

be updated on a quarterly basis beginning July 2022, to ensure that actuarial studies of the special reclamation fund and special reclamation water trust fund are informed by current data.

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at www.regulations.gov.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., EDT on June 7, 2023. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the

hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Statutory and Executive Order Reviews

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program and is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved,

approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and Executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Thomas D. Shope,

Regional Director, Regional Director, North Atlantic—Appalachian Region.

[FR Doc. 2023-10820 Filed 5-22-23; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 149

46 CFR Parts 2, 31, 32, 34, 35, 39, 56, 76, 77, 95, 96, 105, 107, 108, 109, 115, 116, 118, 132, 147, 159, 160, 161, 162, 163, 164, 167, 169, 181, 195, and 199

[Docket No. USCG-2020-0519]

RIN 1625-AC76

Marine Equipment on Board Vessels and Offshore Units or Facilities

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise regulations associated with the approval, carriage, and maintenance of certain safety equipment required on board vessels and offshore units or facilities. We are taking this action to align the regulations with the current industry practice and provide more transparent regulations for the regulated industry. These proposed revisions would eliminate outdated requirements, reduce inspection and testing requirements, and update standards incorporated by reference. Additionally, this project would remove obsolete sections and align conflicting sections with the International Convention for the Safety of Life at Sea.

DATES: Comments and related material must be received by the Coast Guard on or before July 24, 2023.

ADDRESSES: You may submit comments identified by docket number USCG-2020-0519 using the Federal Decision Making Portal at www.regulations.gov. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Viewing material proposed for incorporation by reference. Make arrangements to view this material by calling the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Lieutenant Jon Taylor, Lifesaving and Fire Safety Division (CG-ENG-4), U.S. Coast Guard; telephone 202-372-1426, email Jon.T.Taylor@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at www.regulations.gov. To do so, go to www.regulations.gov, type USCG-2020-0519 in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using www.regulations.gov, email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select

"Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the www.regulations.gov Frequently Asked Questions web page. That web page also explains how to subscribe for email alerts that will notify you when comments are posted or if a final rule is published. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to www.regulations.gov will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see the Department of Homeland Security's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Public meeting. We do not plan to hold a public meeting but we will consider doing so if we determine from public comments that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

ASTM American Society for Testing and Materials
 CFR Code of Federal Regulations
 CG-BSX Coast Guard Office of Auxiliary and Boating Safety
 CG-ENG Coast Guard Office of Design and Engineering Standards
 COMDTINST Commandant Instruction
 COSPAS Space System for the Search of Vessels in Distress
 DHS Department of Homeland Security
 EPIRB Emergency Position Indicating Radio Beacon
 FCC Federal Communications Commission
 FR Federal Register
 IBR Incorporation by reference
 IMO International Maritime Organization
 ISO International Organization for Standardization
 LSA Life-Saving Appliances
 MISLE Marine Information for Safety and Law Enforcement
 MODU Mobile offshore drilling unit
 MSC Marine Safety Committee
 MSHA Mine Safety and Health Administration
 NIOSH National Institute for Occupational Safety and Health
 NRTL Nationally recognized testing laboratory
 NPRM Notice of proposed rulemaking
 NVIC Navigation and Vessel Inspection Circular
 OCFI Officer in Charge, Marine Inspection
 OCS Outer Continental Shelf
 OMB Office of Management and Budget

PHS Public Health Service
 RTCM Radio Technical Commission for Maritime Services
 SARSAT Search and Rescue Satellite-Aided Tracking
 SCBA Self-contained breathing apparatus
 § Section
 SME Subject matter expert
 SOLAS International Convention for the Safety of Life at Sea
 U.S.C. United States Code

III. Basis and Purpose

The statutory authority for these regulations can be found in Title 46 of the United States Code (U.S.C.), Sections 3306 and 3703. The authority to issue regulations, pursuant to these sections, is delegated to the Commandant of the Coast Guard under Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

Under 46 U.S.C. 3306, the Secretary of DHS is required to prescribe necessary regulations to ensure safety of individuals and property on board vessels subject to inspection. This proposed rule would ensure the proper design, construction, alteration, repair, and operation of vessels subject to inspection.

Under 46 U.S.C. 3703, the Secretary is required to prescribe regulations for the design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of tank and cargo vessels that may be necessary for increased protection against hazards to life and property, navigation and vessel safety, and enhanced protection of the marine environment.

This proposed rule would revise titles 33 of the Code of Federal Regulations (CFR), chapter I, subchapters NN, and 46 CFR, chapter I, subchapters A, D, F, H, I, I-A, K, L, N, Q, R, T, U, and W. These subchapters are associated with approving, carrying, and maintaining certain safety equipment required on board vessels and offshore units or facilities. The proposed revisions in this notice of proposed rulemaking (NPRM) would eliminate outdated requirements, reduce inspection and testing requirements, modify submission requirements for equipment approval to allow materials to be submitted electronically, and update standards incorporated by reference. Additionally, this proposed rule would remove numerous obsolete sections and update sections to bring them into compliance with the International Convention for the Safety of Life at Sea (SOLAS) and related regulations.

IV. Background

The Coast Guard conducted a comprehensive review of regulations regarding the approval, carriage, and maintenance of marine equipment on U.S.-flagged vessels. The Coast Guard continues to review regulations with the goals of updating the references to incorporated standards that have been modified, clarifying language, and, where possible, providing additional regulatory flexibility and to minimize the regulatory burden on the affected vessels, and removing obsolete rules to ensure marine equipment requirements are current with emerging technology and industry standards.

V. Discussion of Proposed Rule

In general, this proposed rule would make the following changes to various subchapters in titles 33 and 46 of the CFR:

- (1) Modify equipment approval submission requirements to allow for materials to be submitted electronically to *typeapproval@uscg.mil*, instead of the existing requirement of paper submissions in triplicate;
- (2) Remove obsolete regulations for pilot hoists that are no longer allowed on U.S.-flagged vessels;
- (3) Allow vessel owners and operators to use a third party to test the properties and quality of their firefighting foam;
- (4) Revise the requirements for pressure vacuum relief valves to align with international consensus standards;
- (5) Update requirements for lifeboat and rescue boat releasing mechanisms

on board mobile offshore drilling units (MODUs) and Outer Continental Shelf (OCS) facilities to allow for lifeboats that serve as rescue boats to carry lifeboat releasing mechanisms;

(6) Remove prescriptive design requirements for lifeboat, rescue boat, and liferaft winch limit switches and align requirements with the Life-Saving Appliances (LSA) Code;

(7) Remove a redundant flame-spread testing requirement for nonmetallic piping used in certain vessels;

(8) Revise the “end-for-ending” requirement for launching appliance falls (wire ropes) to align with SOLAS, which allows for a fall replacement interval of 5 years without end-for-ending;

(9) Change the interval for hydrostatic testing of all inert gas firefighting extinguishing system bottles to align with the hydrostatic testing intervals for carbon dioxide and Halon firefighting extinguishing systems. The interval would change from at least once every 5 or 10 years (depending on bottle size) to once every 12 years;

(10) Remove the Mine Safety and Health Administration’s (MSHA) approval requirement for self-contained breathing apparatuses (SCBAs) because MSHA no longer certifies this type of equipment for marine use;

(11) Revise the standards of fire-resistant fiber-reinforced plastic resin used to manufacture survival craft and rescue boats to allow the use of additional international standards;

(12) Remove the requirement for Coast Guard approval of Emergency Position Indicating Radio Beacons (EPIRBs) and codify the current policy in which the Coast Guard reviews test data, instruction manuals, drawings and specifications of the EPIRB and issues a letter to the manufacturer stating whether the EPIRB satisfies all Radio Technical Commission for Maritime Services (RTCM) Recommended Standards. This aligns with the requirements as set out in 47 CFR 80.1061.

(13) Add an option for the use of fire detection systems as excess equipment for MODUs, and a grandfathering clause for fire extinguishers on board nautical school vessels;

(14) Make editorial changes to clarify language, correct typographical errors, and delete repetitive words;

(15) Update incorporations by reference (IBRs), remove outdated IBRs, and revise CFR cite references to the correct IBRs;

(16) Correct errors in fire extinguisher quantities and ratings from a previous rulemaking; and

(17) Clarify structural fire protection requirements for means of egress on 46 CFR subchapter K vessels.

Table 1 provides a list of the types of changes, summaries of the proposed changes, and the subparts affected by this proposed rule. Further explanation for each of these categories can be found after the table.

TABLE 1—SUMMARY OF PROPOSED CHANGES AND CFR SUBPARTS AND SECTIONS AFFECTED

Equipment involved or type of change	Proposed changes	Affected CFR subparts and sections
CFR References and Changes to IBRs.	1. Deletes references to outdated IBRs and corrects improper IBRs in regulation text. 2. Corrects improper CFR references.	46 CFR 115.810(b)(1), 46 CFR 118.500(d), 46 CFR 160.171–3, 46 CFR 160.174–3, 46 CFR 161.002–18(a)(3), 46 CFR 161.002–19(a)(3), 46 CFR 161.002–19(b)(3), 46 CFR 162.017–0, 46 CFR 164.106–3(a), 46 CFR 164.137–2(b)(2), 46 CFR 164.137–3(a), 46 CFR 164.138–2(a), 46 CFR 164.138–2(b)(2), 46 CFR 164.138–3(a), 46 CFR 164.139–2(a), 46 CFR 164.139–2(b)(2), 46 CFR 164.139–3(a).
Editorial	1. Clarifies language 2. Corrects typographical errors. 3. Deletes repetitive words and wording.	33 CFR 149.410, 46 CFR 56.60–25(a)(4), 46 CFR 108.495, 46 CFR 162.017, 46 CFR 181.500(b)
Electronic Submissions	1. Adds option to submit equipment approval materials electronically.. 2. Removes requirement for multiple copies of submissions for equipment approval, if submitted electronically.	46 CFR 2.75–10(b), 46 CFR 159.001–5, 46 CFR 160.115–9(b), 46 CFR 160.115–13(g)(2), 46 CFR 160.132–9(b), 46 CFR 160.132–13(g)(2), 46 CFR 160.133–9(b), 46 CFR 160.133–13(g)(2), 46 CFR 160.135–9(b), 46 CFR 160.135–13(g)(2), 46 CFR 160.156–9(b), 46 CFR 160.156–13(g)(2), 46 CFR 160.170–9(b), 46 CFR 160.170–13(g)(2), 46 CFR 161.002–18(a), 46 CFR 161.002–19(a)(2), 46 CFR 161.012–5(a), 46 CFR 161.012–5(b)(2), 46 CFR 161.013–11(c)(1), 46 CFR 161.013–17, 46 CFR 162.050–15(a), 46 CFR 162.060–40(b), 46 CFR 164.009–9(a), 46 CFR 164.018–7(a), 46 CFR 164.018–7(b)(2).
End-for-Ending Launching Appliance Falls.	1. Removes requirement for “end-for-ending” for launching appliance falls, to align with SOLAS. 2. Revises interval for launching appliance falls replacement to 5 years.	46 CFR 109.301(j), 46 CFR 199.190(j).
EPIRB	Aligns Coast Guard acceptance of EPIRBs in 46 CFR with Federal Communications Commission (FCC) requirements in 47 CFR and standards established by the Space System for the Search of Vessels in Distress (COSPAS), Search and Rescue Satellite-Aided Tracking (SARSAT), and RTCM.	46 CFR 161.011–1, 46 CFR 161.011–5, 46 CFR 161.011–10.

TABLE 1—SUMMARY OF PROPOSED CHANGES AND CFR SUBPARTS AND SECTIONS AFFECTED—Continued

Equipment involved or type of change	Proposed changes	Affected CFR subparts and sections
Equipment Deletion	Deletes pilot hoist approval series, § 163.002, and associated references in various subchapters.	46 CFR 32.90–1(h), 46 CFR 77.40–1(h), 46 CFR 96.40–1(h), 46 CFR 108.719(h), 46 CFR 163.002, 46 CFR 195.40–1(h).
Fire Protection and Other Conforming Amendments.	1. Corrects fire extinguisher ratings 2. Clarifies fire extinguisher quantities. 3. Adds option to allow use of nationally recognized testing laboratory (NRTL) listed and labeled fire detection systems as excess equipment for MODUs. 4. Adds grandfathering provision for fire extinguishers for public nautical school ships and sailing school ships.	46 CFR 34.10–90(a)(3), 46 CFR 34.50–10(a), 46 CFR 76.50–10(a), 46 CFR 95.50–10(a), 46 CFR 105.14(a), 46 CFR 108.103, 46 CFR 108.489(a)(3), 46 CFR 118.500(c), 46 CFR 167.45–40, 46 CFR 167.45–65, 46 CFR 167.45–70, 46 CFR 167.45–71, 46 CFR 167.45–75, 46 CFR 169.567(a), 46 CFR 169.568.
Foam Testing	1. Adds option for third-party testing for foam concentrates. 2. Aligns testing processes with requirements in SOLAS and Coast Guard Office of Design and Engineering Standards (CG–ENG) Policy Letter 01–20, Third Party Foam Concentration Analysis.	46 CFR 31.10–18(c), 46 CFR 107.235(b)(4).
Hydrostatic Testing for Inert Gas Cylinders.	Revises hydrostatic testing requirements for inert gas bottles to every 12 years.	46 CFR 147.66(a), 46 CFR 147.66(c).
MODU Lifesaving Appliance Release Mechanism.	1. Adds an option in 46 CFR subchapter I–A to allow lifeboats also serving as a rescue boat to have lifeboat release mechanisms instead of rescue boat release mechanisms. 2. Aligns this regulation with a similar regulation in 46 CFR subchapter W.	46 CFR 108.570(c)(3).
Nonmetallic Piping	Removes redundant fire testing requirements for nonmetallic piping in 46 CFR subchapter K.	46 CFR 116.405(f).
Pressure-Vacuum Relief Valves ..	1. Revises requirements for approving pressure-vacuum relief valves. 2. Updates IBR edition.	46 CFR 39.1005, 46 CFR 39.2011(b)(1), 46 CFR 162.017–1, 46 CFR 162.017–2, 46 CFR 162.017–3(n), 46 CFR 162.017–3(r), 46 CFR 162.017–6.
Resins for Lifeboats and Rescue Boats.	Removes approval series for fire-retardant resins and incorporates approval of these resins into approvals for lifeboats and rescue boats.	46 CFR 160.135–5(d), 46 CFR 160.135–7(b)(3)(iv)(A), 46 CFR 160.156–5(d), 46 CFR 160.156–7(b)(3)(iv)(A), 46 CFR 164.120.
Self-Contained Breathing Apparatus.	Removes obsolete requirement for MSHA approval for SCBAs.	46 CFR 35.30–20(c)(1), 46 CFR 77.35–5(b), 46 CFR 96.35–5(b), 46 CFR 108.497(a), 46 CFR 132.365(b)(1), 46 CFR 167.45–60(a), 46 CFR 169.717(a)(1).
Stairwell Structural Fire Protection and Means of Egress.	Clarifies the stairwell structural fire protection and means of egress requirements for 46 CFR subchapter K vessels.	46 CFR 116.400(c).
Winches and Davits	1. Removes prescriptive design requirements for winch and davit safety devices under the LSA Code. 2. Aligns the safety device requirement with the LSA Code.	46 CFR 160.115–7(b)(6)(vi).

