

audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Background

On July 15, 1997, the Federal Aviation Administration (FAA) published in the **Federal Register** (62 FR 37798) for public comment four proposed AD's that would be applicable to certain Boeing Model 727 airplanes that have been converted from a passenger to a cargo-carrying (or combination) configuration in accordance with one of several Supplemental Type Certificates (STC's). The AD's proposed to require the limitation of payloads on the main cargo deck. The AD's also proposed to provide for the submission of data and analyses that substantiate the strength of the main cargo deck, or modification of the main cargo deck, as optional terminating action for the payload restrictions.

The comment period on the proposed rules closed on August 22, 1997. Since that time, the FAA has received several additional comments and has been contacted by various interested parties. Records of these contacts are included in the dockets for these rules. The FAA has received comments as late as January 20, 1998.

Based on the content of the comments and the interest in the rules expressed by various operators of modified aircraft, the STC holders, and other interested parties, the FAA has determined that it is in the public interest to reopen the comment period on these rules in order to seek additional data and the supporting methodologies concerning allowable loads for cargo floors on converted Boeing 727 airplanes.

Accordingly, the FAA will conduct two public meetings in Seattle, Washington for the purpose of gathering additional information.

The comment periods on these proposed rules will remain open until April 24, 1998, three weeks after the close of the second meeting. The FAA anticipates that the agency and the industry will use these public meetings as a forum to resolve the approach used to analyze floor structure on converted Boeing 727 airplanes, including the methodology and technical assumptions used in the calculation of allowable loads; and to seek additional data and supporting methodologies from industry.

Persons interested in obtaining a copy of the proposed airworthiness directives as published in the **Federal Register** should contact Gerald Lakin at the address or telephone number provided in **FOR FURTHER INFORMATION CONTACT**.

An electronic copy of these documents may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: (703) 321-3339) or the **Federal Register** electronic bulletin board service (telephone: (202) 512-1661).

Internet users may reach the FAA's webpage at <http://www.faa.gov> or the **Federal Register** webpage at http://www.access.gpo.gov/su_docs to access recently published rulemaking documents.

Public Meeting Procedures

Persons who plan to attend the meeting should be aware of the following procedures that have been established for this meeting:

1. There will be no admission fee or other charge to attend or to participate in the public meeting. The meeting will be open to all persons who have requested in advance to present statements, or who register on the day of the meeting (between 8:30 a.m. and 9:00 a.m.) subject to availability of space in the meeting room.

2. Representatives from the FAA will conduct the public meeting. A technical panel of FAA experts will be established to discuss information presented by participants.

3. The public meetings are intended as a forum to resolve the approach used to analyze the floor structure on converted Boeing 727 airplanes, including the methodology and technical assumptions used in the calculation of allowable loads, and to seek additional data and supporting methodologies from industry. Participants must limit their presentations and submissions of data to this issue.

4. The meetings will offer the opportunity for all interested parties to present any additional information not currently available to the FAA, and an opportunity for FAA to explain the methodology and technical assumptions supporting its current conclusions.

5. FAA experts, industry, and public participants are expected to engage in a full discussion of all technical material presented at the meetings. Anyone presenting conclusions will be expected to submit to the FAA data supporting those conclusions; any proprietary data submitted will be protected by the FAA from disclosure.

6. The FAA will try to accommodate all speakers; therefore, it may be necessary to limit the time available for an individual or group. If necessary, the meetings may be extended to evenings or additional days. If practicable, the

meetings may be accelerated to enable adjournment in less than the time scheduled.

7. Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

8. The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the panel during the meeting will be included in the public dockets. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meeting.

9. The FAA will review and consider all material presented by participants at the public meeting. Position papers or material presenting views or information related to the proposed airworthiness directives may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide 10 copies of all materials to be presented for distribution to the panel members; others copies may be provided to the audience at the discretion of the participant.

10. Statements made by members of the panel are intended to facilitate discussion of the issues or to clarify issues. Comments made at these public meetings will be considered by the FAA before making a final decision on issuance of the airworthiness directives.

11. The meetings are designed to solicit public views and more complete information on the proposed airworthiness directives. Therefore, the meeting will be conducted in an informal and nonadversarial manner.

Issued in Washington, DC, on January 30, 1998.

