G. How and To Whom Do I Submit Comments?

You may submit your comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–2002–0057 in the subject line of the first page of your response. If you have questions, consult the person listed under FOR FURTHER INFORMATION CONTACT.

1. By mail. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. In person or by courier. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. Electronically. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6, Suite 8, or ASCII file format. All comments in electronic form must be identified by docket control number OPP–2002–0057. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want To Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record.

Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under FOR FURTHER INFORMATION CONTACT.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the final rule or collection activity.
7. Make sure to submit your comments by the deadline in this final rule extension.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and Federal Register citation.

II. What Action Is EPA Taking?

On February 25, 2002, March 19, 2002, and May 7, 2002, the Natural Resources Defense Council (NRDC) filed objections with EPA regarding final rules establishing certain tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, for the following eight pesticides:

1. Imidacloprid;
2. Mepiquat;
3. Bifenazate;
4. Zeta-cypermethrin;
5. Diflubenzuron;
6. Halotrian methyl;
7. Pymetrozine; and
8. 2,4-D.

NRDC’s objections concern a number of issues under section 408 of the FFDCA including the additional 10x safety factor for the protection of infants and children and aggregate exposure to pesticide chemical residues. On June 19, 2002 (67 FR 41628) (FRL–71677–7), the Agency announced the availability of, and sought public comment on these objections. EPA has received requests to extend the comment period. In the Federal Register of August 16, 2002 (67 FR 53505) (FRL–7193–6), EPA extended the comment period until September 17, 2002. The objections are available on EPA’s Web site at http://www.epa.gov/opprd001/nrdc_objects/.

Due to difficulty in posting NRDC’s tolerance objections onto the EPA web page, EPA is extending the comment period on the NRDC objections to October 16, 2002.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Tolerances.


Dated: September 12, 2002.

James Jones,

Acting Director, Office of Pesticide Programs.

[FR Doc. 02–23595 Filed 9–12–02; 1:46 pm]
Various subchapters, necessitated a slightly different approach than the other vessel subchapters. Amendments were made to two sections in subchapter W, 46 CFR 199.190 and 199.620, which included a correction of an existing error in table 199.620(a). You can find additional background information on this rule in the preamble of the NPRM (67 FR 9939, March 5, 2002).

As authorized by 5 U.S.C. 553(d)(1) and (3), we are making this rule effective September 30, 2002—less than 30 days after its publication in the Federal Register. This final rule relieves a regulatory burden by deferring the first servicing of a new liferaft or IBA to 2 years on all commercial vessels not certificated under the International Convention for the Safety of Life at Sea (SOLAS). In addition, good cause exists for making the rule effective before October 1, 2002, because by doing so we ensure that the rule will be codified in 46 CFR this October rather than October 2003.

Discussion of Comments

The Coast Guard received two letters commenting on the proposed rule. One letter was from a liferaft servicing facility, and the other was from the Ferry Division of a state Department of Transportation. No public hearing was requested and none was held. We did not make any changes to the rule based on the comments we received.

The comment received from a state public ferry agency, while noting that it probably fell outside of the scope of the rulemaking, suggested that the servicing interval for inflatable liferafts and inflatable buoyant apparatus on non-SOLAS vessels on inland routes should be extended from annually, as currently required, to once every 2 years. The letter cited as justification that most items of equipment packed inside liferafts have a service life of at least 3 years, and that the risk of incidental damage and wear from removing the survival craft from its container for annual servicing is greater than the risk of extending the service interval.

The Coast Guard agrees that the suggestion is outside the scope of the rulemaking. Moreover, the suggestion is not supported by any currently available data. The requirement for annual servicing is supported by decades of satisfactory operational experience. Contrary to the assertion that removing the unit from its container annually for servicing imposes unnecessary wear and tear and increases the possibility of incident and there is evidence that unfolding, inflating, and repacking the liferaft may actually serve to avoid degradation of the fabric coating at the creases.

A comment from a liferaft servicing facility suggested that the meaning of “installation date” needed to be clarified. This term, however, is not used anywhere in the existing or proposed rules.

