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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 11-85
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Subj: Coast Guard Guidance Regarding Requirements for Automatic Radar Plotting Aid (ARPA) and Device to Indicate Speed and Distance (Speed Log)

Ref: (a) 33 CFR 164.38 and 164.40

1. PURPOSE. The purpose of this Circular is to provide uniform enforcement guidance regarding the Navigation Safety Regulations amendments which were issued in response to the amendments to Chapter 5 of the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

2. PUBLICATIONS AFFECTED. The information in this Circular will be included in a future revision of the Marine Safety Manual (COMDTINST M 16000.3).

3. BACKGROUND.

   a. In November 1981, the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) adopted amendments to SOLAS including those to Chapter 5 which deal with safety of navigation. The amendments became effective September 1, 1984.

   b. The Navigation Safety Regulations, 33 CFR 164, were adopted in January 1977 and deal with navigation equipment requirements and safe navigation procedures. The most recent amendments, published on October 29, 1984 (49 FR 43463), include the SOLAS requirements for ARPA and speed log and are intended, in part to reconcile the U.S. requirements with those adopted internationally. Enclosure (1) is a copy of the Final Rule containing the Navigation Safety Regulation amendments.

4. DISCUSSION. (ARPA)

   a. The Port and Tanker Act (PTSA) of 1978 required an ARPA by July 1, 1982 on all vessels 10,000 grt or more carrying oil or hazardous materials in bulk as cargo or as residue in U.S. waters. SOLAS requires an ARPA on vessels with effective dates based on gross tonnage and vessel type (tank/non tank vessel).

   b. The Navigation Safety Regulations amendments contain a combination of PTSA and SOLAS requirements for ARPA, detailed in enclosure (2). Because PTSA requirements hinge on whether a vessel is carrying bulk oil or hazardous materials, and SOLAS regulations hinge on vessel type, there is overlap in the effective dates. Ultimately, these rules will require an ARPA on all vessels 10,000 grt or more.

5. PROCEDURES. (ARPA)

a. The Captain of the Port (COTP) should observe the following procedures when boarding a vessel required to have an ARPA:

- Check for certification label; note if ARPA is certified to meet IMO or MARAD specifications.
- Check to see if unit is operable.
- If unit is certified to meet the IMO specification and operable, no further action should be necessary.
- If unit is certified to meet MARAD specification, installation date must be before July 1, 1982, PPI size not less than 12 inches, and there must be interswitching between both radars.

b. The following enforcement guidance applies. In all cases applicable Marine Safety Information System (MSIS) entries shall be made:

- No ARPA, with an absence of any attempt to comply: complete an MSIS Port Safety Boarding Report (PSBR), a Port Safety Discrepancy Report (PSDR) and forward a Marine Violation Report Recommendation (MVRR) for action by District (m). Issue COTP notification that reentry into U.S. navigable. waters will be denied if vessel is not fitted with an approved ARPA, unless ARPA is to be installed at next port call.
- No ARPA, but documentation provided that indicates purchase order has been placed: same as above.
- ARPA installed, but no label: same as above. (Manufacturer is responsible for certifying the device meets either the IMO or MARAD specifications by attaching a label to the ARPA. In the absence of a label, assume the device is not a certified ARPA.)
- No ARPA, but to be fitted in current port call: complete PSBR and PSDR.
- ARPA installed, but inoperative: complete PSBR, PSDR, and either issue COTP Order requiring repairs before departure or authorize a deviation to allow departure, with restrictions if appropriate. The second option would also require notification that reentry into U.S. waters would be denied as long as ARPA is inoperative, unless it is to be repaired at next port call (33 CFR 164.11(r) and .53(a) apply).

c. In general, it shall be Coast Guard policy to exercise a strict enforcement posture as with other requirements issued under the PTSA. On occasion, however, the best and most responsible efforts on the part of owner/operators may be frustrated by failure of a vendor to perform or other matters beyond the control of the owner/operator. In these instances, the COTP may exercise some discretion in establishing achievable installation/correction schedules, but must insure that the circumstances of each case are communicated to other affected COTPs through MSIS.

6. DISCUSSION. (Speed Log)

a. The amendments to the Navigation Safety Regulations call for a speed log on those vessels required to be fitted with an ARPA. The effective dates are detailed in enclosure (3). Based on several comments addressing the rulemaking, the Coast Guard will not require vessels

to be drydocked solely to install the speed log to meet the effective date. U.S. vessels will be granted deviations to postpone installation until the next required biennial drydocking. Foreign vessels, which are not required to be drydocked as frequently, will be granted deviations for periods equivalent to the biennial drydocking interval for U.S. vessels. The maximum duration of a deviation will be two years from the appropriate effective date in 33 CFR 164.40. This policy has been generally understood by vessel operators; however, the mechanics of obtaining a deviation have caused confusion.

b. As a result of several inquiries from industry about speed log installation, Commandant (G-WWM) developed a response based on the existing method of granting deviations for nonfunctioning depthsounders. That is, when a vessel first enters a U.S. port with a problem in the transducer, and the COTP is satisfied it can still navigate safely, a deviation may be granted to allow the vessel to continue to navigate in that COTP Zone until the repairs are made during the next regular drydock period. Upon presentation, this deviation is normally respected in other COTP Zones.