Douglas Kirkpatrick,

Acting Director, Aircraft Certification Service.
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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Chapter I

46 CFR Chapter I

[USCG-97-3198]

Alternate Convention Tonnage

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: The Coast Guard is considering developing alternate tonnage thresholds for certain vessels based on the measurement system established under the International Convention on Tonnage Measurement of Ships, 1969. Existing tonnage thresholds in domestic laws and regulations are based on the U.S. regulatory measurement system. Establishing alternate convention tonnages as an option for applying domestic regulations may result in the building of safer, more efficient vessels and may enable designers and operators of U.S. vessels to be more competitive in the international market. The Coast Guard asks for comments on the issues raised and questions listed in the document.

DATES: Comments must reach the Docket Management Facility on or before May 15, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG-97-3198), U.S. Department of Transportation, room PL-400 Seventh Street SW., Washington, DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone 202-366-9329, for questions on the docket or Lieutenant John G. White, Office of Standards Evaluation and Development (G-MSR-2), Coast Guard, telephone 202-267-6885, for questions on this document.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this request by submitting written data, views, or arguments. If you submit comments, you should include your name and address, identify this document (USCG-97-3198) and the specific section or question in this document to which your comments apply, 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 to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comments, you should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

The Coast Guard may schedule a public meeting depending on input received in response to this notice. You may request a public meeting by submitting a request to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a public meeting should be held, it will hold the meeting at a time and place announced by a later document in the **Federal Register**.

Purpose

As explained later in this preamble, the Coast Guard is authorized to establish vessel tonnage thresholds based on the system for measuring the tonnage of vessels known as the "convention measurement system." These thresholds are alternatives to the thresholds in certain U.S. statutes that are based instead on the "regulatory measurement system." This document is intended to get your ideas and information on whether the Coast Guard should establish these alternate thresholds and, if so, what the tonnages should be. This project affects every segment of the maritime industry subject to a tonnage threshold, which includes vessel design and construction, vessel inspection, vessel manning, and merchant mariner licensing. The alternate tonnages chosen could have significant economic and safety impacts within the industry. When establishing alternate tonnages, the Coast Guard's goal will be (1) to encourage the use of convention measurement, thus allowing vessel owners and builders to focus more on vessel safety and operating requirements rather than on tonnage and (2) to avoid, in the process, the adverse economic impacts of over-regulation.

There are several complex issues involved in establishing alternate tonnages which must be addressed before a regulatory proposal can be developed. This document provides background information to help you understand these issues, poses several questions for you to consider, and requests your feedback on how the Coast Guard should proceed with establishing alternate convention tonnages.

Background

Federal shipping laws are usually based on the gross tonnage of a vessel. Gross tonnage is a measurement of the volume of the interior spaces of a vessel, with one ton equal to 100 cubic feet of space under older measurement systems. The gross tonnage specified in a law is often the threshold used to determine whether or not that law applies to a particular vessel. For example, to be subject to the laws for seagoing motor vessels, a seagoing vessel must meet or exceed the tonnage threshold of 300 gross tons (46 U.S.C. 2101 (33)). Tonnage thresholds are used in hundreds of domestic and international laws and regulations affecting issues such as vessel design and construction, vessel inspection, vessel manning, civil penalty liability, financial responsibility, and merchant mariner licensing.

The traditional system used in the United States for measuring the tonnage of a vessel is called the "regulatory measurement system." The regulatory measurement system is authorized under 46 U.S.C. chapter 145. It consists of the "standard", "dual", and "simplified" measurement systems and is implemented under 46 CFR part 69, subparts C, D, and E, respectively. The regulatory measurement system, with the exception of the simplified system used primarily for smaller vessels, uses a complex series of internal measurements and exemptions to arrive at gross tonnage. Over time, this system became increasingly susceptible to manipulation through the use of tonnage reduction techniques in designing vessels. These techniques, such as the inclusion of tonnage openings and extensive framing in a vessel's design, enabled the designers to artificially reduce a vessel's total volume when calculating the vessel's gross tonnage. As a result, larger and larger vessels have been built that remain under the same regulatory tonnage threshold. In many cases, the use of these techniques has had a negative impact on the safety, performance, construction and maintenance costs, and efficiency of vessels.

This situation was not unique to the United States. Other nations established tonnages using systems similar to the regulatory measurement system, which were also subject to manipulation, though in different ways. This resulted in tonnage disparities between identically-sized vessels of different flags.