CFR References and Changes to IBRs

This rule proposes to delete references to outdated IBR material in regulation text, delete corresponding IBR titles and information listed in the centralized IBR section(s), correct improper IBR cites in regulatory text, and correct improper CFR references as outlined in table 1. See table 3 for additional information.

Editorial

Editorial changes in this proposed rule would clarify language, correct typographical errors, and delete repetitive language in various subchapters in titles 33 and 46 of the CFR as noted in table 1.

Electronic Submissions

Current regulations require manufacturers that produce marine

safety equipment needing approval to mail their paper application and supporting documentation in triplicate. The requirement for submitting paper plans in triplicate allows the office reviewing the plans to mark the plans as “approved” and return one copy to the submitter, retain one copy in the office’s files, and forward the third copy to the cognizant Officer in Charge, Marine Inspection (OCMI). However, in current practice, manufacturers submit their applications electronically via *typeapproval@uscg.mil*. When plans are submitted electronically, they can be stamped electronically and filed or distributed, as described above, without the need for printing or duplication. According to internal mail tracking data, in the last 5 years, 99.2 percent of all submissions related to applications for equipment approval were submitted

electronically. This proposed rule would modify the submission requirements for equipment approval to codify the use of electronic submissions. The CFR sections listed in table 1 would be updated to include optional electronic submissions and remove requirements to submit multiple copies of plans or test reports. If a manufacturer desires a stamped hard copy of plans, the hard copy plans may be submitted in triplicate, or accompanied by electronic plans, so that the copies may be filed or distributed as described above.

End-for-Ending Launching Appliance Falls

Currently, 46 CFR 109.301(j) and 199.190(j) require that falls for launching appliances be replaced when necessary due to deterioration or at least

every 5 years, whichever is earlier. Additionally, the falls must be turned end-for-end not more than 30 months after installation (the phrase, “turned end-for-end” means rotating the wire ropes so the ropes wear evenly). These regulations allow an alternative to the end-for-ending requirements; however, in that case, the falls must be replaced at least every 4 years. This rule proposes to remove the “end-for-ending” requirement for these launching appliance falls and require falls to be replaced at least every 5 years to align with SOLAS Chapter III, which allows for a fall replacement interval of 5 years without end-for-ending. This proposed rule would keep the requirement to replace falls when they show signs of deterioration. It has been Coast Guard policy per Commandant Instruction (COMDTINST) M16000.7B, *USCG Marine Safety Manual Vol. II B1 P.3.a(1)(c)*¹ that falls may be replaced in 5-year intervals if they are serviced in accordance with SOLAS Chapter III, Regulation 20.4.

EPIRB

Section 161.011–5 of title 46 of the CFR requires Coast Guard approval of EPIRBs. However, the FCC in its “Maritime Communications” final rule (68 **Federal Register** (FR) 46974, August 7, 2003), changed the approval process for EPIRBs in 47 CFR 80.1061. This update, which is still in effect, required FCC approval for EPIRBs, but required the Coast Guard to accept EPIRBs compliant to COSPAS, SARSAT, and RTCM standards before the FCC’s review. Currently, the Coast Guard issues a letter stating compliance with these standards and does not issue approval for EPIRBs. This rule proposes to remove the requirement for Coast Guard approval of EPIRBs and align the Coast Guard’s responsibility in title 46 of the CFR with the process in title 47 of the CFR.

Equipment Deletion

This rule proposes to delete references to pilot hoists as approved equipment in 46 CFR subpart 163.002 by removing this subpart from the CFR. In 2010, an International Maritime Organization (IMO) Resolution of the Marine Safety Committee (MSC), Resolution MSC.308(88),² banned the

use of pilot hoists on SOLAS vessels and updated SOLAS Chapter V requirements accordingly. Further, pilots in the United States do not use pilot hoists to embark a vessel. There are currently no Coast Guard-approved pilot hoists and there has not been a Coast Guard-approved pilot hoist since 2000. This proposed rule would also remove references to pilot hoists in 46 CFR subchapters D, H, I, I–A, and U.

Fire Protection and Other Conforming Amendments

Navigation and Vessel Inspection Circular (NVIC) 7–80, *Use of Fire Detection Systems Which are Not Approved Under 46 CFR 161.002*,³ allows the use of non-approved fire detection systems as excess equipment on board vessels if the system is listed and labeled by an NRTL. This proposed rule would add the allowance for a fire detection system listed and labeled by an NRTL to be used as excess equipment for 46 CFR subchapter I–A aligned with the guidance set forth in NVIC 7–80.

Also, the 2016 final rule, “Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment” (81 FR 48219, July 22, 2016), updated the design and approval standards for fire extinguishing equipment by changing the portable fire extinguisher ratings system from a weight-based rating system to the Underwriters Laboratories, Inc. (UL) performance-based rating system. That 2016 rule added a grandfathering clause to several sections in titles 33 and 46 of the CFR;⁴ however, this clause was mistakenly left out for public nautical school ships and sailing school ships in 46 CFR subchapter R. This proposed rule would correct the oversight.

The previously mentioned “Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment” rule also updated the portable fire extinguisher ratings system throughout title 46 of the CFR. In implementing that complex rule, there were errors in extinguisher quantities and ratings in 46 CFR subchapters H, I, K, and R as listed in table 1. This

Sea, 1974, as amended,” adopted December 3, 2010, [https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.308\(88\).pdf](https://wwwcdn.imo.org/localresources/en/KnowledgeCentre/IndexofIMOResolutions/MSCResolutions/MSC.308(88).pdf).

³ Department of Transportation and U.S. Coast Guard, NVIC 7–80, “Use of Fire Detection Systems Which are Not Approved Under 46 CFR 161.002,” <https://www.dco.uscg.mil/Portals/9/DCCODocuments/5p/5ps/NVIC/1980/n7-80.pdf>.

⁴ The 2016 final rule applied the grandfathering clause for vessels identified in 33 CFR 145.15 and 149.410, and 46 CFR 25.30–80, 34.50–80, 76.50–80, 95.50–80, 108.491(b), 132.250, and 193.50–90.

proposed rule would correct those errors.

Foam Testing

Tank vessels and MODUs fitted with deck foam systems are required by 46 CFR 31.10–18(c) and 46 CFR 107.235(b)(4) to submit a representative sample of foam concentrate to the foam manufacturer to test foam gravity, pH, percentage of water dilution, and solid content. There are numerous laboratories other than those owned by foam manufacturers that can test firefighting foam concentrates. This proposed rule would add an option to allow third-party testing for firefighting foam concentrate. Allowing third parties that are accepted by the Coast Guard to test firefighting foam concentrates could be less burdensome to the vessel owners and operators and provide a level of safety similar to the current requirements that the manufacturer of the firefighting foam be the sole tester. Additionally, using a third party to test the properties of firefighting foam would increase the number of companies available to test firefighting foam properties. This proposed rule would also align with SOLAS requirements and codify CG–ENG Policy Letter 01–20, *Third Party Foam Concentration Analysis*.⁵

Hydrostatic Testing for Inert Gas Cylinders

This proposed rule would change the interval for hydrostatic testing of all inert gas fire extinguishing system bottles in 46 CFR 147.66 from at least once in every 5 or 10 years (depending on bottle size) to once in every 12 years. This change would align the hydrostatic testing intervals for inert gas fire extinguishing system bottles with the intervals for carbon dioxide and halon fire extinguishing system bottles in 46 CFR 147.65 and 147.67, respectively. The Coast Guard is not aware of any data or studies that demonstrate the need for a shorter hydrostatic testing interval for inert gas extinguishing system bottles compared to carbon dioxide extinguishing system bottles. Further, this proposed change would reduce servicing costs for vessel owners or operators without increasing risk.

⁵ U.S. Coast Guard, CG–ENG Policy Letter 01–20 *Third Party Foam Concentration Analysis*, June 23, 2020, <https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Design%20and%20Engineering%20Standards/Life%20Saving%20and%20Fire%20Safety/Docs/CG-ENG%20PL%2001-20%20Foam%20Testing.pdf?ver=2020-07-09-142932-267>.

¹ U.S. Coast Guard, Marine Safety Manual Volume II: Materiel Inspection, “CH–2 to Marine Safety Manual Volume II, COMDTINST M16000.7B,” <https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CSNCOE/USCG%20Marine%20Safety%20Manual%20Volume%20II%20-%20Material%20Inspection.pdf>.

² Resolution MSC.308(88), “Amendments to the International Convention for the Safety of Life at

MODU Lifesaving Appliance Release Mechanism

Per 46 CFR 108.570(c)(3), single fall lifeboats, which also serve as rescue boats on board MODUs and OCS facilities, are required to have an automatic release mechanism approved under approval series 46 CFR subpart 160.170. This proposed rule would add an option in 46 CFR 108.570(c)(3) to allow lifeboats also serving as a rescue boat to have lifeboat release mechanisms instead of rescue boat release mechanisms. This would allow owners and operators of MODUs and OCS facilities the choice to select from a broader range of equipment options available to non-SOLAS lifeboat and rescue boat-releasing mechanisms. This change would align this regulation with a similar regulation in 46 CFR 199.160(d)(2). There is no reason to treat lifeboats that also serve as rescue boats on offshore units differently than those units installed on board ships.

Nonmetallic Piping

Title 46 CFR 116.405(f) requires that nonmetallic (that is, plastic) piping in concealed spaces of small passenger vessels subject to 46 CFR subchapter K be tested under the American Society for Testing and Materials (ASTM) E84 standard and meet a certain set of performance criteria. However, plastic piping is already required to be approved by the Coast Guard under 46 CFR subpart 164.141. The testing standard to gain this approval is a different test standard than the ASTM E84 test. Requiring two different testing standards is redundant and provides no additional benefits, adds confusion by preventing approved piping from being used, and increases the cost for pipe manufacturers and purchasers. The Coast Guard is proposing to remove the requirement to test nonmetallic pipes to ASTM E84 and clarify that if nonmetallic piping is used in concealed spaces, it must be approved under approval series 46 CFR 164.141.

Pressure-Vacuum Relief Valves

Pressure-vacuum relief valves for tank vessels required in 46 CFR 32.20–5 and 39.2011(b) must be Coast Guard-approved to approval series 46 CFR subpart 162.017. Currently, in 46 CFR subpart 162.017, International Organization for Standardization (ISO) standard 15364 is incorporated by reference and is an alternative standard to the prescriptive requirements in 46 CFR subpart 162.017 for approval of pressure-vacuum relief valves. This proposed rule would amend 46 CFR 39.2011(b) to allow ISO 15364 valves, or

valves otherwise accepted by foreign-flag Administrations, as acceptable alternatives to the type-approval requirements of 46 CFR subpart 162.017. This proposed rule would better align our regulations for pressure-vacuum relief valves with SOLAS requirements. This proposed rule would also amend 46 CFR 162.017–3(g) to replace the words “overhauling and repairs” with “maintenance,” 46 CFR 162.017–3(n) to correct an editorial error, and 46 CFR 162.017–6 to clarify the application process.

Resins for Lifeboats and Rescue Boats

Manufacturers of fiber-reinforced plastic survival craft and rescue boats who seek Coast Guard equipment approval are required to use resin accepted in 46 CFR subpart 164.120. This rule proposes to revise the regulations for survival craft and rescue boats (46 CFR subparts 160.135 and 160.156) to incorporate by reference MSC/Circular 1006, “Guidelines on Fire Test Procedures for Acceptance of Fire-Retardant Materials for the Construction of Lifeboats,”⁶ an international standard for fire retardant resins that is already incorporated by reference in 46 CFR subpart 164.120. This proposed rule would delete 46 CFR subpart 164.120 and add a review of fire-retardant resins in 46 CFR subparts 160.135 and 160.156. The Coast Guard would no longer maintain a list of accepted resins. Currently, there are 15 standards (4 ISO and 11 ASTM) incorporated by reference in subpart 164.120 that are out of date. There is no indication that using the standards for resins specified in the regulations, instead of other standards, is necessary for safely constructing fiberglass-reinforced plastic survival craft and rescue boats.

Self-Contained Breathing Apparatus

All vessels regulated in 46 CFR subchapters D, K, I, I–A, L, R, and U are required to carry an SCBA as a part of a firefighting or emergency outfit. Currently, the regulations require these SCBAs to hold a MSHA approval. However, MSHA has not approved this equipment since 1995, when the Public Health Service (PHS) published the “Respiratory Protective Devices” final rule (60 FR 30336, June 8, 1995). This proposed rule would delete the obsolete requirement for SCBAs on inspected vessels to be approved by MSHA and would align title 46 of the CFR with MSHA and PHS regulations.

⁶ MSC/Circular 1006, “Guidelines on Fire Test Procedures for Acceptance of Fire-Retardant Materials for the Construction of Lifeboats” is available to view in the docket (USCG–2020–0519).

Stairwell Structural Fire Protection and Means of Egress

The “Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment” rule added an option for inspected domestic vessels to meet either the structural fire protection requirements of SOLAS Chapter II–2, or the structural protection requirements found in the subchapter under which the vessel is inspected. The 2016 rule was intended to allow any U.S.-flagged vessel to be built to the requirements in SOLAS Chapter II–2, even if it is not certificated to SOLAS, which allows greater flexibility in design. However, the Coast Guard believes the 2016 rule used ambiguous language regarding the means of egress requirements for 46 CFR subchapter K vessels that used the SOLAS Chapter II–2 option for structural fire protection. This proposed rule would add language to clarify the means of egress requirements if subchapter K vessels use the SOLAS Chapter II–2 structural fire protection requirements for a design basis. This proposed rule would also harmonize stairways and ladders that meet SOLAS’s structural and nonstructural fire protection requirements with U.S. design, structural, and nonstructural fire protection requirements.

Winches and Davits

This proposed rule would remove prescriptive design requirements of safety devices for lifeboat, rescue boat, and liferaft winches, and align the safety device requirement with the LSA Code. Currently, 46 CFR 160.115–7(b)(6)(vi) requires that winches for survival craft or rescue boats have a limit switch on each davit arm to prevent damage to the launching equipment. However, requiring one limit switch for each davit arm is inconsistent with the IMO’s LSA Code. The Coast Guard is proposing to remove this prescriptive design requirement and align the safety device requirement with the LSA Code. This proposed rule would allow launching appliance manufacturers to use different technologies to achieve the safety performance criteria of the LSA Code.