7. PROCEDURES. (Speed Log)

a. Approximately the same procedure should be followed to grant deviations for vessels which do not have speed logs installed by the date called for in 33 CFR 164.40. Before a vessel which is not in compliance enters a U.S. port, a request for a letter of deviation should be made to a COTP to defer the requirement for a speed log. This request may be made well in advance or at any time prior to entering a U.S. port. A likely example would be a letter from a shipping company official to the COTP of the Zone in which the company office is located requesting deviations for several vessels.

b. For U.S. vessels, the COTP should grant a deviation with an expiration date to correspond with the vessel's next required biennial drydocking. For foreign vessels, the COTP should grant a deviation for a period not to exceed 24 months beyond the appropriate implementation date in 33 CFR 164.40. The letter of deviation should be kept aboard the vessel and presented in COTP Zones as required. The deviation should normally be respected in each COTP Zone the vessel enters.

PETER J. ROTS
Chief, Office of Marine
Environment and System

Enclosure: (1) October 29, 1984 Navigation Safety Regulation Amendments
(2) Implementation Schedule for ARPA
(3) Implementation Schedule for Speed Log

Non-Standard Distribution:

C:e Baltimore (45); Alameda (40); Port Arthur, Honolulu, Seattle (35); Miami, Mobile, Long Beach (25); Norfolk, Jacksonville, Portland OR (20); Boston, Portland ME, Charleston, Anchorage (15); Cleveland (12); Cincinnati, Louisville, Memphis, Nashville, Paducah, Pittsburgh, St. Louis,

Savannah, San Juan, Tampa, Galveston, Buffalo, Chicago, Detroit, Duluth, Milwaukee, San Diego, Juneau, Valdez (10); Providence, Huntington, Wilmington, Corpus Christi, Toledo (5).

C:m New Orleans (140); New York (70); Philadelphia (35); Houston (25); St. Ignace (5); Sturgeon Bay (4).

D:l CG Liaison Officer MILSEALIFTCOMD M-65 STRAT MOB, CG Liaison Officer JUSMAGPHIL (1).

whether upbound or downbound, a second eight hours notice is required. Notice of these regulations shall be posted by the bridge owner at the Nickajack and Watts Bar Locks on the Tennessee River. Clearance gages of a type acceptable to the Coast Guard shall be installed on both sides of each bridge.

45. By revising § 117.1007 to read as follows:

§ 117.1007 Elizabeth River—Eastern Branch.

(a) The draw of the Campostella bridge, mile 1.8 at Norfolk, shall open on signal; except that, from 7:35 a.m. to 7:50 a.m. Monday through Friday, the draw need not be opened except for the passage of tugs with tows.

(b) The draw of the Norfolk and Western Railroad bridge, mile 2.7 at Norfolk, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given.

§ 117.1009 [Removed]

46. By removing § 117.1009, Elizabeth River—Western Branch.

§ 117.1051 [Amended]

47. By correcting "monday" in paragraph (d)(1) of § 117.1051 (as amended 49 FR 26722; June 29, 1984) to read "Monday."

§ 117.1057 [Amended]

48. By correcting "highways" in § 117.1057 to read "highway."

§ 117.1063 [Amended]

49. By correcting "if a least" in paragraph (b) of § 117.1063 to read "if at least."

50. By revising paragraph (b)(3) and adding a new (b)(4) to § 117.1099 to read as follows:

§ 117.1099 St. Croix River.

* * * * *

(b) * * *

(3) From May 15 through October 15, at any time for emergencies.

(4) From October 16 through May 14, if at least 24 hours notice is given.

* * * * *

Dated: October 23, 1984.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-28478 Filed 10-26-84; 8:45 am]

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33 CFR Part 164

[CGD 83-004]

Navigation Safety Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule modifies the Navigation Safety Regulations to conform with certain international requirements adopted in a revision to the International Convention for Safety of Life at Sea, 1974 (SOLAS '74). Automatic Radar Plotting Aids (ARPA), speed and distance indicators, rate of turn indicators, RPM indicators, and pitch and mode indicators will not be required on certain classes of vessels. This rule also modifies the requirements for maneuvering tables and data, and amplifies the regulations pertaining to non-operating equipment.

EFFECTIVE DATE: November 28, 1984.

FOR FURTHER INFORMATION CONTACT: Edward J. LaRue Jr. (202) 426-4958.

SUPPLEMENTARY INFORMATION:

Regulatory Background

Regulations to govern the operation of all major vessels in U.S waters were introduced by an Advance Notice of Proposed Rulemaking (ANPRM) on June 28, 1974 (39 FR 24157) in response to the Ports and Waterways Safety Act of 1972. On the basis of the comments received on the ANPRM, a Proposed Rule to establish a new part to 33 CFR part 164 entitled "Navigation Safety Regulations" was published on May 6, 1976 (41 FR 18766). These regulations, which were applicable to all vessels 1600 grt or more operating on U.S. waters, were published as a Final Rule on January 31, 1977 (42 FR 5956).

The Port and Tanker Safety Act (PTSA) of 1978 required an ARPA by July 1, 1982 on all vessels 10,000 grt or more carrying oil or hazardous materials in bulk as cargo or in residue in U.S. waters. A Proposed Rule to implement this requirement was published On February 21, 1980 (45 FR 11790). The Final Rule was published on August 14, 1980 (45 FR 54037).

A Proposed Rule to implement improved steering gear standards on tank vessels 10,000 grt or more was published on February 12, 1979 (44 FR 9035). That rule proposed adopting standards agreed to at the 1978 International Conference on Tanker Safety and Pollution Prevention (TSPP), as well as the improved steering gear requirements mandated by section 5 of the PTSA. A Final Rule implementing these regulations was published on November 19, 1979 (44 FR 66530).