In response, the International Convention on Tonnage Measurement of

Ships, 1969, (the Convention) was developed with the view of establishing a worldwide measurement system that provides a genuine representation of a vessel's size. The United States ratified the Convention in 1982. The Omnibus Reconciliation Act of 1986 (the Tonnage Act) adopted a measurement system based on the Convention as the required measurement system for U.S. vessels greater than 79 feet in length (with certain exceptions based on the vessel's type and build date). This system, known as the "convention measurement system," is authorized under 46 U.S.C. chapter 143 and is implemented in 46 CFR part 69, subpart B.

Under the convention measurement system, gross tonnage is based on a logarithmic function of the total enclosed volume of a vessel and is not subject to manipulation through the use of tonnage reduction techniques. Because of the differences between regulatory measurement and convention measurement, the measured tonnage for a single vessel could differ substantially (e.g., by thousands of tons for a 200 foot vessel). Since convention measurement does not allow for the use of tonnage reduction techniques, vessels measured using this system are often greater in tonnage than vessels measured using regulatory measurement. The convention measurement system is desirable because it provides a reliable gauge of a vessel's size, allows vessel owners and builders to focus vessel design around safety and operating requirements, and allows for uniform application of international regulations.

To prevent possible adverse economic impacts on vessel owners during the transition to the convention measurement system, the Tonnage Act provides for the retention of the existing regulatory measurement system. Under the Tonnage Act, the owner of a vessel required to be measured under the

convention measurement system can request that the vessel also be measured under the regulatory measurement system. Once a regulatory tonnage is assigned, that figure must be used for determining the applicability of certain domestic and international regulations. For example, the Coast Guard would use that regulatory tonnage figure when evaluating a merchant mariner's experience for licensing purposes.

Operating under two tonnage measurement systems has proven to be very complex and difficult. Currently, new or newly modified, U.S.-flag vessels must use convention tonnage for several important international conventions but may use their often lower regulatory tonnage for domestic laws and regulations. As a result, U.S. vessels that were designed to stay below a certain domestic regulatory threshold by using costly and inefficient tonnage reduction techniques may be less competitive in the international marketplace. For example, a 192-foot-long passenger vessel that was designed to measure under 100 gross regulatory tons using tonnage reduction techniques measured approximately 2,100 gross tons under the convention measurement system. The extensive use of tonnage reduction techniques can require additional hull material without adding strength to the vessel, create substantial areas of wasted space, increase construction cost as much as 10 to 15 percent, and add significantly to the lightship weight of the vessel.

Alternate Convention Tonnages

For many years, the Coast Guard has worked with the maritime industry to ease the transition to the convention measurement system. The first step was to seek a change in the shipping statutes to allow the Coast Guard to prescribe alternate convention tonnages for its regulatory tonnage thresholds. The

rationale was that reasonably high alternate tonnages would give vessel owners little incentive to opt for regulatory tonnage measurement. The use of costly and inefficient tonnage reduction techniques would no longer be necessary to remain competitive in the domestic market.

The Coast Guard Authorization Act of 1996 (the Authorization Act) amended certain statutes to authorize, but not require, the Coast Guard to establish alternate tonnage thresholds based on the convention measurement system. With alternate convention tonnages in place, a vessel constructed without tonnage reduction techniques would be regulated under the same domestic standards that currently apply to a comparably sized vessel constructed with tonnage reduction techniques. Once alternate thresholds are established, regulatory tonnage will remain available, by law, for regulating existing and future vessels at the vessel owner's option.

Table of Statutes Authorizing the Establishment of Alternate Convention Tonnage Thresholds

The following table lists the statutes amended by the Authorization Act to allow the Coast Guard to prescribe alternate convention tonnages. The table is arranged by section in the Authorization Act (sections 703 through 744). The second column lists the U.S. Code citation of the statutes amended. The third column gives a brief description of the subject of each statute and its existing regulatory tonnage threshold. The table indicates only the statutes affected and none of the regulations based on these statutory thresholds. Should the Coast Guard elect to establish alternate tonnages, it will address the changes to applicable regulations in future rulemaking documents.

