

Register (60 FR 48044). That rulemaking focused on regulations for which no adverse public comment was expected, such as removal of the requirements for nuclear vessels, ocean incinerator ships and ocean thermal energy conversion facilities and plantships. This proposal removes or amends obsolete or unnecessary regulations of a more significant nature and seeks to incorporate industry consensus standards and practices. The broader scope of this proposal and the nature of the proposed changes, when compared to the previous rulemaking, make increased public involvement desirable.

In compiling the list of CFR sections included in this proposed rule, the Coast Guard did not consider parts of Title 46 Code of Federal Regulations (46 CFR) that are under review as part of other, ongoing regulatory projects.

In this proposal, sections of the CFR were identified for removal or revision by comparing the section subject matter to the following list of selection criteria:

- (a) Equipment discussed in a section is no longer manufactured or used;
- (b) Requirements imposed by a section are repeated in another section;
- (c) Requirements imposed by a section make a negligible contribution to shipboard safety;
- (d) An appropriate industry consensus standard or practice exists which can be referenced instead of publishing detailed requirements in a regulation; or,
- (e) The text of a regulation merely repeats statutory language.

#### Discussion of Proposed Rules

The following discussion summarizes the changes proposed by this rule:

*1. The requirement addresses equipment that is no longer manufactured or used.* The following sections are being removed or revised because they impose requirements for equipment that is no longer manufactured, that is technologically obsolete, or is no longer used in the marine industry.

Section 31.10–15(a) of Title 46 CFR contains requirements for nuclear vessels. This section was inadvertently omitted from an earlier rulemaking entitled Removal of Obsolete and Unnecessary Regulations (60 FR 48044) which focused on removing regulations for nuclear vessels, ocean incinerator vessels and ocean thermal energy conversion facilities and plantships. Therefore, this section which pertains to nuclear vessels is proposed for removal.

Section 34.05–5 and Subparts 34.13, 76.13 and 95.13 of Title 46 CFR contain requirements for steam smothering systems used for fire fighting purposes.

The Coast Guard has prohibited installation of steam smothering systems on vessels since 1962. Existing steam smothering systems may be retained as long as they are kept in good condition to the satisfaction of the Officer in Charge, Marine Inspection. As no new installation of steam smothering systems are allowed and the designs of existing installations have already been approved, the design requirements for steam smothering systems are no longer necessary and are proposed for removal. The Coast Guard is retaining the regulations pertaining to testing and inspection of installed systems.

Subparts 35.70, 78.80, 97.70 and § 108.613 of Title 46 CFR contain requirements for power-operated industrial trucks. Power-operated industrial trucks have historically been used on break-bulk ships for handling cargo in the holds. Only 66 U.S. flag break-bulk ships are currently inspected by the Coast Guard. Well over half of these ships are maintained by the Maritime Administration (MARAD), but are not operating. Of MARAD's ships, only 7 will eventually carry power-operated industrial trucks as ship's equipment. On the remaining, privately owned break-bulk ships, few trucks are still carried as ship's equipment because dockside trucks are readily available. Trucks are also used on mobile offshore drilling units (MODUs) to move palletized stores such as bagged cement. Efficient cargo handling systems are increasingly replacing trucks aboard MODUs for this purpose. The demand for faster loading methods and the evolution of container ships, lighter-aboard ships (LASH) and roll-on/roll-off (RORO) ships has also reduced the use of power-operated industrial trucks. Additionally, there have been no reported accidents involving power-operated industrial trucks in the last fifteen years. Therefore, regulations for power-operated industrial trucks are no longer necessary and are proposed for removal.

Sections 32.15–10, 77.27–1, 96.27–1 and 167.40–20 of Title 46 CFR contain requirements for sounding equipment, including deep-sea hand leads. Reliable, inexpensive electronic sounding equipment and position fixing equipment are available from numerous manufacturers. It is unlikely that a hand lead would be necessary to determine the water depth. Therefore, the requirements for deep sea hand leads are not necessary and are proposed for removal.

Section 32.02–5 and Subparts 78.35, 97.33 and 196.33 require cable travelers between fore and aft deck houses separated by more than 46 m (150 ft) to

protect crewmembers needing to cross the weather decks. Cable travelers have been replaced by raised fore and aft bridges and side tunnels as safer means of moving between the deckhouses. Additionally, modern vessel designs have abandoned the two deck house arrangement in favor of a single deckhouse. Therefore, these sections are being revised to remove the requirement for installation of cable travelers between separated deckhouses and merely require a fixed means of facilitating movement between both ends of the vessel.

Sections 34.05–15, 76.05–30, 95.05–20, 167.45–40, 193.05–20 and Subpart 34.55 of 46 CFR require sand, sawdust impregnated with soda or other appropriate dry materials, and a scoop or shaker for distribution, to be located in the machinery spaces for fire fighting purposes. Sand is inferior to other, common fire fighting means, such as portable extinguishers, and this burdensome requirement is no longer appropriate. Therefore, regulations requiring sand in the engine room are proposed for removal.

Subparts 35.12, 78.53, 97.43, 196.43 and Section 167.65–50 of 46 CFR require instructions for the use of breeches buoys. Modern communications and lifesaving equipment have made the use of breeches buoys for lifesaving purposes obsolete. Therefore, the requirement for an instruction placard for the use of breeches buoys is no longer necessary and these sections are proposed for revision to remove this requirement.

Sections 35.30–45, 72.05–60, 167.40–35 and 169.321 and Subparts 78.75, 97.60 and 196.60 of Title 46 CFR contain requirements for motion picture film. Subpart 78.75 also contains a requirement that motion picture projectors comply with the requirements in the electrical engineering regulations. With the exception of large passenger vessels, video cassette recorders and televisions have replaced motion picture projectors on most vessels. Large passenger vessels use motion picture projectors in their movie theaters. Slow-burning film is the only type of film currently available in reel format for use with movie projectors. Section 111.89–1 of Title 46 in the electrical engineering regulations requires all motion picture projectors to meet Article 540 of the National Electrical Code. Therefore, as the risks previously associated with motion picture film no longer exist, the regulations for motion picture film are not necessary and are proposed for removal.