A Proposed Rule was published on October 14, 1983 (48 FR 46819) to modify the Navigation Safety Regulations to conform with certain requirements adopted in a revision to SOLAS '74.

Drafting Information

The principal persons involved in drafting this rulemaking are: Mr. Edward J. LaRue Jr., Project Manager, Office of Marine Environment and Systems, and Mr. Alfred F. Bridgman, Project Attorney, Office of Chief Counsel.

Discussion of Comments

In response to the Proposed Rule published on October 14, 1983, a total of eight comments were received. Of those, three were received from interests concerned with vessel operations on the Great Lakes. One commenter suggested that Great Lakes vessels be exempted from 33 CFR part 164 in its entirety. The existing navigation safety regulations apply to these vessels, with several exceptions designed to accommodate the particular operating conditions of the Great Lakes. Since these waters include some of the most confined and congested waters of the United States, including areas where one-way traffic is imposed, a general exemption is not considered warranted. Where possible, specific exemptions from the proposed rules have been granted.

One commenter suggested that "navigable waters of the United States" be defined in § 164. Navigable waters of the United States is already defined in § 2.05-25. This includes territorial seas of the United States. Territorial seas, as defined in § 2.05-5, are "waters within the belt, 3 nautical miles wide, that is adjacent to its coast and seaward of the territorial sea base-line." Since the definition of navigable waters is now in 33 CFR, repetition in § 164 is considered unnecessary.

Steering Gear Drills and Test

This rule conforms to steering gear drills, tests and certain operating requirements developed by the 1978 International Conference on Tanker Safety and Pollution Prevention (TSPP). The TSPP Conference was held under the auspices of the International Maritime Organization (IMO) and the United States was a participant. The result of this conference was the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS '74). SOLAS '74 was ratified by the U.S. on September 7, 1978 and entered into force internationally on May 25, 1980. The Protocol was ratified by the U.S. on August 12, 1980 and entered into force

internationally on May 1, 1981. This rule deals with new SOLAS regulation 19–1, Operation of Steering Gear, and 19–2, Steering Gear Testing and Drills, added by the Protocol to Chapter V, Safety of Navigation, of SOLAS.

SOLAS regulation 19–1 requires that where navigation demands special caution, ships shall have more than one steering gear power unit in operation when such units are capable of simultaneous operation.

SOLAS regulation 19–2 requires that within 12 hours prior to departure, the ship's steering gear, including auxiliary gear and all steering alarms, must be checked and tested by the ship's crew. Simple operating instructions with change-over procedures must be posted on the navigating bridge and in the steering gear compartment. Emergency steering drills must be held at least every three months. The results of the tests, checks and drills must be recorded in a ship's log book.

Two commenters suggested that the proposed § 164.11 (s) and (t) regarding test of steering under manual conrol, and operation of two steering gear power unit is onerous and unnecessary for Great Lakes vessels due to the nature of their operations. Great Lakes vessels seldom operate for extended periods on automatic steering. Requiring two power units to be in operation at all times when in U.S. waters would, as a practical matter, result in continuous operation of dual units. Therefore, vessels operating solely on the Great Lakes will be exempted from this requirement. The Coast Guard will monitor the operation of these vessels to determine if these requirements should be extended to them at a future date.

Two commenters stated that the proposed § 164.25(a)(1) regarding tests of the steering gear within 12 hours before entering or getting underway is unreasonable for vessels operating on the Great Lakes. The existing regulations require vessels to test their primary and secondary steering gear. Vessels navigating on the Great Lakes, once having conducted these tests, are considered to remain in compliance until arriving at the next port of call on the Great Lakes. These tests are considered necessary due to the hazardous navigation conditions which exist in the Great Lakes, such as very narrow channels and the close proximity of shoal waters. As the proposed rule does nothing more than specify the steering tests required, no change to the proposal is considered warranted.

One commenter suggested that the tests of steering under manual control be completed a specific number of hours before entering U.S. waters to avoid congested traffic areas. The proposal allows the test to be conducted up to two hours before entering U.S. waters. This is considered sufficient to avoid testing in inappropriate circumstances in those areas where traffic congestion may exist beyond the territorial sea.

One commenter noted that the tests proposed in § 164.25 are not specific as to where and when they are to be conducted, and that operating the steering under emergency power supply in a congested area would be dangerous. The existing § 164.25 requires that these tests be conducted within at least 12 hours before entering U.S. waters or before getting underway. These tests may therefore be conducted a safe distance from congested or dangerous areas.

One commenter gave strong support to these proposals, but noted that steering gear compartments should be manned. On November 19, 1979, the Coast Guard published a Final Rule (CGD 77–063) which contained requirements for dual and independent steering systems on certain vessels. The Coast Guard believes this is a valid alternative to the concept of a manned steering engine room. A proposal for manned steering was withdrawn from CGD 77–063 because of unanimous negative comment.

One commenter suggested that the proposed block diagram on the bridge of the steering gear control systems is intended for use by engineering personnel rather than navigating bridge personnel. The Coast Guard feels bridge personnel must be fully aware of the operations involved to restore steering in the event of a casualty, and therefore will not modify this proposal.

This rule requires persons operating all self-propelled vessels of 1600 grt or greater to:

1. Test the steering gear under manual control immediately before or upon entering U.S. waters (§ 164.11(s)), except when operating on the Great Lakes and their connecting and tributary waters.

