

Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SCDHEC), have determined that no further response activities under CERCLA are appropriate. However, this deletion does not preclude future actions under Superfund or other regulatory authority.

**DATES:** This action is effective September 13, 2013.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification No. EPA-HQ-SFUND-2005-0011. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

Regional Site Information Repository: The EPA Record Center, Attn: Ms. Anita Davis, Atlanta Federal Center, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Hours of Operation (by appointment only): 8:30 a.m. to 4:00 p.m., Monday through Friday.

Local Site Information Repository: Florence County Library, 509 S. Dargan Street, Florence, South Carolina 29506. Hours of Operation: 9:00 a.m.-8:30 p.m., Monday through Thursday. 9:00 a.m.-5:30 p.m., Friday through Saturday. 2:00 p.m.-6:00 p.m., Sunday.

**FOR FURTHER INFORMATION CONTACT:** Yvonne Jones, Remedial Project

Manager, Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960, 404-562-8793, [jones.yvonne@epa.gov](mailto:jones.yvonne@epa.gov).

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Koppers Co., Inc. (Florence Plant) Superfund Site (Site) located in Florence, South Carolina. A Notice of Intent to Delete for this Site was published in the **Federal Register** on April 24, 2013.

The closing date for comments on the Notice of Intent to Delete was May 24, 2013. No public comments were received during the comment period. Therefore, a responsiveness summary was not prepared and placed in both the docket, EPA-HQ-SFUND-2005-0011, on [www.regulations.gov](http://www.regulations.gov), and in the local repositories listed above.

The EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 3, 2013.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to Part 300 is amended by removing “Koppers Co., Inc. (Florence Plant),” “Florence, South Carolina.”

[FR Doc. 2013-21622 Filed 9-12-13; 8:45 am]

**BILLING CODE 6560-50-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**46 CFR Parts 2, 24, 30, 70, 90, 91, and 188**

[Docket No. USCG-2011-0363]

RIN 1625-AC03 (Formerly RIN 1625-AB71)

**Seagoing Barges**

*Correction*

In rule document 2013-20351 appearing on pages 53285-53336 in the issue of Thursday, August 29, 2013, make the following corrections:

**§ 24.05-1 [Corrected]**

■ (1) On page 53304, above footnote “1” insert the heading “Footnotes:”.

**§ 30.01-5 [Corrected]**

■ (2) On page 53312, in footnote “9” in the first line, “. . .” should read “\* \* \*”.

**§ 188.05-1 [Corrected]**

■ (3) Beginning on page 53328, Table 188.05-1(a) is corrected to read as set forth below:

**TABLE 188.05-1(a)**

Method of propulsion, qualified by size or other limitation <sup>1</sup>	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. <sup>7</sup>  (ii) All vessels <100 gross tons that—	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. <sup>12</sup>

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation <sup>1</sup>	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(2) Motor, sea-going motor vessels $\geq$ 300 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	<p>(A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry more than 6 passengers and are ferries.</p> <p>(iii) All vessels <math>\geq</math>100 gross tons that—</p> <p>(A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry at least 1 passenger and are ferries.</p> <p>(iv) These regulations do not apply to—</p> <p>(A) Recreational vessels not engaged in trade.</p> <p>(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel<sup>6</sup> in addition to the crew, as restricted by the definition of passenger.<sup>7</sup></p> <p>(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.<sup>7</sup></p>	All vessels, including recreational vessels, not engaged in trade. This does not include vessels covered by columns 2 and 3, and vessels engaged in the fishing industry.	All vessels not covered by columns 2, 3, 4, 6, and 7.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. <sup>12</sup>

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation <sup>1</sup>	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(3) Non-self-propelled vessels <100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	(ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger. (iii) These regulations do not apply to— (A) Recreational vessels not engaged in trade. (B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew. (C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel <sup>6</sup> in addition to the crew, as restricted by the definition of passenger. <sup>7</sup> (i) All vessels that— (A) Carry more than 6 passengers-for-hire whether chartered or not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel. <sup>7</sup> (E) Carry more than 12 passengers on an international voyage. (F) Carry more than 6 passengers and are ferries.	All manned barges except those covered by columns 2 and 3.	All barges carrying passengers or passengers-for-hire except those covered by column 3.	None.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. <sup>1,11,12</sup>
(4) Non-self-propelled vessels ≥100 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	(iii) All vessels that— (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and is a submersible vessel. <sup>7</sup> (E) Carry more than 12 passengers on an international voyage. (F) Carry at least 1 passenger and are ferries.	All seagoing barges except a seagoing barge that is covered by column 2 or 3, or that is unmanned for the purposes of operating or navigating the barge, and that carries neither a hazardous material as cargo nor a flammable or combustible liquid, including oil, in bulk quantities of 250 barrels or more.	All barges carrying passengers or passengers-for-hire except those covered by columns 3 and 6.	All seagoing barges engaged in oceanographic research.	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. <sup>1,11,12</sup>

