

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

46 CFR Parts 28, 107, 108, 109, 133, 168, and 199

[CGD 84-069]

RIN 2115-AB72

## Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard adopts as final, with changes, an interim rule published on May 20, 1996 that revises the lifesaving equipment regulations for U.S. inspected vessels.

**DATES:** This final rule is effective November 2, 1998.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Markle, Chief, Lifesaving and Fire Safety Standards Division (G-MSE-4), U.S. Coast Guard Headquarters, by e-mail at RMarkle@comdt.uscg.mil, telephone at (202) 267-1444, or fax at (202) 267-1069.

## SUPPLEMENTARY INFORMATION:

## Regulatory History

The Coast Guard published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** on December 31, 1984 (49 FR 50745). A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on April 21, 1989 (54 FR 16196), inviting comments on the proposed rule. A public hearing was held to receive comments on the proposed rules, particularly the provisions affecting passenger ferries. The hearing was announced in a **Federal Register** notice on October 5, 1989 (54 FR 41124), and the hearing was held in Seattle, Washington, on October 17, 1989.

On May 20, 1996, the Coast Guard published an interim rule entitled "Lifesaving Equipment" in the **Federal Register** (61 FR 25272). The interim rule requested comments because the NPRM was published more than five years before. The Coast Guard received 34 letters commenting on the interim rule. A public meeting was requested, and

one was held on September 25, 1996, in Des Plaines, Illinois, to receive views on the requirements for passenger vessels. Notice of the public meeting was published in the **Federal Register** on August 26, 1996 (61 FR 43685). Twenty-eight people attended the meeting and nine presented oral comments during the meeting. These comments articulated the economic impacts of implementation which differed greatly between passenger vessels and other commercial vessels. The Coast Guard agreed and on February 19, 1997 published a partial suspension and request for comments (62 FR 7360) which delayed the need to implement some portions of the rule, particularly those affecting passenger vessels until the Coast Guard could reassess the costs and benefits to passenger vessels. The resulting revisions are addressed in the regulatory assessment that accompanies this final rule. Detailed discussion of comments received can be found under "Discussion of Comments and Changes."

## Background and Purpose

This project is part of the President's Regulatory Review Initiative to remove or revise unnecessary government regulations. This project removed numerous obsolete sections from the Code of Federal Regulations (CFR) and eliminated others by consolidating the lifesaving requirements for most U.S. inspected vessels in the new subchapter W in 46 CFR ch. I. Subchapter W also replaced many prescriptive regulations with performance-based alternatives.

You can find more detailed background information in the preamble of the interim rule (61 FR 25272) under SUPPLEMENTARY INFORMATION.

## Discussion of Comments and Changes

The Coast Guard received 34 comments on the interim rule. The comments include letters to the docket and remarks at the public meeting.

## Applicability

A number of comments indicated that there was confusion about § 199.10, which addresses the applicability of Subchapter W.

In order to clarify this section, each major paragraph within § 199.10 has been given a subject heading. In addition, a new table, 199.10(a), summarizes the applicability of this section to each type of inspected vessel.

## Existing Vessels

*Changing Lifeboat Equipment.* A number of comments indicated confusion about which provisions apply to vessels constructed before the interim

rule came into effect. The comments requested clarification on when a vessel must be retrofitted with required equipment.

In general, vessels constructed before October 1, 1996 may retain the "arrangement" of then existing lifesaving equipment on the vessel, unless the regulations specifically require retrofit. Wording to this effect is contained in §§ 108.515(a)(3), 133.10(b)(3), and 199.10(h)(1)(iv). Although "arrangement" was not defined, the Coast Guard intended a broad interpretation. For instance, it was not intended that vessel owners should immediately change all of the existing lifesaving equipment markings to the IMO symbols required under § 199.178(a), although this would remain an option. New or additional equipment required by this rule would not have to be added unless specifically required in §§ 108.515, 133.10 or 199.10.

Nor should owners change equipment in existing lifeboats to the new listing in either Table 108.575(b) or § 199.175. The new listings are intended for modern totally enclosed or partially enclosed lifeboats. Owners who want to convert to the new equipment should refer to the Coast Guard's Navigation and Vessel Inspection Circular (NVIC) 2-92 for guidance. NVICs can be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone (sales desk) (800) 553-NTIS (6847) or (703) 605-6000, fax orders (703) 321-8547, or E-mail orders@ntis.fedworld.gov. NVICs are also available on the World Wide Web at < <http://www.uscg.mil/hq/g-m/nvic/index.htm>>.

*Retrofit of rescue boats on ferries.* One comment from the operator of a Great Lakes ferry noted that Table 199.630, together with §§ 199.10(h)(1)(ii) and 199.202, would require a ferry on the Great Lakes to retrofit rescue boats.

Ferries are not required to retrofit rescue boats. Section 199.10(h)(1)(ii) may require certain passenger vessels to retrofit "survival craft", but rescue boats are specifically excluded from the definition of "survival craft" in this part.

*Use of pooled equipment.* One comment noted that §§ 199.10(d)(5) and (i) might require an owner to upgrade lifesaving equipment on an old ship with a limited remaining service life, and not allow the use of lifesaving equipment from a pool of older equipment salvaged from other ships.

The Coast Guard does not believe that this will be a problem. Sections 199.10(i)(1) and (2) specifically allow

the use of older lifeboats, davits, and winches in cases in which the entire lifeboat installation does not have to be replaced. Normally, a damaged lifeboat can be replaced without replacing the davit and winch. The Coast Guard believes an owner's use of a pool of equipment is reasonable, and that these situations can be resolved on a case-by-case basis, as long as there is no conflict with SOLAS.

*Permissively manned Great Lakes barges.* One comment suggested that permissively manned Great Lakes barges be specifically exempted from subchapter W. These vessels were recently required to be inspected, and the comment stated that while these vessels would be significantly affected by the regulations, the owners had no opportunity to comment on the regulations because these barges would not have been affected at the time the NPRM was published.

The Coast Guard has not exempted manned Great Lakes barges from the regulations, however, § 199.10(h)(1)(iv) permits vessels constructed before October 1, 1996 to retain their present lifesaving arrangements. Most new barges are exempt from EPIRB and rescue boat requirements under § 199.610(a)(1). In addition § 199.20(d) authorizes the District Commander to grant further exemptions, if appropriate.

#### **International Rules Applied to Domestic Services**

*SOLAS rules and domestic vessels.* A number of comments suggested that the Coast Guard was improperly applying international or SOLAS rules to domestic vessels.

The Coast Guard used SOLAS terms and organization to write the regulations in Parts B, C, and D of Subchapter W, but did not apply all of the international regulations to vessels in domestic services. Parts E and F apply to vessels in domestic services and clearly exclude domestic vessels from international requirements that do not apply to them. The regulations allow vessels that meet international standards to be used in domestic services; however, they do not mandate that domestic service vessels comply with international standards. The Coast Guard could have organized the regulations differently by providing completely different sections for international and domestic services. Though the numbers and types of lifesaving equipment are different for SOLAS and domestic services, many of the basic requirements are the same. Consequently, a separate section of regulation for each type of domestic service would needlessly increase the size of subchapter W. In the past,

separate sections covering different services have led to inconsistencies that the Coast Guard wishes to avoid.

*International voyage.* One comment objected to the definition in § 199.30 of *international voyage* as applied to tank vessels because it included voyages between the continental United States and Alaska or Hawaii. The comment stated that owners should not be required to get a SOLAS Safety Equipment Certificate for these voyages.

The definition has not been revised. It is consistent with current regulations for passenger and cargo ships in §§ 70.05–10(a)(2)(iii) and 90.05–10(a)(2)(iii), respectively, which include voyages between the continental United States and Alaska or Hawaii as international voyages for the purposes of the regulations. A comparable paragraph does not appear in § 30.01–6(a)(2) for tank vessels. The regulation in subchapter W does not mean that tank vessels on domestic voyages between Alaska and the continental United States now have to obtain SOLAS Safety Equipment Certificates. It does mean that they have to meet the same lifesaving equipment requirements as vessels on international voyages. An examination of Tables 199.610(a), 199.610(c), 199.620(a), and 199.640(a), shows that the differences between the requirements for large tank vessels on international voyages and those in domestic ocean service are minimal. However, the effect of § 199.10(d)(5) on tank vessels constructed between July 1, 1986 and October 1, 1996, that are engaged in voyages between the continental United States and Alaska or Hawaii, would be to require them to retrofit their lifesaving equipment to meet SOLAS requirements. This was unintended, so § 199.10(d)(5) has been revised to exclude tank vessels constructed before October 1, 1996 that are engaged in voyages between the continental United States and Alaska or Hawaii from all of the SOLAS requirements.

#### **Lifesaving Systems for Passenger Vessels in Domestic Services**

*Inflatable buoyant apparatus.* A number of comments from operators of passenger vessels in lakes, bays and sounds, and river services objected to the requirements for the carriage of inflatable buoyant apparatus on vessels which have never had to carry significant quantities of lifesaving equipment. For instance, large ferries, accommodating as many as 5,000 persons, only had to carry a lifeboat for 36 persons. These vessels had typically substituted two 20-person inflatable liferafts and one or two oar-propelled

rescue boats for this lifeboat. These operators are justifiably proud of their excellent safety record over the past 35 years; no fatality due to a casualty has been suffered over this period on any inspected U.S. passenger vessel over 100 gross tons. One operator objected to being "penalized" for their perfect safety record by having to buy and maintain needless lifesaving equipment. A number of comments questioned the Regulatory Assessment because it seemed to say that over 100 people had died in the past five years in casualties involving passenger vessels.

Because of these objections, the Coast Guard issued a partial suspension of the Interim Rule on February 19, 1997, as it applied to vessels constructed before October 1, 1996. The Regulatory Assessment has been revised, as discussed more fully in the sections titled "Assessment." Although a few revisions have been made to the regulations, as discussed below, the Coast Guard has concluded that, in general, the regulations in the interim rule were appropriate.

*Increased lifesaving requirements.* A number of operators of passenger vessels in lakes, bays and sounds service, or in river service, objected to the increased lifesaving requirements. There were many reasons given for the objections. One comment included an extensive discussion of the report "Improving Maritime Traffic Safety on Puget Sound Waterways" referred to in the NPRM. The comment argued that the report contained so many invalid assumptions and incorrect statements that it could not be used as the basis for justifying a requirement to provide sufficient inflatable buoyant apparatus for everyone on board ferries. Furthermore, the comment stated the requirement of the Coast Guard Authorization Act of 1984 "to develop improved lifesaving equipment for use on ferries" had been met with the development in recent years of several new lifesaving systems and the comment stated that the Act did not specifically mandate that greater quantities of lifesaving equipment be carried.

The Coast Guard believes that Congress intended for the Coast Guard to make the changes necessary to improve lifesaving equipment on ferries. The regulations in Subchapter W make improvements in the lifesaving systems on ferries, but in addition, provide alternatives for ferries and other passenger vessels in Great Lakes services, lakes, bays, and sounds services, and river services. Alternatives, developed through a safety assessment, will allow operators to

develop different and possibly better ways to plan for the abandonment of a vessel in distress.

The Coast Guard has made some revisions to the requirements in the interim rule. The quantity of inflatable buoyant apparatus in cold water lakes, bays, and sounds service has been reduced from 100% to 67% of the number of persons on board. Inflatable buoyant apparatus are rated for their open water carrying capacity. In waters where high waves are not expected, such as those typically found in lakes, bays, sounds, and rivers, inflatable buoyant apparatus can be loaded to 50% above their rated capacity, and during their approval testing, they are tested in 0.9 m (3 ft.) high waves to ensure that they can be safely used in the "overloaded" condition. Therefore, a vessel carrying inflatable buoyant apparatus with rated capacities totaling 67% of the persons permitted on board can actually accommodate 100% of the number of persons on board in water where high waves are not expected. Section 199.630(g) has been revised to clarify this point.

Some operators commented that much of the expense of meeting the interim rule requirements would come from hiring persons to be on board solely for the purpose of being available to launch and operate the inflatable buoyant apparatus. The Coast Guard has revised the regulations to provide for the possibility of reducing some of the cost impact of the additional manning required. The Coast Guard recognizes that some launching and embarkation arrangements might not require a trained person to be placed in charge of each inflatable buoyant apparatus. Furthermore, some vessels, especially ferries, are sized to handle peak passenger loads and may carry fewer people at other times. On these trips with lighter loads, it would not be necessary to launch all of the survival craft in an abandonment. Table 199.630 and § 199.630 have been revised by adding a new paragraph (l), stating that a deck officer, able seaman, certificated person, or person practiced in the handling of liferafts or inflatable buoyant apparatus is not required to be placed in charge of each inflatable buoyant apparatus, provided that there is a sufficient number of such persons on board to launch the inflatable buoyant apparatus and supervise the embarkation of the passengers. Paragraph (l) also says the number of persons on board for the purpose of launching and operating inflatable buoyant apparatus may be reduced during any voyage where the vessel is carrying less than the number of

passengers permitted on board, and the number of such persons is adequate to launch and operate sufficient survival craft to accommodate everyone on board.

**46 CFR subchapter K requirements.** One comment suggested that the Coast Guard revise subchapter W to be more consistent with the lifesaving requirements in 46 CFR subchapter K. Subchapter K applies to passenger vessels under 100 gross tons, which carry more than 150 passengers, or have overnight accommodations for more than 49 passengers.