Servicing intervals are measured throughout from the time the liferaft was “serviced or first packed,” with extensions permitted for time the liferaft spends indoors in controlled temperature storage. Thus, the significant date is not the date of installation, but rather the date the liferaft leaves controlled indoor storage. Whether the appropriate servicing interval is one year (for a SOLAS raft, or any other raft that is not new) or two years (for a new raft on a non-SOLAS ship), the time period for the appropriate servicing interval starts at the time the raft leaves controlled indoor storage as specified in 46 CFR 160.151–57(n)(2)–(3). We are working with the liferaft industry to explore methods to improve implementation of the sticker requirements for liferafts held in storage, with the goal of maximizing the effectiveness of the sticker system for both vessel operators and enforcement personnel.

The same letter suggested that in order to accommodate the proposed rules, manufacturers of liferafts and liferaft components would need to change their instructions to servicing facilities, since in many cases equipment items (e.g., repair cements, batteries) require annual replacement. This is already addressed, however, in 46 CFR 160.151–57(n)(1)(i), which specifies that in order to apply the extended service interval for a new liferaft, dated survival equipment in the liferaft must not expire before the expiration date of the servicing expiration sticker. Each manufacturer has the option of providing suitable equipment to allow for the extension of the initial servicing interval.

A comment from the servicing facility agreed with the extension of servicing intervals to coincide with scheduled vessel inspections, but suggested that a vessel operator should have to demonstrate reasonable justification, and request and obtain approval in writing of the extension from the Officer in Charge, Marine Inspection (OCMI). Since the grounds for the extension are clear and specific in the rule, we disagree that any justification, beyond evidence that an inspection for certification is scheduled within 5 months of the initial certification date, is needed. Consequently, we do not see any need to impose an administrative
are a function of (1) the number of
reduced operating costs. These benefits affected vessels will accrue benefits as
discount rate). Owners and operators of
period will be $7,700,824 (7 percent
size and the passenger capacity of each
vessel would be a function of the crew
number of liferafts carried by each
average lifespan of 12 years, and that the
requirements in subchapters I
servicing to 2 years (instead of 1 year)
can be easily replaced by a vessel operator
without removing the liferaft or IBA they
secure arrangements, we do not agree
that it is necessary to specify in the rule
those items to which it does not apply.
Hydrostatic release units have their own
servicing or replacement dates, and can
be easily replaced by a vessel operator
without removing the liferaft or IBA they
secure.
We are adopting our proposed rule as
our final rule without any changes.
Regulatory Evaluation
This rule is not a “significant
regulatory action” under section 3(f)
of Executive Order 12866, Regulatory
Planning and Review, and does not
require an assessment of potential
benefits and costs under section 6(a)(3)
of that Order. The Office of Management
and Budget (OMB) has not reviewed it
under that Order. It is not “significant”
under the regulatory policies and
procedures of the Department of
Transportation [DOT] (44 FR 11040,
February 26, 1979). A Regulatory
Evaluation supporting this conclusion is
available in the docket as indicated under ADDRESSES. A summary of that
analysis follows:
Assessment: We analyzed benefits
and costs of deferring the first liferaft
servicing to 2 years (instead of 1 year)
after initial packing for any non-SOLAS
vessel subject to the liferaft servicing
requirements in subchapters I–A, K, R,
T, or W. There are 5,065 vessels that
will be affected, for which we assumed
a zero population growth rate.
Furthermore, we assumed that vessels
would carry 25-person liferafts with an
average lifespan of 12 years, and that
the number of liferafts carried by each
vessel would be a function of the crew
size and the passenger capacity of each
vessel.
Benefits: The total present value
benefit for this rule for the 10-year
period will be $7,700,824 (7 percent
discount rate). Owners and operators of
affected vessels will accrue benefits as
reduced operating costs. These benefits
are a function of (1) the number of
liferafts that will no longer be required
to be serviced the first year after
manufacture and (2) the fees imposed by
the servicing companies.
In addition, we recognize that other
benefits of the rule exist but cannot be
quantified, particularly the easing of
confusion of both the public and Coast
Guard personnel caused by vague and
conflicting provisions. Furthermore,
vessel owners will benefit by
eliminating the opportunity cost of time
associated with liferaft servicing during the
first year after manufacture.
Therefore, the total benefits may be
higher if the qualitative benefits were
represented in monetary terms.
Costs: This rule will not impose costs
on vessel owners and operators. In view