2. Have at least two steering gear power units in operation, if such units are capable of simultaneous operation (§ 164.11(t)); except when operating on the Great Lakes and their connecting and tributary waters.

3. Conduct emergency steering drills at least once every three months (§ 164.25(d)).

4. Have instructions for steering change-over procedures permanently displayed on the navigating bridge and in the steering gear compartment (§ 164.35(k)).

This rule also details the procedures for conducting steering gear tests (§ 164.25(a)(1)).

Section 164.39 (o), (p), (q) and (r), which contain certain similar requirements for tankers over 10,000 grt, would be eliminated to avoid duplication of the regulations. Section 164.39 (s) and (t) would be deleted as editorial amendments. In § 164.39, "tank vessel" is replaced by "tanker". This change is necessary to conform to definitions in existing statutes and regulations; the definition of tank vessel is removed. This change in terms has no impact on the applicability of the regulation.

This rule contains a recordkeeping requirement as defined by the Paperwork Reduction Act of 1980 (94 Stat. 2812) by requiring the logging of drills and tests in a ship's log. The keeping of an official logbook was approved by the Office of Management and Budget on September 21, 1982, OMB No. 2115–0071. The logging of these particular drills would be an insignificant increase in that recordkeeping burden.

Shipboard Navigational Equipment

SOLAS '74 entered into force internationally on May 25, 1980. Before the adoption, the International Maritime Organization (IMO) had already begun work on the first set of amendments to SOLAS '74. The first set of amendments was completed and adopted at the forty-fifth session of the Maritime Safety Committee (MSC) of IMO held in November 1981. These amendments have been approved by member governments and entered into force internationally on September 1, 1984. Included in the amendments is a revision to Chapter V, Regulation 12, requiring additional navigational equipment. This equipment includes: Automatic Radar Plotting Aids (ARPA), speed logs, RPM indicators, rate of turn indicators, and pitch and mode indicators.

The U.S. actively participated at all levels of development of the amendments. Public comment was invited, with active industry participation, on all aspects of development of the U.S. position. The amendments to Chapter V, Regulation 12, are generally consistent with those positions and require essentially that equipment and those procedures which a reasonably prudent owner or operator would utilize to ensure safe navigation of a vessel. This rulemaking amends the Navigation Safety Regulations to be consistent with the navigational equipment requirements of the Chapter V, SOLAS amendments.

Three commenters noted that SOLAS '74 specifically exempts vessels

operating solely on the Great Lakes from the equipment requirements proposed in § 164.35 (l), (m), and (n), and § 164.38 and .40. It is the opinion of the Coast Guard that the operating conditions and safety record of Great Lakes vessels do not warrant exceeding the SOLAS requirements. Since it is the Coast Guard's intent to exceed the SOLAS requirements only where there is convincing evidence that the improved safety of navigation justifies the expense, the Coast Guard will exempt vessels while operating on the Great Lakes from the requirements for ARPA, speed logs, and RPM, pitch, and lateral thrust indicators.

One commenter wanted to confirm that the ARPA requirements are not applicable to vessels 1,600 grt or more, but less than 10,000 grt. This is correct.

Two commenters expressed concern that it will not be possible to comply with the time schedule for installation of a speed log without drydocking the vessel before its normal biennial drydocking. The Coast Guard will not require a vessel to be drydocked for the express purpose of strict compliance with this rule. Accordingly, the Coast Guard will grant liberal deviations in order to allow installation during biennial drydocking. Requests for deviations under the authority of § 164.55 should be requested from local Captains of the Port. One commenter stated that an analog to digital RPM converter should be acceptable as a speed and distance indicator. The proposed regulation requires the device meet certain specifications. Any device that meets those specifications would be acceptable.

One commenter suggested that requirements for navigational aids and anticollision devices be required on all vessels regardless of type or size, particularly when considering the large aggregate tonnage of integrated tug-barge units (ITB's). Extension of these regulations to all vessels is not considered cost effective. Smaller vessels are limited in regards to available space in the pilothouse, are generally more maneuverable, and the nature of their operations may not warrant the additional equipment. ITB's, which are not capable of separating from the barge and towing on a hawser, are subject to the regulations applicable to their aggregate tonnage. Other ITB's will not be considered at this time for the reasons mentioned above.

Section 164.35(l) requires an indicator readable from the centerline conning position showing the rate of revolution of each propeller (RPM indicator). Section 164.35(m) requires an indicator readable from the centerline conning position showing the pitch (control settings) of controllable pitch propellers, if fitted with such propellers. Section 164.35(n) requires an indicator readable from the centerline conning position showing the direction and amount of thrust of lateral thrust propellers, if fitted with such propellers. Vessels are exempt from section 164.35 (l), (m), and (n) when operating on the Great Lakes.

The existing Section 164.38 requirements remain essentially unchanged. This section now requires, under the authority of the PTSA, an ARPA on all vessels 10,000 grt or more carrying oil or hazardous materials in bulk as cargo or in residue. A tanker, ore/bulk/oil carrier (OBO), containership, or general cargo ship in this category actually carrying oil or hazardous materials is presently subject to the existing ARPA requirements of Section 164.38.

The revised Section 164.38 will expand the ARPA requirements to certain vessels not now required to be ARPA equipped. These requirements are consistent with the SOLAS amendments as to sizes and classes of vessels affected, and the required implementation dates. In addition to the existing ARPA requirements, an ARPA is to be installed on:

(1) Ships of 10,000 gross tons and upwards, constructed on or after September 1, 1984.