Authorization act section	Title 33 U.S. Code cite	Description
703	903(d)(3)	Addresses death or disability compensation for employees at facilities engaged exclusively in building, repairing, or dismantling certain commercial vessels less than 1,600 gross tons.
704	1203(a)(2)	Requires vessels of 100 gross tons and upward carrying more than one passenger for hire to have a radiotelephone capable of operating from the navigational bridge and capable of transmitting on certain frequencies in accordance with Federal Communications Commission (FCC) standards.
705	1223(a)(3)	Precludes the Coast Guard from requiring fishing vessels under 300 gross tons to carry specified navigational or safety equipment.
706	App. 883-1	Allows relaxation of Jones Act citizenship requirements for motor vessels less than 500 gross tons engaged in specific mining and manufacturing trades.
707	App. 883(a)	Requires a report to the Coast Guard if a documented vessel of more than 500 gross tons is rebuilt abroad.
708	App. 1295a(4)(a)	Defines a merchant marine officer as any person who holds a Coast Guard-issued license authorizing service as a master, mate, or pilot on board any vessel of 1,000 gross tons or more which is documented in the U.S. and which operates on the oceans or Great Lakes.

Authorization act section	Title 33 U.S. Code cite	Description
709(1)	2101(13)	Defines "freight vessel" as a motor vessel of more than 15 gross tons that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.
709(2)	2101(13a)	Defines "Great Lakes barge" as a non-self-propelled vessel of at least 3,500 gross tons operating on the Great Lakes.
709(3)	2101(19)	Defines "offshore supply vessel" as a motor vessel of more than 15 gross tons but less than 500 gross tons that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources. Previous rule-making (61 FR 66613) established 6,000 gross tons as the alternate Convention tonnage threshold under this definition.

Authorization act section	Title 46 U.S. Code cite	Description
709(4)	2101(22)	Defines "passenger vessel" as a vessel of at least 100 gross tons that carries more than 12 passengers, including at least one passenger for hire; or that is chartered and carries more than 12 passengers.
709(5)	2101(30)(A)	Defines "sailing school vessel" as a vessel of less than 500 gross tons carrying more than 6 individuals who are instructors or students, is principally equipped for sail propulsion, and meets specific ownership criteria.
709(6)	2101(32)	Defines "seagoing barge" as a non-self-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line.
709(7)	2101(33)	Defines "seagoing motor vessel" as a motor vessel of at least 300 gross tons making voyages beyond the Boundary Line.
709(8)	2101(35)	Defines "small passenger vessel" as a vessel of less than 100 gross tons carrying more than 6 passengers, including at least one passenger for hire; that is chartered with a crew provided or specified by the owner and carrying more than 6 passengers; or that is chartered with no crew provided or specified and carrying more than 12 passengers.
709(9)	2101(42)	Defines and "uninspected passenger vessel" as (1) a vessel of at least 100 gross tons carrying not more than 12 passengers, including at least one passenger for hire, or that is chartered with a crew carrying not more than 12 passengers; or (2) a vessel of less than 100 gross tons carrying not more than 6 passengers, including at least one passenger for hire, or that is chartered with the crew provided or specified and carrying not more than 6 passengers.
710(1)	2113(4)	Allows the Coast Guard to establish alternate structural fire protection, manning, operating, and equipment requirements for vessels of at least 100 gross tons but less than 300 gross tons carrying not more than 150 passengers on domestic voyages.
710(2)	2113(5)	Allows the Coast Guard to establish alternate structural fire protection, manning, operating, and equipment requirements for former U.S. public vessels of at least 100 gross tons but less than 500 gross tons, carrying not more than 150 passengers on domestic voyages.
711(1)	3302(c)(1)	Exempts a fish processing vessel of not more than 5,000 gross tons from certain inspection requirements.
711(2)	3302(c)(2)	Exempts a fish tender vessel of not more than 500 gross tons from certain inspection requirements.
711(3)	3302(c)(4)(A)	Exempts a fish tender vessel of not more than 500 gross tons engaged in the Aleutian trade from certain inspection requirements.
711(4)	3302(d)(1)	Exempts a motor vessel of less than 150 gross tons, constructed before August 23, 1958, from certain freight vessel inspection requirements if certain criteria are met.
711(5)	3302(i)(1)(A)	Allows the Coast Guard to exempt from certain inspection requirements a vessel of not more than 300 gross tons transporting cargo from place in Alaska to another place in Alaska provided that certain criteria are met.
711(6)	3302(j)	Allows the Coast Guard to not inspect a nautical school vessel of not more than 15 gross tons when certain criteria are met.
712(1)	3306(h)	Allows the Coast Guard to establish structural fire protection, manning, operational, and equipment requirements for vessels of at least 100 gross tons and less than 300 gross tons that carry not more than 150 passengers.
712(2)	3306(i)	Allows the Coast Guard to establish structural fire protection, manning, operational, and equipment requirements for former U.S. public vessels of at least 100 gross tons but less than 500 gross tons that carry no more than 150 passengers.
713(1)	3318(a)	Sets the civil penalty liability at not more than \$5,000 for the violation of inspection regulations applicable to a freight vessel of less than 100 gross tons.
713(2)	3318(j)(1)	Sets the civil penalty liability at \$2,000 a day for a vessel of less than 1,600 gross tons operating without a certificate of inspection.
714(1)	3702(b)(1)	Excludes from tank vessel inspection requirements a documented vessel of not more than 500 gross tons that is considered a tank vessel only due to the transfer of fuel from fuel supply tanks to offshore drilling or production facilities.
714(2)	3702(c)	Excludes from tank vessel inspection requirements a fishing or fish tender vessel of not more than 500 gross tons when engaged only in the fishing industry.
714(3)	3702(d)	Excludes from tank vessel inspection requirements a fish processing vessel of not more than 5,000 gross tons (unless the vessel carries flammable or combustible liquid cargo in bulk).