The Coast Guard does not agree with this comment. Subchapter K vessels are smaller and generally carry fewer persons than those to which Subchapter W applies, therefore presenting a lower level of risk in the case of an accident that would require the abandonment of the vessel. Space and weight can be more of a problem on these smaller vessels than on vessels to which Subchapter W applies. For these reasons, no changes have been made as a result of this comment.

**Sections 199.10(h)(1)(i), (h)(1)(ii), and (h)(1)(iii).** The Coast Guard is reinstating these sections which apply certain Subchapter W regulations to passenger vessels not subject to SOLAS. Section 199.10(h)(1)(i) also applies to cargo vessels not subject to SOLAS. The effective date of this paragraph was October 1, 1997, before suspension of the regulation. This date has been set back to October 1, 1999, approximately one year after the effective date of this rule. The effective date for §§ 199.10(h)(1)(ii) and (h)(1)(iii) has been changed to October 1, 2003, approximately five years after the effective date of this rule.

**Survival craft exemption.** One comment stated that there was no survival craft exemption provided for a passenger vessel that was always close to shore where it could discharge passengers quickly in an emergency. Another comment suggested that an additional exemption from survival craft requirements be added for vessels which can return to shore within 15 minutes.

The Coast Guard does not agree with the suggestion to provide a blanket exemption for vessels which operate close to shore. The shore may or may not provide an appropriate place to land persons in safety. The safety assessment alternative in § 199.630(f), elsewhere in this preamble, was developed to evaluate such situations.

**Launching appliances.** One comment stated that under §§ 199.630(d) and (e), the Coast Guard should accept "other safe and effective means" for boarding survival craft on riverboats, other than

launching appliances, as in § 199.110(f)(4).

The Coast Guard believes that the freeboard on most riverboats will be less than 3 meters so that, under § 199.630(d)(1), launching appliances will probably not be required. If the freeboard is more than 3 meters, some type of launching appliance or marine evacuation system will be needed for passengers. Section 199.09 allows equivalents to be considered by the Coast Guard.

#### **Safety Assessment Alternative for Passenger Vessels in Domestic Services**

A number of comments raised concerns over the Shipboard Safety Management and Contingency Plan alternative in § 199.630(f), for passenger vessels in domestic service. The alternative would allow the evacuation arrangements for the vessel to be determined in accordance with the plan, which would replace the regulatory requirement for a minimum number of inflatable buoyant apparatus. The concerns include: consistency of decisions by OCMIs; the necessity for any increase in the lifesaving equipment requirements for these vessels; the appeals process; and the potential reluctance by OCMIs to approve any deviation from the minimum required lifesaving equipment requirements.

The Coast Guard has determined that it is appropriate to increase the minimum lifesaving equipment requirements to enhance passenger and crew safety. A detailed discussion of the costs and benefits associated with this requirement can be found under "Assessment." However, in certain circumstances, less than the required minimum lifesaving equipment capacity may be appropriate because other equipment or resources contribute to an equally safe passenger/crew environment. To provide a performance-based alternative, equivalent to the equipment requirements, a shipboard safety assessment/safety management plan alternative is included in the regulations.

An approved Shipboard Safety Management and Contingency Plan will provide a level of safety equal to that which would be provided by equipping the vessel with required primary lifesaving equipment. The plan would be validated periodically with exercises and drills to ensure that it provides for effective and safe evacuation of the vessel. A detailed discussion of the comments follows below.

**Shipboard safety assessment, generally.** Several comments raised concerns over the shipboard safety assessment alternative in § 199.630(f).

One objected to the safety assessment having to be approved by the OCMI because over the years, the decisions of different OCMI's would be inconsistent. The comment suggested that objective criteria be provided for the safety assessment rather than the subjective criteria listed in the paragraph.

The Coast Guard has developed Navigation and Vessel Inspection Circular (NVIC) 1-97, a policy document that describes in general how to develop shipboard safety management plans, including contingency plans. Contingency plans include planning for the evacuation of the vessel in all credible emergency situations. The guidance in the NVIC will make OCMI decisions more consistent. However, the Coast Guard recognizes that a performance-based regulation, which is designed to allow for flexibility, will inevitably involve some inconsistencies and differences of opinion. The Coast Guard and vessel operators will need to work together to minimize these problems. During the five-year phase-in period of this rule, the Coast Guard plans to hold a series of workshops involving affected operators and Coast Guard inspection offices, so that through cooperation and partnership a consistent process for development of shipboard safety management plans can be achieved. Additionally, the Coast Guard plans to use its Quality Assurance staff of "travelling inspectors" (G-MO-1) to participate in the development of shipboard safety management plans to ensure consistency of implementation throughout the country. Furthermore, the Coast Guard is developing criteria for OCMI's to use in approving these alternative plans to ensure that they provide a level of safety at least equal to that which would be provided by inflatable buoyant apparatus.

The workshops will consider issues such as the types of contingencies that need to be planned for, the probabilities of various types of emergencies given the characteristics of the waterway, and to what degree ship characteristics and alternative equipment can substitute for lifesaving equipment. The schedule and details about the workshops will be announced in a **Federal Register** notice. The public workshops and agendas will focus on local needs. Please contact Mr. Bob Markle via either e-mail or post at the addresses found under **ADDRESSES** for more information on the workshops.

**Shipboard safety management plan.** One comment stated that the shipboard safety management plan and Navigation and Vessel Inspection Circular 1-97 that explains how to develop the plan, served no purpose because the plan was

an alternative to an unnecessary regulation.

The Coast Guard has kept the shipboard safety management plan alternative because it allows the operator to develop contingency plans based on the risks posed by their particular operation, not based on a prescriptive regulation.

**NVIC 1-97.** One comment questioned the objective of NVIC 1-97, wondering why it was necessary to go through a safety assessment just to maintain the status quo in lifesaving equipment, and questioning the absence of any criteria relating to damage stability and structural fire protection.

The objective of the safety assessment is to define the optimal approach to safety for a particular operating condition. The result of a safety assessment might be a different lifesaving equipment arrangement or a completely different approach to managing abandonment of the vessel. The Coast Guard agrees that damage stability criteria and structural fire protection might be considered for future addition to the safety assessment guidance.

**Support for safety assessment.** Three comments expressed support for the safety assessment and for NVIC 1-97, noting that the guidance was similar to that used for many river gaming vessels; that it clearly spelled out the requirements for contingency plans; and that the NVIC would help operators standardize their plans among their fleets. The comment further suggested developing a NVIC to cover the rest of the safety assessment mentioned in § 199.630(f).

The contingency plan outlined in the enclosure to NVIC 1-97 forms a major part of the safety assessment. The Coast Guard will work with the industry to expand NVIC 1-97, and if necessary, to provide additional guidance for developing the safety assessment.

**Appeal procedure.** One comment asked if there would be an appeal procedure for OCMI decisions on safety assessments under § 199.630(f).

The appeal procedures described in 46 CFR 1.03 apply in cases where an operator does not agree with an OCMI's decision on a safety assessment.

**Objections to shipboard safety management plan.** One comment raised several objections to the shipboard safety management plan alternative, speculating that OCMI's would not risk approving such a plan since any mishap involving such a vessel would possibly jeopardize their careers. The comment also suggested that experience with riverboat gaming vessels gave the Coast Guard a false sense of confidence in

safety management and contingency planning, since that industry could spend large amounts of money to develop such analyses in order to avoid expensive delays in starting their operations. The comment also noted that there were no pass/fail criteria established for the safety management plan.

The Coast Guard disagrees. The shipboard safety management plan is an option that the vessel owner can choose to apply or not apply.

**Lifesaving systems for MODUs, generally.** Two comments stated that the lifeboat requirement of 200% of vessel capacity in § 108.525(a) was not consistent with other vessel types. One comment suggested a reduction in lifeboats to 75% of vessel capacity and in liferafts to 50% of vessel capacity to be consistent with passenger ship requirements. The comments raised the following points:

- MODUs have evacuation plans and are accompanied by other vessels, precautions which passenger vessels do not take, so lifesaving system requirements should be adjusted accordingly.
- OSVs require lifefloats for 100% of vessel capacity.
- Cargo vessels require lifeboats for 200% of vessel capacity, but liferafts for 200% of vessel capacity are accepted on smaller vessels.
- Passenger vessels require a combination of lifeboats and liferafts equaling 125% of vessel capacity.
- OCS platforms require lifefloats for 100% of vessel capacity.

The Coast Guard has not revised these regulations. Requirements vary among vessel types because of vessel characteristics. The ship most comparable to a MODU in terms of fire and explosion hazard is a tanker, which requires fire-protected lifeboats for 200% of vessel capacity. The requirements for MODUs are also consistent with the current IMO MODU Code. The IMO MODU Code requirements were supported by other countries with offshore drilling activities, and justified by their casualty experience.

**"Widely separated" survival craft stations.** One comment noted that the Coast Guard had not defined the criteria for determining whether or not survival craft stations were "widely separated" as the term is used in § 108.525(a)(1). If survival craft cannot be widely separated only 100% capacity in fire-protected lifeboats is required, rather than 200%, since spare lifeboat capacity cannot be provided at a different location. The comment noted that on

triangular rigs the normal survival craft positions would not be widely separated.

The Coast Guard agrees with the comment and has added a definition of "widely separated locations" to § 107.111.

**Lifeboat orientation and location.** One comment suggested that the second sentence of § 108.550(f)(3) be replaced with a sentence from the IMO MODU Code. The second sentence of § 108.550(f)(3) says, "The location and orientation of each lifeboat must be such that the lifeboat is either headed away from the unit upon launching, or can be turned to a heading away from the unit immediately upon launching." The sentence from the MODU Code says, "Consideration should be given to the location and orientation of the survival craft with reference to MODU design such that clearance of the unit is achieved in an efficient and safe manner having due regard to the capabilities of the survival craft."

The Coast Guard does not agree with the comment and has made no revision. The IMO MODU Code sentence is not sufficient for meaningful implementation. The second sentence of § 108.550(f)(3) captures the Coast Guard's interpretation of the intent of the IMO MODU Code requirement.

**Use of certain terms.** Two comments stated that the term "escape" in §§ 108.540(h)(3) and (4) was misleading because it has other connotations. One of the comments suggested using the term "embarkation" instead of "escape." Two comments noted the use of the term "approved" in § 108.540(h)(3) did not appear to mean "approved by the Commandant" as that term is defined in § 107.111. A suggested revision was to indicate the approval of the OCMI.

The suggested revisions improve clarity and have been made.

**Escape time requirement.** Three comments indicated that the 10 minute escape time in § 108.540(h)(3) seemed difficult, because some of the items listed, such as controlled escape devices, can only handle a few people in that time. Since these devices generally replace ladders, which have relatively slow evacuation times, the 10 minute escape time could imply that the alternate means of escape should actually be better than the device it replaces.

The Coast Guard agrees with the comments and has revised the section to require that the alternate means of escape have at least the same capacity as the device which it replaces.

**Ladder-cage requirement.** Three comments suggested eliminating the

requirement in § 108.540(h)(3) for cages around ladders in areas subject to wave action, or where the ladder is inside the lattice legs of a jackup unit.

The Coast Guard agrees and has revised the section.

### Training and Drills

**Training and drill requirements, generally.** Several comments pointed out that not all the training and drill requirements in § 199.180 were appropriate for vessels in domestic services. For instance, one comment pointed out that training in the use of firemen's outfits was not necessary for vessels in river service that don't carry firemen's outfits, and that the equipment should not be required to be carried just for training purposes. Another comment stated that hypothermia training was not needed on rivers.

The Coast Guard agrees in principle. Training in hypothermia would be beneficial to those on river service in cold climates. However, the same level of training would not necessarily be needed as the training required for vessels in ocean service. Training in the use of equipment that the vessel is not required to carry is not required. Table 199.620(a) has been revised to add a line referring to § 199.180. A new section, § 199.620(p), has been added to clarify that training and drills do not need to cover equipment and subjects not required for the vessel's service.

The Coast Guard has not, as one comment suggested, exempted river vessels from a requirement for passenger safety briefings. Passengers need to receive appropriate instructions on what to do in an emergency regardless of the service the vessel is engaged in.

**Emergency duties on MODUs.** Two comments suggested revisions to the MODU regulations to reflect the fact that industrial personnel, as well as crew members, can be assigned emergency duties.

The Coast Guard agrees with the comments and has revised §§ 108.901(b), (b)(6), (b)(6)(ix), (b)(6)(x), and (7) and 109.213(b), (c)(2), (d)(5), and (h)(1)(iv) to include industrial personnel in the emergency duties.

**Emergency lighting.** One comment suggested revising § 109.213(d)(6) to clarify that the emergency lighting to be tested during a drill on a MODU is only that lighting which is powered from a battery source so that an emergency generator does not need to be started.

The Coast Guard has not revised the paragraph. The requirement is only to test the lighting. It is not intended or implied that the emergency generator must be started for this purpose. The

lighting may be tested using the main power source.

**Immersion suits.** Two comments suggested revising § 109.213(d)(7) to require wearing an immersion suit during drills once every three months rather than once a month to prevent undue wear.

The Coast Guard agrees with the comment and has revised this section as well as a similar provision in § 199.180(d)(11).

**Emergency fuel and ventilation shutdowns.** Seven comments stated that operation of emergency fuel and ventilation shutdowns during fire drills required in § 109.213(f)(2)(vii) is unsafe and would require shutdown of the well. Two of the comments suggested that this be done only once every six months.

The Coast Guard agrees with the comments and has revised the section. This is a drill and training requirement and only simulation of the operation of these controls is necessary. The Coast Guard does not intend for the well to be shut down for this purpose.

