

TABLE 1 TO § 261.38 DETECTION AND DETECTION LIMIT VALUES FOR COMPARABLE FUEL SPECIFICATION

Chemical name	CAS No.	Composite value (mg/kg)	Heating value (BTU/lb)	Concentration limit (mg/kg at 10,000 BTU/lb)	Minimum required detection limit (mg/kg)
* * *	* * *	* * *	* * *	* * *	* * *
Metals:					
Antimony, total	7440-36-0	ND		12	
* * *	* * *	* * *	* * *	* * *	* * *

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PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND HAZARDOUS WASTE MANAGEMENT FACILITIES

1. The authority citation for Part 266 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3004, 6905, 6906, 6912, 6922, 6924, 6925, and 6937.

2. The Appendix VIII table to Part 266 is amended by adding the note after the table to read as follows:

Appendix VIII Table to Part 266—Organic Compounds for Which Residues Must Be Analyzed

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Note to the table: Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

[FR Doc. 99-30235 Filed 11-18-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

[USCG-1999-6224]

RIN 2115-AF23

Licensing and Manning for Officers of Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard establishes requirements for licensing mariners who operate towing vessels, whether inspected or uninspected. This interim rule creates new licenses with levels of qualification and with enhanced training and operating experience, including practical demonstrations of skill; it also ensures that all towing vessels will be manned by officers holding licenses specifically authorizing their service. It should improve

navigational safety for towing vessels. Please note that the interim rule is identified by a new docket number, because the docket for this rulemaking has been transferred to the Department of Transportation docket which can be reviewed on the Internet. To comment on the interim rule, follow the procedures described in the **ADDRESSES** section.

DATES: This interim rule is effective November 20, 2000. Comments and related material must reach the Docket Management Facility on or before February 17, 2000. Comments sent to the Office of Management and Budget (OMB) on collection of information (OMB Control No. 2115-0623) must reach OMB on or before January 18, 2000.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-1999-6224), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be

available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Lieutenant Commander Luke Harden, Office of Operating and Environmental Standards (G-MSO), 202-267-0229; e-mail LHarden@comdt.uscg.mil. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [USCG-1999-6224], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request

for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On June 19, 1996, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** (61 FR 31332). In preparing this interim rule, the Coast Guard decided to place this project within the Department of Transportation Docket Management System. This administrative shift makes the material used to develop this rule more available to the public. Although it also changes the docket number, it does not alter the fact that this is the same rulemaking begun under Docket Number CGD 94-055. Please follow the procedures outlined in **DATES** and **ADDRESSES** when submitting comments on this rule. The NPRM proposed updates to the licensing, training, and qualifications of operators of towing vessels to reduce marine casualties. A more detailed treatment of the following matters appeared in the preamble to the NPRM.

The NPRM was an essential part of a comprehensive initiative undertaken by us to improve navigational safety for towing vessels. It followed our report directed by the Secretary of Transportation, entitled "Review of Marine Safety Issues Related to Uninspected Towing Vessels" ("the Review"). The Review identified improvements in licensing, training, and qualifications of operators of uninspected towing vessels (OUTVs) necessary to improve safety.

As the NPRM stated, the Secretary of Transportation had initiated the Review after the allision in September, 1993, of a towing vessel and its barges with a railroad bridge near Mobile, Alabama ("Amtrak casualty"). The National Transportation Safety Board (NTSB) had attributed this casualty, at least in part, to the Coast Guard's failure to establish higher standards for the licensing of inland operators of towing vessels. The Review; a previous Coast Guard study entitled "Licensing 2000 and Beyond" ("Licensing 2000"); and other research had concluded that the requirements on licensing, training, and qualifications of personnel that operate towing vessels were outdated and needed improvement.

On March 2, 1994, we published a notice that announced the availability of the Review and scheduled a public meeting to seek comments on its recommendations (59 FR 10031). The

meeting, on April 4, 1994, was well attended by the public and representatives from a wide range of towing interests. Public comments, both oral and written, helped shape the NPRM.

The Merchant Marine Personnel Advisory Committee (MERPAC) and the Towing Safety Advisory Committee (TSAC) addressed the towing-safety initiative as articulated in the Review. These committees and several of their working groups had created reports to address licensing and training. We also used these reports to develop the NPRM.