Authorization act section	Title 46 U.S. Code cite	Description
715(1)	3703a(b)(2)	Exempts a tank vessel of less than 5,000 gross tons from double hull requirements if the vessel is equipped with a double containment system determined effective by the Coast Guard.
715(2)	3703a(c)(2)	Establishes double hull requirements for tank vessels of less than 5,000 gross tons.
715(3)	3703a(c)(3)(A)	Establishes double hull requirements for tank vessels of at least 5,000 gross tons but less than 15,000 gross tons.
715(4)	3703a(c)(3)(B)	Establishes double hull requirements for tank vessels of at least 15,000 gross tons but less than 30,000 gross tons.
715(5)	3703a(c)(3)(C)	Establishes double hull requirements for tank vessels of at least 30,000 gross tons.
716(1)	3707(a)	Requires a new tanker of at least 10,000 gross tons to be equipped with specified vessel steering control equipment.
716(2)	3707(b)	Requires an existing tanker of at least 10,000 gross tons to be equipped with specified vessel steering control equipment.
717	3708	Requires a self-propelled tank vessel of at least 10,000 gross tons to be equipped with specified vessel navigation equipment.
718	4701(1)	Defines the term abandon as to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons unattended for longer than forty-five days.
719(1)	5102(b)(4)	Exempts certain fish processing vessels of not more than 5,000 gross tons from Load Line requirements.
719(2)	5102(b)(5)	Exempts certain fish tender vessels of not more than 500 gross tons from Load Line requirements.
719(3)	5102(b)(10)	Exempts certain "existing vessels" of not more than 150 gross tons from Load Line requirements.
720	7101(e)(3)	Exempts individuals who serve only as a pilot on a vessel of less than 1,600 gross tons from the licensing requirement to obtain a thorough physical examination each year while holding the license.
721	7308	Establishes the required service for the endorsement of able seamen-limited as 18 months' service on deck aboard vessels of at least 100 gross tons operating on oceans or navigable waters of the U.S.
722	7310	Requires at least 6 months' service on deck aboard vessels operating on the oceans or the navigable waters of the U.S. to qualify for rating as an able seaman-offshore supply vessel for service on a vessel of less than 500 gross tons engaged in the offshore industry.
723(1)	7312(b)	Permits individuals qualified as able seamen-limited to constitute all able seamen required on a vessel of less than 1,600 gross tons.
723(2)	7312(c)(1)	Permits individuals qualified as able seamen-special to constitute all able seamen required on a vessel of not more than 500 gross tons, or on a seagoing barge or towing vessel.
723(3)	7312(d)	Permits individuals qualified as able seamen-offshore supply vessel to constitute all able seamen required on board a vessel of less than 500 gross tons engaged in support of the offshore industry.
723(4)	7312(f)(1)	Permits individuals qualified as able seamen-fishing industry to constitute all able seamen required on certain fish processing vessels of more than 1,600 gross tons but not more than 5,000 gross tons.
723(5)	7312(f)(2)	Permits individuals qualified as able seamen-fishing industry to constitute all able seamen required on certain fish processing vessels of more than 5,000 gross tons.
724	7313(a)	Provides for prescribing by regulation classes of endorsement as qualified members of the engine department on vessels of at least 100 gross tons.
725	8101(h)	Sets the civil penalty liability for a violation of vessel manning laws by an owner, charterer, or managing operator of a freight vessel of less than 100 gross tons at \$1,000.
726	8102(b)	Requires that a fish processing vessel of more than 100 gross tons keep a suitable number of watchmen trained in firefighting on board during hotwork operations.
727	8103(b)(3)(A)	Provides that the Coast Guard may waive a citizenship requirement for all but the master of a documented offshore supply vessel or similarly engaged vessel that is less than 1,600 gross tons and operated from a foreign port.
728(1)	8104(b)	Provides that on an oceangoing or coastwise vessel of not more than 100 gross tons (except a fishing, fish processing, or fish tender vessel), a licensed individual may not be required to work more than 9 of 24 hours when in port or more than 12 of 24 hours at sea.
728(2)	8104(d)	Requires division of licensed individuals, sailors, coal passers, firemen, oilers, and water tenders into at least 3 watches when at sea on merchant vessels of more than 100 gross tons. Applies to radio officers only when at least 3 radio officers are employed. Licensed individuals and seamen in the deck and engine departments may not be required to work more than 8 hours in one day. Exempts fish processing vessels of not more than 5,000 gross tons from these requirements.
728(3)	8104(l)(1)	Requires division of licensed personnel and deck crew on uninspected fish processing vessels entered into service before January 1, 1988, and more than 1,600 gross tons into 2 watches.
728(4)	8104(m)(1)	Exempts fish processing vessels entered into service before January 1, 1988, and less than 1,600 gross tons from watch section requirements.
728(5)	8104(o)(1)	Requires division of licensed individuals and crewmembers on fish tender vessels of not more than 500 gross tons and engaged in the Aleutian trade into at least 3 watches.
728(6)	8104(o)(2)	Requires division of licensed individuals and crewmembers on certain fish tender vessels of not more than 500 gross tons engaged in the Aleutian trade into at least 2 watches.
729(1)	8301(a)(2)	Requires 3 licensed mates on all inspected vessels over 1,000 gross tons propelled by machinery, with certain exceptions.