**Familiarization and basic training.** Two comments on § 109.213(g) stated that familiarization and basic training are elements of STCW (International Convention for Training, Certification and Watchkeeping of Seafarers of 1978, as amended) and should not be covered in this rulemaking.

This section does not require familiarization or basic training. It requires on board training in the particular systems used on the MODU. It is an extension of the drill requirement and does not overlap the basic training covered by the STCW Convention.

**Liferaft inflation.** Three comments indicated that inflating of liferafts every 4 months for training purposes under § 109.213(g)(5), posed objectionable costs and logistics. The comments stated that these small cost items along with the costs of other (unspecified) changes add up; questioned whether this had been evaluated in light of STCW training requirements; stated that it was not accounted for in Regulatory Assessment; and asserted that the necessary objectives could be achieved by lowering a dummy weight.

This regulation has been evaluated in light of the 1995 Amendments to the STCW Convention and the implementing regulations (published on June 26, 1997 at 62 FR 34506). As a result the final rule was drafted so that the two regulations are consistent. A training raft can be a "condemned" raft inflated by compressed air, in which case costs of compliance should be minimal. A dummy weight does not

accomplish the objective of the training. The final rule continues to require the use of an inflated raft "whenever practicable."

#### Rescue Boats

*Weight of the rescue boat.* One comment noted that § 199.630(i) does not mention that 46 CFR 160.056 limits the weight of the rescue boat to 100 kg (225 lb), and wondered if that included the outboard motor. The comment also questioned whether or not the boat would have a maximum horsepower plate.

The 100 kg (225 lb) limit does not include the motor. Unless the boat is intended by its manufacturer to be solely for commercial use, it will have a maximum horsepower plate under 33 CFR 183.25. No revision has been made to the regulations as a result of this comment.

*Powered winches.* One comment suggested that river boats be exempt from the requirement for powered winches to lower their rescue boats since they presently use hand winches or gravity.

The Coast Guard agrees with the comment. Section 199.640(h)(2) has been revised to specifically permit rescue boats that are launched without personnel on board the rescue boat to have manually-powered winches.

*Repairs to rescue boats.* Two comments suggested revising § 109.301(g)(4) to indicate that repairs to the inflatable chambers of rescue boats, rather than all repairs, had to be made at an approved servicing facility.

The Coast Guard agrees that the comment reflected the intent of the paragraph and has revised it accordingly. The Coast Guard has also revised a similar provision in § 199.190(g)(4).

#### Launching Appliances for Survival Craft and Rescue Boats

*Safety factors.* One comment noted the requirements for safety factors for falls and structural attachments of launching equipment in §§ 199.150(e) and 199.153(c) were based on the ultimate tensile strength of the material. The comment pointed out that such safety factors were appropriate for mild steel components, but might not be appropriate, or might even be inadequate, for structural attachments made of materials other than mild steel or which are subjected to complex combinations of stresses. The comment suggested permitting the use of more sophisticated failure criteria as an alternative. In addition, the comment suggested requiring or recommending that sea forces be considered in the

design of the attachments of the launching equipment rather than simply using safety factors based on static loads.

The Coast Guard agrees in principle with the comment, but no change has been made at this time. Launching systems for survival craft are constructed almost exclusively of mild steel, as are the decks to which they are secured. Other materials, such as aluminum or composites, are not generally used on vessels to which subchapter W applies. Should such a special construction be proposed, however, the Coast Guard believes it has allowed an adequate means to evaluate alternatives under § 199.09. The static safety factors are based on SOLAS requirements and, while the Coast Guard agrees that it would be better to consider the dynamic forces, there have been no guidelines developed nor recommendations made on how to do this. Even if it is less than optimal, the static force safety factor standard as proposed in the regulations has proven to be successful over the years.

*Winch drum.* One comment requested a clarification of the requirement in § 199.153(f) that each winch drum should be arranged so the fall winds onto the drum in a level wrap. The comment noted that this was not a SOLAS requirement, and wanted to know if the requirement was intended to prohibit winch drums designed for more than one layer of wire rope.

The requirement is not intended to prohibit winch drums accommodating more than one layer of wire rope. It is intended to prevent designs that allow the wire rope to wind unevenly or tangle. Such designs will not meet the SOLAS requirement for falls to wind onto the drums at an even rate. Section 199.153(f) has been revised to indicate that one or more level wraps of wire rope are permitted.

#### Manning of Survival Craft

*Able seamen and certified persons.* Three comments stated that wages for able seamen and certified persons are expensive and not presently required on river vessels. They requested an alternative to the requirement in § 199.100(b).

The Coast Guard agrees with the comment and has added an alternative to Table 199.620, and added a new § 199.620(o) to allow deckhands to operate and launch survival craft on river vessels.

*Great Lakes manning.* One comment suggested that persons practiced in the handling of liferafts or inflatable buoyant apparatus be specifically permitted to be placed in charge of such

survival craft on ferries operating on the Great Lakes. Currently the OCMI has discretion to approve uncertificated persons as provided in § 199.100(c)(1). The comment explained that it was difficult to find such qualified persons for seasonal employment on Great Lakes ferry operations.

The Coast Guard has not adopted the suggestion to remove the OCMI's discretion on permitting persons other than certificated persons to be placed in command of liferafts or inflatable buoyant apparatus. Since there are no standards for the proficiency of such persons, the OCMI must be satisfied with the overall safety of the operation before allowing uncertificated persons to be placed in charge of liferafts or buoyant apparatus.

*Lifeboat second-in-command.* One comment suggested that the person designated second-in-command of a lifeboat under § 199.100(d), on a ferry operating on the Great Lakes, not be required to be a deck officer, able seaman, or certificated person (lifeboatman). Instead, the second-in-command could be a person practiced in the handling of lifeboats. The comment explained that it was difficult to find such qualified persons for seasonal employment on Great Lakes ferry operations. The person making the comment was concerned that the operator of a seasonal ferry service might be tempted to substitute less effective lifesaving equipment for the lifeboats in order to limit the number of certificated persons required on the vessel.

The Coast Guard agrees with the comment and has added the alternative to Table 199.630, and added a new § 199.630(n) applying to vessels in Great Lakes, and lakes, bays and sounds services.

#### Visual Distress Signals on Vessels in Domestic Services

*Exemptions.* One comment stated that exempting vessels on a run less than 30 minutes away from the dock from the requirement in § 199.610(a)(2) to carry distress signals did not make sense and was not consistent with requirements for recreational boats.

The Coast Guard does not agree. Recreational boats do not operate on scheduled runs, but they are required to carry visual distress signals in coastal waters. Vessels on short scheduled runs are soon missed if they do not arrive on time so that, even if radio contact fails to notify those on shore of a problem, late arrival will.

### Lifejackets and Immersion Suits

*Lifejacket markings.* One comment stated that lifejackets stowed in MODU staterooms do not need to have markings designating the stowage position.

The Coast Guard agrees with the comment and has revised § 108.649(b) to exclude marking of stowage positions for lifejackets stowed in MODU staterooms.

*Immersion suit markings.* Two comments recommended deleting the requirement to mark immersion suits "in block capital letters" so that stenciling is not implied since other methods are used to mark immersion suits. Another comment suggested the use of the company name along with an identifying number, which has been accepted by the Coast Guard previously as satisfactory.

The Coast Guard agrees with the comments and has revised §§ 108.649(c), 133.70(c)(3), and 199.70(c)(3) to require that immersion suits be marked in such a way that the person, vessel or MODU they belong to can be identified.

*Child-size lifejackets.* One comment stated that the exemption for carriage of child-size lifejackets in Table 199.610(a) at the line for § 199.70(b)(1)(i), should additionally indicate that the exemption applies to vessels only carrying adults, since some gaming vessels are limited to carriage of persons over 21.

The Coast Guard does not agree that the recommended revision is necessary. Some vessels, such as gaming vessels, are certificated to carry only adults. If they carry lifejackets indicated as being the "adult" size, then they do not carry persons smaller than the lower size limit of the lifejacket.

*Separate stowage requirements for lifejackets.* One comment suggested deleting the requirement in § 199.70(b)(2)(ii) that child-size lifejackets be stowed separately from adult sizes.

The requirement has been deleted as suggested. The Coast Guard considers separate stowage of child-size lifejackets to be good practice; however, child-size lifejackets are clearly marked as such, so the possibility of confusing them for adult sizes is minimal.

*Marking of stowage containers.* One comment stated that the requirement in § 108.649(g) to mark lifejacket, immersion suit, and anti-exposure suit stowage containers on MODUs with the quantity and size of the devices inside was unnecessary since the number may change and include extras.

The Coast Guard partially agrees with the comment and has revised the

section. The number of items in the container should be the minimum required to comply with the regulatory requirement. There should be no problem if extras are stowed there. As far as sizes are concerned, children are not carried on MODUs so there is no need to list the sizes of devices in the container if they are all adult/universal sizes. However, this equipment is now available in several adult sizes as well as in the universal size. Therefore, the section has been revised to require marking of sizes on the container only if sizes other than adult/universal are stowed inside.

### Lifejacket Lights and Retroreflective Material

*Exemption for ferries.* One comment suggested that there should not be exemptions for the carriage of lights for lifejackets on ferries in any service under Table 199.610(a). The comment reasoned that a casualty at night would result in large numbers of persons in the water that could not be seen.

A requirement for lifejacket lights on all passenger vessels was considered at the time lifejacket lights were originally required for some vessels in 1979. Operators of passenger vessels carrying large numbers of persons were concerned about the cost and maintenance burden of a large number of lifejacket lights. Although lifejacket lights could be an advantage in a nighttime accident, the Coast Guard believes that maintenance and pilferage would be extremely difficult problems for ferries and other vessels with small crews carrying hundreds or thousands of lifejackets. Furthermore, if these vessels carry inflatable buoyant apparatus or other survival craft, those craft will be equipped with lights. The lifejackets themselves are also equipped with retroreflective material making them conspicuous at night to searchers with searchlights. The Coast Guard has not revised this regulation.

*Chemiluminescent lights in cold water.* One manufacturer of chemiluminescent lights suggested that not all chemiluminescent lights be prohibited from use on waters where water temperature may drop below 10°C (50°F) since it is possible to develop chemiluminescent chemistry that would function in colder temperatures.

The Coast Guard agrees and has revised the regulations in § 108.580(b)(3)(i), 108.580(c)(2)(i), 133.70(b)(4), 133.70(c)(4), and 199.620(e) to prohibit the use of chemiluminescent lifejacket lights bearing the approval number 161.012/2/1 on waters where water temperature may drop below 10°C. This is currently

the only approved light that exhibits the low temperature performance problem. The Coast Guard will ensure that future approved chemiluminescent lights that work at temperatures down to the freezing temperature of seawater will be given a different approval number.

*Chemiluminescent lights on MODUs.* Two comments recommended limiting chemiluminescent lights to use on MODUs between 32° latitude N and S and not basing the prohibition on water temperature.

The Coast Guard agrees with the comment and has revised § 108.580(b)(3)(i) accordingly. Since MODUs generally work year round in a single location, this suggestion is acceptable and is consistent with immersion suit latitude requirements.

*Lights for immersion suits.* One comment noted that, under Table 199.610(a), ferries in coastwise and Great Lakes services would be exempt from carrying lifejacket lights for lifejackets, but would not be exempt from carrying lifejacket lights for the few immersion suits they are required to carry. The comment suggested that the requirements should be consistent.

The Coast Guard agrees with the comment and has revised the table to include a line for § 199.70(c)(4)(i) that is identical to the line for § 199.70(b)(4)(i) that exempts these vessels from the requirement.

*Retroreflective material.* One comment stated that river vessels should be exempt from the requirement to mark lifesaving equipment with retroreflective material.

The Coast Guard disagrees. Retroreflective marking on lifesaving equipment is an extremely simple, reliable, and effective way of locating objects quickly at night. Unlike lifejacket lights, retroreflective material poses minimal maintenance and pilferage problems. No change to the regulation has been made.

### Lifebuoys

*Lights and smoke signals.* One comment stated that it was impossible to install ring lifebuoys with lights and smoke signals so that they fall into the water without striking the vessel as required under § 199.70(a)(1)(v). The comment therefore requested that passenger vessels on short international voyages and in coastwise service be exempt from the requirement.

The Coast Guard agrees that it may be difficult to absolutely prevent the ring lifebuoy with a light and smoke signal attached from striking the vessel as it falls. However, there are devices available that allow the ring lifebuoy to roll outboard and fall away from the

hull. This minimizes the chance that the lifebuoy and its attachments will contact the hull as they fall.

**Stowage requirements.** One comment stated that stowage locations for lifebuoys out in the open are obvious and that there was no need to mark them as required in § 199.70(a)(1)(iii). Marking would only be needed if they were stowed in cabinets.

The Coast Guard does not agree with the comment. This had been a requirement for passenger vessels under subchapter H (§ 75.43-15(a)). Not all stowage arrangements for lifebuoys are obvious. The primary purpose of marking is to immediately alert personnel if one is missing.

#### Other Changes

**Lifesaving inspections.** One comment suggested removal of the requirement to conduct lifesaving inspections and tests whenever any new item is installed. The comment stated that the requirements in §§ 107.231(g)(v) and 199.45(c) are misplaced and excessive.

The Coast Guard does not agree. Newly installed equipment needs to be inspected or tested when it is installed to ensure that it is operating properly. This has been a regulatory requirement for many years, and is also in IMO's Recommendation on Testing of Lifesaving Appliances (IMO resolution A.689(17)).

**Design weight of lifeboats.** One comment suggested revising § 107.305(cc) to indicate that only the design weight of each lifeboat needs to be indicated on the initial submission of plans for MODUs.