VI. Incorporation by Reference

Material proposed for IBR appears in 46 CFR 39.1005, 39.2011, 160.135–5, 160.135–7, 160.156–5, and 160.156–7. The standards are summarized in section VIII. L. Technical Standards, of this preamble. For information about how to view this material, see the **ADDRESSES** section of this preamble. Copies of the material are reasonably available from the sources listed in

§§ 39.1005, 160.135–5, and 160.156–5. The following standards have already been approved for the locations where they appear in the proposed amendatory text and no change to the incorporation by reference is proposed: SOLAS, Chapter II–2, NFPA 2001, and FTP Code. Before publishing a final rule, we will submit this material to the Director of the Federal Register for approval of the IBR.

VII. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory

approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this proposed rule. The Coast Guard estimates this proposed rule would have no additional costs. The Coast Guard estimates this proposed rule would result in additional cost savings to industry with no reduction or change in safety benefits. Details on the estimated cost savings of this proposed rule can be found in the regulatory analysis that follows.

The Coast Guard is proposing to revise the requirements in 33 CFR subchapter NN, and 46 CFR subchapters A, D, F, H, I, I–A, K, L, N, Q, R, T, U,

and W. These subchapters are associated with approving, carrying, and maintaining certain safety equipment required on board vessels, offshore units, deepwater ports, and recreational vessels. These proposed revisions would eliminate outdated requirements, update standards incorporated by reference, and reduce the frequency of inspection and testing requirements for foam fire-extinguishing systems, inert gas cylinders, and lifeboat wire falls. Additionally, this proposed rule would remove obsolete sections and align conflicting sections with codes associated with the SOLAS of 1974 and the SOLAS Protocol of 1978: articles, annexes, and certificates. We expect the cost savings of this proposed rule to be associated with three items: hydrostatic testing of inert gas bottles, testing firefighting foam concentrates for fixed foam fire extinguishing systems, and replacing the fall wire ropes associated with lifeboats. Table 2 provides a summary of the impacts of the proposed rule.

TABLE 2—SUMMARY OF IMPACTS OF THE PROPOSED RULE

Category	Summary
Applicability	Update 33 CFR, chapter I, subchapter NN, and 46 CFR, chapter I, subchapters A, D, F, H, I, I–A, K, L, N, Q, R, T, U, and W.
Affected Population	581 U.S.-flagged vessels: <ul style="list-style-type: none"> • 132 carrying foam fire systems, • 14 carrying inert gas bottles, and • 435 carrying lifeboats.
Costs	There would be no costs to industry or the Federal Government because this proposed rule would reduce burden and instead generate cost savings.
Benefits	Provide flexibility by offering third-party testing options for certain safety equipment. Reduce confusion and administrative burdens by (1) removing obsolete regulations and IBRs, and outdated references, and (2) updating standards to align with SOLAS, related regulations, and current industry practice.
Cost savings (7% discount rate)*	Cost savings to industry: 10-year: \$2,493,189. Annualized: \$354,974.

* Totals may not sum due to independent rounding.

Regulatory Changes of the Proposed Rule by CFR Subparts and Sections

Table 3 presents proposed regulatory changes with an assessment of the

economic impact of the changes proposed to titles 33 and 46 of the CFR. The table shows the category of each proposed change, proposed affected

CFR subparts and sections and descriptions of their changes, and whether there would be cost savings or no economic impact from the changes.

TABLE 3—REGULATORY CHANGES OF THE PROPOSED RULE BY CFR SUBPARTS AND SECTIONS

Equipment involved or type of change	Proposed changes	Affected CFR subparts and sections	Economic impact
CFR References and Changes to IBRs.	1. Deletes references to outdated IBRs and corrects improper IBRs in regulation text. 2. Corrects improper CFR references.	46 CFR 115.810(b)(1), 46 CFR 118.500(d), 46 CFR 160.171–3, 46 CFR 160.174–3, 46 CFR 161.002–18(a)(3), 46 CFR 161.002–19(a)(3), 46 CFR 161.002–19(b)(3), 46 CFR 162.017–0, 46 CFR 164.106–3(a), 46 CFR 164.137–2(b)(2), 46 CFR 164.137–3(a), 46 CFR 164.138–2(a), 46 CFR 164.138–2(b)(2), 46 CFR 164.138–3(a), 46 CFR 164.139–2(a), 46 CFR 164.139–2(b)(2), 46 CFR 164.139–3(a).	No impact; editorial.
Editorial	1. Clarifies language 2. Corrects typographical errors 3. Deletes repetitive words and wording.	33 CFR 149.410, 46 CFR 56.60–25(a)(4), 46 CFR 108.495, 46 CFR 162.017, 46 CFR 181.500(b).	No impact; editorial.

TABLE 3—REGULATORY CHANGES OF THE PROPOSED RULE BY CFR SUBPARTS AND SECTIONS—Continued

Equipment involved or type of change	Proposed changes	Affected CFR subparts and sections	Economic impact
Electronic Submissions	<ol style="list-style-type: none"> 1. Adds option to submit equipment approval materials electronically. 2. Removes requirement for multiple copies of submissions for equipment approval, if submitted electronically. 	46 CFR 2.75–10(b), 46 CFR 159.001–5, 46 CFR 160.115–9(b), 46 CFR 160.115–13(g)(2), 46 CFR 160.132–9(b), 46 CFR 160.132–13(g)(2), 46 CFR 160.133–9(b), 46 CFR 160.133–13(g)(2), 46 CFR 160.135–9(b), 46 CFR 160.135–13(g)(2), 46 CFR 160.156–9(b), 46 CFR 160.156–13(g)(2), 46 CFR 160.170–9(b), 46 CFR 160.170–13(g)(2), 46 CFR 161.002–18(a), 46 CFR 161.002–19(a)(2), 46 CFR 161.012–5(a), 46 CFR 161.012–5(b)(2), 46 CFR 161.013–11(c)(1), 46 CFR 161.013–17, 46 CFR 162.050–15(a), 46 CFR 162.060–40(b), 46 CFR 164.009–9(a), 46 CFR 164.018–7(a), 46 CFR 164.018–7(b)(2).	No impact; aligns with current industry practice. Over the past 5 years, the Coast Guard has received 99.2 percent of the submissions electronically. So, this proposed rule would codify the use of electronic submission.
End-for-Ending Launching Appliance Falls.	<ol style="list-style-type: none"> 1. Removes requirement for “end-for-ending” for launching appliance falls, to align with SOLAS. 2. Revises interval for launching appliance falls replacement to 5 years. 	46 CFR 109.301(j), 46 CFR 199.190(j)	Cost savings; reduces testing burdens by allowing owners and operators to replace the falls every 5 years without the end-for-ending requirement.
EPIRB	Aligns Coast Guard acceptance of EPIRBs in 46 CFR with Federal Communications Commission (FCC) requirements in 47 CFR and standards established by the Space System for the Search of Vessels in Distress (COSPAS), Search and Rescue Satellite-Aided Tracking (SARSAT), and RTCM.	46 CFR 161.011–1, 46 CFR 161.011–5, 46 CFR 161.011–10	No impact; aligns with current industry practice.
Equipment Deletion	Deletes pilot hoist approval series, § 163.002, and associated references in various subchapters.	46 CFR 32.90–1(h), 46 CFR 77.40–1(h), 46 CFR 96.40–1(h), 46 CFR 108.719(h), 46 CFR 163.002, 46 CFR 195.40–1(h).	No impact; aligns with current industry practice.
Fire Protection and Other Conforming Amendments.	<ol style="list-style-type: none"> 1. Corrects fire extinguisher ratings. 2. Clarifies fire extinguisher quantities. 3. Adds option to allow use of nationally recognized testing laboratory (NRTL) listed and labeled fire detection systems as excess equipment for MODUs. 4. Adds grandfathering provision for fire extinguishers for public nautical school ships and sailing school ships. 	46 CFR 34.10–90(a)(3), 46 CFR 34.50–10(a), 46 CFR 76.50–10(a), 46 CFR 95.50–10(a), 46 CFR 105.14(a), 46 CFR 108.103, 46 CFR 108.489(a)(3), 46 CFR 118.500(c), 46 CFR 167.45–40, 46 CFR 167.45–65, 46 CFR 167.45–70, 46 CFR 167.45–71, 46 CFR 167.45–75, 46 CFR 169.567(a), 46 CFR 169.568.	No impact; editorial and aligns with current industry practice.
Foam Testing	<ol style="list-style-type: none"> 1. Adds option for third-party testing for foam concentrates. 2. Aligns testing processes with requirements in SOLAS and Coast Guard Office of Design and Engineering Standards (CG-ENG) Policy Letter 01–20, Third Party Foam Concentration Analysis. 	46 CFR 31.10–18(c), 46 CFR 107.235(b)(4)	Cost savings; reduces testing burdens via the use of other test alternatives from the third party.
Hydrostatic Testing for Inert Gas Cylinders.	Revises hydrostatic testing requirements for inert gas bottles to every 12 years.	46 CFR 147.66(a), 46 CFR 147.66(c)	Cost savings; changes the interval for hydrostatic testing for all vessels with inert gas bottles for fire protection systems from at least once in every 5 years for large bottles and 10 years for small bottles to once in every 12 years for all bottle types.
MODU Lifesaving Appliance Release Mechanism.	<ol style="list-style-type: none"> 1. Adds an option in 46 CFR subchapter I–A to allow lifeboats also serving as a rescue boat to have lifeboat release mechanisms instead of rescue boat release mechanisms. 2. Aligns this regulation with a similar regulation in 46 CFR subchapter W. 	46 CFR 108.570(c)(3)	No impact; editorial.
Nonmetallic Piping	Removes redundant fire testing requirements for nonmetallic piping in 46 CFR subchapter K.	46 CFR 116.405(f)	No impact; editorial.

TABLE 3—REGULATORY CHANGES OF THE PROPOSED RULE BY CFR SUBPARTS AND SECTIONS—Continued

Equipment involved or type of change	Proposed changes	Affected CFR subparts and sections	Economic impact
Pressure-Vacuum Relief Valves.	1. Revises requirements for approving pressure-vacuum relief valves. 2. Updates IBR edition.	46 CFR 39.1005, 46 CFR 39.2011(b)(1), 46 CFR 162.017–1, 46 CFR 162.017–2, 46 CFR 162.017–3(n), 46 CFR 162.017–3(r), 46 CFR 162.017–6.	No impact; editorial and aligns with current industry practice.
Resins for Lifeboats and Rescue Boats.	Removes approval series for fire-retardant resins and incorporates approval of these resins into approvals for lifeboats and rescue boats.	46 CFR 160.135–5(d), 46 CFR 160.135–7(b)(3)(iv)(A), 46 CFR 160.156–5(d), 46 CFR 160.156–7(b)(3)(iv)(A), 46 CFR 164.120.	No impact; editorial.
Self-Contained Breathing Apparatus.	Removes obsolete requirement for MSHA approval for SCBAs.	46 CFR 35.30–20(c)(1), 46 CFR 77.35–5(b), 46 CFR 96.35–5(b), 46 CFR 108.497(a), 46 CFR 132.365(b)(1), 46 CFR 167.45–60(a), 46 CFR 169.717(a)(1).	No impact; editorial.
Stairwell Structural Fire Protection and Means of Egress.	Clarifies the stairwell structural fire protection and means of egress requirements for 46 CFR subchapter K vessels.	46 CFR 116.400(c)	No impact; editorial.
Winches and Davits	1. Removes prescriptive design requirements for winch and davit safety devices under the LSA Code. 2. Aligns the safety device requirement with the LSA Code.	46 CFR 160.115–7(b)(6)(vi)	No impact; editorial.

Affected Population

For this proposed rule, we obtained the affected population of vessels and the items they carry primarily from our Marine Information for Safety and Law Enforcement (MISLE) database and from supplemental information provided to us by subject matter experts (SMEs) in CG–ENG. The affected population is the total number of U.S.-flagged vessels carrying foam fire extinguishing systems, lifeboat wire falls, and inert gas bottles for extinguishing fires. We estimate the total number of affected vessels as 581, made up of 132 vessels carrying foam fire systems, 14 vessels carrying inert gas bottles, and 435 vessels carrying lifeboats. Vessels can be carrying more than one type of equipment at a time, so there is some overlap in the number of vessels that, for example, carry a foam fire extinguishing system and lifeboats. For the purposes of our cost analysis, however, we assume there is no overlap.

Cost Analysis

This proposed rule would have a cost savings associated with reducing the

maintenance intervals for hydrostatic testing of inert gas bottles and lifeboat wire falls, and expanding testing parties for fixed-foam fire extinguishing systems.

Regulatory Baseline

To obtain the cost savings associated with this proposed rule, we first calculated the current costs to mariners for firefighting foam testing, hydrostatic testing of inert gas bottles, and lifeboat wire falls. Then, we compared the current and the proposed costs to obtain the cost savings. The baseline costs for these items are as follows:

Foam Testing

Owners and operators of vessels that carry foam fire extinguishing systems are required in 46 CFR 31.10–18(c) and 46 CFR 107.235(b)(4) to submit a representative sample of firefighting foam concentrate, if carried, to the manufacturer to test for specific properties such as gravity, pH, percentage of water dilution, and solid content. Currently, the frequency of this testing is twice in a 5-year period. From

information obtained in MISLE and discussions with SMEs, there are a total of 132 vessels carrying foam fire systems in our affected population because each vessel carries 1 foam fire extinguishing system on board.

Based on information we obtained from a Coast Guard-approved third-party company that tests foam fire extinguishing systems and from consultations with SMEs, the cost to perform the test is about \$150, which includes the cost for a vessel owner or operator to submit a foam sample to a manufacturer for testing. We estimate the total annual undiscounted cost for foam testing to be approximately \$7,920. We calculate this by assuming that in any given year, 40 percent (or 2 divided by 5 to represent the testing interval of 2 tests every 5 years) of the 132 foam systems require testing. We then multiply the result (132 × 0.40) by the cost per test (\$150). Table 4 presents the baseline total undiscounted cost for fire extinguishing foam testing.

TABLE 4—BASELINE COST FOR FOAM TESTING

Period	Foam testing population for each period (A)	Cost per test (B)	Total cost (C) = (A) × (B)
1	132 × (0.40)	\$150	\$7,920
2	132 × (0.40)	150	7,920
3	132 × (0.40)	150	7,920
4	132 × (0.40)	150	7,920
5	132 × (0.40)	150	7,920
6	132 × (0.40)	150	7,920
7	132 × (0.40)	150	7,920
8	132 × (0.40)	150	7,920

TABLE 4—BASELINE COST FOR FOAM TESTING—Continued

Period	Foam testing population for each period (A)	Cost per test (B)	Total cost (C) = (A) × (B)
9	132 × (0.40)	150	7,920
10	132 × (0.40)	150	7,920
Total .....	.....	.....	79,200

Note: Totals may not sum due to independent rounding.
* This test occurs twice in a 5-year period.