of the stringent production testing and
inspections to which new liferafts are
subjected, and the lack of any history
over the last 10 years of operational
problems associated with new liferafts
where servicing has been deferred, the
Coast Guard does not believe the rule
will have any adverse impact on the
safety of liferafts and IBAs.
Small Entities
Under the Regulatory Flexibility Act
(5 U.S.C. 601–612) and Executive Order
13272, Proper Consideration of Small
Entities in Agency Rulemaking, we have
considered whether this rule will have
a significant economic impact on a
substantial number of small entities.
The term “small entities” comprises
small businesses, not-for-profit
organizations that are independently
owned and operated and are not
dominant in their fields, and
governmental jurisdictions with
populations of less than 50,000.
Since this rulemaking will not impose
costs on owners or operators of affected
vessels there are no economic impacts
on small entities. The rule provides
benefits as reduced maintenance time
and operating costs for all entities by
deferring the first liferaft servicing from
1 year to 2 years after initial packing.
The Coast Guard certifies under 5
U.S.C. 605(b) that this final rule will not
have a significant economic impact on a
substantial number of small entities
because there are no costs to vessel
owners/operators associated with the
rule.
Assistance for Small Entities
Under section 213(a) of the Small
Business Regulatory Enforcement
Fairness Act of 1996 (Public Law 104–
121), we want to assist small entities in
understanding the rule so that they can
better evaluate its effects on them and
participate in the rulemaking. If the rule
would affect your small business,
or organization, or governmental
jurisdiction and you have questions
concerning its provisions or options for
compliance, please consult Kurt Heinz at
202–267–1444. We asked for
comments during the NPRM
rulemaking process. We did not receive comments
specifically related to small business
entities.
Small businesses may send comments
on the actions of Federal employees
who enforce, or otherwise determine
compliance with, Federal regulations to
the Small Business and Agriculture
Regulatory Enforcement Ombudsman and the Regional Small Business
Regulatory Fairness Boards. The
Ombudsman evaluates these actions
annually and rates each agency’s
responsiveness to small business. If you
wish to comment on actions by
employees of the Coast Guard, call 1–
Collection of Information
This rule calls for no new collection
of information under the Paperwork
3520).
Federalism
A rule has implications for federalism
under Executive Order 13132, Federalism,
if it has a substantial direct effect on State or local governments and
would either preempt State law or
impose a substantial direct cost of
compliance on them. We have analyzed
this rule under that Order and have
determined that it does not have
implications for federalism.
Unfunded Mandates Reform Act
The Unfunded Mandates Reform Act
of 1995 (2 U.S.C. 1531–1538) requires
Federal agencies to assess the effects of
their regulatory actions not specifically
required by law. In particular, the Act
addresses actions that may result in the
expenditure by a State, local, or tribal
government, in the aggregate, or by the
private sector of $100,000,000 or more
in any one year. Though this rule will
not result in such an expenditure, we do
discuss the effects of this rule elsewhere
in this preamble.
Taking of Private Property
This rule will not effect a taking of
private property or otherwise have
implications under Executive Order 12630, Governmental Actions and
Interference with Constitutionally
Protected Property Rights.
Civil Justice Reform
This rule meets applicable standards
in sections 3(a) and 3(b)(2) of Executive
Order 12988, Civil Justice Reform, to
minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the Federal Register (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this rule might impact tribal governments, even if that impact may not constitute a “tribal implication” under the Order.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(d), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. This rule resolves inconsistencies in required intervals for liferaft servicing and therefore will not have any impact on the environment. A “Categorical Exclusion Determination” is available in the docket 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 109

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

46 CFR Part 122

Alcohol and alcoholic beverages, Drugs, Hazardous materials, Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 131

Hazardous materials transportation, Marine safety, Navigation (water), Offshore supply vessels, Oil and gas exploration, Operations, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 185

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

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, the Coast Guard amends 46 CFR parts 28, 109, 122, 131, 169, 185, and 199 as follows:

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

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


2. In §28.140, revise paragraphs (b) and (c), and table 28.140 to read as follows:

§28.140 Operational readiness, maintenance, and inspection of lifesaving equipment.