(2) Tank vessels constructed before September 1, 1984 as follows:

(a) If of 40,000 gross tons and upwards by January 1, 1985;

(b) If of 10,000 gross tons and upwards but less than 40,000 gross tons by January 1, 1986.

(3) Ships constructed before September 1, 1984, that are not tank vessels, as follows:

(a) If of 40,000 gross tons and upwards by September 1, 1986;

(b) If of 20,000 gross tons and upwards, but less than 40,000 gross tons, by September 1, 1987;

(c) If of 15,000 gross tons and upwards, but less than 20,000 gross tons, by September 1, 1988.

A tank vessel is defined as a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue. OBO's, general cargo vessels and containerships with deep tanks, meet this definition, and are subject to the proposed requirements for such vessels. Therefore, while these vessels are currently required to have an ARPA only if actually carrying oil or hazardous materials in bulk as cargo or residue, they would be required to have an ARPA even if operating clean and gas free, as specified in the above schedule.

A tanker if defined by statute and in § 164.39 as a vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

Vessels that are not subject to the PTSA ARPA requirements, and that are not tank vessels, are exempt from the ARPA and speed log requirements when operating on the Great Lakes.

Performance standard requirements for ARPA's on vessels subject to the existing § 164.38 remain essentially unchanged. An ARPA installed on vessels before September 1, 1984 must meet either the MARAD standard, or the IMO standard with both visual and audible alarms. ARPA's installed on or after September 1, 1984 must meet the IMO standards with both visual and audible alarms. ARPA's installed before September 1, 1984 not meeting the IMO standard are acceptable until January 1, 1991.

The Coast Guard has reconsidered the proposal to delete the requirements for an ARPA certification label. The label serves a twofold purpose: vessel owners are assured that they are purchasing appropriate equipment and Coast Guard boarding officers can readily determine whether adequate equipment is installed. Considering the negligible cost involved and the benefits derived from having the label, the requirements for an ARPA certification label are retained. Section 164.38 has been revised accordingly.

One comment concerning § 164.140 stated that the language of the proposed rule did not appear to require those vessels which must presently carry ARPA's in U.S. waters to have a device to indicate speed and distance. The preamble of the Proposed Rule states that it is the Coast Guard's intention to parallel the SOLAS equipment requirements and implementation schedule as closely as possible. As noted, the wording of proposed § 164.140 does not express this clearly. Since the comment was not an objection to the requirement but merely a request for clarification, and since the specific issue was not addressed in any other comment, the Coast Guard is changing the wording of § 164.140 to require devices to indicate speed and distance in accordance with the SOLAS implementation schedule, as intended.

Maneuvering Tables

The existing regulations (§ 164.35(g)) require turning circle diagrams for both port and starboard turns, and time and stop distances for full and half speeds, to be prominently displayed on a fact sheet in the wheelhouse. These

requirements differ from IMO's Resolution A.209(VII) "Recommendation on Information to be Included in the Maneuvering Booklets", which recommends turning circle diagrams for full and slow speeds. The final rule requires turning circle diagrams for *either* full and half speeds, or full and slow speeds.

One commenter noted that maneuvering diagrams on Great Lakes vessels were not necessary because pilots are assigned to these vessels. This information should be readily available on the bridge for all ships' officers. Since the existing regulations now require this diagram; no change is consideration to be necessary.

One commenter suggested that the turning circle diagram required in § 164.35(g)(1) be required only in one direction, if turns to port and starboard are the same. The Coast Guard agrees and the requirement has been modified accordingly.

Under the revised regulations, vessels must now have turning circle diagrams and time and stopping distances for either full and half speeds, or full and slow speeds. Vessels with essentially the same turning circle to port and starboard may have a diagram showing only one direction turn, with a note on the diagram that turns are essentially the same for the opposite direction.

Non-operating Equipment

This rule (§ 164.53(a)) allows a vessel with inoperative equipment to continue only to its first U.S. port of call. A vessel may then be allowed to continue to its next port of call if a deviation is granted by the Captain of the Port (§ 164.55), or may be required to effect repairs before the departure.

This rule has been evaluated under Executive Order 12291 and DOT Order 2100.5 of May 22, 1980, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," and has been determined to be neither major nor significant. A final regulatory evaluation has been prepared and placed in the docket. Costs for this regulation are essentially limited to installation and maintenance of the navigational equipment. In order to meet the SOLAS requirements that became effective on September 1, 1984, it is expected most vessels would be brought into compliance regardless of the outcome this rulemaking. The expected useful life of the equipment is 10 years. Accordingly, the total cost has been prorated over its useful life. Assuming that the vessels affected by this rule installed the required equipment solely because of these requirements, it is estimated that the total costs for this regulation discounted over a period of 10 year are $25.9 million. Benefits from reduced collisions and groundings over this same period are estimated at $49.6 million, for an estimated net benefit of $23.7 million. The costs of this proposed regulation per vessel are less than 2 days operating costs. For these reasons, under Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 164

Marine safety, Navigation (water), Waterways.

PART 164—[AMENDED]

In consideration of the foregoing 33 CFR Part 164 is amended as follows:

1. The authority citation for Part 164 is revised to read as follows:

Authority: 33 U.S.C. 1223, 46 U.S.C. 3703; Sec. 164.61 also issued under 46 U.S.C. 6101; 49 CFR 1.46 (n)

2. By revising § 164.01 as follows:

§ 164.01 Applicability.