Authorization act section	Title 46 U.S. Code cite	Description
729(2)	8301(a)(3)	Requires 2 licensed mates on vessels of at least 200 gross tons but less than 1,000 gross tons propelled by machinery.
729(3)	8301(a)(4)	Requires one licensed mate on vessels of at least 100 gross tons but less than 200 gross tons propelled by machinery, unless the vessel is on a voyage of more than 24 hours, in which case it must have 2 licensed mates.
729(4)	8301(a)(5)	Requires one licensed engineer on a freight vessel or passenger vessel of at least 300 gross tons and propelled by machinery.
729(5)	8301(b)	Requires one licensed engineer on an offshore supply vessel of more than 200 gross tons.
730	8304(b)(4)	Exempts a vessel of less than 200 gross tons from compliance with the Officers' Competency Certificates Convention, 1936.
731(1)	8701(a)	Requires that individuals serving on board a merchant vessel of at least 100 gross tons have merchant mariners' documents, with certain exceptions.
731(2)	8701(a)(6)	Exempts fish processing vessels of not more than 1,600 gross tons that entered into service before January 1, 1998, from the requirement that individuals serving on board have merchant mariners' documents.
732(1)	8702(a)	Requires that on vessels of 100 gross tons and greater, 75% of the crew understand orders spoken by officers and 65% of the deck crew have merchant mariners' documents endorsed for the rating of at least able seamen.
732(2)	8702(a)(6)	Exempts fish processing vessels entered into service before January 1, 1988, and not more than 1,600 gross tons from the requirements in 46 U.S.C. 8702(a).
733	8901	Requires that a freight vessel of less than 100 gross tons be operated by an individual licensed by the Coast Guard to operate that type of vessel in a particular geographic area.
734	8905(b)	Exempts vessels of less than 200 gross tons engaged in the offshore mineral and oil industry from towing vessel manning requirements in 46 U.S.C. 8904.
735	9303(a)(2)	Requires each applicant for the U.S. registered pilot service to have acquired at least 24 months licensed service or equivalent experience on vessels or integrated towing vessels and tows of at least 4,000 gross tons, operating on the Great Lakes or oceans, with a minimum of 6 months service or experience having been on the Great Lakes.
736	10101(4)(B)	Includes certain fish processing vessels of not more than 1,600 gross tons in the definition of fishing vessel.
737	10301(a)(2)	Requires shipping articles on vessels of at least 75 gross tons engaged on voyages between a U.S. port on the Atlantic Ocean and a U.S. port on the Pacific Ocean.
738	10501(a)	Requires Master/Crew agreements on vessels of at least 50 gross tons engaged on voyages between a port in one State and a port in another State (except an adjoining State).
739	10601(a)(1)	Requires fishing agreements between a Master or individual in charge and the crew on fishing, fish processing, or fish tender vessels of at least 20 gross tons engaged on a voyage from a port in the U.S.
740	11101(a)	Exempts a vessel of less than 100 gross tons from certain seamen accommodation requirements.
741	11102(a)	Requires that a medicine chest be provided on a vessel of at least 75 gross tons on a voyage between a port of the U.S. on the Atlantic Ocean and Pacific Ocean.
742	11301(a)(2)	Requires that U.S. vessels of at least 100 gross tons on a voyage between a port of the U.S. on the Atlantic Ocean and the Pacific Ocean have an official logbook.
743	12106(c)(1)	Provides for the issuance of a coastwise trade endorsement on foreign built vessels of less than 200 gross tons engaged in the coastwise trade of fisheries products between places in Guam, American Samoa, and the Northern Mariana Islands.
744	12108(c)(1)	Provides for the issuance of a fishery endorsement to engage in fishing in the territorial sea or fishery conservation zone adjacent to Guam, American Samoa, and Northern Mariana Islands for foreign built vessels of less than 200 gross tons.

