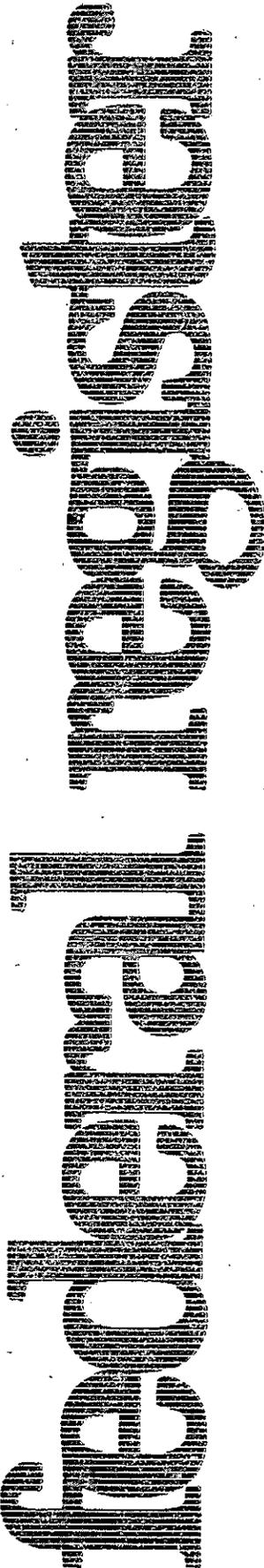

Thursday
April 19, 1990



Part II

**Department of
Transportation**

Coast Guard

46 CFR Parts 25 and 28

**Emergency Position Indicating Radio
Beacons for Uninspected Fishing, Fish
Processing, Fish Tending and Commercial
Vessels and Commercial Fishing Industry
Vessel Regulations; Rule and Proposed
Rules**

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 25

[CGD-87-016]

RIN 2115-AC69

Emergency Position Indicating Radio Beacons for Uninspected Fishing, Fish Processing, and Fish Tending Vessels**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule: suspension of compliance date for a limited category of fishing vessels.

SUMMARY: For a limited category of fishing vessels, the Coast Guard is suspending the compliance date of its final rule that requires Category 1 406 MHz emergency position indicating radio beacons (EPIRBs) to be carried on uninspected fishing, fish processing and fish tender vessels operating on the high seas. This suspension is for those fishing vessels without galleys and berthing facilities. The Coast Guard is considering a less expensive alternative means of compliance for those vessels. This suspension will allow owners of these vessels to avoid the expense of purchasing Category 1 406 MHz EPIRBs at least until further Coast Guard consideration of the alternative is complete.

EFFECTIVE DATE: April 19, 1990.

ADDRESSES: Between the hours of 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, comments and the Final Rule are available for inspection and copying at the Marine Safety Council, U.S. Coast Guard, room 3314, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: LCDR Stanford W. Deno, Survival Systems Branch, room 1404, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-1444. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: A Final Rule was published in the Federal Register on August 17, 1988 (53 FR 31004), effective October 3, 1988. This rule required owners of fishing vessels, fish processing vessels and fish tender vessels operating on the high seas to ensure that the vessels do not operate unless they have on board a Category 1 406 MHz satellite EPIRB. As originally published, owners had until August 17, 1989, to bring their vessels into compliance with the rule. On April 13,

1989, a Final Rule was published in the Federal Register (54 FR 14811) extending the compliance date until May 17, 1990.

Public Law 100-540, known as the "EPIRB's on Uninspected Vessels Requirements Act" (102 Stat. 2719, October 28, 1988), amended section 4102 of title 46 of the United States Code by revising paragraph (e) to require uninspected vessels operating on the high seas and on the Great Lakes beyond three miles from the coastline to carry the number and type of emergency position indicating radio beacons (EPIRBs) prescribed by regulation.

In a Proposed Rule published elsewhere in this edition of the Federal Register (CGD 87-016a, Emergency Position Indicating Radio Beacons for Uninspected Vessels) the Coast Guard is proposing an alternative requirement for those small open vessels that do not have galleys and berthing facilities. Under that proposal, such vessels would be permitted to carry an FCC Type Accepted Category 2, manually activated 406 MHz EPIRB in lieu of the Category 1, float free EPIRB. This alternative would provide this limited category of vessels a less costly requirement that would be more practical to the fishermen using these open boats. That same proposal has also been cross-referenced in the Notice of Proposed Rulemaking on Commercial Fishing Industry Vessel Regulations, (CGD 88-079) also published in today's Federal Register. For these reasons, the Coast Guard is suspending the compliance date for this rule as it applies to fishing vessels that do not have galleys and berthing facilities. Therefore, such vessels operating on the high seas need not be equipped with a Category 1 406 MHz EPIRB by May 17, 1990.

Regulatory Evaluation

The original regulations were considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation has been prepared and placed in the docket. It may be inspected or copied at the Office of the Marine Safety Council (see "ADDRESSES", above). Since this limited suspension of the compliance date has minimal economic impact, and will not affect the conclusions of the final evaluation, no further evaluation is considered necessary.

Regulatory Flexibility Act

Since this limited suspension of the compliance date has no negative economic impact, the Coast Guard

certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

It has been determined that this rulemaking is categorically excluded from detailed environmental evaluation. The Categorical Exclusion Determination for the original rulemaking is available in the docket for examination.

Paperwork Reduction

No paperwork is required by this regulation.

Federalism Statement

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment.

Regulatory Information Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

In consideration of the foregoing subchapter C of chapter I of title 46, Code of Federal Regulations, is amended as follows:

PART 25—[AMENDED]

1. The authority citation to part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b), 46 U.S.C. 3306, 4104, and 4302; 49 CFR 1.46.

2. In § 25.26-1, by revising the introductory text of paragraph (a), and by adding a new paragraph (c) to read as follows:

§ 25.26-1 Uninspected fishing, fish processing, and fish tender vessels.

(a) Except as provided in paragraph (c) of this section, after May 17, 1990, the owner of an uninspected vessel that is a fishing vessel, a fish processing vessel, or a fish tender vessel shall ensure that the vessel does not operate on the high

seas, as defined in 33 CFR 2.05-1(a), unless it has on board—

(c) This section does not apply to—

(1) A skiff or workboat if—

(i) Its "mother ship" carries an EPIRB as required by paragraph (a) of this section; and

(ii) When not in use, the skiff or workboat is carried aboard the mother ship;

or

(2) A fishing vessel if it—

(i) Does not have berthing facilities; and

(ii) Does not have a galley.

Dated: April 6, 1990.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-8529 Filed 4-18-90; 8:45 am]

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