The Coast Guard agrees. At the plan submission stage, only the design weights, not exact weights, will be known. The section has been revised accordingly.

**Equipment exemptions for MODUs.** One comment stated that the equipment exemptions for MODUs not in international service, which had been in previous 46 CFR 108.503(e), had not been carried through to the new regulations.

The Coast Guard compared the table with the previous list of exemptions and found that one correction was needed in order to make the table consistent with the previous regulations. Previous regulations did not require oars in lifeboats and rescue boats. The requirement for oars in lifeboats and rescue boats on MODUs in other than international service has been removed from Table 108.575(b).

**Survival craft numbering.** One comment objected to the survival craft numbering for MODUs, stating that it was different from the systems now

used on many MODUs. This would lead to unnecessary renumbering of survival craft and modification of muster lists, training materials, and markings.

The Coast Guard agrees with the comment and has revised § 108.646(c) so that a particular numbering system does not need to be followed. The IMO MODU Code does not prescribe a numbering system.

**Length and beam markings.** Two comments suggested deletion of the requirement to mark the length and beam of the lifeboat on the bow of the boat.

The Coast Guard agrees with the comment and has revised §§ 108.645(a)(2) and 199.176(a)(2).

**Stowage location markings.** One comment stated that the requirement in § 108.645(a) to mark lifesaving equipment stowage locations with the symbols in IMO Res. A.760 was unnecessarily prescriptive and should not be mandatory.

The Coast Guard does not agree with the comment. Since crew and industrial personnel will often move from one MODU to another, it is important to have a standardized system of markings for emergency equipment and procedures. The IMO Res. A.760 markings have been available for about 10 years and are now a world standard. They are available from several sources and are already printed in photoluminescent ink on self-adhesive backings, making them very easy and economical to use.

**Muster list requirements.** Two comments recommended a division of the muster list requirement in § 108.901 into two sections, one addressing muster lists and the other addressing station bills. The comments defined a muster list as a list of the persons on board and their station, and defined the station bill as the listing of emergency duties of all on board. One of the comments said that it will take time and money to change the name of the station bill to "muster list" on all units. The comment also stated that the section was far more detailed than necessary, but did not specify which sections should be deleted.

The comments may be technically correct, but the Coast Guard has not made a distinction between "muster lists" and "station bills" in the past, nor is it made internationally. The Coast Guard regulations previously addressed both of these purposes under "station bill" and is changing its terminology to the more internationally accepted "muster list." Accordingly, no revision has been made. Units may continue to use the term "station bill" for the muster list if they wish. The section

does not specify what the title of the muster list should be. However, the Coast Guard recommends the eventual changeover to "muster list" for consistency with these regulations and with international terminology.

**Reports to the OCMI.** Three comments suggested that the OCMI be notified only in the case of *extensive* repairs to fire detecting and extinguishing equipment. For example, replacement of defective sensors or circuit cards are "normal" repairs that should not have to be reported.

The Coast Guard agrees that there is no reason to report minor repairs to this equipment and has made the suggested revision to § 109.425.

**Delay in annual servicing.** Sections 109.301(g)(1)(ii) and (h)(1) allow a 5-month delay in the annual servicing of inflatable lifesaving appliances and hydrostatic release units until the unit's next scheduled inspection. Two comments suggested revising these paragraphs to allow the delay until the unit's next scheduled lifesaving equipment inspection under § 109.301(f).

The Coast Guard does not agree with the comments. SOLAS allows a delay in servicing of up to five months to coincide with a vessel's inspection for certification when other items of equipment are often replaced or repaired. The new IMO Life-Saving Appliances (LSA) Code becomes effective on July 1, 1998, and allows extensions only when servicing within the 12-month interval is "impracticable." Since the lifesaving equipment used on MODUs is built to SOLAS standards, it is appropriate that the SOLAS servicing requirements apply to this equipment.

#### Editorial Revisions

This final rule contains a number of editorial revisions. Many of these revisions insert missing words, delete extra words, or correct other small errors. These corrections are not discussed in detail here. Other editorial revisions include:

(1) Section 28.130(d) of Title 46 requires additional lifesaving equipment carried aboard uninspected commercial fishing vessels to meet the installation, arrangement, equipment, and maintenance requirements contained in 46 CFR part 94. Since the interim rule removed part 94, this reference has been changed to 46 CFR part 199.

(2) Section 107.231(w) was removed by the interim rule; however, this paragraph was inadvertently published in the October 1, 1996, revision of the Code of Federal Regulations. Section

107.231(w) is removed under this final rule.

(3) Section 108.500(b) requires surface type units to meet the lifesaving system requirements of subchapter W. The intent of this paragraph, as made clear in the preamble of the interim rule, was to require drillships to meet the requirements of subchapter W and not the requirements for other types of surface units. Therefore, a definition of "drillship" has been added to § 107.111, and the term "surface unit" as it appeared in the interim rule has been changed to "drillship" in § 108.500.

(4) Two comments indicated that the reference to "devices for protection in launching areas" in § 109.213(a)(2)(vi) on training material was not clear. The devices referred to are water spray systems used to protect aluminum lifeboats or launching appliances. The Coast Guard agrees with the comments and has revised the section to read as follows: "The method and use of water spray systems in launching areas, where required for the protection of aluminum survival craft or launching appliances." A similar revision has been made to § 199.180(a)(2)(vi).

(5) Three comments indicated that the meaning of "detection" equipment was not clear in § 109.213(a)(2)(ix). Detection means the determination of the location of survivors or survival craft and is defined as such in § 199.30, but no similar definition was inserted in the subchapter I-A definitions in § 107.111. Instead of adding the definition of detection to § 107.111, the Coast Guard has revised § 109.213(a)(2)(ix) to include the definition in the text so that the text will be clearer. A similar revision has been made to § 199.180(a)(2)(ix). A related revision to clarify the meaning of "detection equipment" has been made to § 109.213(g)(7)(v)(G).

(6) Section 133.160(a) has been revised to identify the approval series for rescue boat launching equipment which were inadvertently omitted from the interim rule. These are the same approval series identified for rescue boats in 46 CFR part 199.

(7) One Coast Guard office noted that Table 199.610(a) taken in conjunction with § 199.610(a) could be confusing. For instance, is a vessel in lakes, bays and sounds service on a run of more than 30 minutes duration required to have distress signals or not? Section 199.610(a)(2) implies that it is. Table 199.610(a) says it is exempt from the requirement, which is what was intended. To eliminate such confusion, §§ 199.610(a)(1) through (a)(4) have been removed, and the provisions of

those sections have been added to Table 199.610(a).

(8) Section 199.630(c) has been revised to make it clear that SOLAS B liferafts may be used in ocean service within 50 miles of shore and in other domestic services. These liferafts are permitted to be used on passenger vessels engaged in short international voyage service under § 199.201(a)(2)(ii), and are satisfactory for these domestic services as well.

(9) Section 199.630(f) has been revised to state that as an alternative to the survival craft requirements, certain vessels *may* have a safety assessment. In the interim rule, the word *must* was used, possibly implying that this was not an alternative as intended. All of the other sections under § 199.630 use the word *may* so this change makes § 199.630(f) consistent.

#### Incorporation by Reference

The Director of the Federal Register has approved the material in §§ 108.101, 125.180, and 199.05 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are available from the sources listed in these sections.

#### Assessment

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866. However, due to its nature, it has been reviewed by the Office of Management and Budget under that order. It requires an assessment of potential costs and benefits under section 6(a)(3) of that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

A final assessment is available in the docket for inspection or copying where indicated under "ADDRESSES." The Assessment is summarized as follows.

This rule applies to all U.S. inspected passenger vessels 100 tons gross tonnage and over, cargo vessels, tankships, manned cargo and tank barges, oceanographic research vessels, nautical school vessels (with the exception of sailing school ships), OSVs, and MODUs. Coast Guard records list 1,030 vessels that do not have SOLAS, MODU, or Special Purpose Vessel Code certificates (179 passenger vessels, 120 cargo vessels, 48 tankships, 12 manned barges, 4 oceanographic research vessels, 8 nautical school vessels, 567 OSVs, and 92 MODUs) that are currently operating under the U.S. flag, and will be affected by this rule. Because the regulations in this Final Rule are based on SOLAS, the IMO MODU Code, and the IMO Special

Purpose Vessel Code, vessels with certificates indicating compliance with these standards will not be substantially affected by this rule. Therefore vessels with SOLAS, MODU, or Special Purpose Vessel Code certificates are not included in the Regulatory Assessment.

#### Industry Costs

Industry cost for this rule is estimated based on the implementation cost to vessels constructed before the effective date of the rule, the implementation cost to new vessels, and the recurring cost to all vessels for replacement of appliances as they become unseaworthy.

Compliance cost of this rule will total about \$56.9 million. The present value of the costs totals \$43.7 million. This reflects a 7 percent discount to 1998 of the projected future estimated costs of this Interim Rule in accordance with current Office of Management and Budget guidance. Passenger vessels account for an estimated 80 percent of total compliance costs, and 86 percent of total recurring costs. OSVs and MODUs together account for 12 percent; cargo vessels, tankships and manned barges together account for 5 percent; and oceanographic research and nautical school vessels account for the remainder of the costs.

#### Comments on the Regulatory Assessment for the Interim Rule

Two comments to the IR stated that the statistical estimates and estimated costs did not justify a "doubling" of the lifeboat capacity on MODUs. MODUs have the lowest projected benefit by factor of 3. The Coast Guard's past experience in handling MODU casualties has demonstrated a tendency for lifeboats to be lost or made unavailable during a casualty. This was confirmed by the inclusion of a requirement for redundant lifesaving capacity in the 1989 edition of the IMO code for the construction of MODUs. The Coast Guard has determined that the IMO MODU Code requirements are appropriate, and has adopted them for this rule.

One comment disagreed with the cost estimates in the RA. Another disagreed with the assumption that the number of passenger vessels was decreasing, and with the assumption that the average number of passengers carried was 500, feeling that the number should be larger. The comment did not suggest a particular average number for passenger vessels nor did it suggest another method to determine the average number. The Coast Guard has revised the RA, and has considered the alternative cost estimates and passenger capacity issues. The RA does not make

the assumption that the number of passenger vessels is decreasing, as the comment asserts. Rather it assumes that the annual estimate of new vessels is directly proportional to the number of vessels that will retire annually, therefore resulting in a constant vessel population. The final RA uses the actual number of persons that passenger vessels are certificated to carry, therefore making the determination of an average passenger capacity unnecessary.

Two comments suggested withdrawal of Subchapter W on the basis that the RA did not demonstrate that there was a need for the regulation, in that no lives had been lost in the entire passenger vessel industry over the past five years. The comments also alleged that procedural errors had been made in the development of the rules and that it was not cost-beneficial.

Two comments challenged the IR Regulatory Assessment as flawed, with respect to passenger vessels in domestic services and concluded that the analysis stated that 124 lives had been lost over the past five years on 161 domestic passenger vessels, when in fact, no lives had been lost. One of the comments included an extensive analysis of the Coast Guard's casualty data to support the point. The other comment objected to having to prepare a safety assessment in order to maintain the status quo on lifesaving equipment, when the vessel has always operated safely. The Regulatory Assessment for the IR did not say that 124 lives had been lost over the past 5 years, but that 124 lives were at risk during that period. However, in response to these concerns the Regulatory Assessment has been revised for passenger vessels, using a different methodology which is discussed below.

The Coast Guard agrees that the industry has operated safely over the years. However, in dealing with large numbers of people using a statistically small number of vessels, the past safety record cannot accurately predict a future absence of serious accidents. To address low probability/high consequence events, a valid risk analysis is needed, and that is the intent

of the safety assessment alternative. The Coast Guard views the development of a safety assessment as an important cooperative effort between the operators, the Coast Guard, and potential responders to make sure that the industry continues to operate safely.

One comment stated that a particular ferry system had operated in 1996 without a mishap, and that this safety record should be strong enough to justify no increase in safety equipment. Other comments, citing a particular operation, stated that there had never been a serious accident and implied that lifesaving equipment will therefore not be needed. The Coast Guard has not categorically analyzed 1996 data for particular ferry systems mishaps, but incidents of groundings, collisions, loss of power, near-misses and other problems have been recorded during this period. Although the Coast Guard agrees that these operations are very safe, they are not risk-free. The challenge is to determine the level of risk and to require appropriate mitigating steps. The Coast Guard notes that many domestic passenger vessel operations have excellent safety records, but that does not obviate the need to be prepared for serious casualties. A safety assessment may indeed reveal that one or more alternative lifesaving arrangements provide an equivalent safety level. The rule allows these alternatives to be evaluated on an ad hoc basis. The Coast Guard believes the safety assessment provides industry with the flexibility to justify different types of lifesaving arrangements.

One comment objected to the requirement in the interim rule for inflatable buoyant apparatus (IBA) to be carried on a particular gaming vessel operation, and listed reasons why IBAs were unnecessary and detailed the high cost of compliance. The Coast Guard believes that survival craft may not be necessary in this particular operation, as it was described in the comment letter. The option in § 199.630(f) allows for the development of a safety assessment, which will be the appropriate way to justify alternative lifesaving arrangements.

One comment noted that a safety assessment could cost as much as \$10,000 or \$20,000, and that this shall be reflected in the RA. The Coast Guard agrees with the estimate, and has based the RA on a similar estimate for passenger vessels in lakes, bays and sounds, and in rivers service.