Note, also, that many issues pertaining to licensing and training of mariners come within the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW). An interim rule (62 FR 34506 (June 26, 1997)) carries this treaty into domestic effect. This interim rule requires mariners serving on certain seagoing towing vessels to meet the requirements of STCW training, certification, and watchkeeping, as stated previously in the NPRM and SNPRM. The towing vessels affected by STCW are those that are 200 gross tons or more on domestic voyages and all towing vessels on foreign voyages. For additional discussion on the effects of STCW see our response to your comments numbered 94 through 96, found later in this preamble.

We received over 787 comment letters in response to the NPRM. Because of this response, we published a notice of intent (61 FR 66642 (December 18, 1996)) explaining that we would modify the NPRM along lines urged by public comment and the advisory committees, and would publish the changes in an SNPRM. This would afford the public an opportunity to comment on the changes before issuance of a final rule. We published the SNPRM on October 27, 1997 (62 FR 55548).

During February, 1998, we also held four public meetings: in Memphis, TN; Houston, TX; Boston, MA; and Seattle, WA. We held them to receive additional views on the licensing issues in the proposed rule. The *Discussion of Comments and Changes*, next, incorporates the concerns of the meetings' attendees.

We are publishing this interim (instead of a final) rule so—

1. We can address the 114 comment letters we received in response to the SNPRM;

2. We can address the concerns of the public meetings' attendees;

3. The public can respond to changes arising from those letters and concerns; and

4. We can fulfill our commitment to the members of the towing community by providing them another opportunity to comment on our proposed changes to the licensing regulations.

Discussion of Comments and Changes

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Apprentice Mate (Steersman)

(1) One comment stated that direct supervision of the apprentice mate may be costly to small businesses.

The direct supervision would ensure the highest level of training. This interim rule formalizes the current and "best" practices for training. As we explain in *Small Entities*, later in the preamble, we expect the increase in costs to small businesses to be minimal.

(2) One comment questioned whether the Coast Guard regards apprentice mates (steersmen) as additional crew rather than as deckhands with added responsibility.

The apprentice mate (steersman), if any, is not a member of the crew required by the rules on manning in 46 CFR part 15. An apprentice mate (steersman) may be a deckhand working towards licensure. However, the decision how to bring mariners along as licensed personnel, and even the decision whether to bring them along, will still reside with employers.

(3) Two comments noted that the new license appears to be a form of the first-class pilot's license and suggested reinstating the system of first-class pilots.

Mariners should not confuse any new license brought about by this rule with a first-class pilot's license. Not only are the requirements different; the authority to issue a first-class pilot's license is

limited by route, which might not include any of the Western Rivers.

(4) Two comments suggested that the step of apprentice mate (steersman) in the mariner's career path is unnecessary.

The new step in the licensing structure ensures that the mariner gets the most out of training. The mariner will see the greatest benefits from training through the practical application of the knowledge required to pass the written exam for apprentice mate.

(5) One comment suggested that only the master, not the mate (pilot), should train the apprentice mate (steersman).

We agree that the master is probably the best trainer in most circumstances. However, we concluded that the mate (pilot) standing the back watch is also qualified to operate the vessel and that he or she may be a better trainer in some cases. Limiting the training to only the master could hamper it, since the master can be on duty for only 12 hours a day.

(6) Several comments noted that the SNPRM did not address the operators of harbor tugs. They recommended that the licensing structure for these operators comprise two steps, apprentice mate and master, and a 90-day familiarization period for local operations of harbor tugs.

Harbor tugs—working in what is now “harbor assist”—do not usually have a back watch, which limits or eliminates the opportunity to operate under the authority of the mate (pilot) license. After reviewing TSAC's recommendation on the subject and considering the way this issue was addressed in the SNPRM, we changed the licensing structure proposed for vessel assist—now “harbor assist”—to require an apprentice mate (steersman) license before advancing to master of harbor assist. The SNPRM proposed a two-step structure that skipped the apprentice mate (steersman) license. The process instated here will restrict a master's license to harbor assist.

(7) Several comments stated that the 12 months of service after the completion of the service exam is unreasonable and that this requirement would create a burden on the industry. The comment also proposed a less-stringent level of testing for the apprentice mate (steersman) license.

We disagree. Under the current licensing system for operators of uninspected towing vessels, a mariner may begin operating the vessel after passing the appropriate examination and showing 36 months service on towing vessels. In this rulemaking, a mariner may be placed in charge of the navigation of the towing vessel, as a

mate, after showing 30 months service. We believe that mariners will receive more thorough and effective training operating a vessel during the 12-month period after passing the exam for apprentice mate (steersman) license and obtaining the mate (pilot) license.

