

not changed in response to those comments.

A number of comments expressed concern about the lack of available space to house equipment for fixed fire-extinguishing systems on existing vessels. The Coast Guard agrees that this view may have merit due to the many possible towing-vessel designs, and has dealt with it in the changes that exempt from the requirement of fixed systems all inland towing vessels, and allowed a semi-portable (fire-extinguishing equipment) alternative on towing vessels in ocean or coastal service whose construction was contracted for before August 27, 2003.

Other comments stated that existing engine rooms are typically not airtight, and that doors and windows must be open during warm summer months to ventilate them. They surmise that these features would not allow the effective use of total-flooding gaseous fire-extinguishing agents. The Coast Guard disagrees that engine rooms must be completely airtight for the effective use of such agents. Larger amounts of agent can compensate for unsealed openings. Still, as we previously acknowledged, many existing towboats have limited space available for fixed systems. If larger amounts of agent became necessary to compensate for unsealed openings, the lack of space could preclude the use of such systems. This criticism counted in the preparation of this interim rule.

Several comments noted that the discharge of a fixed fire-extinguishing system would cause a vessel's engines to shut down, thereby creating a navigational hazard. The Coast Guard recognizes that automatically discharged carbon dioxide (and some other agents) from fixed systems may starve main engines of oxygen, but typical manually-discharged fixed-systems give the operator discretion to determine whether potential navigational hazards represent greater immediate risks than fires in main-engine rooms. The Coast Guard agrees that a vessel's engines may shut down if the air intakes are located inside the engine room, unless the intakes draw air from outside the engine room. Modifications to provide external intakes would require structural changes that might not be feasible, in some cases, again because of the limited space available on some existing towboats. This argument is among the reasons that led this interim rule to allow (semi-portable and) portable equipment as an alternative on existing vessels.

### Need for the Rule

Many comments argued that the analysis of casualties presented in the SNPRM did not demonstrate a sufficient risk of fire to warrant fixed fire-extinguishing systems. In the years 1992–1996, there were only 105 reported engine-room fires, with only 7 injuries and no fatalities. In those years, moreover, 80 percent of the reported fires were extinguished without the use of fixed systems. It is reasonable to expect that the incidence and consequences of future casualties would generally follow this trend. This has influenced our decision to revert to the use of semi-portable and portable fire-fighting equipment on certain categories of towing vessels.

### Economic Analysis

Many comments disagreed with our economic analysis, of the costs and benefits associated with this rulemaking. Several suggested that the costs we listed in the SNPRM were 20 to 30 percent lower than would be necessary to retrofit a fixed fire-extinguishing system into an existing engine-room. We do not fully agree with these. The cost estimates that we used, for the system hardware and installation, came from actual quotes provided by marine fire-protection equipment distributors. These costs were confirmed through several sources. The unknown factor in them, however, is the extent of modifications necessary on existing towboats. In some cases, only minimal modifications would be necessary to ensure that the systems would function properly. In other cases (for adequate closure of spaces), steel bulkheads, ductwork, self-closing doors, and similar measures might be necessary. The domestic fleet of towboats consists of several thousand boats of different designs and configurations that may entail a variety of modifications to satisfy the rule. Because of this variety, it is only possible to estimate the costs on a generic basis. We agree that, in some cases, the costs could be significant and have considered this as a factor in our re-evaluation of the rulemaking.

### Applicability

A number of comments questioned the clarity of the exemptions listed in § 27.100. In the SNPRM, we proposed that vessels used in limited geographic areas, as for fleeting duties, would receive appropriate exemptions. But the comments pointed out that, as written, these exemptions would reach most inland towboats. They argued that these boats typically operate within limited

geographic areas on given rivers, and would, therefore, qualify for the exemptions. These areas were not what we intended. The “limited geographic areas” that we intended were very narrow—for example, within the same harbor or within the company's fleeting yard. In response to these comments, we have defined more precisely, in § 27.101, on what “limited geographic areas” exemptions will apply.

### Use of Gasoline-Powered Pumps

A number of comments expressed concerns that the SNPRM would prohibit the use of gasoline-powered pumps onboard towboats. It would not. The only restrictions on fuel contemplated are those in § 27.211(b), which apply only to vessels whose construction was contracted for on or after January 18, 2000. This interim rule allows the use of gasoline-powered pumps with integrally mounted fuel tanks.

### General Comments Concerning Fire-Suppression Requirements

One comment urged the Coast Guard to consider requirements for enhanced staffing levels and for limits on crews' fatigue in light of their causal relationship to marine accidents, instead of requirements for hardware such as fixed fire-extinguishing systems. Crews' fatigue is a separate issue and is not the subject of this rulemaking.

Many comments expressed frustration that the Coast Guard did not recognize industry's self-regulation through the Responsible Carrier Program of the American Waterways Operators (AWO). The Coast Guard is keenly aware of this program and of the increased safety benefits that it provides; but, unfortunately, not all operators of towboats participate in it. Because of this we must require fire-safety measures for engine rooms.

Some comments requested that vessels engaged in either emergency response or harbor assistance be exempt from the proposed requirements. We agree with them and have changed the interim rule accordingly.

Several comments argued that we should not require qualified fire-fighting training and personal protective gear for crewmembers. The costs associated with maintaining the correct gear in the sizes needed for each crewmember would be prohibitive, they stated, considering that the crewmembers may routinely transfer between vessels. Many inland-towing companies, they further stated, have adopted corporate practices that restrict their personnel to performing only limited “first-aid” fire-fighting before calling for outside help or abandoning