(a) This part (except as specifically limited herein) applies to each self-propelled vessel of 1600 or more gross tons (except foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

3. In § 164.11, by adding new paragraphs (s) and (t). The introductory text to the section is shown for the convenience of the reader and remains unchanged.

§ 164.11 Navigation underway: General.

The owner, master, or person in charge of each vessel underway shall ensure that:

* * * * *

(s) Upon entering U.S. waters, the steering wheel or lever on the navigating bridge is operated to determine if the steering equipment is operating properly under manual control, unless the vessel has been steered under manual control from the navigating bridge within the preceding 2 hours, except when operating on the Great Lakes and their connecting and tributary waters.

(t) At least two of the steering gear power units on the vessel are in operation when such units are capable of simultaneous operation, except when operating on the Great Lakes and their connecting and tributary waters.

4. By revising § 164.25(a)(1), and adding a new § 164.25(d) as follows.

§ 164.25 Tests before entering or getting underway.

(a) * * *

(1) Primary and secondary steering gear. The test procedure includes a visual inspection of the steering gear and its connecting linkage, and, where applicable, the operation of the following:

(i) Each remote steering gear control system.

(ii) Each steering position located on the navigating bridge.

(iii) The main steering gear from the alternative power supply, if installed.

(iv) Each rudder angle indicator in relation to the actual position of the rudder.

(v) Each remote steering gear control system power failure alarm.

(vi) Each remote steering gear power unit failure alarm.

(vii) The full movement of the rudder to the required capabilities of the steering gear.

* * * * *

(d) No vessel may enter, or be operated on the navigable waters of the United States unless the emergency steering drill described below has been conducted within 48 hours prior to entry and logged in the vessel logbook, unless the drill is conducted and logged on a regular basis at least once every three months. This drill must include at a minimum the following:

(1) Operation of the main steering gear from within the steering gear compartment.

(2) Operation of the means of communications between the navigating bridge and the steering compartment.

(3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

5. By revising § 164.35 (g)(1) and (g)(2) and adding new § 164.35 (k), (l), (m) and (n) as follows:

§ 164.35 Equipment: All vessels.

* * * * *

(g) * * *

(1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(2) The time and distance to stop the vessel from either full and half speeds, or from full and slow speeds, while maintaining approximately the initial heading with minimum application of the rudder.

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(k) Simple operating instructions with a block diagram, showing the change-over procedures for remote steering gear control systems and steering gear power units, permanently displayed on the navigating bridge and in the steering gear compartment.

(l) An indicator readable from the centerline conning position showing the rate of revolution of each propeller, except when operating on the Great Lakes and their connecting and tributary waters.

(m) If fitted with controllable pitch propellers, an indicator readable from the centerline conning position showing the pitch and operational mode of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

(n) If fitted with lateral thrust propellers, an indicator readable from the centerline conning position showing the direction and amount of thrust of such propellers, except when operating on the Great Lakes and their connecting and tributary waters.

6. By revising § 164.38 as follows:

§ 164.38 Automatic radar plotting aids (ARPA).

(a) The following definitions are used in this section—

"Bulk" means material in any quantity that is shipped, stored, or handled without benefit of package, label, mark or count and carried in integral or fixed independent tanks.

"Constructed" means a stage of construction where—

(1) The keel is laid;

(2) Construction identifiable with a specific ship begins; or

(3) Assembly of that ship has commenced comprising at least 50 tons or 1 percent of the estimated mass of all structural material, whichever is less.

"Hazardous material" means—

(1) A flammable liquid as defined in 46 CFR 30.10–22 or a combustible liquid as defined in 46 CFR 30.10–15;

(2) A material listed in table 151.05 of 46 CFR 151.05, table 1 of 46 CFR 153, or table 4 of 46 CFR Part 154; or

(3) A liquid, liquefied gas, or compressed gas listed in 49 CFR 172.101.

"Self-propelled vessel" includes those combinations of pushing vessel and vessel being pushed ahead which are rigidly connected in a composite unit and are required by Rule 24(b) of the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) (App. A to 33 CFR Part 81) to exhibit the lights prescribed in Rule 23 for a "Power Driven Vessel Underway".

"Tank vessel" means a vessel that is constructed or adapted to carry; or carries, oil or hazardous materials in bulk as cargo or cargo residue.

(b) An Automatic Radar Plotting Aid (ARPA) that complies with the standard for such devices adopted by the International Maritime Organization in its "Operational Standards for Automatic Radar Plotting Aids" (Appendix A), except as provided by paragraph (c) of this section, and that has both audible and visual alarms, must be installed in accordance with the following schedule:

(1) Each self-propelled vessel, except a public vessel, of 10,000 gross tons or more carrying oil or hazardous materials in bulk as cargo or in residue on the navigable waters of the United States, or which transfers oil or hazardous materials in any port or place subject to the jurisdiction of the United States, must be equipped with an ARPA.

(2) Each tank vessel constructed before September 1, 1984, and not required to be ARPA equipped by paragraph (b)(1) of this section, operating on the navigable waters of the United States, must be equipped with an ARPA—

(i) if of 40,000 gross tons or more, by January 1, 1985;

(ii) if of 10,000 gross tons or more but less than 40,000 gross tons, by January 1, 1986.