Some operators commented that much of the expense of meeting the IR requirements will come from hiring persons to be on board solely for the purpose of being available to launch and operate the IBA. The Coast Guard has revised the regulations to provide for the possibility of reducing some of the cost impact of the additional manning required, recognizing that some launching and embarkation arrangements might not require a trained person to be placed in charge of each IBA. These cost-reducing arrangements are not accounted for in the RA to ensure that costs are not underestimated.

One comment suggested that revised rules for domestic passenger vessels not be published without first publishing a supplemental notice of proposed rulemaking supported by a new RA. The Coast Guard has revised the RA based on comments to the IR. However, the Coast Guard does not agree that a supplemental notice of proposed rulemaking will add any new or useful information. This project began in 1984. There have been opportunities to comment on an advance notice of proposed rulemaking, a notice of proposed rulemaking, an interim rule, and during two public hearings.

**Summary of Changes to the Regulatory Analysis That Supports the FR**

*Passenger Vessels*

The changes to costs and benefits in the regulatory analysis include costs borne by passenger vessels operating on lakes, bays and sounds, and river routes. The changes reflect modifications made based on public comments identified above. The following matrix shows differences between the costs and benefits identified in both the IR and FR.

Interim rule	Final rule
<ul style="list-style-type: none"> <li>• Granted certain passenger vessels survival craft carriage exceptions and required carriage of Inflatable Buoyant Apparatuses (IBAs) to accommodate 100 percent of passengers carried aboard.</li> <li>• Estimated safety plan development costs at \$900,000 .....</li> <li>• Did not estimate additional manning costs associated with retrofitting IBAs.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires all passenger vessels operating on lakes, bays and sounds, and river routes to carry IBAs to accommodate 67 percent of the number of persons on board or develop a safety management plan for approval by the OCMI.</li> <li>• Estimates safety plan development costs at \$8.2M.</li> <li>• Estimates manning costs associated with retrofitting IBAs at \$25.4M through 2003.</li> </ul>

Interim rule	Final rule
<ul style="list-style-type: none"> <li>Employed Coast Guard's Search and Rescue Mission Information System rescue cases to assess the number of lives that were put at risk in capsizings, fires and explosions, flooding and sinking and collisions over the five year period preceding publication of the IR. Used this number to estimate the number of persons likely to be at risk.</li> </ul>	<ul style="list-style-type: none"> <li>Employs MSIS vessel records of close calls (groundings, allisions, collisions, fire/explosion) and uses anticipated passenger vessel traffic growth as a basis for quantifying risk in the future.</li> <li>Estimates a 50 percent probability that an incident will occur between 2004–2013 that will require abandoning the vessel.</li> <li>Considers the probability of an event occurring in 2004 (1st full year of effectiveness) or in 2013 (10th full year of effectiveness) to yield a benefit range.</li> </ul>
<ul style="list-style-type: none"> <li>Estimated total costs at \$5.88M<sup>1</sup> for passenger vessels .....</li> </ul>	<ul style="list-style-type: none"> <li>Estimates passenger vessel (over 100 gt) costs, manning and equipment, accumulated through 2004 to be \$45.6M<sup>1</sup> accumulating to \$109.2M<sup>1</sup> by 2013. Annual costs peak at \$18.6M (\$100,000/vessel) in 2004 and stabilize at \$13.7M (\$74,000/vessel) thereafter.</li> </ul>
<ul style="list-style-type: none"> <li>Total benefits to passenger vessels (over 100 gt) were estimated to range from .8 to 4.8 lives saved or \$810,000<sup>1</sup> to \$2.73M<sup>1</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Estimates the benefits of this rule in terms of lives saved to be 155 lives. Dollar values for these lives saved range from a high of \$298.4M<sup>1</sup> to a low of \$162.3M<sup>1</sup> should a passenger vessel accident occur in 2004 or 2013 respectively.</li> </ul>
<ul style="list-style-type: none"> <li>Performed a cost-benefit analysis .....</li> </ul>	<ul style="list-style-type: none"> <li>Added a sensitivity analysis to the cost-benefit analysis to portray alternative scenarios.</li> </ul>

<sup>1</sup> Totals are in discounted (present value) dollars.

**Other Costs and Benefits in the Final RA**

- Cost and benefit estimates for cargo vessels, tank ships, manned cargo and tank barges, oceanographic research vessels, nautical school vessels, and mobile offshore drilling units are the same in both the IR and FR.
- Total costs for these vessels are estimated at \$13.7 million.
- Total benefits for these vessels are estimated to range from \$2.3 million to \$16.9 million.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this Final Rule will have a significant economic impact on 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). "Small entities" also include not-for-profit organizations and small governmental jurisdictions.

The interim rule considered small business impact for vessels privately held by independent companies with less than 500 employees. It was determined that the FR would affect certain offshore supply vessels operating primarily in the Gulf of Mexico. About one-half of the OSV population is owned by 35 vessel owners, each having nine or fewer OSV's. Information provided by the International Association of Drilling Contractors and the Passenger Vessel Association, show that there is one MODU and about 10 percent of subchapter H passenger vessels that will be given consideration under the Regulatory Flexibility Act.

Flexibilities offered to vessel operators include a five-year implementation period for passenger and cargo vessels to comply with survival craft requirements. Passenger vessels may opt for meeting survival craft requirements by using the SSMACP alternative. Additionally, operators required to meet the EPIRB requirement may do so over a two-year period. Because of these accommodations, the Coast Guard certifies that this FR will not have a significant economic impact on a substantial number of small entities.

**Assistance for Small Entities**

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

**Collection of Information**

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

This FR contains collection-of-information requirements. The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them.

The section numbers and the corresponding OMB approval numbers are as follows:

a. 31.36–1 .....	2115–0071
b. 35.07–10 .....	2115–0071
c. 35.10–1 .....	2115–0071
d. 35.10–5 .....	2115–0576, 2115–0577
e. 35.40–40 .....	2115–0577
f. 70.28–1 .....	2115–0071
g. 78.13–1 .....	2115–0576, 2115–0577
h. 78.17–50 .....	2115–0071
i. 78.37–5 .....	2115–0071
j. 78.47–45 .....	2115–0577
k. 90.27–1 .....	2115–0071
l. 97.13–1 .....	2115–0576, 2115–0577
m. 97.15–35 .....	2115–0071
n. 97.35–5 .....	2115–0071
o. 97.37–42 .....	2115–0577
p. 107.305 .....	2115–0554
q. 108.105 .....	2115–0554
r. 108.645 .....	2115–0577
s. 108.646 .....	2115–0577
t. 108.647 .....	2115–0577
u. 108.649 .....	2115–0577
v. 108.650 .....	2115–0577
w. 108.655 .....	2115–0577
x. 108.901 .....	2115–0557
y. 109.213 .....	2115–0071
z. 109.301 .....	2115–0071
aa. 109.323 .....	2115–0576, 2115–0557
ab. 109.425 .....	2115–0007
ac. 109.433 .....	2115–0071
ad. 133.40 .....	2115–0554
ae. 133.70 .....	2115–0577
af. 133.80 .....	2115–0577
ag. 133.90 .....	2115–0577
ah. 167.55–5 .....	2115–0577
ai. 167.65–1 .....	2115–0071
aj. 188.27–1 .....	2115–0071
ak. 195.06–1 .....	2115–0071
al. 196.13–1 .....	2115–0576, 2115–0577
am. 196.15–35 .....	2115–0071
an. 196.35–5 .....	2115–0071
ao. 196.37–37 .....	2115–0577
ap. 199.10 .....	2115–0007
aq. 199.40 .....	2115–0554
ar. 199.60 .....	2115–0577

as. 199.70 .....	2115-0577
at. 199.80 .....	2115-0577
au. 199.90 .....	2115-0577
av. 199.100 .....	2115-0576, 2115-0577
aw. 199.175 .....	2115-0577
ax. 199.176 .....	2115-0577
ay. 199.178 .....	2115-0577
az. 199.180 .....	2115-0071, 2115-0577
ba. 199.190 .....	2115-0071
bb. 199.217 .....	2115-0577
bc. 199.640 .....	2115-0577

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612. Because of the minimal estimated cost to State and local governments, the Coast Guard believes that preparation of a Federalism Assessment is not warranted.

The United States Coast Guard has historically inspected vessels for their compliance with Federal regulations and international standards to which the United States is a party that address the safety of vessels and protection of life and property at sea and on waters over which the United States exercises jurisdiction. Many of these regulations implement the provisions of the International Convention for the Safety of Life at Sea, 1974, (SOLAS) as amended, to which the United States is a party. As a party to the convention, the United States has agreed to implement its provisions for vessels flying the flag of the United States and to apply these provisions to foreign vessels in accordance with the enforcement regime established within the Convention. In addition, the certificates of inspection and SOLAS certificates issued to vessels by the United States Coast Guard as a result of the comprehensive inspection program of which these regulations are a part indicates that the vessels are safe for the service in which they are engaged. Actions by state and local governments that seek to impose different standards than those imposed by these regulations would frustrate the desire of Congress to impose uniform, international and national standards relating to the lifesaving equipment and systems for vessels subject to inspection under Subtitle II of Title 46, U.S. Code. For these reasons, it is the Coast Guard's opinion that the Supremacy Clause of the Constitution would preempt state and local regulations that seek to impose different or higher standards

than those established in these regulations.

### Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, 109 Stat. 48, requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A "Federal mandate," is a new or additional enforceable duty, imposed on any State, local or tribal government, or the private sector. If any Federal mandate causes those entities, to spend, in the aggregate, \$100 million or more in any one year the UMRA analysis is required.

Much of the information required in a budgetary impact statement is in the final regulatory assessment for this rule. State and local governments account for about 42 percent of the 157 passenger vessels that will require additional survival craft. The total first-year cost to public vessels will be \$185,677 in current dollars. Other costs to public vessels, implemented between 2000 and 2003, total \$17.2 million in current dollars. Total annual recurring costs to public vessels are \$5.8 million in current dollars in 2004, and decrease annually thereafter on a present value dollar basis.

The UMRA analysis is not required because this rule results in an expenditure of less than \$100 million per year by State, local, or tribal governments, or the private sector.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Figure 2-1(34) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule enhances the safety and survivability of personnel at sea, as well as improves the effectiveness of search and rescue. It is expected to have no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects

#### 46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

#### 46 CFR Part 107

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

#### 46 CFR Part 108

Fire prevention, Incorporation by reference, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

#### 46 CFR Part 109

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

#### 46 CFR Part 133

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

#### 46 CFR Part 168

Occupational safety and health, Schools, Seamen, Vessels.

#### 46 CFR Part 199

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

For the reasons discussed in the preamble, part 28 is amended and the Interim Rule amending 46 CFR chapter I which was published at 61 FR 25272 on May 20, 1996, is adopted as final with the following changes to parts 107, 108, 109, 133, and 199:

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

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

**Authority:** 46 U.S.C. 3316, 4502, 4505, 4506 6104, 10603; 49 CFR 1.46.

#### § 28.130 [Amended]

2. In § 28.130(d), remove the phrase "46 CFR part 94" and add, in its place, the phrase "46 CFR part 199".

### PART 107—INSPECTION AND CERTIFICATION

3. The authority citation for part 107 is revised to read as follows:

**Authority:** 43 U.S.C. 1333; 46 U.S.C. 3306; 46 U.S.C. 3316; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

4. In § 107.111, add definitions in alphabetical order, for "drillship" and "widely-separated locations" to read as follows:

**§ 107.111 Definitions.**

\* \* \* \* \*  
*Drillship* means a surface type unit with a single shipshape displacement hull.  
 \* \* \* \* \*

*Widely-separated locations* as the term applies to the location of lifeboats on self-elevating units, means locations on different sides or ends of the unit separated by sufficient distance or structure to protect the lifeboats in one location from a fire or explosion occurring at or near the lifeboats in another location on the unit. Locations across from each other at the apex of a unit with a triangular deck are not widely-separated locations unless there is a substantial solid structure between them.

**§ 107.231 [Amended]**

5. In § 107.231 remove paragraph(w).  
 6. In § 107.305 revise paragraph(cc) to read as follows:

**§ 107.305 Plans and information.**

\* \* \* \* \*  
 (cc) The design weight of each lifeboat, rescue boat, and davit-launched liferaft when fully equipped and loaded.  
 \* \* \* \* \*

**PART 108—DESIGN AND EQUIPMENT**

7. The authority citation for part 108 continues to read as follows:

**Authority:** 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; 49 CFR 1.46.

8. In § 108.500 revise paragraphs (a) and (b) to read as follows:

**§ 108.500 General.**

(a) Each unit, other than a drillship, must meet the requirements in this subpart.

(b) Each drillship must meet the lifesaving system requirements in subchapter W of this chapter for a tank vessel certificated to carry cargoes that have a flash point less than 60° C as determined under ASTM D-93-94.  
 \* \* \* \* \*

9. In § 108.540 revise paragraphs (h)(3) and (h)(4) to read as follows:

**§ 108.540 Survival craft muster and embarkation arrangements.**

\* \* \* \* \*  
 (h) \* \* \*  
 (3) If the embarkation ladders cannot be supported against a vertical flat surface, the unit must instead be provided with at least two widely-separated fixed metal ladders or stairways extending from the deck to the surface of the water and meet the following:

- (i) Each inclined fixed ladder must meet the requirements under § 108.159.
- (ii) Each vertical fixed ladder must meet the requirements under § 108.160 for fixed ladders, except that the vertical bars in cages must be open at least 500 millimeters (20 inches) on one side throughout the length of the ladder, and cages are not required in the area subject to wave action or on ladders inside the legs of a self-elevating unit.
- (iii) If a fixed ladder cannot be installed, the OCMI may accept an alternate means of embarkation with sufficient capacity for all persons

permitted on board to safely descend to the waterline.

