy and then resuming boat manufacturing under a different MIC. Therefore, proposed § 181.31(d) is added to allow for refusal of an application for an MIC or revocation of an MIC.

(j) *Assignment of hull identification numbers for persons who build or import boats for their own use (proposed § 181.31(c); relocated to proposed § 181.24(b))*. Paragraph (c) of § 181.31 as appearing in the NPRM concerned the assignment of numbers for persons who build or import boats for their own use and not for the purposes of sale. The location of this paragraph was confusing because it was placed in a section describing how manufacturers are to obtain manufacturer identification codes. It now has been relocated, without

substantive change, to proposed § 181.24(b), a new section concerning assignment of HIN's.

(k) *Conditions for use of manufacturer identification code (existing § 181.33)*. One comment stated that manufacturer name or address changes should be in writing.

Section 181.33(b) currently contains this requirement.

(l) *Removal of HIN (proposed § 181.35)*. Several comments recommended that, once the HIN is stamped or embossed, there should be no alteration without the written permission of the Commandant of the Coast Guard. Two other comments supported making the alteration of an HIN a felony nationwide and stated that there should be no alteration without the written permission of the Commandant of the Coast Guard and the issuing authority of the State involved.

While existing § 181.35 prohibits the removal or alteration of an HIN unless authorized by the Commandant, the Coast Guard agrees that the Commandant's permission should be in writing to add to the integrity of the system and proposes to amend the section accordingly. The Coast Guard routinely advises State issuing authorities about the alterations to the HIN's it authorizes and does not believe that requiring a separate State authorization would substantially enhance the integrity of the system.

(m) *Miscellaneous comments*. Several comments suggested the term "length," in reference to the characters indicating length of the boat, be defined. With the withdrawal of the proposal to require five additional characters, one of which would indicate a vessel's length, this comment is no longer relevant to the proposed amendments.

Another comment requested changes in boat documentation procedures. This comment concerns 46 CFR part 67 and is not relevant to the proposed regulations.

One comment suggested that an international law be established requiring that boats be inspected by law enforcement agencies or by State registration authorities each time a title is changed or transferred. This comment is beyond the scope of this rulemaking.

A comment from an insurer of personal watercraft (PWC) stated that all replacement hulls for PWC should have a serialized number permanently affixed to the main lower portion of the hull and that all PWC manufacturers should be required to provide certifications of replacements. The certification, according to the comment, should include the original HIN of the HIN of the PWC, the name and signature of the

present owner of the PWC, the name of the facility replacing the PWC hull, and a statement about the destruction and disposal of damaged PWC hulls. The Coast Guard has urged both PWC manufacturers and manufacturers of replacement hulls to verify the destruction and disposal of damaged PWC hulls and to affix the same HIN originally assigned to a PWC. These procedures would ensure that PWC with replacement hulls can be traced through manufacturer warranty and State boat registration and numbering systems and would make it virtually impossible for a damaged PWC hull to be recycled as a usable boat. The Coast Guard recognizes that PWC represent the largest number of boats stolen annually. However, certification regarding replacement, destruction, and disposal of PWC hulls is an issue which is beyond the scope of the present rulemaking. The Coast Guard is considering the problems relating to replacement hulls under a separate initiative.

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. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). 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. An estimated 2,000,000 recreational boats are manufactured or imported annually, each presently required to have the 12-character HIN located in two places on the hull. In addition, about 17,000 boats are built each year by private individuals. This means a total of 4,034,000 HIN's (two per boat) are affixed annually. The estimated average cost for determining and affixing the present 12-character HIN is \$.50 per boat. The estimated increase in costs for adding two more characters, as proposed, would be an additional \$.10 or less per boat.

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 that are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

The proposed regulations would apply to both small and large manufacturers and importers of boats, as well as to private individuals who build or import their boats. Numerous comments were received, primarily from small manufacturers, objecting to the burdens that would be imposed by the use of the proposed 19-character HIN. In response to these comments, the Coast Guard has decided to delete the last five characters from its proposed 19-character HIN and propose only the original 12-character HIN with a two-character prefix for country of origin. This would result in a decrease of five characters while aligning the HIN with international standards. The addition of the two-character prefix would result in only a slight increase in costs (\$.10 or less) per boat. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this new proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see ADDRESSES) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

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, labeling, and other, similar requirements.

This proposal contains collection-of-information requirements in §§ 181.25, 181.29, and 181.31. The following particulars apply:

DOT: 2115.

OMB Control No.: 2115-0573.

Administration: U.S. Coast Guard.

Title: Hull Identification Number for Recreational Boats.

Need for Information: Two characters identifying the country of origin would be required to be added to the presently-required, 12-character HIN. This is necessary to align the HIN format with the newly-established standard of the

International Organization for Standardization (ISO) in order to maintain a uniform system and improve access by U.S. manufacturers to international markets.

Proposed Use of Information: To be used by State agencies, local law enforcement agencies, the Coast Guard, and other Federal agencies to identify each recreational boat manufactured domestically or imported.

Estimated Annual Burden: It takes about 10 minutes per boat to determine the characters and affix the presently-required, 12-character HIN. The time required under this proposal to determine the code for the country of origin and add its assigned two letters to the HIN would be negligible.