(3) Each self-propelled vessel, except when operating on the Great Lakes and their connecting and tributary waters, constructed before September 1, 1984, and that is not a tank vessel, and is not carrying oil or hazardous material in bulk as cargo or in residue operating on the navigable waters of the United States, must be equipped with an ARPA—

(i) If of 40,000 gross tons or more, by September 1, 1986;

(ii) If of 20,000 gross tons or more, but less than 40,000 gross tons, by September 1, 1987;

(iii) If of 15,000 gross tons or more, but less than 20,000 gross tons, by September 1, 1988.

(4) Each vessel of 10,000 gross tons or more, except when operating on the Great Lakes and their connecting and tributary waters, constructed on or after September 1, 1984 must be equipped with an ARPA.

(c) Devices installed prior to September 1, 1984, that comply with the U.S. Maritime Administration's "Collision Avoidance System Specification" (Appendix B), and do not comply with the IMO standard, may be retained until January 1, 1991.

(d)(1) Each device required under paragraph (b) of this section must have a permanently affixed label containing:

(i) The name and address of the manufacturer; and

(ii) The following statement:

"This device was designed and manufactured to comply with the International Maritime Organization (IMO) 'Performance Standards for Automatic Radar Plotting Aids (ARPA).'"

(2) Each device allowed under paragraph (c) of this section must have a permanently affixed label containing:

(i) The name and address of the manufacturer; and

(ii) The following statement:

"This device was designed and manufactured to comply with the U.S. Maritime Administration's 'Collision Avoidance System Specification.'"

§ 164.39 [Amended]

7. § 164.39 is amended by removing and reserving paragraphs (b)(1), and (o) through (t).

8. In addition to the amendments set forth above, § 164.39 is amended by removing the words "tank vessel" and inserting in their place the word "tanker" in the section heading and throughout the section.

9. By adding a new § 164.40 as follows:

§ 164.40 Devices to indicate speed and distance.

(a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under § 164.38 must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground. Vessels constructed prior to September 1, 1984, must have this equipment according to the following schedule:

(1) Each tank vessel constructed before September 1, 1984, operating on the navigable waters of the United States—

(i) If of 40,000 gross tons or more, by January 1, 1985;

(ii) If of 10,000 gross tons or more but less than 40,000 gross tons, by January 1, 1986.

(2) Each self-propelled vessel constructed before September 1, 1984, that is not a tank vessel, operating on the navigable waters of the United States—

(i) If of 40,000 gross tons or more, by September 1, 1986;

(ii) If of 20,000 gross tons or more, but less than 40,000 gross tons, by September 1, 1987;

(iii) If of 15,000 gross tons or more, but less than 20,000 gross tons, by September 1, 1988.

(b) The device must meet the following specifications:

(1) The display must be easily readable on the bridge by day or night.

(2) Errors in the indicated speed, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the speed of the vessel, or 0.5 knot, whichever is greater.

(3) Errors in the indicated distance run, when the vessel is operating free from shallow water effect, and from the effects of wind, current, and tide, should not exceed 5 percent of the distance run of the vessel in one hour or 0.5 nautical mile in each hour, whichever is greater.

(10) By adding a new § 164.42 as follows:

§ 164.42 Rate of turn indicator.

Each vessel of 100,000 gross tons or more constructed on or after September 1, 1984 shall be fitted with a rate of turn indicator.

11. By revising § 164.53(a) as follows:

§ 164.53 Deviations from rules and reporting: Non-operating equipment.

(a) If during a voyage any equipment required by this part stops operating properly, the person directing the movement of the vessel may continue to the next port of call, subject to the directions of the District Commander or the Captain of the Port, as provided by Part 160 of this chapter.

* * * * *

Dated: October 24, 1984

R.L. Brown,

Captain, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 84-28477 Filed 10-26-84; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 265

Increase in Fees for Record Retrieval

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule increases the fees charged for furnishing Postal Service records to members of the public. The increased fees implement existing policy to recover the direct costs of document search and duplication incurred by the Postal Service.

EFFECTIVE DATE: November 28, 1984.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith, (202) 345-5568.

SUPPLEMENTARY INFORMATION: Part 265—Release of Information—is revised to modify the fees for retrieving data, manually and by computer, in order to reflect current labor and administrative costs. Existing fees were established on July 1, 1980, 45 FR 44270, and do not reflect current direct costs. For this reason, the Postal Service proposed in the Federal Register of August 15, 1984, 49 FR 32600, to increase these fees. No comments were received on the proposal. The revised fees comport with the requirement, at 5 U.S.C. 552(a)(4), that "fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication." Accordingly, Part 265 of 39 CFR is amended as follows:

List of Subjects in 39 CFR Part 265

Release of information, Postal Service.

PART 265—RELEASE OF INFORMATION

§ 265.8 [Amended]

1. In § 265.8, paragraphs (b) (1), (2) and (3) are amended by striking out "$3.35, "$4.00", and "1980", respectively, and inserting "$4.25", "$5.35, and "1984", respectively, in lieu thereof.

2. At the end of § 265.10, Appendix A to Part 265 is revised to read as follows:

Appendix A—Information Services Price List in Effect January 1, 1984

Whenever an individual requests information which must be retrieved by computer, standard charges will be incurred based upon resources required to furnish this information. Estimates will be provided to the requester in advance and will be based upon the following standard price list.