* * * * *

(b) Each item of lifesaving equipment, including unapproved equipment, must be maintained and inspected in accordance with:

(1) Table 28.140 in this section;
(2) The servicing procedure under the subpart of this chapter applicable to the item’s approval; and
(3) The manufacturer’s guidelines.

(c) An inflatable liferaft or inflatable buoyant apparatus must be serviced no later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), and whenever the container is damaged or the container straps or seals are broken. It must be serviced at a facility specifically approved by the Commandant for the particular brand.

* * * * *

Table 28.140.—SCHEDULED MAINTENANCE AND INSPECTION OF LIFESAVING EQUIPMENT

<table>
<thead>
<tr>
<th>Item</th>
<th>Interval</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Inflatable wearable personal flotation device</td>
<td>Monthly: Servicing</td>
<td>28.140</td>
</tr>
<tr>
<td>(2) Personal flotation devices, exposure suits and immersion suits.</td>
<td>Monthly: Inspect, clean and repair as necessary</td>
<td>28.140</td>
</tr>
<tr>
<td>(3) Buoyant apparatus and life floats</td>
<td>Monthly: Inspect, clean and repair as necessary</td>
<td>28.140</td>
</tr>
<tr>
<td>(4) Inflatable liferaft</td>
<td>Monthly: Servicing</td>
<td>28.140</td>
</tr>
<tr>
<td>(5) Inflatable buoyant apparatus</td>
<td>Monthly: Servicing</td>
<td>28.140</td>
</tr>
<tr>
<td>(6) Hydrostatic release</td>
<td>Monthly: Servicing</td>
<td>28.140</td>
</tr>
<tr>
<td>(7) Disposable hydrostatic release</td>
<td>Monthly: Replace on or before expiration date</td>
<td>28.140</td>
</tr>
<tr>
<td>(8) Undated batteries</td>
<td>Monthly: Replace</td>
<td>28.140</td>
</tr>
</tbody>
</table>
PART 109—OPERATIONS

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

4. In §109.301, revise paragraph (g)(3) to read as follows:

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

   * * * * *

   (g) * * *

   (3) An inflatable liferaft must be serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, subpart 160.151, of this chapter—

   (i) No later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the unit, provided that the delay does not exceed 5 months; and

   (ii) Whenever the container is damaged or the container straps or seals are broken.

   * * * * *

PART 122—OPERATIONS

5. The authority citation for part 122 continues to read as follows:


6. In §122.730, revise paragraphs (a) and (b) to read as follows:

§ 122.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets, and inflated rescue boats.

   (a) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, subpart 160.151, of this chapter—

   (1) No later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and

   (2) Whenever the container is damaged or the container straps or seals are broken.

   (b) Each inflatable lifejacket and hybrid inflatable lifejacket or work vest must be serviced:

   (1) Within 12 months of its initial packing; and

   (2) Within 12 months of each subsequent servicing, except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months.

   * * * * *

PART 131—OPERATIONS

7. The authority citation for part 131 continues to read as follows:


8. In §131.580, revise paragraphs (a) and (b) to read as follows:

§ 131.580 Servicing of inflatable liferafts, inflatable lifejackets, inflatable buoyant apparatus, and inflated rescue boats.

   (a) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, subpart 160.151, of this chapter—

   (1) No later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and

   (2) Whenever the container is damaged or the container straps or seals are broken.

   (b) Each inflatable lifejacket and hybrid inflatable lifejacket or work vest must be serviced:

   (1) Within 12 months of its initial packing; and

   (2) Within 12 months of each subsequent servicing, except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months.

   * * * * *

PART 169—SAILING SCHOOL VESSELS

9. The authority citation for part 169 continues to read as follows:


10. In §169.513, revise paragraph (b) to read as follows:

§ 169.513 Types of primary equipment.

   * * * * *

   (b) Inflatable liferafts. (1) Each inflatable liferaft must be a SOLAS A inflatable liferaft approved under part 160, subpart 160.151, of this chapter, except that inflatable liferafts on vessels operating on protected or partially protected waters may be SOLAS B inflatable liferafts approved under part 160, subpart 160.151, of this chapter.