(4) Alternate means of embarkation under paragraphs (h)(1)(ii) and (h)(3) of this section, such as portable slides, safety booms, moveable ladders, elevators, and controlled descent devices, must be acceptable to the OCMI. An alternate means of embarkation must have sufficient capacity to permit persons to safely descend to the waterline at a rate comparable to the device which the alternate means of embarkation replaces.

10. In § 108.565 revise paragraph (a)(3) to read as follows:

**§ 108.565 Stowage of rescue boats.**

(a) \* \* \*  
 (3) Each rescue boat must be stowed in a way that neither the rescue boat nor its stowage arrangements will interfere with the operation of any survival craft at any other launching station.  
 \* \* \* \* \*

**§ 108.570 [Amended]**

11. In § 108.570, in paragraph (c)(1), remove the number “§ 108.510” and add, in its place, the number “§ 108.540”.

12. In § 108.575, revise entries 20 and 38 of Table 108.575(b) to read as follows:

**§ 108.575 Survival craft and rescue boat equipment.**

\* \* \* \* \*

TABLE 108.575(b)—SURVIVAL CRAFT EQUIPMENT

Item No.	Item	International service			Other than international service		
		Lifeboat	Rigid liferaft	Rescue boat	Lifeboat	Rigid liferaft	Rescue boat
20	Oars (units) <sup>5 6</sup> Paddles	1	2	1		2	
38	Tool Kit	1			1		

\* \* \* \* \*  
 13. In § 108.580 revise paragraphs (b)(3)(i) and (c)(2)(i) to read as follows:

**§ 108.580 Personal lifesaving appliances.**

\* \* \* \* \*  
 (b) \* \* \*  
 (3) \* \* \*  
 (i) Each lifejacket must have a lifejacket light approved under approval series 161.112 securely attached to the front shoulder area of the lifejacket. On

a unit not in international service, a light approved under approval series 161.012 may be used. However, lifejacket lights bearing Coast Guard approval number 161.012/2/1 are not permitted unless the unit is certificated to operate only on waters between 32° N and 32° S latitude.  
 \* \* \* \* \*

- (c) \* \* \*
- (2) \* \* \*

(i) Each immersion suit or anti-exposure suit must have a lifejacket light approved under approval series 161.112 securely attached to the front shoulder area of the immersion suit or anti-exposure suit. On a unit not in international service, a light approved under approval series 161.012 may be used. However, lifejacket lights bearing Coast Guard approval number 161.012/2/1 are not permitted on units certificated to operate on waters where

water temperature may drop below 10° C (50° F).

14. In § 108.645 revise paragraphs (a)(1)(ii), (a)(2), and (b)(2) to read as follows:

**§ 108.645 Markings on lifesaving appliances.**

- (a) \* \* \*
- (1) \* \* \*

(ii) The name of the port required to be marked on the unit to meet the requirements of subpart 67.123 of this chapter.

(2) The number of persons the boat is equipped for, which may not exceed the number shown on its nameplate, must be clearly marked in permanent characters.

- (b) \* \* \*

(2) The name of the port required to be marked on the unit to meet the requirements of subpart 67.123 of this chapter.

15. In § 108.646 revise paragraph (c) to read as follows:

**§ 108.646 Marking of stowage locations.**

- (c) Survival craft should be numbered.

15. In § 108.649, revise paragraphs(b), (c), (e)(1), and (g) to read as follows:

**§ 108.649 Lifejackets, immersion suits, and lifebuoys.**

(b) The stowage positions for lifejackets, other than lifejackets stowed in staterooms, must be marked with either the word "LIFEJACKET" or with the appropriate symbol from IMO Resolution A.760(18).

(c) Each immersion suit or anti-exposure suit must be marked to identify the person or unit to which it belongs.

- (e) \* \* \*

(1) In block capital letters with the unit's name and with the name of the port required to be marked on the unit under subpart 67.123 of this chapter; and

(g) Each lifejacket, immersion suit, and anti-exposure suit container must be marked in block capital letters and numbers with the minimum quantity, identity, and if sizes other than adult or universal sizes are used on the unit, the size of the equipment stowed inside the container. The equipment may be identified in words or with the appropriate symbol from IMO Resolution A.760(18).

17. In § 108.901 revise paragraphs (b) introductory text, (b)(6) introductory text, (b)(6)(ix), (b)(6)(x), (b)(7) introductory text, and (c) introductory text, to read as follows:

**§ 108.901 Muster list and emergency instructions.**

(b) *Muster list.* Copies of the muster list must be posted in conspicuous places throughout the unit including on the navigating bridge, in the control room, and in accommodation spaces. The muster list must be posted at all times while the unit is in service. After the muster list has been prepared, if any change takes place that necessitates an alteration in the muster list, the person in charge must either revise the muster list or prepare a new one. Muster lists must provide the following information:

(6) The muster list must specify the duties assigned to the different industrial personnel and members of the crew that include—

(ix) Cover the duties of the crew and industrial personnel in case of collisions or other serious casualties; and

(x) Cover the duties of the crew and industrial personnel in case of severe storms.

(7) Each muster list must specify the duties assigned to industrial personnel and members of the crew in relation to visitors and other persons on board in case of an emergency that include—

(c) *Emergency instructions.* Illustrations and instructions in English and any other appropriate language, as determined by the OCMI, must be posted in each cabin used for persons who are not members of the crew or industrial personnel. They must be conspicuously displayed at each muster station and in other accommodation spaces to inform personnel of—

**PART 109—OPERATIONS**

18. The authority citation for part 109 continues to read as follows:

**Authority:** 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; 49 CFR 1.46.

19. In § 109.213 revise paragraphs (a)(2)(vi), (a)(2)(ix), (b), (c)(2), (d)(5), (d)(7), (f)(2)(vii), (g)(7)(v)(G) and (h)(1)(iv) to read as follows:

**§ 109.213 Emergency training and drills.**

- (a) \* \* \*
- (2) \* \* \*

(vi) The method and use of water spray systems in launching areas when

required for the protection of aluminum survival craft or launching appliances;

(ix) The use of all detection equipment for the location of survivors or survival craft;

(b) *Familiarity with emergency procedures.* Each of the crew members and industrial personnel with assigned emergency duties on the muster list must be familiar with their assigned duties before working on the unit.

(2) Each of the crew members and industrial personnel must participate in at least one abandonment drill and one fire drill every month. Drills must take place within 24 hours of a change in crew or industrial personnel if more than 25 percent of the persons on board have not participated in an abandonment and fire drills on board the unit in the previous month.

(5) If a unit is fitted with marine evacuation systems, drills must include an exercising of the procedures required for the deployment of such a system up to the point immediately preceding actual deployment of the system. This aspect of drills should be augmented by regular instruction using the on board training aids. Additionally, members of the crew or industrial personnel assigned to duties involving the marine evacuation system must be further trained by participation in a full deployment of a similar system into water, either on board a unit or ashore, at intervals normally not longer than 2 years, but in no case longer than 3 years.

(7) On a unit carrying immersion suits or anti-exposure suits, immersion suits or anti-exposure suits must be worn by crew members and industrial personnel in at least one abandonment drill in any three-month period. If wearing the suit is impracticable due to warm weather, the crew members must be instructed on its donning and use.

(vii) Simulated operation of remote controls for stopping ventilation and fuel supplies to machinery spaces.

(G) Operating equipment provided to aid in the detection of the survival craft by others, including radio distress

alerting and radio emergency procedures; and

\* \* \* \* \*

(h) \* \* \*

(1) \* \* \*

(iv) Logbook entries must identify crew members and industrial personnel participating in drills or training sessions.

\* \* \* \* \*

20. In § 109.301 revise paragraphs (d)(2) and (g)(4) to read as follows:

**§ 109.301 Operational readiness, maintenance, and inspection of lifesaving equipment.**

\* \* \* \* \*

(d) \* \* \*

(2) Each lifeboat engine and rescue boat engine must be run ahead and astern for a total of not less than 3 minutes, unless the ambient air temperature is below the minimum temperature required for starting the engine. During this time, demonstrations should indicate that the gear box and gear box train are engaging satisfactorily. If the special characteristics of an outboard motor fitted to a rescue boat would not allow the outboard motor to be run other than with its propeller submerged for a period of 3 minutes, the outboard motor should be run for such period as prescribed in the manufacturer's handbook.

\* \* \* \* \*

(g) \* \* \*

(4) Each inflated rescue boat must be repaired and maintained in accordance with the manufacturer's instructions. All repairs to inflated chambers must be made at a servicing facility approved by the Commandant, except for emergency repairs carried out on board the unit.

\* \* \* \* \*

21. Revise § 109.425 to read as follows:

**§ 109.425 Repairs and alterations: Fire detecting and extinguishing equipment.**

(a) Before making repairs or alterations, except for routine maintenance, minor repairs, or emergency repairs or alterations to fire detecting and extinguishing equipment, the master or person in charge must report the nature of the repairs or alterations to the OCMI.

(b) When emergency repairs or alterations, other than minor emergency repairs, have been made to fire-detecting or fire-extinguishing equipment, the master or person in charge must report the nature of the repairs or alterations to the OCMI.

**PART 133—LIFESAVING SYSTEMS**

22. The authority citation for part 133 continues to read as follows:

**Authority:** 46 U.S.C. 3306; 46 CFR 1.46.

23. In § 133.70 revise paragraphs (a)(3)(ii), (b)(4), (c)(3) and (c)(4) to read as follows:

**§ 133.70 Personal lifesaving appliances.**

(a) \* \* \*

(3) \* \* \*

(ii) Each lifebuoy must be marked in block capital letters with the name of the OSV and the name of the port required to be marked on the stern of the OSV under subpart 67.123 of this chapter.

\* \* \* \* \*

(b) \* \* \*

(4) *Lifejacket lights.* Each lifejacket must have a lifejacket light approved under approval series 161.112 or 161.012 securely attached to the front shoulder area of the lifejacket. However, lifejacket lights bearing Coast Guard approval number 161.012/2/1 are not permitted on OSVs certificated to operate on waters where water temperature may drop below 10° C (50° F).

\* \* \* \* \*

(c) \* \* \*

(3) *Markings.* Each immersion suit or anti-exposure suit must be marked in such a way as to identify the person or OSV to which it belongs.

(4) *Lights for immersion suits or anti-exposure suits.* Each immersion suit or anti-exposure suit must have a lifejacket light approved under approval series 161.112 or 161.012 securely attached to the front shoulder area of the immersion suit or anti-exposure suit. However, lifejacket lights bearing Coast Guard approval number 161.012/2/1 are not permitted on OSVs certificated to operate on waters where water temperature may drop below 10° C (50° F).

\* \* \* \* \*

24. In § 133.130 revise paragraph (a)(2) to read as follows:

**§ 133.130 Stowage of survival craft.**

(a) \* \* \*

(1) \* \* \*

(2) Each survival craft must be stowed in a way that neither the survival craft nor its stowage arrangements will interfere with the embarkation and operation of any other survival craft or rescue boat at any other launching station.

\* \* \* \* \*

25. In § 133.150 revise paragraph (c)(6) to read as follows:

**§ 133.150 Survival craft launching and recovery arrangements: General.**

\* \* \* \* \*

(c) \* \* \*

(6) Liferrafts installed on liftboats.

\* \* \* \* \*

26. In § 133.160 revise paragraph (a) to read as follows:

**§ 133.160 Rescue boat embarkation, launching and recovery arrangements.**

(a) Each davit for a rescue boat must be approved under approval series 160.132 with a winch approved under approval series 160.115. If the launching arrangement uses a single fall, the davit may be of a type which is turned out manually, and the release mechanism may be an automatic disengaging apparatus approved under approval series 160.170 instead of a lifeboat release mechanism. Each rescue boat must be able to be boarded and launched directly from the stowed position with the number of persons assigned to crew the rescue boat on board. If the rescue boat is also a lifeboat and the other lifeboats are boarded and launched from an embarkation deck, the arrangements must be such that the rescue boat can also be boarded and launched from the embarkation deck.

\* \* \* \* \*

**PART 168—CIVILIAN NAUTICAL SCHOOL VESSELS**

27. The authority citation for part 168 continues to read as follows:

**Authority:** 46 U.S.C. 3305; 3306; 46 CFR 1.46.

**§ 168.05 [Amended]**

28. In § 168.05-5 remove the word "Accommodations" and add, in its place, the word "Accommodations".

**PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS**

29. The authority citation for part 199 continues to read as follows:

**Authority:** 46 U.S.C. 3306, 3703; 46 CFR 1.46.

30. In § 199.03 revise paragraphs (b)(9) and (b)(10) to read as follows:

**§ 199.03 Relationship to international standards.**

\* \* \* \* \*

(b) \* \* \*

(9) The requirements for guarding of falls in §§ 199.153 (e) and (g) must be met.

(10) The winch drum requirements described in § 199.153(f) must be met for all survival craft winches, including multiple drum winches.

\* \* \* \* \*

31. Revise § 199.10 to read as follows: **§ 199.10 Applicability.** part applies to all vessels inspected under U.S. law as set out in Table 199.10(a).  
 (a) *General.* Unless expressly provided otherwise in this Chapter, this

TABLE 199.10(A).—LIFESAVING REQUIREMENTS FOR INSPECTED VESSELS.