Problems With Determining Alternate Tonnages

While the Coast Guard now has the necessary statutory authority to establish alternate convention tonnage thresholds, determining these thresholds is a very complex task. The extent to which different classes of vessels currently rely on tonnage reduction techniques varies, so a single conversion factor would not be appropriate for all tonnage thresholds. Rather, each threshold must be carefully considered based on the class or classes of vessel it applies to and its relationship to other thresholds.

When establishing an alternate convention threshold, the Coast Guard

hopes to arrive at a figure high enough to capture the majority of existing vessels and future vessels of comparable sizes. However, if an alternate threshold is set too high, certain vessels may be inadvertently exempted from important safety regulations. If an alternate threshold is set too low, some vessels may be burdened by additional regulations.

The following examples illustrate the complexities involved:

1. *Small passenger vessels.* A passenger vessel qualifies as "small" if it is under 100 gross regulatory tons. Suppose that an alternate to this threshold is set at 500 gross convention tons. Suppose that your vessel measure 99 gross regulatory tons and 499 gross

convention tons. According to 46 U.S.C. 8301, as shown in the table below, you would need two licensed mates under your convention tonnage, but none under your regulatory tonnage. Clearly, this creates a severe disincentive for you to have your vessel regulated under alternate convention tonnages (thereby allowing removal of tonnage reduction features), unless alternate tonnages are established for § 8301 as well.

Number of licensed mates required	Tonnage of vessel (with certain exceptions)
3	1,000 GT or more (46 U.S.C. 8301(a)(2)).

Number of licensed mates required	Tonnage of vessel (with certain exceptions)
2	200 GT to less than 1,000 GT (46 U.S.C. 8301(a)(3)).
1	100 GT to less than 200 GT (46 U.S.C. 8301(a)(4)).
No provision	Under 100 GT.

You might think that this problem could be solved by simply establishing higher alternate tonnages in section 8301 to provide parity to small passenger vessels measured under the convention system. Unfortunately, however, section 8301 does not apply just to small passenger vessels but to virtually all commercial vessels. Furthermore, different classes of vessels differ in the range between regulatory and convention tonnages. For example, a freight vessel of 175 regulatory tons might measure 175 convention tons. If the alternate tonnage under section 8301 was set higher than the regulatory tonnage to address small passenger vessels, it may result in fewer mates on convention-measured freight vessels.