(8) One comment asserted that the would-be apprentice mate (steersman) already undergoes testing on those subjects listed in Table 10.910–2.

We disagree. Table 10.910–2 outlines the subjects that the candidate for apprentice mate (steersman) will be required to have knowledge. We want the apprentice mate (steersman) to have passed that exam, then to use this knowledge in the time before applying for his or her license as mate (pilot), which allows standing of the back watch.

Assistance Towing

(9) One comment stated that an endorsement for assistance towing is necessary.

We already require an endorsement for assistance towing on a license other than a towing license. The lesser included authority will remain for masters of towing vessels and for masters or mates authorized service on inspected vessels over 200 gross tons, with licenses endorsed for towing.

(10) One comment suggested that the Coast Guard should license mariners performing either assistance towing or towing for hire.

We do license assistance towers to engage in assistance towing.

(11) One comment recommended that we keep assistance towing separate from the operation of uninspected towing vessels.

We do.

(12) Two comments requested that the Coast Guard clarify the term “assistance towing” so it is clear who is exempt.

Sections 10.103 and 15.301(a) define “assistance towing.” This interim rule defines “disabled vessel” to clarify the relation of assistance towing to disabled vessels.

Company Responsibility

(13) One comment suggested that the Coast Guard clarify that the requirements for a towing vessel do not apply to an inspected passenger vessel that serves as a propelling vessel for an inspected passenger barge.

In this scenario, the master of the inspected passenger vessel would hold lesser included authority to operate a towing vessel. This interim rule does require the master of the inspected passenger vessel to hold a towing endorsement on his or her license.

Cost

(14) One comment asked whether the cost of traveling to the REC is included in the Regulatory Evaluation. Another stated that mariners do not have the luxury of planning ahead for an appointment with the REC, given the schedules of some towing jobs.

We did not include the cost of traveling to the REC in the Evaluation, because we cannot determine it: Mariners need go to specific RECs only when their licenses are geographically limited and the local OCMI must decide whether to grant limited licenses. Current license-holders can renew by mail, if they provide the necessary documents, and can thereby eliminate trips to the RECs. This rulemaking does not change the 5-year validity of a license.

(15) One comment requested that the Coast Guard specify the exact cost of reviewing a license.

46 CFR 10.109 lists the fees charged for transactions concerning licenses. From time to time, by notice-and-comment rulemaking, the Coast Guard adjusts these fees so that they cover the actual costs to the Coast Guard of rendering the services. See current rulemakings [64 FR 42812 (August 5, 1999) and 64 FR 44786 (August 17, 1999)] adjusting fees charged for license transactions.

(16) One comment pointed out that, unless mariners are grandfathered into the new licensing structure, small businesses will lose considerable revenue while some will go out of business.

We will grandfather mariners, with current licenses for OUTV, as master or mate (pilot) of towing vessels. There probably will not be a large number of mariners with licenses as second-class OUTV who will need to renew their licenses as mate (pilot) of towing vessels.

(17) One comment argued that the impact on small businesses is greater than the SNPRM stated. It continued that companies will have difficulty completing the increased paperwork and finding employees with the increased experience.

The experience required will not affect the mariners who already hold their OUTV licenses. The analyses in the preamble of this interim rule treat the impacts of this interim rule on small businesses, in terms of both monetary costs and paperwork.

Definitions

(18) One comment requested that the Coast Guard inform mariners that the definitions, which were removed from

this rulemaking and were included in the one on STCW, still apply to 46 CFR parts 10 and 15, as appropriate.

The NPRM in this rulemaking proposed definitions for "Coast Guard-accepted," "designated examiner," "practical demonstration," "qualified instructor," and "standard of competence," which were incorporated into 46 CFR parts 10 and 15 (and 12) as appropriate by the rulemaking on STCW. Since the definitions were and continue to be in effect, it was unnecessary to include them in the SNPRM for this rulemaking, and it is unnecessary to include them in this interim rule.

(19) One comment suggested that the RECs receive guidance on the terms "mate" and "pilot." It also asked how the terms will appear on licenses and what term will apply to mariners on the Great Lakes. Two comments recommended that a licensed officer not be called a mate, which traditionally refers to a deck hand.

The licensing requirements for mate and pilot of towing vessels will be the same. The mariner applying for the license can decide on the title, mate or pilot. The mariner should keep in mind that, if he or she changes the area of operation, the title may not be appropriate and may entail a fee to have it changed on his or her license.