46 CFR Subchapter	Vessel Type	Vessel Service	Subchapter W Subparts applicable <sup>1</sup>						Other <sup>2</sup>
			A	B	C	D	E	F	
D .....	Tank > 500 tons	International voyage <sup>3</sup> .	X	X	.....	X			
D .....	Tank > 500 tons	International voyage <sup>3</sup> .	X	X	.....	X	X	X	
D .....	Tank .....	All other services	X	X	.....	X	X	X	
H .....	Passenger .....	International voyage <sup>3</sup> .	X	X	X	X			
H .....	Passenger .....	Short Inter'l voyage <sup>3</sup> .	X	X	X				
H .....	Passenger .....	All other services	X	X	X	.....	X		
I .....	Cargo > 500 tons	International voyage <sup>3</sup> .	X	X	.....	X			
I .....	Cargo 1< 500 tons.	International voyage <sup>3</sup> .	X	X	.....	X	X		
I .....	Cargo .....	All other services	X	X	.....	X	X	X	
I-A .....	MODU .....	All .....	.....	.....	.....	.....	.....	.....	46 CFR 108
K .....	Small Passenger	International voyage <sup>3</sup> .	X	X	X				
K .....	Small Passenger	Short Inter'l voyage <sup>3</sup> .	X	X	X				
K .....	Small Passenger	All other services	.....	.....	.....	.....	.....	.....	46 CFR 117
L .....	Offshore Supply	All .....	.....	.....	.....	.....	.....	.....	46 CFR 133
R—Part 167 .....	Public Nautical School.	International voyage <sup>3</sup> .	X	X	X <sup>4</sup>	X <sup>5</sup>			
R—Part 167 .....	Public Nautical School.	All other services	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	
R—Part 168 .....	Civilian Nautical School.	International voyage <sup>3</sup> .	X	X	X <sup>4</sup>	X <sup>5</sup>	.....		
R—Part 168 .....	Civilian Nautical School.	All other services	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	
R—Part 169 .....	Sailing School ....	All services .....	.....	.....	.....	.....	.....	.....	46 CFR 169.500
T .....	Small Passenger	International voyage <sup>3</sup> .	X	X	X				
T .....	Small Passenger	Short Int'l voyage <sup>3</sup> .	X	X	X				
T .....	Small Passenger	All other services	.....	.....	.....	.....	.....	.....	46 CFR 180
U .....	Oceanographic Res..	International voyage <sup>3</sup> .	X	X	X <sup>4</sup>	X <sup>5</sup>			
U .....	Oceanographic Res..	All other services	X	X	X <sup>4</sup>	X <sup>5</sup>	X	X	

**Notes:**

<sup>1</sup> Subchapter W does not apply to inspected nonself-propelled vessels without accommodations or work stations on board.

<sup>2</sup> Indicates section where primary lifesaving system requirements are located. Other regulations may also apply.

<sup>3</sup> Not including vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side Anticosti Island, the 63rd meridian.

<sup>4</sup> Applies to vessels carrying more than 50 special personnel, or vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

<sup>5</sup> Applies to vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(b) *Inspected vessels not covered under this subchapter.* This part does not apply to non-self-propelled vessels without accommodations or work stations on board. Unless otherwise required by this chapter, it does not apply to offshore supply vessels; mobile offshore drilling units; small passenger vessels; and sailing school vessels.

(c) *Conversion of cargo vessel to passenger vessel.* For purposes of the application of this part, a cargo vessel, whenever constructed, which is converted to a passenger vessel is deemed to be a passenger vessel that is constructed on the date on which the conversion commences.

(d) *Vessels on international voyages.* This subpart and subparts B, C, and D of this part apply to vessels engaged on international voyages, except—  
 (1) Cargo vessels of less than 500 tons gross tonnage;  
 (2) Vessels not propelled by mechanical means;

(3) Wooden vessels of primitive build; and

(4) Vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and on the north side Anticosti Island, the 63rd meridian.

(5) Tank vessels constructed before October 1, 1996 engaged in voyages between the continental United States and Alaska or Hawaii, and all other vessels engaged on international voyages which were constructed before July 1, 1986, must meet the requirements of §§ 199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.214, 199.217, 199.250, 199.261 (b)(2) and (e), and 199.273, and must fit retro-reflective material on all floating appliances, lifejackets and immersion suits. Except for the requirements of §§ 199.261 (b)(2) and (e), vessels may retain the number, type, and arrangement of lifesaving appliances previously required and approved for the vessel as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(e) *Passenger vessels.* For the purposes of this part, the following vessels must meet the requirements for passenger vessels:

(1) Passenger vessels.

(2) Special purpose vessels carrying more than 50 special personnel.

(3) Special purpose vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(f) *Cargo vessels.* For the purposes of this part, the following vessels must meet the requirements for cargo vessels:

(1) Cargo vessels.

(2) Tank vessels.

(3) Special purpose vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(g) *Subparts applying to vessels on international and short international voyages.* (1) Passenger vessels on international voyages must meet the requirements of this subpart and subparts B and C of this part.

(2) Cargo vessels on international voyages must meet the requirements of this subpart and subparts B and D of this part.

(3) The provisions for passenger vessels on short international voyages in this subpart and subparts B and C of this part do not apply to special purpose

vessels described in paragraphs (f)(2) and (3) of this section.

(h) *Vessels not subject to SOLAS.*

Vessels not on international voyages and vessels listed in paragraph (d) of this section must meet the requirements of this subpart and subparts B, C, D, and E of this part unless otherwise exempted or permitted by subpart F of this part.

(1) Vessels on other than international voyages and vessels listed in paragraph (d) of this section which were constructed prior to October 1, 1996, must—

(i) By October 1, 1999, meet the requirements of §§ 199.70(b)(4)(i), 199.80, 199.90, 199.100, 199.180, 199.190 (paragraph (b) applies as much as practicable), 199.217, 199.250, 199.273, and 199.510, and fit retroreflective material on all floating appliances, lifejackets, and immersion suits;

(ii) By October 1, 2003, passenger vessels must carry the number and type of survival craft specified in table 199.630 of this part and cargo vessels in oceans and coastwise service must carry the number and type of survival craft specified in § 199.261(b)(2) and (e);

(iii) By October 1, 2003, passenger vessels must carry the immersion suits and thermal protective aids specified in § 199.214; and

(iv) Except for the requirements in paragraphs (i)(1)(ii) and (i)(1)(iii) of this section, vessels may retain the number, type, and arrangement of lifesaving equipment, including lifeboats, lifeboat davits, winches, inflatable liferafts, liferaft launching equipment, rescue boats, lifefloats, and buoyant apparatus previously required and approved for the vessel as long as the arrangement or appliance is maintained in good condition to the satisfaction of the OCMI.

(2) This paragraph does not apply to public vessels.

(i) *New lifesaving appliances or arrangements.* When any lifesaving appliance or arrangement on a vessel subject to this part is replaced, or when the vessel undergoes repairs, alterations, or modifications of a major character involving replacement of, or any addition to, the existing lifesaving appliance or arrangements, each new lifesaving appliance and arrangement must meet the requirements of this part, unless the OCMI determines that the vessel cannot accommodate the new appliance or arrangement, except that—

(1) A survival craft is not required to meet the requirements of this part if it is replaced without replacing its davit and winch; and

(2) A davit and its winch are not required to meet the requirements of

this part if one or both are replaced without replacing the survival craft.

(j) *Repairs and alterations to lifesaving appliances.* No extensive repairs or alterations, except in an emergency, may be made to a lifesaving appliance without advance notification to the OCMI. Insofar as possible, each repair or alteration must be made with material, and tested in the manner, specified in this subchapter and applicable to the new construction requirements in subchapter Q of this chapter. Emergency repairs or alterations must be reported as soon as practicable to the OCMI responsible for the port or location where the vessel may call after such repairs are made. Lifeboats, rescue boats, or rigid liferafts may not be reconditioned for use on a vessel other than the one they were originally built for, unless specifically accepted by the OCMI.

(k) *Vessels reflagged under Sec. 1137, Coast Guard Authorization Act of 1996.* Vessels that qualify for a certificate of inspection under the provisions of section 1137, Coast Guard Authorization Act of 1996, Public Law 104-324, 110 Stat. 3988 (46 U.S.C.A. app. 1187, Note), are not subject to the requirements of this part if such vessels meet lifesaving equipment standards required under section 1137 as determined by the Commandant.

32. Amend § 199.70 as follows:

a. Remove and reserve paragraph (b)(2)(ii); and

b. Revise paragraphs (a)(2) and (c)(3) to read as follows:

**§ 199.70 Personal lifesaving appliances.**

(a) \* \* \*

(2) *Markings.* Each lifebuoy must be marked in block capital letters with the name of the vessel and the name of the port required to be marked on the stern of the vessel under §§ 67.123 of part 67 of this chapter.

\* \* \* \* \*

(c) \* \* \*

(3) *Markings.* Each immersion suit or anti-exposure suit must be marked in such a way as to identify the person or vessel to which it belongs.

\* \* \* \* \*

33. In § 199.80 revise paragraph (b)(4) to read as follows:

**§ 199.80 Muster list and emergency instructions.**

\* \* \* \* \*

(b) \* \* \*

(4) How the order to abandon the vessel will be given;

\* \* \* \* \*

34. In § 199.100 revise paragraph (f) to read as follows:

**§ 199.100 Manning of survival craft and supervision.**

\* \* \* \* \*

(f) The master must make sure that the persons required under paragraphs (a), (b), (c), and (d) of this section are equitably distributed among the vessel's survival craft.

**§ 199.110 [Amended]**

35. In § 199.110, in the first sentence of paragraph (f)(4), remove the word "man" and add, in its place, the word "may".

36. In § 199.140 revise paragraph (a)(1) to read as follows:

**§ 199.140 Stowage of rescue boats.**

(a) \* \* \*

(1) To be ready for launching in not more than 5 minutes;

\* \* \* \* \*

37. Amend § 199.153 as follows:

a. In paragraph (h)(1) remove the word "actula" and add, in its place, the word "actual";

b. In paragraph (h)(2) remove the word "thee" and add, in its place, the word "the";

c. In paragraph (i) remove the phrase "paragraph (g)" and add, in its place, the phrase "paragraph (h)"; and

d. Revise paragraph (f) to read as follows:

**§ 199.153 Survival craft launching and recovery arrangements using falls and a winch.**

\* \* \* \* \*

(f) Each winch drum must be arranged so the fall wire winds onto the drum in one or more level wraps. A multiple drum winch must be arranged so that the falls wind off at the same rate when lowering and onto the drums at the same rate when hoisting.

\* \* \* \* \*

38. In § 199.175 revise paragraph (b)(21)(i)(B) to read as follows:

**§ 199.175 Survival craft and rescue boat equipment.**

(b) \* \* \*

(21) \* \* \*

(i) \* \* \*

(B) The painter for a lifeboat and each painter for a rescue boat must be of a

length that is at least twice the distance from the stowage position of the boat to the waterline with the vessel in its lightest seagoing condition, or must be 15 meters (50 feet) long, whichever is the greater.

\* \* \* \* \*

39. In § 199.176 revise paragraphs (a)(1)(ii), (a)(2) and (b)(2) to read as follows:

**§ 199.176 Markings on lifesaving appliances.**

(a) \* \* \*

(1) \* \* \*

(ii) The name of the port required to be marked on the stern of the vessel to meet the requirements of subpart 67.123 of this chapter.

(2) The number of persons for which the boat is equipped must be clearly marked, preferably on the bow, in permanent characters. The number of persons for which the boat is equipped must not exceed the number of persons shown on its nameplate.

\* \* \* \* \*

(b) \* \* \*

(2) The name of the port required to be marked on the stern of the vessel to meet the requirements of § 67.123 of this chapter must be marked on each rigid liferaft.

40. In § 199.180 revise paragraphs (a)(2)(vi), (a)(2)(ix), (d)(11), and (f)(2)(i) to read as follows:

**§ 199.180 Emergency training and drills.**

(a) \* \* \*

(2) \* \* \*

(vi) The method and use of water spray systems in launching areas when such systems are required for the protection of aluminum survival craft or launching appliances;

\* \* \* \* \*

(ix) The use of all detection equipment for the location of survivors or survival craft;

(d) \* \* \*

(11) If a vessel carries immersion suits or anti-exposure suits, the suits must be worn by crewmembers in at least one abandon ship drill in any three-month period. If wearing the suits is impracticable due to warm weather, the

crewmembers must be instructed on their donning and use.

\* \* \* \* \*

(f) \* \* \*

(2) \* \* \*

(i) Reporting to stations and preparing for the duties described in the muster list for the particular fire emergency being simulated;

\* \* \* \* \*

41. In § 199.190 revise paragraphs (d)(2) and (g)(4) to read as follows:

**§ 199.190 Operational readiness, maintenance, and inspection of lifesaving equipment**

\* \* \* \* \*

(d) \* \* \*

(2) Each lifeboat engine and rescue boat engine must be run ahead and astern for a total of not less than 3 minutes unless the ambient temperature is below the minimum temperature required for starting the engine. During this time, demonstrations should indicate that the gear box and gear box train are engaging satisfactorily. If the special characteristics of an outboard motor fitted to a rescue boat would not allow the outboard motor to be run other than with its propeller submerged for a period of 3 minutes, the outboard motor should be run for such period as prescribed in the manufacturer's handbook.

\* \* \* \* \*

(g) \* \* \*

(4) Each inflated rescue boat must be repaired and maintained in accordance with the manufacturer's instructions. All repairs to inflated chambers must be made at a servicing facility approved by the Commandant, except for emergency repairs carried out on board the vessel.