Description of Services	Price	Unit
A. System Utilization Services:		
Central Processor Unit (CPU).		Hour
370/158-1 (WA)	189.00	
4341 (MC NB IB)	260.00	
3033S	660.00	
3033N (NR)	888.00	
3033U	1,134.00	
Amdahl V6 (MA SB)	1,323.00	
Amdahl 5860 (MB NY SA).	1,638.00	
3081 (SL ST)	1,827.00	
Disk Usage (Selector) Channel.	368.25	Hour
Multiplexor (Byte) Channel	17.50	Do
Tape Usage (Block MPX) Channel.	6.50	Do
Volume Mounts	50	Mount.
Minimum Job Charges:		
Flushed	1.00	Job.
Executed	2.00	Do.
3800 Printing	1.10	1,000 Lines
Dedicated Use of 370/135	15,704.00	Per A/P
B. System Occupancy Charges:		
Tape Occupancy	34.00	Hour
Unit Record Occupancy		Do
WDSS 1288 OCR	137.00	
Printers	1.10	1,000 Lines
Teleprocessing/Graphics Occupancy.	5.00	Hour
C. System Spooling Charges:		
Cards Read, Local	6.35	1,000 Cards
Cards Read, Remote	.65	Do.
Lines Printed, Local	1.10	Do
Lines Printed, Remote	.20	Do
Cards Punched, Local	34.00	Do
Cards Punched, Remote	3.40	Do
D. Peripheral Charges:		
Keypunching	10.00	100 Cards
Key-to-Tape	17.00	Hour.
Xeroxing Offline	3.80	100 Pages
Paper for Terminals, 1-Part	22.00	Box.
Paper for Terminals, 2-Part	26.00	Do
Magnetic Tape Purchase	13.50	Reel.
Microfilm Processing, Offline	.01	Frame
Microfiche Processing	.01	Do
Microfiche Duplicating	.05	Sheet
Remote Job Entry Terminal Rent.	600.00	Per A/P
Programmer Support	30.00	Hour.
Programmer Support, Overtime.	45.00	Do
Systems Analysis Support	40.00	Do.
Systems Analysis Support, Overtime.	60.00	Do.
Inspection Service Processing.	2,960.00	Per A/P
Wilkes-Barre Nucleus Process.	13.80	1,000 Transact.
St. Louis ADPC Nucleus Processing.	13.80	Do.

(39 U.S.C. 401; 5 U.S.C. 552(a)(4)(A))

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 84-28421 Filed 10-26-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2705-3]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA approves a revision to the Indiana State Implementation Plan (SIP) for Total Suspended Particulates (TSP). The revision pertains to source specific emission limitations for the Jasper Cabinet Company in Dubois County. USEPA approves this revision as requested by the State of Indiana.

EFFECTIVE DATE: This final rulemaking becomes effective on November 28, 1984.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at:

WHO CARRIES ARPA ?????

-BEFORE SEPT 1, 1984-
(required by the Port and Tanker Safety Act of 1978)

Self-propelled vessels 10,000 GT or more
carrying oil or hazardous materials in bulk

-AFTER SEPT 1, 1984-
(reflects additional requirements of SOLAS Chapter 5, Regulation 12)

In addition to the above, vessels constructed before SEPT 1, 1984
and not carrying oil or hazardous materials in bulk
shall comply by the following dates:

NOTE: IN THE TABLE BELOW, A TANK VESSEL IS DEFINED AS A VESSEL THAT IS CONSTRUCTED OR ADAPTED TO CARRY, OR THAT CARRIES, OIL OR HAZARDOUS MATERIALS IN BULK AS CARGO OR CARGO RESIDUE. OBO'S, GENERAL CARGO VESSELS AND CONTAINERSHIPS WITH DEEPTANKS MEET THIS DEFINITION.

TANK VESSEL		NON-TANK VESSEL	
40,000 GT and upwards	JAN 1, 1985		
10,000 GT to 40,000 GT	JAN 1, 1986		
		SEPT 1, 1986	40,000 GT and upwards
		SEPT 1, 1987	20,000 GT to 40,000 GT
		SEPT 1, 1988	15,000 GT to 20,000 GT

All vessels of 10,000 GT or more, constructed after SEPT 1, 1984
shall be equipped with ARPA

WHO NEEDS A DEVICE TO INDICATE SPEED AND DISTANCE??????

EACH VESSEL REQUIRED TO BE FITTED WITH AN ARPA MUST BE FITTED WITH A DEVICE TO INDICATE SPEED AND DISTANCE OF THE VESSEL EITHER THROUGH THE WATER OR OVER THE GROUND.

Vessels constructed prior to September 1, 1984 must have this equipment according to the following schedule:

TANK VESSEL		NON-TANK VESSEL	
40,000 GT and upwards	JAN 1, 1985		
10,000 GT to 40,000 GT	JAN 1, 1986		
		SEPT 1, 1986	40,000 GT and upwards
		SEPT 1, 1987	20,000 GT to 40,000 GT
		SEPT 1, 1988	15,000 GT to 20,000 GT

All vessels of 10,000 GT or more, constructed after September 1, 1984, shall be equipped with a device to indicate speed and distance.

NOTE: THE COAST GUARD WILL NOT REQUIRE A VESSEL TO BE DRYDOCKED FOR THE SOLE PURPOSE OF STRICT COMPLIANCE WITH THIS RULE. ACCORDINGLY, THE COAST GUARD WILL GRANT LIBERAL DEVIATIONS IN ORDER TO ALLOW INSTALLATION DURING BIENNIAL DRYDOCKING.