   (2) Each approved inflatable liferaft on the vessel on September 30, 2002, may be used to meet the requirements of this part as long as it is continued in use on the vessel, and is in good and serviceable condition.

   * * * * *

11. Remove §169.531.

§ 169.531 [Removed]

12. In §169.837, revise paragraph (b)(4) to read as follows:

§ 169.837 Lifeboats, liferafts, and lifefloats.

   * * * * *

   (b) * * *

   (4) Each inflatable liferaft has been serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, part 160.151, of this chapter—

   (i) No later than the month and year on its servicing sticker affixed under 46

---

Additional content not visible in the image.
CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and
(ii) Whenever the container is damaged or the container straps or seals are broken.

PART 185—OPERATIONS

13. The authority citation for part 185 continues to read as follows:


14. In §185.730, revise paragraphs (a) and (b) to read as follows:

§185.730 Servicing of inflatable liferafts, inflatable buoyant apparatus, inflatable life jackets, and inflated rescue boats.

(a) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, subpart 160.151, of this chapter—
(1) No later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and
(ii) Whenever the container is damaged or the container straps or seals are broken.
(b) Each inflatable lifejacket and hybrid inflatable lifejacket or work vest must be serviced:
(1) Within 12 months of its initial packing; and
(ii) Whenever the container is damaged or the container straps or seals are broken.

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

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


16. In §199.190, revise paragraph (g)(3) to read as follows:

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

* * * * *
(g) * * *
(3) An inflatable liferaft or inflatable buoyant apparatus must be serviced at a facility specifically approved by the Commandant for the particular brand, and in accordance with servicing procedures meeting the requirements of part 160, subpart 160.151, of this chapter—
(i) No later than the month and year on its servicing sticker affixed under 46 CFR 160.151–57(n), except that servicing may be delayed until the next scheduled inspection of the vessel, provided that the delay does not exceed 5 months; and
(ii) Whenever the container is damaged or the container straps or seals are broken.

* * * * *

17. In §199.620, in paragraph (a), revise table 199.620(a) and add a new paragraph (q) 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

<table>
<thead>
<tr>
<th>Section or paragraph in this part:</th>
<th>Service and reference to alternative requirement section or paragraph</th>
</tr>
</thead>
<tbody>
<tr>
<td>199.70(a): Lifebuoy approval series ..........</td>
<td>[199.620(b) 1] 199.620(b) 1</td>
</tr>
<tr>
<td>199.70(b): Lifejacket approval series ..........</td>
<td>199.620(c) 2</td>
</tr>
<tr>
<td>199.70(b)(1): Number of lifejackets carried ..........</td>
<td>No Alternative 199.620(d)</td>
</tr>
<tr>
<td>199.70(b)(4): Lifejacket light approval series ...</td>
<td>No Alternative 199.620(e)</td>
</tr>
<tr>
<td>199.100(b): Manning of survival craft ..........</td>
<td>No Alternative 199.620(f)</td>
</tr>
<tr>
<td>199.100(f): Embarkation ladder ..........</td>
<td>No Alternative No Alternative ... No Alternative 199.620(f)</td>
</tr>
<tr>
<td>199.130(b): Survival craft stowage position ..........</td>
<td>No Alternative No Alternative ... No Alternative 199.620(g)</td>
</tr>
<tr>
<td>199.170: Line-throwing appliance approval series ....</td>
<td>199.620(h) 2</td>
</tr>
<tr>
<td>199.175: Lifeboat, rescue boat, and rigid liferaft equipment.</td>
<td>199.620(i) 4</td>
</tr>
<tr>
<td>199.180: Training and drills ..........</td>
<td>199.620(p)</td>
</tr>
<tr>
<td>199.190: Spares and repair equipment ..........</td>
<td>199.620(n)</td>
</tr>
<tr>
<td>199.190(g): Service intervals for inflatable liferaft or inflatable buoyant apparatus.</td>
<td>199.620(q)</td>
</tr>
<tr>
<td>199.201(a)(2) or 199.261: Liferaft approval series</td>
<td>199.620(l) 4</td>
</tr>
</tbody>
</table>