\* \* \* \* \*

42. In § 199.610, revise paragraph (a) and Table 199.610(a) to read as follows:

**§ 199.610 Exemptions for vessels in specified services.**

(a) *All vessels.* Vessels operating in coastwise, Great Lakes, lakes, bays and sounds, and rivers services are exempt from requirements in subparts A through E of this part as specified in table 199.610(a) of this section.

TABLE 199.610(a).—EXEMPTIONS FOR ALL VESSELS IN SPECIFIED SERVICES

Section or paragraph in this part	Service			
	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.60(c): Distress signals .....	(1)	(1)	Exempt .....	Exempt.
199.70(a)(3)(iii): Lifebuoys fitted with smoke signals .....	Exempt .....	Exempt .....	Exempt .....	Exempt.
199.70(b)(1)(i): Carriage of additional child-size lifejackets .....	(2)	(2)	(2)	(2)
199.70(b)(4)(i): Lifejacket lights (for lifejackets) .....	(3)	(3)	Exempt .....	Exempt.
199.70(c)(4)(i): Lifejacket lights (for immersion suits) .....	(3)	(3)	Exempt .....	Exempt.

TABLE 199.610(a).—EXEMPTIONS FOR ALL VESSELS IN SPECIFIED SERVICES—Continued

Section or paragraph in this part	Service			
	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.70(b)(4)(ii): Lifejacket whistles .....	Exempt .....	Exempt .....	Exempt .....	Exempt.
199.70(c): Immersion suits for rescue boat crew members .....	Not Exempt ..	Not Exempt ..	Exempt .....	Exempt.
199.70(c)(4)(ii): Immersion suit whistles .....	Exempt .....	Exempt .....	Exempt .....	Exempt.
199.100(c)(1): Requirements for person-in-charge of survival craft .....	Not Exempt ..	Not Exempt ..	Not Exempt ..	Exempt.
199.100(d): Designation of second-in-command of lifeboat .....	(4)	(4)	(4)	Exempt.
199.110(f): Embarkation ladders at launching stations .....	(5)	(5)	(5)	(5)
199.130(a)(4): Survival craft stowage position .....	Not Exempt ..	Not Exempt ..	Exempt .....	Exempt.
199.170: Line-throwing appliance .....	Not Exempt ..	Exempt .....	Exempt .....	Exempt.
199.175(b)(21)(ii)(B) or 199.640(j)(4)(E): Float-free link .....	(6)	(6)	(6)	(6)
199.190(j): Renewal of survival craft falls .....	Not Exempt ..	(7)	(7)	(7)
199.202 or 199.262 Rescue boats .....	(8)	(8)	(8)	(8)
199.510: EPIRB requirement .....	(8 <sup>9</sup> )	(8 <sup>10</sup> )	Exempt .....	Exempt.

**Notes:**

- <sup>1</sup> Exempt if the vessel operates on a route with a duration of 30 minutes or less.
- <sup>2</sup> Exempt if the vessel does not carry persons smaller than the lower size limit of the lifejackets carried.
- <sup>3</sup> Exempt if the vessel is a ferry or has no overnight accommodations.
- <sup>4</sup> Exempt if the lifeboat has a carrying capacity of less than 40 persons.
- <sup>5</sup> Exempt if the distance is less than 3 meters (10 feet) from the embarkation deck to the water with the vessel in its lightest seagoing operating condition.
- <sup>6</sup> Exempt if the vessel operates on a route on which the water depth is never more than the length of the painter.
- <sup>7</sup> Exempt if the vessel operates on a fresh water route and inspection shows that the falls are not damaged by corrosion.
- <sup>8</sup> Exempt if the vessel is non-self propelled and in tow, moored to or alongside a MODU or a self-propelled vessel, or moored to shore.
- <sup>9</sup> Exempt if the vessel is a cargo vessel under 300 tons gross tonnage and operates on a route no more than 3 nautical miles from shore.
- <sup>10</sup> Exempt if the vessel operates on a route no more than 3 nautical miles from shore.

\* \* \* \* \*

43. Amend § 199.620 as follows:  
 a. Revise Table 199.620(a) and paragraph (e) as follows;  
 b. In the paragraph immediately following paragraph (k)(2), remove the

paragraph designation “1” (the numeral “one”) and add, in its place, the paragraph designation “l” (the lower case letter “L”); and

c. Add paragraphs (o) and (p) as follows.

**§ 199.620 Alternatives for all vessels in a specified service.**

\* \* \* \* \*

TABLE 199.620(A).—ALTERNATIVE REQUIREMENTS FOR ALL VESSELS IN A SPECIFIED SERVICE

Section or paragraph in this part	Service and reference to alternative requirement section or paragraph				
	Oceans	Coastwise	Great Lakes	Lakes, Bays and Sounds	Rivers
199.70(a): Lifebuoy approval series .....	199.620(b) <sup>1</sup> .....	199.620(b) <sup>1</sup> .....	199.620(b) .....	199.620(b) .....	199.620(b)
199.70(b): Lifejacket approval series ...	199.620(c) <sup>2</sup> .....	199.620(c) <sup>2</sup> .....	199.620(c) .....	199.620(c) .....	199.620(c)
199.70(b)(1): Number of lifejackets carried.	No Alternative .....	199.620(d) .....	199.620(d) .....	199.620(d) .....	199.620(d)
199.70(b)(4)(i): Lifejacket light approval series.	No Alternative .....	199.620(e) .....	199.620(e) .....	Not Applicable .....	Not Applicable.
199.100(b): Manning of survival craft ...	No Alternative .....	No Alternative .....	No Alternative .....	No Alternative .....	199.620(o)
199.110(f): Embarkation ladder .....	199.620(f) .....	199.620(f) .....	199.620(f) .....	199.620(f) .....	199.620(f)
199.130(b): Survival craft stowage position.	No Alternative .....	No Alternative .....	199.620(g) .....	199.620(g) .....	199.620(g)
199.170: Line-throwing appliance approval series.	199.620(h) <sup>2</sup> .....	199.620(h) <sup>3</sup> .....	Not Applicable .....	Not Applicable .....	Not Applicable.
199.175: Lifeboat, rescue boat, and rigid liferaft equipment.	199.620(i) <sup>4</sup> .....	199.620(i) .....	199.620(j) .....	199.620(j) .....	199.620(j)
199.180 Training and drills .....	199.620(p) .....	199.620(p) .....	199.620(p) .....	199.620(p) .....	199.620(p)
199.190: Spares and repair equipment	199.620(n) .....	199.620(n) .....	199.620(n) .....	199.620(n) .....	199.620(n)
199.201(a)(2) or 199.261: Inflatable liferaft equipment.	199.620(l) <sup>4</sup> .....	199.620(l) .....	199.620(l) .....	199.620(l) .....	199.620(l)
199.201(a)(2) or 199.621: Liferaft approval series.	No Alternative .....	199.620(k) .....	199.620(k) .....	199.620(k) .....	199.620(k)
199.510: EPIRB requirement .....	199.620(m)(1) .....	199.620(m)(1) .....	199.620(m) .....	Not Applicable .....	Not Applicable.

\*\*\*\*\*

- <sup>1</sup> Alternative applies if lifebuoy is orange.
- <sup>2</sup> Alternative applies only to cargo vessels that are less than 500 tons gross tonnage.
- <sup>3</sup> Alternative applies to cargo vessels that are less than 500 tons gross tonnage and to all passenger vessels.
- <sup>4</sup> Alternative applies to passenger vessels limited to operating no more than 50 nautical miles from shore.

\* \* \* \* \*

(e) *Lifjacket light approval series.* As an alternative to lights approved under approval series 161.112, vessels may use lights for lifjackets and immersions suits approved under series 161.012. However, lifjacket lights bearing Coast Guard approval number 161.012/2/1 are not permitted on vessels certificated to operate on waters where water

temperature may drop below 10° C (50° F).

\* \* \* \* \*

(o) Deckhands may be used to operate the survival craft and launching arrangements.

(p) Training and drill subjects required under § 199.180 may be omitted if the vessel is not fitted with

the relevant equipment, installation or system.

44. In § 199.630 revise Table 199.630(a), paragraphs (c), (d)(2), (f), (f)(2)(iv), and (g) and add new paragraphs (l), and (m) to read as follows:

**§ 199.630 Alternatives for passenger vessels in a specified service.**

(a) \* \* \*

TABLE 199.630(a).—ALTERNATIVE REQUIREMENTS FOR PASSENGER VESSELS IN A SPECIFIED SERVICE

Section or paragraph in this part	Service and reference to alternative requirement section or paragraph				
	Oceans	Coastwise	Great Lakes	Lakes, bays, and sounds	Rivers
199.60(c): Distress signals .....	No Alternative .....	No Alternative .....	199.630(b) .....	Not Applicable .....	Not Applicable.
199.100(c): Person in charge of survival craft.	No Alternative .....	199.630(l) .....	199.630(l) .....	199.630(l) .....	199.630(l)
199.100(d): Lifeboat second-in-command.	No Alternative .....	No Alternative .....	199.630(m) .....	199.630(m) .....	Not Applicable.
199.201(b): Number and type of survival craft carried.	199.630(c) <sup>1</sup> .....	199.630(c) or 199.630(d) <sup>2</sup> .	199.630(c) or 199.630(d) <sup>2</sup> or 199.630(e) or 199.630(f) <sup>2</sup> or 199.630(g) <sup>2 3</sup> or 199.630(h) <sup>4</sup> .	199.630(c) or 199.630(d) or 199.630(e) or 199.630(f) <sup>2</sup> or 199.630(g) <sup>2 3</sup> or 199.630(h) <sup>4</sup> .	199.630(c) or 199.630(e) or 199.630(f) or 199.630(g) or 199.630(h) <sup>4</sup> .
199.202: Rescue boat approval series	No Alternative .....	No Alternative .....	No Alternative .....	199.630(i) <sup>5</sup> .....	199.630(i).
199.203: Marshaling of liferafts .....	No Alternative .....	199.630(j) .....	Not Applicable .....	Not Applicable .....	Not Applicable.
199.211(a): Quantity of lifebuoys .....	No Alternative .....	199.630(k) .....	199.630(k) .....	199.630(k) .....	199.630(k).

**Notes:**

<sup>1</sup> Alternative applies if the vessel operates on a route no more than 50 nautical miles from shore.

<sup>2</sup> Alternative applies if the vessel is a ferry or has no overnight accommodations for passengers.

<sup>3</sup> Alternative applies during periods of the year the vessel operates in warm water.

<sup>4</sup> Alternative applies if the vessel operates in shallow water not more than 3 miles from shore where the vessel cannot sink deep enough to submerge the topmost deck.

<sup>5</sup> Alternative applies if the vessel operates on sheltered lakes or harbors.

\* \* \* \* \*

(c) As an alternative to the lifeboat capacity requirements of § 199.201(b)(1)(i), vessels may carry lifeboats with an aggregate capacity sufficient to accommodate not less than 30 percent of the total number of persons on board. These lifeboats must be equally distributed, as far as practicable, on each side of the vessel. Liferafts on these vessels may be either SOLAS A or SOLAS B liferafts.

(d) \* \* \*

(2) Be stowed in accordance with the requirements of §§ 199.130(a), 199.130(c), and 199.178; and

\* \* \* \* \*

(f) As an alternative to the survival craft requirements of § 199.201(b), vessels may have a safety assessment approved by the local OCMI that addresses the following:

(2) \* \* \*

(iv) Lists of external organizations that the vessel's operator would call for assistance in the event of an incident;

\* \* \* \* \*

(g) As an alternative to the survival craft requirements of § 199.201(b),

vessels may carry inflatable buoyant apparatus having an aggregate capacity sufficient to accommodate 67 percent of the total number of persons on board, minus the capacities of any lifeboats, rescue boats and liferafts carried on board. These inflatable buoyant apparatus must meet the arrangement requirements of § 199.630 (d)(1) through (d)(3). The number of persons accommodated in an inflatable buoyant apparatus may not exceed 150% of its rated capacity.

\* \* \* \* \*

(l) A deck officer, able seaman, certificated person, or person practiced in the handling of liferafts or inflatable buoyant apparatus is not required to be placed in charge of each inflatable buoyant apparatus, provided that there are a sufficient number of such persons on board to launch the inflatable buoyant apparatus and supervise the embarkation of the passengers. The number of persons on board for the purpose of launching and operating inflatable buoyant apparatus may be reduced during any voyage where the vessel is carrying less than the number of passengers permitted on board, and

the number of such persons is sufficient to launch and operate the number of survival craft required to accommodate everyone on board.

(m) The person designated second-in-command of survival craft is not required to be a certificated person if the person is practiced in the handling and operation of survival craft.

45. In § 199.640, in paragraph (i)(2), in the last line of Table 199.640(i), remove the number "256" and add, in its place, the number "656"; and revise paragraph (h)(2) to read as follows:

**§ 199.640 Alternatives for cargo vessels in a specified service.**

\* \* \* \* \*

(h) \* \* \*

(2) The rescue boat must meet the embarkation, launching, and recovery arrangement requirements in § 199.160 (b). A manually-powered winch may be used if personnel embark and disembark the rescue boat only when it is in the water. If the rescue boat is launched or recovered with personnel on board, the embarkation, launching, and recovery arrangements must also meet §§ 199.160

(c) through (f). The OCMI may allow deviations from the rescue boat launching requirements based on the characteristics of the boat and the conditions of the vessel's route.

Dated: September 23, 1998.

**R.C. North,**

*Rear Admiral, U. S. Coast Guard, Assistant  
Commandant for Marine Safety and  
Environmental Protection.*

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