2. *Merchant mariner licensing.* The problem of establishing alternate tonnages is further compounded by the interrelationship among the shipping statutes, such as in the case of merchant mariner licensing. The tonnage of the vessel on which you have served may make a difference in the licenses for which you are eligible or the vessels upon which you may serve. For example, you may have earned your license based on service on a vessel with an assigned regulatory tonnage. If you decide to change jobs and serve on a comparably-sized vessel of the same class that is regulated according to a higher convention tonnage, you may not be eligible to serve on the vessel unless your license is adjusted accordingly. This situation may also affect the way in which the Coast Guard determines your eligibility to renew or upgrade your license.

The international community took steps to address this issue in the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW). STCW specifies alternate convention tonnages that may be adopted by an Administration (such as the Coast Guard for the United States) for reissuing or revalidating licenses (i.e., 500 gross convention tons for the 200 gross regulatory ton threshold and 3,000 gross convention tons for the 1,600 gross regulatory ton threshold). In response to a request for comments in an interim rule published on June 26,

1997 (62 FR 34506), the Coast Guard received several comments generally supporting the STCW licensing thresholds but deferred deciding whether to adopt the thresholds until the problems addressed in this notice are resolved.

Previous Effort To Establish an Alternate Tonnage Threshold

On December 18, 1996, the Coast Guard established a maximum alternate tonnage for offshore supply vessels (61 FR 66613). A quick response was necessary to respond to the offshore supply vessel industry's pressing need for a new, technologically-advanced fleet. This maximum alternate tonnage value of 6,000 convention gross tons was used in the recent final rule for offshore supply vessels published in the **Federal Register** on September 19, 1997 (62 FR 49308).

Questions

The process of establishing alternate convention tonnages could take many years. It could affect many regulations and virtually all of the maritime industry. The Coast Guard encourages you to become involved in the earliest stages of this project.

We especially need your help in answering the following questions, although additional information is welcome. In responding to each question, please explain your reasons for each answer so that we can carefully weigh the consequences and impacts of any future actions we may take.

1. For the type or types of vessel you design, build, or operate and the nature of your operations, should the Coast Guard establish alternate convention tonnage thresholds? Please explain.

2. Based on your circumstances, what advantages, disadvantages, or both do you foresee with alternate Convention tonnages?

3. Which threshold or thresholds should the Coast Guard establish first? Why? What timeline should the Coast Guard use? Why?

4. If an alternate threshold is needed, what convention tonnage should be specified? Please relate your answer to specific subjects (e.g., vessel manning), to vessel classes (e.g., small passenger vessels), or to statutory provisions listed in the table of statutes.

5. What other strategies, besides implementing alternate tonnages, do you think could be used by the Coast Guard and industry to discourage the use of undesirable tonnage reduction techniques? Why?

6. When establishing alternate tonnages, how should the Coast Guard address tonnage thresholds that apply to

many vessel classes, such as manning requirements?

7. Where an international convention, such as STCW, specifies an alternate convention threshold for certain purposes, should the Coast Guard adopt that figure as its alternate convention threshold for those purposes?

Dated: January 28, 1998.

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Acting, Assistant Commandant for Marine Safety and Environmental Protection.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

[FRL-5961-5]

Acid Rain Program; Auction Offerors to Set Minimum Prices in Increments of \$0.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Title IV of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act), authorized the Environmental Protection Agency (EPA) to establish the Acid Rain Program to reduce the adverse health and ecological effects of acidic deposition. The program utilizes an innovative system of marketable allowances that are allocated to electric utilities. Title IV mandates that EPA hold yearly auctions of allowances for a small portion of the total allowances allocated each year. Private parties may also offer their allowances for sale in the EPA auctions and specify a minimum sales price. Currently, the regulations require that an offeror's minimum sales price be in whole dollars (see 40 CFR part 73, Subpart E, § 73.70). No such restriction applies to auction bidders and since 1995, EPA has allowed bidders to submit bids in increments of less than a dollar. The restriction on minimum offer prices was originally intended to facilitate administrative ease, but allowing minimum sales prices in increments of \$0.01 would not change the design, operation, or administrative burden of the auctions in any way. In addition, it would be consistent with the flexibility afforded auction bidders. Thus, EPA is proposing to amend the current regulations to allow offerors to submit their minimum offer price in increments of \$0.01.

Because this rule revision was discussed in an Advance Notice of