1 Alternative applies if lifebuoy is orange.
2 Alternative applies only to cargo vessels that are less than 500 tons gross tonnage.
3 Alternative applies to cargo vessels that are less than 500 tons gross tonnage and to all passenger vessels.
4 Alternative applies to passenger vessels limited to operating no more than 50 nautical miles from shore.
FederaL Register / Vol. 67, No. 180 / Tuesday, September 17, 2002 / Rules and Regulations 58543

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[DA 02–0901]

Freedom of Information Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is modifying a section of the Commission’s rules that implements the Freedom of Information Act (FOIA) Fee Schedule. This modification pertains to the charge for recovery of the full, allowable direct costs of searching for and reviewing records requested under the FOIA and the Commission’s rules, unless such fees are restricted or waived. The fees are being revised to correspond to modifications in the rate of pay approved by Congress.

EFFECTIVE DATE: September 17, 2002.

FOR FURTHER INFORMATION CONTACT: Shoko B. Hair, Freedom of Information Act Officer, Office of Performance Evaluation and Records Management, Room 5–C406, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418–1379 or via Internet at shair@fcc.gov.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission is modifying §0.467(a) of the Commission’s rules. This rule pertains to the charges for searching and reviewing records requested under the FOIA. The FOIA requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidelines issued by the Office of Management and Budget (OMB). In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines. However, because the FOIA requires that each agency’s fees be based upon its direct costs of providing FOIA services, OMB did not provide a unitary, government-wide schedule of fees. The Commission based its FOIA Fee Schedule on the grade level of the employee who processes the request. Thus, the Fee Schedule was computed at a Step 5 of each grade level based on the General Schedule effected January 1987 (including 20 percent for personnel benefits). The Commission’s rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. See 47 CFR 0.467(a)(1) note.

In an Order adopted on August 13, 2002 and released on September 6, 2002 (DA–02–0901), the Managing Director revised the schedule of fees set forth in 47 CFR 0.467 for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission’s rules, 47 CFR 0.460, 0.461. The revisions correspond to modifications in the rate of pay, which was approved by Congress.

These modifications to the Fee Schedule do not require notice and comment because they merely update the Fee Schedule to correspond to modifications in rates of pay, as required under the current rules.

Accordingly, pursuant to the authority contained in §0.231(b) of the Commission’s rules, 47 CFR 0.231(b), it is hereby ordered, that, effective on September 17, 2002, the Fee Schedule contained in §0.467 of the Commission’s rules, 47 CFR 0.467, is amended, as described herein.

List of Subjects in 47 CFR Part 0

Freedom of information.

Federal Communications Commission.

Marlene Dortch,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 0 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 155, unless otherwise noted.

2. Section 0.467 (a)(1) is amended by revising the last sentence, the table in paragraph (a)(1) and its note, and paragraph (a)(2) to read as follows:

§.467 Search and review fees.

(a)(1) * * * The fee is based on the grade level of the employee(s) who conduct(s) the search or review, as specified in the following schedule:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Hourly fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>GS-1</td>
<td>10.72</td>
</tr>
<tr>
<td>GS-2</td>
<td>11.66</td>
</tr>
<tr>
<td>GS-3</td>
<td>13.15</td>
</tr>
<tr>
<td>GS-4</td>
<td>14.76</td>
</tr>
<tr>
<td>GS-5</td>
<td>16.51</td>
</tr>
<tr>
<td>GS-6</td>
<td>18.41</td>
</tr>
<tr>
<td>GS-7</td>
<td>20.46</td>
</tr>
<tr>
<td>GS-8</td>
<td>22.66</td>
</tr>
<tr>
<td>GS-9</td>
<td>25.03</td>
</tr>
<tr>
<td>GS-10</td>
<td>27.56</td>
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<td>GS-11</td>
<td>30.28</td>
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<td>GS-12</td>
<td>36.29</td>
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<td>GS-13</td>
<td>43.15</td>
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<tr>
<td>GS-14</td>
<td>51.00</td>
</tr>
<tr>
<td>GS-15</td>
<td>59.99</td>
</tr>
</tbody>
</table>

Note: These fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

(2) The fees in paragraph (a)(1) of this section were computed at Step 5 of each grade level based on the General Schedule effective January 2002 and include 20 percent for personnel benefits.

* * * * *

[FR Doc. 02–23562 Filed 9–16–02; 8:45 am]

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