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation <sup>1</sup>	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(5) Sail <sup>13</sup> vessels ≤700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	<p>(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.<sup>7</sup></p> <p>(ii) All vessels &lt;100 gross tons that—</p> <p>(A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry more than 6 passengers and are ferries.</p> <p>(iii) All vessels ≥100 gross tons that—</p> <p>(A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry at least 1 passenger and are ferries.</p> <p>(iv) These regulations do not apply to—</p> <p>(A) Recreational vehicles not engaged in trade.</p> <p>(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>(C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel<sup>6</sup> in addition to the crew, as restricted by the definition of passenger.<sup>7</sup></p>	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. <sup>12</sup>
(6) Sail <sup>13</sup> vessels >700 gross tons.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	<p>(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels.<sup>7</sup></p> <p>(ii) All ferries that carry at least 1 passenger.</p>	All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	None.	None.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation <sup>1</sup>	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(7) Steam, vessels ≤19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	<p>(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.<sup>7</sup></p> <p>(ii) All vessels &lt;100 gross tons that—</p> <ul style="list-style-type: none"> <li>(A) Carry more than 6 passengers-for-hire whether chartered or not, or</li> <li>(B) Carry more than 6 passengers when chartered with the crew provided, or</li> <li>(C) Carry more than 12 passengers when chartered with no crew provided, or</li> <li>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></li> <li>(E) Carry more than 6 passengers and are ferries.</li> </ul> <p>(iii) All vessels ≥100 gross tons that—</p> <ul style="list-style-type: none"> <li>(A) Carry more than 12 passengers-for-hire whether chartered or not, or</li> <li>(B) Carry more than 12 passengers when chartered with the crew provided, or</li> <li>(C) Carry more than 12 passengers when chartered with no crew provided, or</li> <li>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></li> <li>(E) Carry at least 1 passenger and are ferries.</li> </ul> <p>(iv) These regulations do not apply to—</p> <ul style="list-style-type: none"> <li>(A) Recreational vessels not engaged in trade.</li> <li>(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</li> <li>(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel<sup>6</sup> in addition to the crew, as restricted by the definition of passenger.<sup>7</sup></li> </ul>	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98.	All vessels not covered by columns 2, 3, 4, and 6.	None.	<p>otherwise be subject to these parts.<sup>12</sup></p> <p>All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts.<sup>12</sup></p>

TABLE 188.05–1(a)—Continued

Method of propulsion, qualified by size or other limitation <sup>1</sup>  Column 1	Vessels inspected and certificated under Subchapter D—Tank Vessels <sup>2</sup>  Column 2	Vessels inspected and certificated under Subchapter H—Passenger Vessels <sup>2,3,4,5</sup> or Subchapter K or T—Small Passenger Vessels <sup>2,3,4</sup>  Column 3	Vessels inspected and certificated under Subchapter I—Cargo and Miscellaneous Vessels <sup>2,5</sup>  Column 4	Vessels subject to the provisions of Subchapter C—Uninspected Vessels <sup>2,3,6,7,8</sup>  Column 5	Vessels subject to the provisions of Subchapter U—Oceanographic Vessels <sup>2,3,6,7,9</sup>  Column 6	Vessels subject to the provisions of Subchapter O—Certain Bulk and Dangerous Cargoes <sup>10</sup>  Column 7
(8) Steam, vessels >19.8 meters (65 feet) in length.	All vessels carrying combustible or flammable liquid cargo in bulk. <sup>5</sup>	<p>(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade.<sup>7</sup></p> <p>(ii) All vessels &lt;100 gross tons that—</p> <p>(A) Carry more than 6 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 6 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry more than 6 passengers and are ferries.</p> <p>(iii) All vessels ≥100 gross tons that—</p> <p>(A) Carry more than 12 passengers-for-hire whether chartered or not, or</p> <p>(B) Carry more than 12 passengers when chartered with the crew provided, or</p> <p>(C) Carry more than 12 passengers when chartered with no crew provided, or</p> <p>(D) Carry at least 1 passenger-for-hire and are submersible vessels.<sup>7</sup></p> <p>(E) Carry at least 1 passenger and are ferries.</p> <p>(iv) These regulations do not apply to—</p> <p>(A) Recreational vehicles not engaged in trade.</p> <p>(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.</p> <p>(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel<sup>6</sup> in addition to the crew, as restricted by the definition of passenger.<sup>7</sup></p>	All vessels not covered by columns 2, 3, 6, and 7.	None.	All vessels engaged in oceanographic research.	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. <sup>12</sup>