(20) Several comments requested that the Coast Guard clarify the term "unlimited." Two comments stated that the words "less than 200 gross tons" may lead to confusion.

The term "unlimited" appears in §§ 10.464 and 10.465 of the SNPRM only to distinguish between restricted licenses and others. Therefore, licenses for towing vessels will not bear "unlimited" endorsements, and we have removed that term from this rule. Omission of the term will imply that the licenses are not restricted to harbor assist or to local geographical areas. Also, to eliminate confusion, we have removed the phrase "less than 200 gross tons."

(21) One comment asked whether the term "assistance towing" would confine the mariners to one barge at a time.

"Assistance towing" already carries a definition in the rules, and this rulemaking is not changing it; however, this rulemaking also contains a definition of "disabled vessel" that clarifies the former definition of "assistance towing". Towing barges does not constitute assistance towing, since barges, by definition, never move under their own power.

(22) One comment recommended not amending the terms "captain," "mate," and "pilot."

We are not changing the term "captain." However, a mariner could choose either "mate" or "pilot" depending on the area in which he or she operates. For example, a mariner licensed for oceans would probably choose the term "mate" of towing vessels, while a mariner licensed for Western Rivers would probably choose the term "pilot" of towing vessels.

(23) Many comments noted that a private company owns the trademark rights to the term "vessel assist." Another comment suggested the term "commercial assist" to replace the term "vessel assist." Yet another stated that the term "vessel assist" is easy to confuse with "assistance towing."

We agree that "vessel assist", whether or not it conflicts with commercial usage of the term, sounds too much like "assistance towing." Therefore, we are changing "vessel assist" to "harbor assist."

(24) One comment requested that the Coast Guard define "accepted training course."

There is already a definition of *Coast Guard-accepted*, which applies to training courses, in § 10.103.

Demonstration of Proficiency

(25) Several comments suggested that the Coast Guard require check-rides to demonstrate proficiency only for mariners charged with negligence or violation of statute or rules. Other comments stated that a check-ride demonstration should apply only for new licenses.

We agree that new mariners in the towing industry must demonstrate proficiency before being authorized to operate the back watch. We maintain that requiring a demonstration of proficiency for mariners who have had action taken against their license and for all applicants for new licenses is one of the best methods to prevent marine casualties.

(26) One comment asked the Coast Guard to provide a more complete explanation of the one-half hour of management time required of mariners performing a final check-ride.

This is simply the time the master or mate needs to prepare the final check-ride report or document (that was filled out by the Designated Examiner) for delivery to the REC.

(27) Several comments stated that check-rides are unnecessary for holders of OUTV licenses. They suggested that a company letter or a mariner's record of performance should be sufficient as proof of proficiency. One comment suggested that a company letter demonstrating service, not navigational

proficiency, should be all such a mariner needs for license renewal.

We expect that no requirement of demonstration of proficiency for current holders of OUTV licenses will be necessary. However, unless these holders furnish documentation of proficiency during the validity of their current licenses, we may require a demonstration of proficiency before renewal of their licenses.

(28) One comment noted that proficiency-testing imposes an economic burden on license holders. This comment recommended that companies maintain records of proficiency.

We strongly encourage companies to maintain record of proficiency, but the mariners have their own responsibility to maintain records of the training received and experience demonstrated during the validity of their licenses.

(29) One comment recommended that the Coast Guard allow trip pilots to submit daily logs rather than undergo check-ride demonstrations.

If a daily log includes training received and drills held, such as man-overboard and fire drills, it certainly can be part of the documentation necessary to demonstrate proficiency.

(30) One comment requested that the Coast Guard clarify the qualifications of the persons administering the check-rides.

The persons administering the check-rides will be designated examiners as defined in the current rules and in Navigation and Vessel Inspection Circular (NVIC) 6-97. To become a designated examiner, a person must produce documentary evidence that he or she—

(a) Has experience or training, or received instruction in assessment techniques;

(b) Is qualified in the task for which the assessment is being conducted; and

(c) Holds the appropriate level of license, endorsement, or other professional credential suitably related to the area of assessment.

Designated Examiners

(31) One comment noted the difficulty in assessing an individual's ability in one opportunity to demonstrate proficiency. The captain of a vessel is in a better position to assess someone's abilities, since he or she can observe a person's performance over time.