Hydrostatic Testing for Inert Gas Cylinders

Under 46 CFR subpart 147.66, vessel owners or operators for vessels that carry inert gas fire extinguishing bottles must have the bottles hydrostatically tested at least once every 10 years for bottles with an equivalent water capacity of 125 pounds or less, or 5 years for larger bottles with an equivalent water capacity of greater than 125 pounds (the water capacity of a bottle is used to obtain the volumetric size of the bottle for testing purposes because testing cannot be performed when the bottle contains an inert gas). This is necessary to ensure the integrity of the bottles. The Coast Guard contacted a company that hydrostatically tests inert gas bottles to

obtain the costs associated with testing and discharging these bottles, recharging the bottles with an inert gas, and delivering the bottles to a vessel when the testing is completed.⁷

The cost to discharge and test the bottle, rebuild the valve on the bottle, and recharge the bottle with an inert gas is about \$1,220—a lump-sum amount provided to us by the testing company. The pickup and delivery costs are about \$600. The company we contacted for this cost estimate provided a lump-sum figure, which includes the time it takes to drive to a vessel, disconnect the bottles, load the bottles onto the delivery vehicle, and transport the bottles to the testing facility and back to the vessel.

Therefore, the total cost a testing company charges a vessel owner or

operator is about \$1,820 (\$1,220 + \$600) to hydrostatically test inert gas bottles. Based on MISLE data and discussions with SMEs, the total number of inert gas bottles for the 14 vessels that have inert gas bottles on board is approximately 169, or approximately 12 bottles per vessel. As a result, the testing cost once in a 10-year period is about \$307,580 (169 bottles × \$1,820). We estimate the total annual undiscounted cost for inert gas testing to be approximately \$30,758. We calculate this by assuming that 10 percent (or 1 divided by 10 to represent the testing interval of 1 test every 10 years) of the 169 inert gas cylinders require testing over a 10-year period. We then multiply the result (169 × 0.10) by the cost per test (\$1,820). Table 5 presents the baseline total undiscounted cost for inert gas cylinders.

TABLE 5—BASELINE COST FOR INERT GAS CYLINDERS

Period	Inert gas population for each period (A)	Cost per test (B)	Total cost (C) = (A) × (B)
1	169 × (0.10)	\$1,820	\$30,758
2	169 × (0.10)	1,820	30,758
3	169 × (0.10)	1,820	30,758
4	169 × (0.10)	1,820	30,758
5	169 × (0.10)	1,820	30,758
6	169 × (0.10)	1,820	30,758
7	169 × (0.10)	1,820	30,758
8	169 × (0.10)	1,820	30,758
9	169 × (0.10)	1,820	30,758
10	169 × (0.10)	1,820	30,758
Total .....	.....	.....	307,580

Note: Totals may not sum due to independent rounding.
* This test occurs once every 10 years.

End-for-Ending Launching Appliance Falls

U.S.-flagged vessel owners and operators are required to replace lifeboat launching appliance falls every 5 years according to 46 CFR 109.301 and

199.190. According to current regulations, these falls (wire ropes) must be turned end-for-end not more than 30 months, or 2.5 years, after installation during a 5-year period (the phrase “turned end-for-end” means rotating the

wire ropes so the ropes wear evenly). There are two falls for each lifeboat and there are two lifeboats per vessel. Using the MISLE database, we identified 435 U.S.-flagged vessels that carry lifeboats. Each affected vessel has 2 lifeboats on

⁷ An inert gas is a gas that has low chemical reactivity under certain conditions, which makes it suitable for firefighting purposes either alone or

with other gases. Inert gases extinguish fires by displacing oxygen in the air. The field of chemistry generally recognizes that six (naturally occurring)

gases make up the list of inert gases: helium, argon, neon, krypton, xenon, and radon. See <https://www.Britannica.com/science/noble-gas>.

board; therefore, we estimate there are 870 lifeboats that have fall wire ropes.

For cost savings purposes, we assume that each lifeboat has two fall wire ropes. The cost to turn two falls end-for-end on each launching appliance is about \$2,000, based on information provided to us from a company that

performs this function. Because there are 2 lifeboats per vessel, the population of lifeboat wire rope falls is 870. The total annual cost to turn falls end-for-end 2.5 years after installation for 870 lifeboat wire falls is about \$348,000. We calculate this by assuming that in any given year 20 percent (or 2 divided by

10 to represent the turning interval of 1 turn every 5 years) of the 870 lifeboat wire falls require turning. We then multiply the result (870×0.20) by the cost per turning (\$2,000). Table 6 presents the baseline total undiscounted cost for lifeboat wire falls.

TABLE 6—BASELINE COST FOR LIFEBOAT WIRE FALLS

Period	Lifeboat wire falls population for each period (A)	Cost per turning (B)	Total cost (C) = (A) × (B)
1	$870 \times (0.20)$	\$2,000	\$348,000
2	$870 \times (0.20)$	2,000	348,000
3	$870 \times (0.20)$	2,000	348,000
4	$870 \times (0.20)$	2,000	348,000
5	$870 \times (0.20)$	2,000	348,000
6	$870 \times (0.20)$	2,000	348,000
7	$870 \times (0.20)$	2,000	348,000
8	$870 \times (0.20)$	2,000	348,000
9	$870 \times (0.20)$	2,000	348,000
10	$870 \times (0.20)$	2,000	348,000
Total			3,480,000

Note: Totals may not sum due to independent rounding.
* This test occurs twice in a 5-year period.

We estimate the baseline total undiscounted cost to owners and

operators of U.S.-flagged vessels for all three items to be about \$3,866,780

(\$79,200 + \$3,480,000 + \$307,580) (see table 7).

TABLE 7—SUMMARY OF BASELINE COSTS ASSOCIATED WITH EACH ITEM

Period	Foam testing	Lifeboat wire falls	Inert gas testing	Undiscounted cost
1	\$7,920	\$348,000	\$30,758	\$386,678
2	7,920	348,000	30,758	386,678
3	7,920	348,000	30,758	386,678
4	7,920	348,000	30,758	386,678
5	7,920	348,000	30,758	386,678
6	7,920	348,000	30,758	386,678
7	7,920	348,000	30,758	386,678
8	7,920	348,000	30,758	386,678
9	7,920	348,000	30,758	386,678
10	7,920	3,348,000	30,758	386,678
Total	79,200	3,480,000	307,580	3,866,780

Note: Totals may not sum due to independent rounding.

This proposed rule would generate cost savings as follows:

Cost Savings

The cost savings would originate from eliminating outdated requirements, reducing inspection and testing requirements, and updating standards. The cost savings of this proposed rule are associated with three items: testing concentrates for fixed foam fire systems, hydrostatic testing for inert gas bottles, and eliminating the end-for-ending requirement for launching appliance

falls (wire ropes) when replaced at an interval of 5 years.

Foam Testing

There are numerous laboratories, other than those owned by foam manufacturers, that can test foam concentrates used for firefighting. Allowing a Coast Guard-accepted independent laboratory to test foam concentrates provides a similar level of safety to the current requirements and may be less burdensome to the vessel owners or operators. Additionally, the

use of a third party to test the properties of the firefighting foam would allow for increased availability in the number of companies who can test firefighting foam systems.

In this proposed rule, a Coast Guard-accepted independent laboratory, in place of a manufacturer, would be permitted to perform the foam firefighting concentrates test. We estimate a charge for this service would be about \$115 per system.⁸ This would result in a total annual cost of \$6,072. We calculate this by assuming that, in

⁸ This price was obtained from the industry.

any given year, 40 percent (or 2 divided by 5 to represent the testing interval of 2 tests every 5 years) of the 132 foam systems require testing. We then multiply the result (132 × 0.40) by the projected cost per test (\$115) (see table 8).

TABLE 8—PROPOSED COST CHANGE FOR FOAM TESTING

Period	Foam testing population for each period (A)	Cost per test (B)	Total cost (C) = (A) × (B)
1	132 × (0.40)	\$115	\$6,072
2	132 × (0.40)	115	6,072
3	132 × (0.40)	115	6,072
4	132 × (0.40)	115	6,072
5	132 × (0.40)	115	6,072
6	132 × (0.40)	115	6,072
7	132 × (0.40)	115	6,072
8	132 × (0.40)	115	6,072
9	132 × (0.40)	115	6,072
10	132 × (0.40)	115	6,072
Total .....	.....	.....	60,720

Note: Totals may not sum due to independent rounding.
* This test occurs twice in a 5-year period.

We compared the current unit cost for firefighting foam testing of \$150 when performed by a manufacturer with the projected unit cost of \$115 when performed by a third party. We estimate the unit cost savings to be \$35 (\$150—\$115). As we presented earlier in this analysis, the baseline and the projected costs for firefighting foam testing are \$7,920 and \$6,072, respectively (see tables 4 and 7). Therefore, the cost savings per year would be \$1,848 (\$7,920—\$6,072), and the total cost savings for the firefighting foam testing part of this proposed rule would be about \$18,480 (\$79,200—\$60,720), undiscounted (see table 9).

TABLE 9—NET COST SAVINGS FOR FOAM TESTING

Period	Baseline cost* (A)	Proposed cost** (B)	Total cost savings (C) = (A) – (B)
1	\$7,920	\$6,072	\$1,848
2	7,920	6,072	1,848
3	7,920	6,072	1,848
4	7,920	6,072	1,848
5	7,920	6,072	1,848
6	7,920	6,072	1,848
7	7,920	6,072	1,848
8	7,920	6,072	1,848
9	7,920	6,072	1,848
10	7,920	6,072	1,848
Total	79,200	60,720	18,480

Note: Totals may not sum due to independent rounding.
* Table 4
** Table 8

Hydrostatic Testing for Inert Gas Cylinders

We are proposing to change the hydrostatic testing interval of all inert gas firefighting extinguishing system bottles from the current requirement of once every 10 years to at least once every 12 years, which aligns with the hydrostatic testing intervals for carbon dioxide and halon firefighting extinguishing system bottles in 46 CFR 147.65.

The cost savings would be from less-frequent testing of inert gas bottles. For

vessels with inert gas bottles less than 125 pounds, the test interval would change from at least once in every 10 years to at least once in every 12 years. For large bottles with inert gas bottles equal or greater than 125 pounds, the test interval would change from once in every 5 years to once in every 12 years. We found no bottles that had a capacity of more than 125 pounds of equivalent water capacity in our population; therefore, for the purpose of this analysis, the relevant change in testing interval is from once every 10 to once

every 12 years. We estimate the total annual cost of hydrostatic testing for inert gas cylinders would be approximately \$25,632. We calculate this by assuming that in any given year 8.3 percent (or 1 divided by 12 to represent the testing interval of 1 test every 12 years) of the 169 inert gas cylinders would require testing. We then multiply the result (169 × 0.083) by the cost per test (\$1,820) (see table 10). As a result, vessel owners and operators would save \$51,260

(\$307,580 – \$256,320) in testing costs over a 10-year period (see table 11).

TABLE 10—PROPOSED COST CHANGE FOR INERT GAS CYLINDERS

Period	Inert gas population for each period	Cost per test	Total cost
	(A)	(B)	(C) = (A) × (B)
1	169 × (0.083)	\$1,820	\$25,632
2	169 × (0.083)	1,820	25,632
3	169 × (0.083)	1,820	25,632
4	169 × (0.083)	1,820	25,632
5	169 × (0.083)	1,820	25,632
6	169 × (0.083)	1,820	25,632
7	169 × (0.083)	1,820	25,632
8	169 × (0.083)	1,820	25,632
9	169 × (0.083)	1,820	25,632
10	169 × (0.083)	1,820	25,632
Total			256,320

Note: Totals may not sum due to independent rounding.

TABLE 11—NET COST SAVINGS FOR INERT GAS CYLINDERS

Period	Baseline cost *	Proposed cost **	Total cost saving
	(A)	(B)	(C) = (A) – (B)
1	\$30,758	\$25,632	\$5,126
2	30,758	25,632	5,126
3	30,758	25,632	5,126
4	30,758	25,632	5,126
5	30,758	25,632	5,126
6	30,758	25,632	5,126
7	30,758	25,632	5,126
8	30,758	25,632	5,126
9	30,758	25,632	5,126
10	30,758	25,632	5,126
Total	307,580	256,320	51,260

Note: Totals may not sum due to independent rounding.

* Table 5.

** Table 10.

End-for-Ending Launching Appliance Falls

The Coast Guard proposes to revise the “end-for-ending” requirement for lifeboat launching appliance falls to align with SOLAS, which allows for a fall replacement interval of 5 years

without turning the wires end-for-end. Current regulations require that falls must be replaced in 5-year intervals if they are serviced in accordance with IMO Circular MSC.1/Circ.1206 (Rev.1) and MSC.402(96).

The cost saving would be from eliminating the requirement to turn the

ropes end-for-end every 2.5 years over a 10-year period of analysis. This would result in cost savings for vessel owners and operators of about \$3,480,000 for the 435 U.S.-flagged vessels that have lifeboats on board. See table 12.

TABLE 12—NET COST SAVINGS FOR LIFEBOAT WIRE FALLS

Period	Baseline cost *	Proposed cost	Total cost saving
	(A)	(B)	(C) = (A) – (B)
1	\$348,000	\$0	\$348,000
2	348,000	0	348,000
3	348,000	0	348,000
4	348,000	0	348,000
5	348,000	0	348,000
6	348,000	0	348,000
7	348,000	0	348,000
8	348,000	0	348,000
9	348,000	0	348,000

TABLE 12—NET COST SAVINGS FOR LIFEBOAT WIRE FALLS—Continued

Period	Baseline cost *	Proposed cost	Total cost saving
	(A)	(B)	(C) = (A) – (B)
10	348,000	0	348,000
Total	3,480,000	0	3,480,000

Note: Totals may not sum due to independent rounding.
* Table 6.

Table 13 shows the total cost savings for owners and operators of U.S.-flagged vessels to be about \$3 million, undiscounted, over a 10-year period of

analysis. We estimate the total present value or discounted cost savings of the proposed rule over a 10-year period of analysis to be between \$2.5 and \$3

million, at 7- and 3-percent discount rates, respectively. We estimate the annualized cost savings to be about \$354,974 at each discount rate.

TABLE 13—SUMMARY OF COST SAVINGS OF THE PROPOSED RULE (10-YEAR PERIOD OF ANALYSIS, 7- AND 3-PERCENT DISCOUNT RATES)

Period	Foam testing *	Inert gas testing**	Lifeboat wire falls***	Undiscounted cost savings	7% Discount	3% Discount
1	\$1,848	\$5,126	\$348,000	\$354,974	\$331,751	\$344,635
2	1,848	5,126	348,000	354,974	310,048	334,597
3	1,848	5,126	348,000	354,974	289,765	324,851
4	1,848	5,126	348,000	354,974	270,808	315,390
5	1,848	5,126	348,000	354,974	253,092	306,204
6	1,848	5,126	348,000	354,974	236,534	297,285
7	1,848	5,126	348,000	354,974	221,060	288,626
8	1,848	5,126	348,000	354,974	206,598	280,220
9	1,848	5,126	348,000	354,974	193,082	272,058
10	1,848	5,126	348,000	354,974	180,451	264,134
Total	18,480	51,260	3,480,000	3,549,740	2,493,189	3,028,000
Annualized					354,974	354,974

Note: Totals may not sum due to independent rounding.
* Table 9.
** Table 11.
*** Table 12.