**Key to symbols used in this table:** ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

**Footnotes:**

<sup>1</sup> Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

<sup>2</sup> Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

<sup>3</sup> Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

<sup>4</sup> Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

<sup>5</sup> Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

<sup>6</sup> Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

<sup>7</sup> The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

<sup>8</sup> Boilers and machinery are subject to examination on vessels over 40 feet in length.

<sup>9</sup> Under 46 U.S.C. 441 an oceanographic research vessel " \* \* \* being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, \* \* \*". Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

<sup>10</sup> Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

<sup>11</sup> For manned tankbarges, see § 151.01-10(c) of this chapter.

<sup>12</sup> See § 151.01-15, 153.900(d), or 154.30 of this chapter as appropriate.

<sup>13</sup> Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

[FR Doc. C1-2013-20351 Filed 9-12-13; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 385

[Docket No. FMCSA-2013-0274]

RIN 2126-AB62

#### Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** FMCSA amends its Hazardous Materials Safety Permits rules to update the current incorporation by reference of the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Part 173.403." The rules currently reference the April 1, 2012, edition of the out-of-service criteria and through this final rule, FMCSA incorporates the April 1, 2013, edition.

**DATES:** Effective September 13, 2013. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 13, 2013.

**FOR FURTHER INFORMATION CONTACT:** Brian Routhier, Mechanical Engineer, Federal Motor Carrier Safety Administration, Office of Policy, 1200

New Jersey Avenue SE., Washington, DC 20590-0001, by telephone at (202) 366-1225 or via email [brian.routhier@dot.gov](mailto:brian.routhier@dot.gov). Office hours are from 8 a.m. to 4:30 p.m. e.t., Monday through Friday, except Federal holidays. If you have questions on viewing the docket, contact Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Legal Basis for the Rulemaking

Congress has enacted several statutory provisions to improve the safety of hazardous materials transported in interstate commerce. Specifically, in provisions codified at 49 U.S.C. 5105(e), relating to inspections of motor vehicles carrying hazardous material and 49 U.S.C. 5109, relating to motor carrier safety permits, it has required the Secretary of the Department of Transportation to promulgate regulations as part of a comprehensive safety program on hazardous material safety permits. The FMCSA Administrator has been delegated authority under 49 CFR 1.87 to carry out the rulemaking functions vested in the Secretary of Transportation. Subsequently, FMCSA has promulgated regulations to address the Congressional mandate. Such regulations on hazardous materials are the underlying provisions that have utilized material incorporated by reference discussed in this notice.

The Administrative Procedure Act (APA) (5 U.S.C. 553) specifically provides that adherence to its notice and public comment rulemaking procedures are not required where the Agency finds there is good cause (and incorporates the finding and a brief statement of reasons to support the finding in the rules issued) to dispense with such procedures. Generally, good cause exists where the Agency determines that notice and public

comment procedures are impracticable, unnecessary, or contrary to the public interest. *Ibid.* This document updates an incorporation by reference found at 49 CFR 385.4 and referenced at 49 CFR 385.415(b)(1). The revision does not impose new requirements or substantively change the Code of Federal Regulations. For these reasons, the FMCSA finds good cause that notice and public comment procedures are unnecessary.

##### II. Background

Currently, 49 CFR 385.415 prescribes operational requirements for motor carriers transporting hazardous materials for which a hazardous materials safety permit is required. Section 385.415(b)(1) requires that motor carriers must ensure a pre-trip inspection be performed on each motor vehicle to be used to transport a highway route controlled quantity of a Class 7 (radioactive) material, in accordance with the requirements of the "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR Parts 173.403." With regard to the specific edition of the out-of-service criteria, 49 CFR 385.4, as amended on October 1, 2012 (77 FR 59818) references the April 1, 2012, edition. Today's final rule amends § 385.4 by replacing the reference to the April 1, 2012 edition date with the new edition date of April 1, 2013.

FMCSA reviewed the April 1, 2013, edition and determined there are no substantive changes that would result in motor carriers being subjected to a new standard. Because the CVSA discontinued the printing and