Respondents: Boat manufacturers and importers (4,500), individuals building their own boats (17,000) and issuing authorities in States and territories of the United States (56).

Forms: The two characters would be added to the two identical HIN's affixed to each recreational boat.

Average Burden Hours per

Respondent: Negligible. The two characters that would be added refer to the country of origin, readily available information.

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 to both OMB and to the Coast Guard where indicated under ADDRESSES.

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.

The authority for this rulemaking under 46 U.S.C. 12501 and 12502. Section 12506 authorizes the Coast Guard to delegate to a State its authority to establish and maintain a vessel identification system. Under 33 CFR part 187, States may elect to participate in the VIS program and, in doing so, must use the hull identification numbers assigned under the provisions being addressed in this rulemaking.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.b.2.e(34) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This

proposal concerns labeling of boats for identification and has no environmental consequences. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 181

Incorporation by reference, Labeling, Marine safety, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 181 as follows:

PART 181—MANUFACTURER REQUIREMENTS

1. The authority citation for part 181 is revised to read as follows:

Authority: 46 U.S.C. 4302, 12501, 12502; 49 CFR 1.46.

2. In § 181.3, the definitions of *Date of manufacture* and *Model year* are revised to read as follows:

§ 181.3 Definitions.

* * * * *

Date of manufacture means a date that is no earlier than the date construction or assembly of a boat begins and no later than the date the boat leaves the place of manufacture or assembly or is imported into the United States for the purposes of sale.

* * * * *

Model year means the calendar year (January 1 through December 31) of, or the calendar year following

- (1) The boat's date of manufacture; or
- (2) If the boat is required to be certified, its date of certification.

* * * * *

3. In § 181.4, paragraph (a) and paragraph (b) introductory text are revised and, in paragraph (b), a new item is added, in alphabetical order, to the list to read as follows:

§ 181.4 Incorporation by reference.

(a) Certain material is incorporated by reference into this part 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 change in the Federal Register; and the material must be available to the public. All approved 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, Office of Boating Safety (G-OPB), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

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

International Organization for Standardization (ISO): Maintenance Agency Secretariat, c/o DIN Deutsches Institut für Normung, Burggrafenstrasse 6, Postfach 1107, D-1000 Berlin 30, Republic of Germany; ISO 3166-88, Codes for the Representation of Names of Countries—181.25.

* * * * *

4. Section 181.21 is revised to read as follows:

§ 181.21 Purpose and applicability.

This subpart prescribes requirements for identifying boats.

5. Section 181.24 is added to read as follows:

§ 181.24 Assignment of hull identification number.

(a) For a boat under § 181.23(a), the manufacturer or importer shall assign the required hull identification number according to § 181.25.

(b) For a boat under § 181.23(b), the builder or importer shall obtain the required hull identification number from the issuing authority of the State where the boat will be used principally or, if the State does not assign hull identification numbers, from the U.S. Coast Guard Recreational Boating Product Assurance Division, 2100 Second Street SW., Washington, DC 20593-0001.

6. Section 181.25 is revised to read as follows:

§ 181.25 Format of hull identification number.

(a) Each hull identification number required by § 181.23 must consist of the following 14 characters:

- (1) The first two characters must be the alphabetic Code from column 2 of ISO 3166-88 indicating the country where the boat was manufactured.
- (2) Characters three through five must be a manufacturer identification code assigned under § 181.31.
- (3) Characters 6 through 10 must be a serial number assigned by the manufacturer or an issuing authority in English letters (except I, O, and Q), Arabic numerals, or both.
- (4) Characters 11 and 12 must indicate the month and year of the date of manufacture, date of importation into the United States, or, if the boat is required to be certified, the date of certification. Character 11 must indicate the month by using the letter "A" for January, "B" for February, and so on until "L" for December. Character 12 must be an Arabic numeral indicating the last digit of the year.

(5) Characters 13 and 14 must indicate the model year using Arabic numerals for the last two numbers of the model year, such as "96" for 1996 and "97" for 1997.

(b) The characters must not be interrupted by slashes, hyphens, or spaces, except for a hyphen of at least 10 millimeters (.375 in.) in length following the first two characters.

7. Section 181.29 is revised to read as follows:

§ 181.29 Display of hull identification number.

(a) Two identical hull identification numbers must be displayed on the hull of each boat.

(b) Except as noted in paragraph (c) of this section, the primary hull identification number must be located as follows:

(1) On boats with transoms, to the starboard outboard side of the transom above the waterline and within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.

(2) On boats without transoms or on boats on which it would be impractical to locate the number on the transom, to the starboard outboard side of the hull above the waterline, aft, within one foot of the stern and within two inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest.

(3) On catamarans and pontoon boats that have readily replaceable hulls, to the aft crossbeam, within one foot of the starboard hull attachment.

(4) On other boats with readily replaceable hulls, a boat manufacturer can use alternative locations with the written permission of the U.S. Coast Guard Recreational Boating Product Assurance Division at the address in § 181.24(b).

