

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 30, 31, 70, 71, 90, 91, and 107****[CGD 95-010]****RIN 2115-AF 11****Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules (CGD 95-010)****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend regulations to provide owners of U.S. tank vessels, passenger vessels, cargo vessels, miscellaneous vessels and mobile offshore drilling units an alternative method to fulfill the requirements for vessel design, inspection and certification. Under this proposal, the Coast Guard would issue a certificate of inspection based upon a recognized classification society's reports that the vessel complies with the International Convention for the Safety of Life at Sea, as amended (SOLAS 74/83), other applicable international conventions, classification society rules, and other specified requirements. This will reduce the burden on vessel owners and operators by eliminating duplicative plan reviews and inspections by the classification society and the Coast Guard.

DATE: Comments must be received on or before September 20, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LFA/3406) (CGD 95-010), U.S. Coast Guard Headquarters, 2200 Second Street, SW., Washington, DC 20593-0001, or may be delivered to Room 3406 at the above address between 8 a.m. and 3 p.m. weekdays, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, D.C. 20503, ATTN: Desk Officer, U.S. Coast Guard.

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: Mr. Albert G. Kirchner, Jr., Office of Marine Safety, Security and Environmental

Protection (G-MTH-4/13), Room 1304, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-0168.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in the rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-010) and the specific section of this proposal 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 stamped, self-addressed postcards or envelopes.

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

The Coast Guard plans no public hearing. Persons may request a public hearing by writing the Marine Safety Council at the address under

ADDRESSES. The request should include reasons why a hearing would be beneficial. If the council determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Mr. Albert G. Kirchner, Jr., Project Manager, Office of Marine Safety, Security and Environmental Protection and Commander Thomas R. Cahill, Project Counsel, Office of Chief Counsel.

Background and Purpose

As part of its regulatory reform efforts, the Coast Guard invited the maritime industry to identify unnecessarily burdensome regulations. In response, the U.S. maritime industry submitted many comments noting the continuing pressure on the competitive position of the U.S. oceangoing merchant fleet and commercial shipbuilding industry. Members of the industry called for greater alignment of Coast Guard regulations with international standards to reduce the cost disadvantages incurred by U.S. maritime industry and thereby improve the competitiveness of the U.S. industry. These developments, together with a desire to focus more attention on human element and port

state control activities, prompted the Coast Guard to review its approach of ensuring maritime safety through vessel compliance inspections.

This proposal would be responsive to the needs expressed by the U.S. maritime industry to reduce the regulatory burden and alleviate duplication of effort between the Coast Guard and the classification societies. These processes are the culmination of one public meeting and more than 10 follow-on meetings involving all major shipbuilding and maritime operator interests in the nation. As a result of this intensive cooperative effort, the concept of alternative compliance was developed as a means of reducing adverse regulatory effects without jeopardizing safety.

As part of this review, a joint USCG/American Bureau of Shipping (ABS) task force compared the requirements in the Code of Federal Regulations (CFR), ABS Rules, the 1974 Safety of Life at Sea Convention, as amended (SOLAS 74/83), and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). The purpose of this comparison was to identify redundancies and determine if other regulations could be used in place of CFR requirements to achieve an equivalent level of safety. Over 370 separate regulatory provisions have been examined to date, and the task force has determined that many of the CFR requirements examined could be satisfied by ABS Rules, SOLAS 74, MARPOL 73/78 or combinations of the three. This led to the development of an ABS U.S. Supplement (USS). The USS addresses those areas where current Coast Guard requirements are not embodied by either ABS Rules or international conventions or, in the case of international conventions, whose interpretations are needed by the U.S. flag administration. The Coast Guard has concluded that the design requirements and survey provisions of ABS class rules, applicable international conventions, and the USS provide a level of maritime safety equivalent to corresponding Federal regulations which govern the same aspects of U.S. vessels.

Under this proposal, owners, operators, shipbuilders, and designers of U.S. flagged tank vessels, passenger vessels, cargo vessels, miscellaneous vessels, and mobile offshore drilling units subject to inspection under Part B of Subtitle II of 46 U.S.C. (sections 3101-4705) would have an alternative to traditional inspection by the Coast Guard. They could use the services of a recognized classification society to perform inspection and plan review