Electronic Submission

Current regulations require manufacturers that produce marine safety equipment needing approval to mail their paper application and supporting documentation in triplicate. The requirement for submitting paper plans in triplicate allows the office reviewing them to mark the approved plans and return one copy to the submitter, retain one copy in our files, and to forward the third copy to the cognizant OCMI. It is current industry practice for manufacturers to submit their applications electronically, get them stamped electronically and distributed as described above. The Coast Guard is providing an option for submitting plans electronically. There are several places in the CFR where we are removing the “in triplicate” requirement for submissions for equipment approval if the manufacturer wishes to submit plans electronically (see the table 3 for the affected CFR sections). It is current industry practice

for manufacturers to submit their applications electronically. According to data from the Coast Guard’s Work Management System, 99.2 percent of all submissions related to applications for equipment approval were submitted electronically over the last 5 years. So, this proposed rule would add an option for manufacturers to submit their applications and type approval materials electronically to codify the current industry practice. Therefore, there would be no change in the hourly burden estimate and no impact to the information collection request.

Benefits

We expect this proposed rule would generate qualitative benefits. The proposed rule would reduce confusion and provide flexibility to industry by allowing third-party testing for certain safety equipment required on board vessels and offshore units or facilities. It would provide regulatory clarity by removing obsolete regulations, such as

the MSHA approval for SCBAs for firefighters, and through updating standards to align with SOLAS.

Alternatives

Alternative 1: No-Action Alternative

Under this alternative, the Coast Guard would retain the status quo and would not incorporate by reference industry standards into the CFR. This alternative would not align conflicting sections of the CFR with SOLAS and related regulations. Furthermore, it would not reduce the burden to industry. This alternative would not allow the Coast Guard to perform retrospective review and updates to the regulations. We rejected this alternative because it would not generate cost savings for the marine industry, nor update standards in 33 CFR chapter I or 46 CFR chapter I.

Alternative 2: Policy Over Regulation

Under this alternative, the Coast Guard would issue a NVIC or policy

letter instead of proposing changes through an NPRM. As voluntary documents, neither NVICs nor policy letters are legally enforceable by the agency. A NVIC or a policy letter would not update the CFR, and the process of obtaining an equivalency test still would be needed. The Coast Guard rejected this alternative because industry would not benefit from current references and the public would not be given the opportunity to comment on current industry practice and standards.

Alternative 3: Preferred Alternative

With this alternative, the Coast Guard would revise the regulations associated with 33 CFR chapter I and 46 CFR chapter I. This is the preferred alternative because it would update current references and align conflicting sections of the CFR with SOLAS and related regulations, eliminate outdated standards, and reduce inspection and testing requirements. This alternative also allows the Coast Guard to perform retrospective reviews and updates to the regulations.

This alternative would also reduce the workload for vessel owners and operators by extending testing or maintenance intervals or expanding the range of allowable testers for three items: inert gas bottles, foam fire systems, and lifeboat launching appliances falls (wire ropes). In turn, this alternative would generate cost savings for vessel owners and operators and manufacturers of marine equipment. We presented the cost saving impacts of this alternative earlier in this analysis.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would 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.

We expect this proposed rule to generate cost savings to vessel owners and operators who own vessels that carry lifeboats, bottles of inert gas, and foam fire systems for extinguishing fires. The cost savings would be the result of reducing the maintenance intervals for hydrostatic testing for inert gas bottles and testing and maintaining lifeboat falls (wire ropes). The cost savings associated with vessel owners and operators who own vessels that carry foam fire systems for extinguishing fires

would be from allowing a third party to test the firefighting foam concentrates.

Using the Coast Guard’s MISLE database, we found this proposed rule would affect 390 companies that own 531 distinct vessels. Of the 390 companies, 235 companies did not have company names in our MISLE database; therefore, we assumed these 235 companies to be small entities. We found the remaining 155 companies own 296 vessels. Based on publicly available information from the online database “ReferenceUSA.gov” and other online searches of companies,⁹ we found revenue or employee information on 74 of the 155 companies. Using the Small Business Administration’s “Table of Size Standards” and the North American Industry Classification System codes listed in the table, we identified 51 of the 74 companies to be small entities. We determined the other 23 companies were not small entities.¹⁰ We did not find information on the remaining 81 companies; therefore, we assumed these companies were small entities.

Overall, we assume there are a total of 132 small entities (51 + 81) out of 155 companies for which were named in the MISLE database, or approximately 85 percent. If we add the number of small entities that we could confirm are small based on revenue or employee information (51) to the number of companies without company information (235 + 81), we assume the total number of small entities to be 367 out of the 390 companies affected by this proposed rule.

For cost savings purposes, we needed to differentiate the vessels that have different combinations of the equipment on board. MISLE’s database offers data on company names, vessels, and equipment types. From MISLE’s data and our small entity analysis, we found that there are six different combinations of equipment that would affect the savings for each vessel (see table 14). As a result, the affected small entities overlap and are not exclusive throughout this analysis.

Based on MISLE’s data and our small entity analysis discussed earlier, we determined that the number of small entities would be 367. Out of 367 small entities, we found that 68 small entities own vessels that carry only foam fire systems. As described in the regulatory analysis above, we estimate the cost savings for foam fire systems to be about

\$35 for each vessel, and we assume the foam fire systems would be tested four times during the analysis period. These small entities would save about \$952 annually per vessel (68 small entities × \$35 savings per vessel × 0.4 systems tested per year), or about \$14 per entity (\$952 ÷ 68 small entities).

Using MISLE’s data and the small entity analysis, we identified 251 small entities that own vessels carrying lifeboats that have fall wire ropes. Each small entity would save about \$800 annually per vessel it owns (0.2 turns per year × \$2,000 cost per turn × 2 lifeboats per vessel).

Based on MISLE’s database, we found that only eight small entities own vessels carrying only inert gas bottles; there are 58 inert gas bottles on these vessels.¹¹ As presented in the regulatory analysis above, the annual cost savings on inert gas tests would be \$30 [((\$1,820 (cost savings per inert gas test) ÷ 10 years – \$1,820 (cost savings per inert gas test) ÷ 12 years) = \$30], and the cost savings for the 8 entities that would be \$1,740 [58 (number of inert gas bottles) × \$30 (annual cost savings per inert gas bottle)]. These 8 small entities would save, on average, about \$218 (\$1,740 ÷ 8) annually per entity per vessel.

Using MISLE’s data and the small entity analysis, we identified 36 small entities that own vessels carrying foam fire systems and lifeboats. As presented in the previous paragraphs, the annual cost savings per entity for the foam fire systems would be \$14 and the annual cost saving per entity for fall wire ropes would be \$800. Therefore, we estimate these 36 small entities would save about \$814 (\$14 + \$800) annually per entity per vessel.

Using MISLE’s data and the small entity analysis described earlier, we identified two small entities that own vessels carrying inert gas bottles and lifeboats that have fall wire ropes that need to be turned periodically. As presented in the previous paragraphs, the annual cost savings for these 2 entities that own vessels carrying inert gas bottles would be \$180 [6 (number of inert gas bottles carried on board vessels for both entities) × \$30 (annual cost savings per inert gas bottle) = \$180] and the annual cost savings for these 2 entities on fall wire ropes would be \$1,600 [2 (number of entities) × \$800 (cost saving per entity for fall wire ropes) = \$1,600]. Therefore, the annual cost savings for these 2 entities would be \$1,780 (\$180 + \$1,600) and these 2

⁹ In addition to individual online searches of companies, the Coast Guard reviewed <https://www.manta.com/mb> to find revenue or employee information for the 74 companies.

¹⁰ <https://www.sba.gov/document/support-table-size-standards>, effective December 19, 2022.

¹¹ Please note that the number of inert gas bottles carried on board vessels varies from one vessel to another depending on the size of the space protected by the fire suppression system.

small entities would save each, on average, about \$890 (\$1,780 ÷ 2).

Lastly, based on MISLE’s data and the small entity analysis we presented previously, we identified two small entities that carry all three items. The annual cost savings for these 2 entities that own vessels carrying inert gas bottles would be \$3,000 [100 (number of inert gas bottles carried on board vessels for both entities) × \$30 (annual cost

savings per inert gas bottle) = \$3,000]; the annual cost savings for these 2 entities for fall wire ropes would be \$1,600 [2 (number of entities) × \$800 (cost saving per fall wire ropes) = \$1,600]; and the annual cost savings for these 2 entities for foam fire systems would be \$28 [2 (number of entities) × \$14 (cost savings per foam fire systems) = \$28]. Therefore, the annual cost savings for these 2 entities would be

\$4,628 (\$3,000 + \$1,600 + \$28), and we estimate these 2 small entities would save, on average, about \$2,314 (\$4,628 ÷ 2 entities) annually per entity per vessel.

Table 14 shows the cost savings for small entities with each of the six different combinations of equipment described in the previous paragraphs.

TABLE 14—SUMMARY OF THE ANNUAL COST SAVINGS PER ENTITY PER VESSEL OF THE PROPOSED RULE

Item	Number of small entities (A)	Cost saving per entity per vessel (B)	Cost saving per vessel (C) = (A) × (B)
Foam Testing	68	\$14	\$952
Lifeboat Wire Falls	251	800	200,800
Inert Gas Testing	8	218	1,744
Foam Testing and Lifeboat Wire Falls	36	814	29,304
Lifeboat Wire Falls and Inert Gas Testing	2	890	1,780
Foam Testing, Lifeboat Wire Falls, and Inert Gas Testing	2	2,314	4,628
Total	367	.....	239,208

From these 6 different combinations, the range of the annual proposed cost savings that we estimate for small entities per vessel in this analysis is

between \$14 and \$2,314, and the total proposed annual cost savings for the small entities would be about \$239,208. Table 15 shows the cost savings per

revenue for the small entities for which we had revenue information.

TABLE 15—DISTRIBUTION OF REVENUE IMPACTS

Percent of revenue impact	Average annual impact per vessel					Small entities with known revenue
<1%	Foam Testing	Lifeboat Wire Falls	Inert Gas Testing ..	Foam Testing and Lifeboat Wire Falls.	Lifeboat Wire Falls and Inert Gas Testing.	51
Cost Savings per Vessel.	\$14	\$800	\$218	\$814	\$890 .....	.....

Using MISLE’s data, we found that 51 small entities, where we found revenue and employee information, own 92 vessels. Therefore, each small entity owns, on average, two vessels. Multiplying the cost savings per entity per vessel (see table 15) by the number of vessels owned by each entity or 2, yielded the following cost savings per entity: \$28 for foam testing (\$14 × 2 vessels per entity = \$28); \$1,600 for lifeboat wire falls (\$800 × 2 vessels per entity = \$1,600); \$436 for inert gas testing (\$218 × 2 vessels per entity = \$436); \$1,628 for foam testing and lifeboats wire falls (\$814 × 2 vessels per entity = \$1,628); and \$1,780 for lifeboat wire falls and inert gas testing (\$890 × 2 vessels per entity = \$1,780). For each of the 51 small entities with known revenue, the average annual cost savings per equipment type per small entity would be less than 1 percent of annual

revenue. Based on this analysis, we found that 100 percent of the small entities with known revenues that would be impacted by this proposed rule (all 51 entities) would have a cost savings that is less than 1 percent of their annual revenue. The Coast Guard’s economic analysis concluded that these changes would generate cost savings and would not impose a burden on any entities affected by this proposed rule. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the ADDRESSES section of this preamble. In

your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this

proposed rule or any policy or action of the Coast Guard.

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 1-888-REG-FAIR (1-888-734-3247).

D. Collection of Information

This proposed rule would call for no new or revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703 (involving design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels) and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. See *United States v. Locke*, 529 U.S. 89 (2000) (finding that the states are foreclosed from regulating tank vessels); see also *Ray v. Atlantic Richfield Co.*, 435 U.S. 151, 157 (1978) (State regulation is preempted where "the scheme of federal regulation may be so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it [or where] the Act of Congress may touch a field in which the federal interest is so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject" (citations omitted)). Because this proposed rule involves

approving, carrying, and maintaining certain safety equipment required on board vessels and offshore units or facilities, it is part of a pervasive scheme of Federal regulation that forecloses regulation by the States. Because the States may not regulate within this field, this proposed rule is consistent with the principles of federalism and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531-1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. 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 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed 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.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed 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.

J. Indian Tribal Governments

This proposed 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.

K. Energy Effects

We have analyzed this proposed 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.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule uses the following technical and voluntary consensus standards: ASTM D975-14, IMO MSC Circ. 1006, and ISO 15364. The proposed sections that reference these standards and the locations where these standards are available are listed in §§ 39.1005, 160.135-5, 160.156-5, 160.171-3, and 160.174-3.

These standards provide internationally accepted and recognized parameters that equipment, material, etc. must meet to ensure its safety, proper usage, and preservation on the seas. The standards that would be incorporated were developed by either the ASTM, IMO, or ISO, which are voluntary consensus standard-setting organizations.

One ASTM standard would be incorporated by reference in this rulemaking: ASTM D975–14, “Standard Specification for Diesel Fuel Oils” (July 30, 2014). This ASTM specification classifies grades of diesel fuel oils suitable for various types of diesel engines. As incorporated, it would define the grade of fuel necessary to perform a test for oil resistance.

One IMO standard would be incorporated by reference in this rulemaking: IMO MSC/Circular.1006 “Guidelines on Fire Test Procedures for Acceptance of Fire-Retardant Materials for the Construction of Lifeboats” (adopted on June 8, 2001). This test procedure is used for the acceptance of fire-retardant and flame-resistant materials used for the construction of lifeboats, which are required to be fire-retardant by the International Life-saving Code.

One ISO standard would be incorporated by reference in this rulemaking: ISO 15364:2021(E) (February 2021)—“Ships and marine technology—Pressure-vacuum valves for cargo tanks and devices to prevent the passage of flame into cargo tanks.” This international standard specifies the minimum requirements for performance and testing of pressure-vacuum relief valves, with emphasis on selection of materials, internal finish, and surface requirements for pressure-vacuum relief valves installed on cargo tanks in tankers.

Consistent with incorporation by reference provisions in 1 CFR part 51, this material is reasonably available. Interested persons have access to it through their normal course of business; can purchase it from the organizations identified in 46 CFR 39.1005, 160.135–5, 160.156–5, 160.171–3, and 160.174–3; or may view a copy using the methods identified in those sections.

If you disagree with our analysis of these voluntary consensus standards or are aware of voluntary consensus standards that might apply but are not listed, please send a comment explaining your disagreement or identifying additional standards to the docket using one of the methods under **ADDRESSES**.

M. Environment

We have analyzed this proposed rule under DHS Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this

action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This proposed rule would be categorically excluded under paragraphs L52, L54, and L57 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Paragraph L52 pertains to regulations concerning vessel safety standards; Paragraph L54 pertains to regulations which are editorial and procedural; and Paragraph L57 pertains to regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.

This proposed rule involves revising regulations associated with the approval, carriage, and maintenance of certain safety equipment required on board vessels and offshore units or facilities. Some of these proposed revisions are editorial or procedural actions that would eliminate outdated requirements, reduce inspection and testing requirements, update standards incorporated by reference, remove obsolete sections, and align conflicting sections with codes associated with SOLAS. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

33 CFR Part 149

Fire prevention, Harbors, Marine safety, Navigation (water), Occupational safety and health.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 34

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Incorporation by reference, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 56

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 95

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 96

Cargo vessels, Marine safety, Navigation (water).

46 CFR Part 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Marine safety, Petroleum, Seamen.

46 CFR Part 107

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

46 CFR Part 108

Fire prevention, 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 115

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 116

Fire prevention, Incorporation by reference, Marine safety, Passenger vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 118

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 132

Cargo vessels, Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 147

Hazardous materials transportation, Incorporation by reference, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

46 CFR Part 159

Business and industry, Laboratories, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

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

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 162

Fire prevention, Incorporation by reference, Marine safety, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 163

Marine safety.

46 CFR Part 164

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 167

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

46 CFR Part 169

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

46 CFR Part 181

Fire prevention, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 195

Marine safety, Navigation (water), Oceanographic research vessels.

46 CFR Part 199

Cargo vessels, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 149 and 46 CFR parts 2, 31, 32, 34, 35, 39, 56, 76, 77, 95,

96, 105, 107, 108, 109, 115, 116, 118, 132, 147, 159, 160, 161, 162, 163, 164, 167, 169, 181, 195, and 199 as follows:

Title 33—Navigation and Navigable Waters**PART 149—DEEPWATER PORTS: DESIGN, CONSTRUCTION, AND EQUIPMENT**

- 1. The authority citation for part 149 is revised to read as follows:
- Authority: 33 U.S.C. 1504, 1509; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(75).

- 2. Amend § 149.410 by revising the section heading and introductory text to read as follows:

§ 149.410 Location and number of fire extinguishers required for manned deepwater ports constructed prior to August 22, 2016.

Manned deepwater ports constructed before August 22, 2016, must meet the following requirements:

* * * * *

Title 46—Shipping**PART 2—VESSEL INSPECTIONS**

- 3. The authority citation for part 2 is revised to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 2103, 2110, 3306, 3316, 3703, 70034; DHS Delegation No. 00170.1, Revision No. 01.3, paragraphs (II)(70), (77), (90), (92); E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, sec. 1–105.

- 4. Revise § 2.75–10(b) to read as follows:

§ 2.75–10 Procedures for obtaining approvals.

* * * * *

(b) Unless otherwise specified, correspondence concerning approvals should be submitted electronically to *typeapproval@uscg.mil*. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, the material being transmitted with the application should be clearly identified.

(c) If the manufacturer requests that hard copy stamped plans be returned to them, or if product samples must be submitted, the plans or samples must be addressed to the Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509. When submitted, hard copy plans must be accompanied by

electronic drawings or must be submitted in triplicate.

PART 31—INSPECTION AND CERTIFICATION

- 5. The authority citation for part 31 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(73), (92). Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.10–18 [Amended]

- 6. In § 31.10–18 paragraph (c), after the text, “manufacturer”, add the text “, or its authorized representative, or an independent laboratory accepted for this purpose by the Coast Guard,”.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

- 7. The authority citation for part 32 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, 3719; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92); Subpart 32.59 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 32.90–1 [Amended]

- 8. Amend § 32.90–1 by removing paragraph (h).

PART 34—FIRE FIGHTING EQUIPMENT

- 9. The authority citation for part 34 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 34.10–90 [Amended]

- 10. Amend § 34.10–90(a)(3) by:
 - a. Adding a comma after the text, “20 gross tons or under”; and
 - b. Removing the text “B–II”, and adding, in its place, the text, “40–B”.
- 11. In § 34.50–10, in the table in paragraph (h), revise the second entry under “Service Areas” to read as follows:

§ 34.50–10 Location, number, and installation of fire extinguishers—TB/ALL.

* * * * *

(h) * * *

TABLE 34.50–10(a)—PORTABLE AND SEMI-PORTABLE EXTINGUISHERS

Tank ships			Tank barges			
Quantity and location		Minimum required rating	Area		Minimum required rating	Quantity and location
*	*	*	*	*	*	*
Service Areas						
*	*	*	*	*	*	*
1 required for each 2,500 sq ft or fraction thereof.		40–B	Stores areas, including paint and lamp rooms		.....	None required.
*	*	*	*	*	*	*

PART 35—OPERATIONS

■ 12. The authority citation for part 35 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101, 70011, 70034; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(70), (73), (92).

§ 35.30–20 [Amended]

■ 13. In § 35.30–20(c)(1), remove the text “the Mine Safety and Health Administration (MSHA) and by”.

PART 39—VAPOR CONTROL SYSTEMS

■ 14. The authority citation for part 39 is revised to read as follows:

Authority: 42 U.S.C. 7511b(f)(2); 46 U.S.C. 3306, 3703, 3715(b), 70011, 70034; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(70), (92).

■ 15. Amend § 39.1005 as follows:

- a. Revise paragraph (a);
- b. Redesignate paragraphs (g) through (i) as paragraphs (h) through (j);
- c. Add new paragraph (g).

The revisions and additions read as follows:

§ 39.1005 Incorporation by reference –TB/ ALL.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard and at the National Archives and Records Administration (NARA). Contact Coast

Guard at: Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; email typeapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. The material may be obtained from the sources in the following paragraphs of this section.

* * * * *

(g) International Organization for Standardization (ISO), ISO Central Secretariat Chemin de Blandonnet 8. CP 401–1214 Vernier, Geneva, Switzerland, telephone 41 22 749 01 11, <https://www.iso.org/contact-iso.html>.

(1) ISO 15364:2021(E), Ships and Marine Technology—Pressure-vacuum valves for cargo tanks and devices to prevent the passage of flame into cargo tanks, Fourth Edition (February 2021) (“ISO 15364”), IBR approved for § 39.2011(b).

(2) [Reserved]

* * * * *

■ 16. Revise § 39.2011(b)(1) to read as follows:

§ 39.2011 Vapor overpressure and vacuum protection—TB/ALL

* * * * *

(b) * * *

(1) Be type approved under 46 CFR 162.017, for the pressure and vacuum relief setting desired. Pressure-vacuum relief valves that meet the requirements of ISO 15364 (incorporated by reference, see § 39.1005) or equivalent standards acceptable to the flag state are

acceptable for installation on foreign-flagged vessels and do not require type approval;

* * * * *

PART 56—PIPING SYSTEMS AND APPURTENANCES

■ 17. The authority citation for part 56 is revised to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(73), (75), (90), (92).

§ 56.60–25 [Amended]

■ 18. In § 56.60–25(a)(4), remove the sentence “Pipe that is to be used for potable water must bear the appropriate certification mark of a nationally recognized, ANSI-accredited third-party certification laboratory.”.

PART 76—FIRE PROTECTION EQUIPMENT

■ 19. The authority citation for part 76 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 20. In § 76.50–10, in the table in paragraph (b), revise the first entry under “Safety Area”, Note 4 to Table 76.50–10(a), and Note 7 to Table 76.50–10(a) to read as follows:

§ 76.50–10 Location.

* * * * *

TABLE 76.50–10(a)—CARRIAGE OF PORTABLE AND SEMI-PORTABLE FIRE EXTINGUISHERS

Space	Fire extinguishing	
	Minimum required rating	Quantity and location
Safety Area ¹		
Wheelhouse or fire control room	2–A, 20–B:C	1 of each rating required for vessels over 1,000 GT. Only 1 extinguisher is required if it carries both 2–A and 20–B:C ratings.
* * * * *	* * * * *	* * * * *

⁴ Vessels of less than 1,000 GT and not on an international voyage may substitute one 120–B for one 160–B.

⁷ Two 10–B units may be substituted for one 40–B unit.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 21. The authority citation for part 77 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 77.35–5 [Amended]

■ 22. In § 77.35–5 (b), remove the text “the Mine Safety and Health Administration (MSHA) and”.

§ 77.40–1 [Amended]

■ 23. Amend § 77.40–1 by removing paragraph (h).

PART 95—FIRE PROTECTION EQUIPMENT

■ 24. The authority citation for part 95 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 95.50–10 [Amended]

■ 25. In § 95.50–10, at Note 4 to Table 95.50–10(a), remove the text “160–B.” and add, in its place, the text “120–B.”

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 26. The authority citation for part 96 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 96.35–5 [Amended]

■ 27. In § 96.35–5(b), remove the text “the Mine Safety and Health Administration (MSHA) and by”.

§ 96.40–1 [Amended]

■ 28. Amend § 96.40–1 by removing paragraph (h).

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

■ 29. The authority citation for part 105 is revised to read as follows:

Authority: 6 U.S.C. 468(b); 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703, 4502; E.O. 12777, sec. 2(d)(2) and (f), 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation No. 00170.1, Revision No. 01.3, paragraphs (II)(73), (80), (92).

■ 30. Revise § 105.14(a) to read as follows:

§ 105.14 Fire Extinguishing Equipment.

(a) In addition to the extinguishers in § 28.160, Table 28.160, each vessel must carry at least two 40–B fire extinguishers that are approved under § 162.028 or § 162.039 of this chapter and must be located at or near the dispensing area. Extinguishers with larger numerical ratings or multiple letter designations may be used to meet this requirement. This equipment must be examined before issuing a letter of compliance.

* * * * *

PART 107—INSPECTION AND CERTIFICATION

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

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3316; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(90), (92); § 107.05 also issued under the authority of 44 U.S.C. 3507.

§ 107.235 [Amended]

■ 32. In § 107.235(b)(4), remove the word, “liquid” and add, in its place, the word, “concentrate”, and, after the text, “representative”, add the text “, or an

independent laboratory accepted for the purpose by the Coast Guard”.

PART 108—DESIGN AND EQUIPMENT

■ 33. The authority citation for part 108 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; DHS Delegation No. 00170.1, Revision No. 01.3, paragraph (II)(90), (92).

■ 34. Revise § 108.103 to read as follows:

§ 108.103 Equipment not required on a unit.

(a) Each item of lifesaving and firefighting equipment carried on board the unit in addition to equipment of the type required under this subchapter, must—

- (1) Be approved; or
- (2) Be acceptable to the cognizant OCMI, for use on the unit.

(b) Use of non-approved fire detection systems may be acceptable as excess equipment, provided that—

- (1) Components are listed and labeled by an independent, nationally recognized testing laboratory as set forth in 29 CFR 1910.7, and are designed, installed, tested, and maintained in accordance with an appropriate industry standard and the manufacturer’s specific guidance;
- (2) Installation conforms to the requirements of 46 CFR chapter I, subchapter J (Electrical Engineering), including the hazardous location electrical installation regulations in 46 CFR 111.105; and
- (3) Coast Guard plan review is completed for wiring plans.

■ 35. Revise § 108.489(a)(3) to read as follows:

§ 108.489 Helicopter fueling facilities.

(a) * * *

- (3) A 160–B fire extinguisher approved under § 162.028 or § 162.039 of this chapter for each fueling facility up to 300 square feet (27.87 square meters). Extinguishers with larger numerical ratings or multiple letter

designations may be used to meet this requirement.

■ 36. In § 108.495, in the table, revise the fourth entry under “Service Spaces”

and the first entry under “Auxiliary Spaces” to read as follows:

* * * * *

TABLE 108.495—CARRIAGE OF PORTABLE FIRE EXTINGUISHERS

Space	Minimum required rating	Quantity and location
Safety Areas		
*	*	*
Accommodations		
*	*	*
Service Spaces		
*	*	*
*	*	*
*	*	*
Workshop and similar spaces	20–B:C	1 outside each space in the vicinity of the exit.
Machinery Spaces		
*	*	*
Auxiliary Spaces		
Internal combustion engines or gas turbine	40–B	1 outside the space containing engines or turbines in the vicinity of the exit.
*	*	*
*	*	*
*	*	*
*	*	*
Miscellaneous Areas		
*	*	*
Spare Units		
*	*	*

* * * * *

§ 108.497 [Amended]

■ 37. In § 108.497(a), remove the text, “the Mine Safety and Health Administration (MSHA) and by”.

§ 108.570 [Amended]

■ 38. In § 108.570(c)(3), remove the word “must” and add, in its place, the word “may”.

§ 108.719 [Amended]

■ 39. Amend § 108.719 by removing paragraph (h).

PART 109—OPERATIONS

■ 40. The authority citation for part 109 is revised to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(90), (92).

■ 41. Revise § 109.301(j) to read as follows:

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

* * * * *

(j) *Maintenance of falls.* Each fall used in a launching appliance must be

inspected annually with special regard for areas passing through sheaves and must be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

* * * * *

PART 115—INSPECTION AND CERTIFICATION

■ 42. The authority citation for part 115 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975

Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(73), (92).

§ 115.810 [Amended]

■ 43. In § 115.810(b)(1), remove the text, “Chapter 4 of”.

PART 116—CONSTRUCTION AND ARRANGEMENT

■ 44. The authority citation for part 116 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 45. Revise § 116.400(c) to read as follows:

§ 116.400 Application

* * * * *

(c) Vessels meeting the structural fire protection requirements of SOLAS, Chapter II-2, Regulations 5, 6, 8, 9, and 11 (incorporated by reference, see § 114.600), when combined with the requirements in § 72.05-20 of subchapter H of this chapter, may be considered equivalent to the provisions of this subpart.

* * * * *

■ 46. Revise § 116.405(f) to read as follows:

§ 116.405 General arrangement and outfitting.

* * * * *

(f) Nonmetallic piping in concealed spaces. The use of nonmetallic (plastic) pipe within a concealed space in a control space, accommodation space, or service space is permitted in nonvital service only if the piping material has been approved under § 164.141 of this chapter and meets both low flame spread rating and toxicity requirements.

* * * * *

PART 118—FIRE PROTECTION EQUIPMENT

■ 47. The authority citation for part 118 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 118.500 [Amended]

■ 48. Amend § 118.500 by:

■ a. In paragraph (c), removing the text “10” and adding, in its place, the text “5”; and

■ b. In paragraph (d), removing the text “(c)” and adding, in its place, the text “(b)”.

PART 132—FIRE PROTECTION EQUIPMENT

■ 49. The authority citation for part 132 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3307; sec. 617, Pub. L. 111-281, 124 Stat. 2905; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 132.365 [Amended]

■ 50. In paragraph (b)(1), remove the text “the Mine Safety and Health Administration and by”.

PART 147—HAZARDOUS SHIPS STORES

■ 51. The authority citation for part 147 is revised to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 52. Revise § 147.66(a) and (c) to read as follows:

§ 147.66 Inert gas fire extinguishing systems.

(a) Inert gas cylinders forming part of a clean agent fixed fire extinguishing system must be retested every 12 years.

* * * * *

(c) Flexible connections between cylinders and discharge piping for fixed inert gas fire extinguishing systems must be renewed or retested in accordance with section 7.3 of NFPA 2001 (incorporated by reference, see § 147.7), except that this renewal or retesting must occur when the cylinders are retested.

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

■ 53. The authority citation for part 159 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92); Section 159.001-9 also issued under the authority of 44 U.S.C. 3507.

■ 54. Revise § 159.001-5 to read as follows:

§ 159.001-5 Correspondence and applications.

(a) Unless otherwise specified, all correspondence and applications in connection with approval and testing of equipment and materials should be submitted electronically to *typeapproval@uscg.mil*. When plans, drawings, test data, etc., are required to be submitted by the manufacturer, the material being transmitted with the application should be clearly identified.

(b) If the manufacturer desires hard copy stamped plans be returned to them, or if product samples must be

submitted, the plans or samples must be addressed to: Commandant (CG-ENG), Attn: Office of Design & Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509. When submitted, hard copy plans must be accompanied by electronic drawings or must be submitted in triplicate.

PART 160—LIFESAVING EQUIPMENT

■ 55. The authority citation for part 160 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703,4302; E.O. 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; and DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 56. Revise § 160.115-7(b)(6)(vi) introductory text and (b)(6)(vi)(A) to read as follows:

§ 160.115-7 Design, construction, and performance of winches.

* * * * *

(b) * * *

(6) * * *

(vi) Limit switches must be provided to limit the travel of the davit arms as they approach the final stowed position and prevent overstressing the falls or davits. These switches must—

(A) Be arranged so that the activation of any limit switch will stop the travel of all of the davit arms;

* * * * *

§§ 160.115-9, 160.115-13, 160.132-9, 160.132-13, and 160.133-9 [Amended]

■ 57. In §§ 160.115-9(b), 160.115-13(g)(2), 160.132-9(b), 160.132-13(g)(2), and 160.133-9(b), remove all instances of the words, “in triplicate”.

§ 160.133-13 [Amended]

■ 58. In § 160.133-13(g)(2), remove the text, “, in triplicate”.

■ 59. Add § 160.135-5(d)(7) to read as follows:

§ 160.135-5 Incorporation by reference.

* * * * *

(d) * * *

(7) MSC/Circular 1006, Guidelines On Fire Test Procedures For Acceptance Of Fire-Retardant Materials For The Construction Of Lifeboats, (June 18, 2001), IBR approved for § 160.135-7(b) (“IMO MSC Circ. 1006”).

* * * * *

§ 160.135-7 [Amended]

■ 60. In § 160.135-7(b)(3)(iv)(A), remove the text, “and accepted by the Commandant in accordance with 46 CFR part 164, subpart 164.120” and add, in its place, the text, “according to IMO MSC Circ. 1006 (incorporated by reference, see § 160.135-5)”.

§ 160.135–9 [Amended]

■ 61. In § 160.135–9(b), remove the words “in triplicate”.

§ 160.135–13 [Amended]

■ 62. In § 160.135–13(g)(2), remove the text “, in triplicate”.

■ 63. Add § 160.156–5(d)(7) to read as follows:

§ 160.156–5 Incorporation by reference.

* * * * *

(d) * * *

(7) MSC/Circular 1006, Guidelines On Fire Test Procedures For Acceptance Of Fire-Retardant Materials For The Construction Of Lifeboats (June 18, 2001) (“IMO MSC Circ. 1006”), IBR approved for § 160.156–7.

* * * * *

§ 160.156–7 [Amended]

■ 64. In § 160.156–7(b)(3)(iv)(A), remove the text, “and accepted by the Commandant in accordance with 46 CFR part 164, subpart 164.120”, and add, in its place, the text, “according to IMO MSC Circ. 1006 (incorporated by reference, see § 160.156–7).”.

§ 160.156–9 [Amended]

■ 65. In § 160.156–9(b), remove the words, “in triplicate”.

§ 160.156–13 [Amended]

■ 66. In § 160.156–13(g)(2), remove the text, “, in triplicate”.

§ 160.170–9 [Amended]

■ 67. In § 160.170–9(b), remove words, “in triplicate”.

§ 160.170–13 [Amended]

■ 68. In § 160.170–13(g)(2), remove text, “, in triplicate,”.

■ 69. Revise § 160.171–3 to read as follows:

§ 160.171–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard Headquarters and at the National Archives and Records Administration (NARA). Contact the Coast Guard at: Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; email typeapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, visit: www.archives.gov/federal-register/cfr/ibr-locations.html or email: fr.inspection@nara.gov. The material

may be obtained from the sources in the following paragraphs of this section.

(b) *ASTM International (ASTM)*. 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: +1 610 832 9500; email: service@astm.org; web: <https://www.astm.org>.

(1) ASTM B117–97, Standard Practice for Operating Salt Spray (Fog) Apparatus (“ASTM B117”); § 160.171–17(k).

(2) ASTM C177–85 (1993), Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus (“ASTM C177”); § 160.171–17(e).

(3) ASTM C518–91, Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus (“ASTM C518”); § 160.171–17(e).

(4) ASTM D975–14, Standard Specification for Diesel Fuel Oils (“ASTM D975”); § 160.171–17(p).

(5) ASTM D1004–94a, Standard Test Method for Initial Tear Resistance of Plastic Film and Sheeting (“ASTM D1004”); § 160.171–17(n).

(c) *General Services Administration (GSA)*. email: GSAStandards@gsa.gov; web: <https://fedspecs.gsa.gov/s/federal-specifications>.

(1) Federal Test Method Standard No. 191 dated July 20, 1978, Method 5304.1, Abrasion Resistance of Cloth, Oscillatory Cylinder (Wyzenbeek) Method, dated July 9, 1971 (“Federal Test Method Standard 191, Method 5304.1”); § 160.171–17(o).

(2) Federal Standard No. 751a, Stitches, Seams, and Stitchings, dated January 25, 1965 (“Federal Standard No. 751”); § 160.171–9(c).

(d) *National Institution of Standards and Technology (NIST) (formerly National Bureau of Standards)*. U.S. Department of Commerce, National Institution of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899; phone: (301) 975–2000; web: <https://www.nist.gov>.

(1) National Bureau of Standards Special Publication 440—Color, Universal Language and Dictionary of Names; December 1976 (<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication440.pdf>) (“National Bureau of Standards Publication 440”); § 160.171–9(h).

(2) [Reserved]

(e) *Underwriters Laboratories (UL)*. 1850 M. St. NW, Suite 1000, Washington, DC, District of Columbia, 20036–5833; phone: (202) 296.7840; fax: (202) 872.1576; web: <https://www.ul.com>.

(1) UL 1191, First Edition (Standard for Components for Personal Flotation Devices), as revised March 29, 1977; § 160.171–17(h).

(2) [Reserved]

■ 70. Revise § 160.174–3 to read as follows:

§ 160.174–3 Incorporation by reference.

Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard Headquarters and at the National Archives and Records Administration (NARA). Contact the Coast Guard at: Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; email typeapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, email: fr.inspection@nara.gov, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html. The material may be obtained from the sources in the following paragraphs of this section. Error! Hyperlink reference not valid.

(a) *ASTM International (ASTM)*. 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: +1 610 832 9500; email: service@astm.org; web: <https://www.astm.org>.

(1) ASTM C177–85 (1993), Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus (“ASTM C 177”); § 160.174–17(f) and (g).

(2) ASTM C518–91, Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus (“ASTM C 518”); § 160.174–17(f) and (g).

(3) ASTM D975–14, Standard Specification for Diesel Fuel Oils (“ASTM D 975”); § 160.174–17(g).

(4) ASTM D1004–94a, Standard Test Method for Initial Tear Resistance of Plastic Film and Sheeting (“ASTM D 1004”); § 160.171–47(i).

(5) ASTM D1518–85 (1990), Standard Test Method for Thermal Transmittance of Textile Materials (“ASTM D 1518”); 160.174–17(f).

(b) *General Services Administration (GSA)*. email: GSAStandards@gsa.gov; web: <https://fedspecs.gsa.gov/s/federal-specifications>.

(1) Federal Standard No. 751a, Stitches, Seams, and Stitchings, dated

January 25, 1965 (“Federal Standard No. 751”); § 160.174–9(b).

(2) [Reserved]

(c) *National Institution of Standards and Technology (NIST) (formerly National Bureau of Standards)*. U.S. Department of Commerce, National Institution of Standards and Technology, 100 Bureau Drive, Gaithersburg, MD 20899; phone: (301) 975–2000; web: <https://www.nist.gov>.

(1) National Bureau of Standards Special Publication 440—Color, Universal Language and Dictionary of Names (“National Bureau of Standards Publication 440”); December 1976 (<https://nvlpubs.nist.gov/nistpubs/Legacy/SP/nbsspecialpublication440.pdf>); § 160.174–9(f).

(2) [Reserved]

PART 161—Electrical Equipment.

■ 71. The authority citation for part 161 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

PART 161—ELECTRICAL EQUIPMENT

■ 72. Revise the section heading to § 161.002–18 and paragraph (a) to read as follows:

§ 161.002–18 System method of applications for equipment approval.

(a) The manufacturer must submit the following material to the Commandant (CG–ENG), according to § 159.001–5:

(1) A formal written request that the system be reviewed for approval.

(2) The system’s instruction manual, including information concerning installation, maintenance, limitations, programming, operation, and troubleshooting.

(3) Proof of listing the system devices meeting the requirements of § 161.002–6(a).

(4) The complete test report(s) meeting the requirements of § 161.002–6 generated by an independent laboratory accepted by the Commandant under part 159 of this chapter or an NRTL as set forth in 29 CFR 1910.7. A current list of Coast Guard-accepted laboratories may be obtained from the following website: <https://cgmix.uscg.mil/eqlabs/>.

(5) A list prepared by the manufacturer that contains the name, model number, and function of each major component and accessory, such as the main control cabinet, remote annunciator cabinet, detector, zone card, isolator, central processing unit, zener barrier, special purpose module, or power supply. This list must be

identified by the following information assigned by the manufacturer:

(i) A document number;

(ii) A revision number (the original submission being revision number 0); and

(iii) The date that the manufacturer created or revised the list.

* * * * *

■ 73. Revise the section heading to § 161.002–19 and paragraphs (a) and (b) to read as follows:

§ 161.002–19 Device method of application for equipment approval.

(a) The manufacturer must submit the following material to the Commandant (CG–ENG) according to § 159.001–5:

(1) A formal written request that the device be reviewed for approval;

(2) The device’s instruction manual, including information concerning installation, maintenance, limitations, programming, operation, and troubleshooting;

(3) Proof of listing the device meeting the requirements of § 161.002–6(a); and

(4) The complete test report(s) meeting the requirements of § 161.002–6 generated by an independent laboratory accepted by the Commandant under part 159 of this chapter or an NRTL as set forth in 29 CFR 1910.7. A current list of Coast Guard accepted laboratories may be obtained from the following website: <https://cgmix.uscg.mil/eqlabs/>.

(b) To apply for a revision, the manufacturer must submit—

(1) A written request under paragraph (a) of this section;

(2) Updated documentation under paragraph (a)(2) of this section;

(3) Proof of listing the device meeting the requirements of § 161.002–6(a); and

(4) A report by an independent laboratory accepted by the Commandant under part 159 of this chapter or an NRTL as set forth in 29 CFR 1910.7 is required to document compliance with § 161.002–6.

* * * * *

§ 161.011–1 [Amended]

■ 74. In § 161.011–1, remove the word “approval” and add, in its place, the word “acceptance”.

■ 75. Revise § 161.011–5 to read as follows:

§ 161.011–5 Types.

EPIRBs are typed as follows:

(a) Category 1—EPIRBs are capable of floating free of a vessel and activating automatically if the vessel sinks.

(b) Category 2—EPIRBs are manually removed from the mounting bracket and activated.

■ 76. Revise § 161.011–10 to read as follows:

§ 161.011–10 EPIRB acceptance.

(a) The Coast Guard reviews test reports from an accepted independent laboratory for EPIRBs accepted in § 161.011–5 of this subpart.

(b) An application for acceptance or type acceptance of an EPIRB should be submitted to the Coast Guard before the FCC in accordance with title 47 of the Code of Federal Regulations (CFR), part 1061. When requested by the FCC, the Coast Guard reviews the test results in the application that concern installation and operation of the EPIRB. The Coast Guard provides the results of the review to the manufacturer, and to the FCC for its use in acting upon the application.

■ 77. Amend § 161.012–5 by:

■ a. Revising paragraph (a); and

■ b. In paragraph (b), removing the words “Two copies of plans” and adding, in their place, the word “Plans”.

The revision reads as follows:

§ 161.012–5 Approval procedures.

(a) An application for approval of a PFD light under this subpart must be submitted to the Commandant (CG–ENG) according to § 159.001–5.

* * * * *

■ 78. Revise 161.013–11(c)(1) to read as follows:

§ 161.013–11 Prototype test.

* * * * *

(c) * * *

(1) Forward the test results within 30 days to the Commandant (CG–ENG) according to § 159.005–1; and

* * * * *

■ 79. Revise § 161.013–17 to read as follows:

§ 161.013–17 Manufacturer notification.

Each manufacturer certifying lights in accordance with the specifications of this subpart must send written notice to the Commandant (CG–ENG) according to § 159.005–1 within 30 days after first certifying the lights, and send a new notice every 5 years thereafter as long as it certifies lights.

PART 162—ENGINEERING EQUIPMENT

■ 80. The authority citation for part 162 is revised to read as follows:

Authority: 33 U.S.C. 1321(j), 1903; 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(73), (92).

■ 81. Add § 162.017–0 to read as follows:

§ 162.017-0 Preemptive effect.

The regulations in this part have preemptive effect over State or local regulations in the same field.

■ 82. Revise § 162.017-1 to read as follows:

§ 162.017-1 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard and at the National Archives and Records Administration (NARA). Contact Coast Guard at: Commandant (CG-ENG-4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509; email typesapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. The material may be obtained from the source(s) in the following paragraph(s) of this section.

(b) International Organization for Standardization (ISO), ISO Central Secretariat Chemin de Blandonnet 8. CP 401—1214 Vernier, Geneva, Switzerland, telephone 41 22 749 01 11, <https://www.iso.org/contact-iso.html>.

(1) ISO 15364:2021(E), Ships and Marine Technology—Pressure-vacuum valves for cargo tanks and devices to prevent the passage of flame into cargo tanks, Fourth Edition (February 2021) (“ISO 15364”), IBR approved for § 162.017-3(r).

(2) [Reserved]

§ 162.017-2 [Amended]

■ 83. In § 162.017-2, remove the word, “flammable”, and add, in its place, the word, “inflammable”.

■ 84. Revise § 162.017-3(g), (n) and (r) to read as follows:

§ 162.017-3 Materials, construction, and workmanship.

* * * * *

(g) The design and construction of the valves must permit maintenance without removal from the line.

* * * * *

(n) Double flame screens of 20 × 20 corrosion-resistant wire mesh with a 1/2-inch corrosion-resistant separator, or a single screen of 30 × 30 corrosion-resistant wire mesh, shall be fitted on all openings to atmosphere. The net free area through the flame screens shall not be less than 1 1/2 times the cross-

sectional area of the vent inlet from the cargo tanks.

* * * * *

(r) Pressure-vacuum relief valves constructed in accordance with ISO 15364 (incorporated by reference; see § 162.017-1) meet the requirements of this subpart, and are eligible to receive approval by submitting an application in accordance with § 162.017-6.

■ 85. Amend § 162.017-6 by:

■ a. Revising paragraph (a);

■ b. In paragraph (b), removing the words “in quadruplicate”; and

■ c. In paragraph (c), removing the text “, by the Underwriters’ Laboratories, the Factory Mutual Laboratories, or”.

The revision reads as follows.

§ 162.017-6 Procedure for approval.

(a) Applications for approval must be submitted to the Commanding Officer, U.S. Coast Guard Marine Safety Center. Applications may be submitted electronically, by mail or in-person. Mail or in-person submissions may be delivered to U.S. Coast Guard Stop 7430, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7430. Information for submitting applications electronically can be found at <https://www.uscg.mil/HQ/MSG>.

* * * * *

■ 86. Revise § 162.050-15(a) to read as follows:

§ 162.050-15 Designation of facilities.

(a) Each request for designation as a facility authorized to perform approval tests must be submitted to the Commandant (CG-ENG) according to § 159.005-1.

* * * * *

■ 87. Revise § 162.060-40(b) to read as follows:

§ 162.060-40 Requirements for Independent Laboratories (ILs).

* * * * *

(b) Each request for designation as an independent laboratory authorized under paragraph (a) of this section must be submitted to the Commandant (CG-ENG) according to § 159.005-1.

* * * * *

PART 163—CONSTRUCTION

■ 88. The authority citation for part 163 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

Subpart 163.002 [Removed and Reserved]

■ 89. Remove and reserve subpart 163.002, consisting of §§ 163.002-1 through 163.002-27.

PART 164—MATERIALS

■ 90. The authority citation for part 164 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 91. Revise § 164.009-9(a) to read as follows:

§ 164.009-9 Procedure for approval.

(a) An application for approval of a material under this subpart must be submitted to the Commandant (CG-ENG) according to § 159.005-1.

* * * * *

■ 92. Amend § 164.018-7 by:

■ a. Revise paragraph (a); and

■ b. In paragraph (b)(2), removing the words, “Two copies of plans” and adding, in their place, the word “Plans”.

The revision reads as follows:

§ 164.018-7 Approval procedures.

(a) An application for approval of retroreflective material must be submitted to the Commandant (CG-ENG) according to § 159.005-1.

* * * * *

§ 164.106-3 [Amended]

■ 93. In § 164.106-3(a), remove the text “Part 6” and add, in its place, the text “Part 5”.

Subpart 164.120 [Removed]

■ 94. Remove subpart 164.120, consisting of §§ 164.120-1 through 164.120-15.

§ 164.137-2 [Amended]

■ 95. In § 164.137-2, remove and reserve paragraph (b)(2).

■ 96. Revise § 164.137-3(a) to read as follows:

§ 164.137-3 Testing, marking, and inspection requirements.

(a) Windows submitted for type approval must be tested for fire resistance under Annex 1, Part 3 of the FTP Code (incorporated by reference, see § 164.137-2). Windows must also meet the thermal radiation test supplement to fire resistance, and hose stream test supplement, as outlined in Appendix 1 of Part 3 of the FTP Code.

* * * * *

■ 97. Amend 164.138-2 by:

■ a. Revising paragraph (a); and

■ b. Removing and reserving paragraph (b)(2).

The revision reads as follows:

§ 164.138–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard and at the National Archives and Records Administration (NARA). Contact Coast Guard at: Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; email ypeapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. The material may be obtained from the sources in the following paragraphs of this section.

* * * * *

■ 98. Revise § 164.138–3(a) to read as follows:

§ 164.138–3 Testing, marking, and inspection requirements.

(a) Fire stops (penetration seals) submitted for type approval must be tested for fire resistance under Annex 1, Part 3 of the FTP Code (incorporated by reference, see § 164.138–2), including testing in accordance with Part 3, Appendix 3 and Appendix 4.

* * * * *

■ 99. Amend 164.139–2 by:

- a. Revising paragraph (a); and
- b. Removing and reserving paragraph (b)(2).

The revision reads as follows:

§ 164.139–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard and at the National Archives and Records Administration (NARA). Contact Coast Guard at: Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509; email ypeapproval@uscg.mil or visit <https://www.dco.uscg.mil/CG-ENG-4/>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. The material may be obtained from the sources in the following paragraphs of this section.

* * * * *

■ 100. Revise § 164.139–3(a) to read as follows:

§ 164.139–3 Testing, marking, and inspection requirements.

(a) Automatic fire dampers that are installed in A-class divisions that are submitted for type approval must be tested for fire resistance under Annex 1, Part 3 of the FTP Code (incorporated by reference, see § 164.139–2), including testing in accordance with Appendix 2.

* * * * *

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

■ 101. The authority citation for part 167 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3307, 6101, 8105; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 102. Revise § 167.45–40 introductory text, and paragraphs (a), (d), (e), and (f) to read as follows:

§ 167.45–40 Fire-fighting equipment on nautical school ships using oil as fuel.

Steam-propelled nautical school ships burning oil for fuel shall be fitted with the fire-fighting equipment of the following type and quantity:

(a) In each boiler room and in each of the machinery spaces of a nautical school ship propelled by steam, in which a part of the fuel-oil installation is situated, two or more approved 40–B fire extinguishers must be placed where accessible and ready for immediate use. On a nautical school ship of 1,000 gross tons and under, only one is required.

* * * * *

(d) On every steam propelled nautical school ship of over 1,000 gross tons having one boiler room there shall be provided one 160–B fire extinguisher. If the nautical school ship has more than one boiler room, an extinguisher of the above type shall be provided in each boiler room. On every steam-propelled nautical school ship of 1,000 gross tons and under, a 120–B fire extinguisher may be used. Extinguishers fitted shall be equipped with suitable hose and nozzles on reels or other practicable means for easy access, and of sufficient length to reach any part of the boiler room and spaces containing oil-fuel pumping units.

(e) All nautical school ships propelled by internal-combustion engines shall be equipped with the following fire extinguishers in the machinery spaces:

- (1) One 120–B fire extinguisher.
- (2) One 40–B extinguisher for each 1,000 BHP of the main engines, or fraction thereof. The total number of fire

extinguishers carried shall not be less than two and not more than six.

(3) When a donkey boiler fitted to burn oil as fuel is located in the machinery space, there shall be a 160–B fire extinguisher installed instead of the 120–B fire extinguisher.

(f) In this section, any reference to a fire extinguisher means approved by the Coast Guard.

§ 167.45–60 [Amended]

■ 103. In § 167.45–60(a), remove the text “the Mine Safety and Health Administration (MSHA) and by”.

■ 104. Revise § 167.45–65 to read as follows:

§ 167.45–65 Portable fire extinguishers in accommodation spaces.

All nautical school ships shall be provided with such number of good and efficient portable fire extinguishers approved by the Coast Guard as follows:

(a) Nautical school ships less than 150 feet in length shall have at least two 2–A fire extinguishers on each passenger deck.

(b) Nautical school ships 150 feet and over in length shall be provided with at least one 2–A fire extinguisher for every 150 linear feet of corridor length or fraction thereof in the spaces occupied by passengers and crew.

(c) In all public spaces fire extinguishers shall be located not more than 150 feet apart.

■ 105. Amend § 167.45–70 by:

■ a. Removing paragraphs (a), (b), and (c);

■ b. Redesignating paragraphs (d) and (e) as paragraphs (a) and (b), respectively;

■ c. In new paragraph (b), removing the words “in still” and adding, in their place, the words “it is still in”; removing the words “it the cartridge” and adding, in their place, the words “if the cartridge”; and removing the word “gage” and adding, in its place, the word “gauge”; and

■ d. Adding paragraph (c) to read as follows:

§ 167.45–70 Portable fire extinguishers, general requirements.

* * * * *

(c) In addition to the required extinguishers in this part, each vessel shall carry no less than 10 percent spare extinguishers or charges for each size and variety of fire extinguisher, with a minimum of one for each size and variety of extinguisher.

■ 106. Add § 167.45–71 to read as follows:

§ 167.45–71 Exemptions to the requirements of portable fire extinguishers required for vessels constructed before August 22, 2016.

Vessels contracted for before August 22, 2016, must meet the following requirements:

(a) Previously installed portable and semi-portable fire extinguishers with extinguishing capacities smaller than what is required in part 167 need not be replaced and may be continued in service so long as they are maintained in good condition to the satisfaction of

the Officer in Charge, Marine Inspection.

(b) All new equipment and installations must meet the applicable requirements in this part for new vessels.

§ 167.45–75 [Amended]

■ 107. In § 167.45–75, after the words “approved by the Coast Guard”, remove the words “or the Navy”.

PART 169—SAILING SCHOOL VESSELS

■ 108. The authority citation for part 169 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; Pub. L. 103–206, 107 Stat. 2439; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(73), (92); § 169.117 also issued under the authority of 44 U.S.C. 3507.

■ 109. In § 169.567, in the table in paragraph (a), revise the last entry to read as follows:

TABLE 169.567(a)—REQUIRED PORTABLE FIRE EXTINGUISHERS

Space	Portable fire extinguishers	
	Minimum required rating	Quantity and location
*	*	*
*	*	*
*	*	*
*	*	*
*	*	*
	40–B:C	10 percent of the required number, rounded up.

■ 110. Add § 169.568 to read as follows:

§ 169.568 Exemptions to the requirements of portable fire extinguishers required for vessels constructed before August 22, 2016.

Vessels contracted for before August 22, 2016, must meet the following requirements:

(a) Previously installed portable and semi-portable fire extinguishers with extinguishing capacities smaller than what is required in this subpart need not be replaced and may be continued

in service so long as they are maintained in good condition to the satisfaction of the Officer in Charge, Marine Inspection.

(b) All new equipment and installations must meet the applicable requirements in this part for new vessels.

§ 169.717 [Amended]

■ 111. In § 169.717(a)(1), remove the text “the Mine Safety Health Administration (MSHA) and by” and remove the text “by MSHA and NIOSH”.

PART 181—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

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

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 113. In § 181.500, in the table in paragraph (b), revise the fourth entry to read as follows:

TABLE 181.500(b)—REQUIRED PORTABLE FIRE EXTINGUISHERS

Space	Portable fire extinguishers	
	Minimum required rating	Quantity and location
*	*	*
*	*	*
*	*	*
Accommodation Space	2–A	1 each for each 2,500 square feet (232.3 square meters) or fraction thereof.
*	*	*
*	*	*

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS

■ 114. The authority citation for part 195 is revised to read as follows:

Authority: 46 U.S.C. 2113, 3306, 3307; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

§ 195.40–1 [Amended]

■ 115. In § 195.40–1 remove paragraph (h).

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

■ 116. The authority citation for part 199 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; DHS Delegation 00170.1, Revision No. 01.3, paragraph (II)(92).

■ 117. Revise § 199.190(j) to read as follows:

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

* * * * *

(j) *Maintenance of falls.* Each fall used in a launching appliance must—

(1) Be inspected annually with special regard for areas passing through sheaves; and

(2) Be renewed when necessary due to deterioration or at intervals of not more than 5 years, whichever is earlier.

* * * * *

Dated: April 14, 2023.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2023–08400 Filed 5–22–23; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0286]

RIN 1625–AA00

Safety Zone; Shrewsbury River, S–32 Bridge, Boroughs of Rumson and Sea Bright, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone on the navigable waters of the Shrewsbury River, within a 100-yard radius of the center point of the S–32 Bridge on

County Route 520 (Rumson Road), in the boroughs of Rumson and Sea Bright, New Jersey. The safety zone will include the East and West navigational channels and will temporarily close down a portion of the Shrewsbury River under the S–32 Bridge. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with the bridge construction. When enforced, entry of vessels or persons into this zone during the enforcement periods is prohibited unless specifically authorized by the Captain of the Port New York or a designated representative. We invite your comments on this proposed rulemaking. **DATES:** Comments and related material must be received by the Coast Guard on or before June 22, 2023.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0286 using the Federal Decision-Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Melanie Hughes, Waterways Management Division, U.S. Coast Guard; telephone 718–354–4352, email melanie.a.hughes1@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port New York
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On March 15, 2023, the Coast Guard received notification from WSP USA Inc. requesting to close a portion of the Shrewsbury River for the replacement of the S–32 Bridge on County Route 520 (Rumson Road) over the Shrewsbury River in the Boroughs of Rumson and Sea Bright, NJ; Federal Project No. STBGP–0520(300); NJDOT Job No. 6700352. Marine construction actions will consist of several activities, including but not limited to: erection of the bascule span structure steel; counterweights; exodermic deck panels; cast-in-place concrete closure pours; bridge concrete sidewalk; bridge steel railing; concrete deck overlay; and

fender system. These activities are expected to affect navigation along the Shrewsbury River. Marine traffic will be maintained through the channel with partial channel closures for a majority of the duration of construction activities; however, full channel closure will be required for very limited periods. The Captain of the Port New York (COTP) has determined that potential hazards associated with the bridge construction would be a safety concern for anyone within a 100-yard radius of the center point of the bridge.

The purpose of this rulemaking is to protect personnel, vessels, and the marine environment from potential hazards created by the S–32 Bridge construction activities within a 100-yard radius. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from September 25, 2023, through December 31, 2024, but will only be enforced during periods when heavy lift operations at the new bridge are in progress.

The first full channel closure is anticipated to take place from 6 a.m. on Monday, September 25, 2023, through 5 p.m. on Friday, September 29, 2023. The anticipated contingency date for this channel closure is from 6 a.m. on Monday, October 2, 2023, through 5 p.m. on Friday, October 6, 2023. The second full channel closure is anticipated to take place from 6 a.m. on Monday, November 13, 2023, through 5 p.m. on Friday, November 17, 2023. The anticipated contingency date for this channel closure is from 6 a.m. on Monday, November 20, 2023, through 5 p.m. on Monday, November 27, 2023. The Federal navigation channel closure is due to a 180-foot by 64-foot crane barge spudded down in the channel while conducting heavy lift operations each week at the new bridge.

The remainder of the bridge construction activities will partially close the channel allowing marine traffic to pass on either the east half or the west half of the channel. During these partial closures, the channel will be reduced to a width of 37 feet. The first partial channel closure is anticipated to take place from 12:00 a.m. on Monday, October 2, 2023, through 11:59 p.m. on Friday, November 10, 2023. The second partial channel closure is anticipated to take place from 12 a.m. on Monday, November 20, 2023, through 11:59 p.m. on Friday, March 8, 2024. The third partial channel closure is anticipated to take place from 12 a.m.