(c) If the hull identification number would not be readily visible if located as required under paragraph (b)(1) of this section (because of rails, fittings, swim platforms, or other accessories or transoms with reverse sheer), the number must be affixed in accordance with paragraph (b)(2) of this section.

(d) The duplicate hull identification number must be affixed in an unexposed location on the interior of the boat or beneath a fitting or item of hardware.

(e) Each hull identification number must be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the boat so that alteration, removal, or replacement would be obvious. If the number is on a separate plate attached by a mechanical means, such as by rivets or bolts, the plate must be

attached by some additional means (such as with an epoxy glue) in such a manner that removal of the plate would normally cause some scarring of or damage to the surrounding hull area. A hull identification number must not be attached to parts of the boat that are removable.

(f) The characters of each hull identification number must be no less than one-fourth of an inch in height.

8. Section § 181.31 is revised to read as follows:

§ 181.31 Assignment of manufacturer identification code.

(a) To obtain the manufacturer identification code required by § 181.25(a)(2), each manufacturer, other than an importer, required under § 181.23(a) to identify a boat shall submit a written request to the U.S. Coast Guard Recreational Boating Product Assurance Branch, 2100 Second Street SW., Washington, DC 20593-0001. The request must indicate the manufacturer's name and U.S. address along with the general types and lengths of boats that will be manufactured. The request must also include a copy of the manufacturer's State business license or seller's permit.

(b) To obtain the manufacturer identification code required by § 181.25(a)(2), each importer required under § 181.23(a) to identify a boat shall submit a written request for a manufacturer identification code as required by paragraph (a) of this section. The request must indicate the importer's name and U.S. address along with a list of the manufacturers and their addresses, and the general types and lengths, of boats that will be imported. The request must also include a copy of the importer's State business license or seller's permit.

(c) The Coast Guard has assigned manufacturer identification codes to issuing authorities in the States for the assignment of hull identification numbers to persons who are required to identify boats under § 181.23(b).

(d) The Coast Guard may refuse to issue a manufacturer identification code and may revoke a previously issued code.

9. Section 181.35 is revised to read as follows:

§ 181.35 Removal of hull identification number.

No person may remove or alter a hull identification number without the written permission of the Commandant of the Coast Guard.

Dated: February 14, 1997.

N.T. Saunders,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 97-4360 Filed 2-20-97; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-5692-2]

RIN 2060-AE66

National Ambient Air Quality Standards for Particulate Matter: Proposed Appendix L Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Supplemental Information.

SUMMARY: The purpose of this notice is to inform the public that EPA is considering minor technical changes to the proposed Federal Reference Method (FRM) for PM_{2.5} sampling published on December 13, 1996. The nature of these changes include improvements in the inlet assembly to prevent precipitation inside the inlet and reduce solar heating, and other miscellaneous modifications to provide more reliable sampling capability. There may be unanticipated modifications, which will be described in the docket and elsewhere. A description of these changes will be placed in Docket No. A-95-54 and, when available posted on EPA's Technical Transfer Network/Bulletin Board System (TTN/BBS). If EPA concludes that it is necessary to evaluate additional changes, these will be placed in the docket at a later date. **FOR FURTHER INFORMATION CONTACT:** For questions regarding the FRM, contact Neil H. Frank at (919) 541-5560. For general questions regarding the NAAQS contact Patrica Koman at (919) 431-5170.

SUPPLEMENTARY INFORMATION:

Docket. Docket No. A-95-54, containing supporting information used in developing the aforementioned changes in the FRM hardware and/or method is available for public inspection and copying between 8 a.m. and 5:30 p.m. on weekdays, at the U. S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. A reasonable fee may be charged for copying.

Documents Available Electronically. An electronic version of this action as well as the December 13, 1996 Federal

Register proposal notice will be available for download from EPA's TTN/BBS. The service is free, except for the cost of a telephone call. Dial (919) 541-5742 for data transfer of up to 14,400 bits per second. This information is available from both the Clean Air Act Amendments (CAAA) technical area and the Ambient Monitoring Technology Information Center (AMTIC) technical area. The TTN is also available via the Internet, TTN 2000 CAAA Internet Web site at www address (<http://134.67.104.12/html/caaa/caaa.html#CAAM>) and the AMTIC at www address (134.67.104.12/html/amtic/amtic.html#AMOI). For more information on the TTN, contact the systems operator at (919) 541-5384.

Dated: February 14, 1997.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 97-4329 Filed 2-20-97; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 63

[AD-FRL-5691-1]

RIN 2060-AD94

National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to expand and clarify definitions in the "National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries", which was issued as a final rule on August 18, 1995. Because the revisions add and clarify definitions, the EPA does not anticipate receiving adverse comments. Consequently the revisions are also being issued as a direct final rule in the final rules section of this Federal Register. If no significant adverse comments are timely received, no further action will be taken with respect to this proposal and the direct final rule will become final on the date provided in that action.

DATES: Comments. Comments must be received on or before March 24, 1997 unless a hearing is required by March 10, 1997. If a hearing is requested, written comments must be received by April 22, 1997. If a hearing is held, it will take place on March 24, 1997 beginning at 10 a.m.

ADDRESSES: Comments. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket