

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 25, 28, 30, 31, 35, 37, 40, 54, 55, 56, 61, 70, 71, 72, 76, 78, 79, 90, 91, 95, 97, 99, 106, 150, 154, 174, 188 and 189

[CGD 95-012]

RIN 2115-AF03

Removal of Obsolete and Unnecessary Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations for both inspected and uninspected commercial vessels by removing and revising obsolete and unnecessary provisions. The Coast Guard expects that these amendments will reduce administrative burden to government and industry, reduce government costs, and provide a more concise and useful Title 46, Code of Federal Regulations.

DATES: Comments must be received on or before July 10, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-012), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 or may be delivered to room 3406, at the same address, from 8 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR R.K. Butturini, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security, and Environmental Protection, (202) 267-2206.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-012) and the specific section of this proposed rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

In the March 30, 1995 **Federal Register** (59 FR 16423), the Coast Guard announced it would hold a public meeting on April 20, 1995 to discuss Coast Guard regulations and the regulatory process. Any relevant comments received at the hearing or by the May 1, 1995 deadline for written comments will be considered for the changes included in this document. The Coast Guard plans no other public meeting for this docket. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a public meeting would be beneficial. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Drafting Information. The principal persons involved in drafting this proposed rule are LCDR R.K. Butturini, Project Manager, and Ms. Pam Pelcovits, Project Counsel, Office of Chief Counsel.

Background and Purpose

On March 4, 1995, the President issued a memorandum calling on executive agencies to review regulations with the goals of: (1) Cutting obsolete regulations; (2) focusing on results instead of process and punishment; (3)

convening meetings with the regulated community; and (4) expanding efforts to promote consensual rulemaking.

As part of a continuing review of its regulatory program, the Coast Guard is examining alternative compliance methods and ways to make existing regulations more efficient. This approach is consistent with the ongoing National Performance Review effort aimed, in part, at making government regulations more concise and easier to use. As a first step, the purpose of this proposed rule is to remove or revise some regulations that the Coast Guard has found to be obsolete and unnecessary.

In compiling the list of CFR sections included in this proposed rule, the Coast Guard did not consider parts of 46 CFR that are under review as part of ongoing regulatory projects. Additional rulemaking projects are expected to adopt accepted industry standards and remove other obsolete or unnecessary Coast Guard standards and to solicit public comment on additional provisions which should be modified or eliminated. Sections were identified for revision or removal for the following reasons:

- (a) Regulations include citation to a long-passed compliance date.
- (b) Vessels or equipment covered under certain regulations have become impractical due to social or economic changes.
- (c) Equipment is no longer manufactured or used.
- (d) Requirements are repeated in another section.
- (e) Authority citations have been repealed or revoked.
- (f) The text of the regulation merely repeats statutory language.

Discussion of Rules

The following discussion summarizes the changes in this proposed rule.

1. *Passed compliance dates.* The following regulations are being removed or revised because they include a reference to a compliance date which has passed. For example, § 25.40-1(c) states that modifications for the purposes of complying with ventilation requirements must be completed by June 1, 1966.

Cite	Change made	Subject addressed by regulation
§ 25.40-1(c)	Removed	Motorboat ventilation.
§ 28.110(a)	Date removed	Life preservers.
§ 28.115(a)	Date removed	Ring life buoys.
§ 28.135(a)	Date removed	Lifesaving equipment markings.
§ 28.145	Date removed	Distress signals.
§ 28.210 (c), (d) and (e)	Dates removed	First aid equipment and training.