The captain and mate (pilot) will be integral parts of a mariner's training. Yet the designated examiner will observe such practical proficiency as may be the result of their training of the mariner.

(32) One comment recommended that the Coast Guard ensure that the

designated examiner implements the examination process fairly.

We will ensure this, as much as possible, and also that the training and evaluation of mariners are consistent.

(33) Many comments recommended that the Coast Guard clarify the qualifications and the selection process for designated examiners. One comment recommended that every examiner should hold a master's license.

We will thoroughly evaluate the application of a would-be examiner before we issue a letter of approval. Again, we recognize that the captain (master), in most cases, may be the most qualified to conduct the training leading up to the demonstration of proficiency but that he or she may not desire to be an examiner.

(34) One comment suggested using designated examiners only for new or suspended licenses.

This interim rule does require examiners for new or suspended licenses; but we may also require a check-ride with an examiner, if the documentation for renewal is not sufficient (see § 10.209 in the regulatory text of this interim rule).

(35) Several comments suggested that the Coast Guard train, select, and qualify designated examiners so that these processes are free from corporate influence. One comment suggested that each examination should involve two examiners, one from the Coast Guard and one from the company.

We see the merit in this concept, but we want companies to take more responsibility for this process. Our goal is to empower the companies to seek out, from their own ranks, mariners who possess the ability to become designated examiners. Although the suggestion of having two examiners appears to be a good concept, it would be excessive and cost-prohibitive to the mariner and the industry.

(36) One comment recommended that the Coast Guard clarify how the designated examiners conduct their assessments.

This issue is complex because there are so many different types of "towing" within the industry. The examiners would have to tailor the demonstration of proficiency (check-ride) to the specific experience and training of the mariner for the route and type of towing.

(37) One comment noted the problem of finding a designated examiner with the wide range of experience required to assess people in an industry that requires diverse skills and experience.

We agree that an examiner who could assess mariners in all facets of the industry would not be easy to find. For

this reason, the Coast Guard will issue examiners' certificates for certain portions of the industry. (For this reason, too, companies should furnish their own examiners.) This would not preclude a mariner from being an examiner for more than one portion or even for all portions of the industry, but we expect that any one examiner would specialize in one or a few portions, such as harbor assist, fleeting, long-line, or river towing (this last usually associated with pushing ahead).

(38) Two comments approved of a company-designated examiner. One comment stated that such an examiner will have more of a vested interest in ensuring that a mariner is qualified than will a Coast Guard examiner.

We expect this to be true in most cases, which is consistent with the concept of empowering both the company and the mariner.

General

(39) One comment stated that towing on brown and towing on blue waters should fall under distinct regulatory regimes.

Towing on the two routes does differ in some respects. The navigation requires the use of different charts, from the Army Corps of Engineers and the National Oceanic and Atmospheric Administration, respectively. But it does not differ so much as to make distinct regimes advisable.

(40) One comment suggested that the Coast Guard determine whether it is necessary to exempt towing vessels of less than 200 gross tons engaged in mining minerals and drilling oil.

Under 46 U.S.C. 8905(b), the requirement that a towing vessel be operated by a licensed individual does not apply to towing vessels of less than 200 gross tons engaged in the offshore exploitation of minerals and oil, if the vessels have sites or equipment serving the offshore mineral and oil industry as their places of departure or their ultimate destinations.

Grandfathering of Licenses

(41) We received 18 comments concerning the grandfathering of existing licenses. Most of the comments requested information on the process and requirements for current holders of licenses to obtain licenses under the new license structure. Several comments suggested that the Coast Guard ensure that the mariners have the required experience and familiarity of routes before grandfathering their licenses.

Current holders of OUTV and second-class OUTV licenses will not have to get new licenses until they either upgrade

or renew these licenses. At that time, we will issue their licenses as master or mate (pilot) of towing vessels. When a mariner renews his or her license as master or mate of vessels of appropriate gross tonnage or as first-class pilot holding an endorsement on his or her license for towing vessels, we will endorse the new license for towing vessels, if the holder can prove recent towing service. In the towing industry, this documentation is the only way we can ensure that the mariners have the required experience and familiarity of routes for renewal of their licenses. We cannot depend on shipping articles, discharges, and official logbooks to verify experience, because they are not required on most towing vessels. Of course, when vessels keep them anyway, we may use them to verify experience.

(42) Two comments suggested that the Coast Guard specify which mariners may be grandfathered. For example, one comment recommended that the Coast Guard renew the licenses of masters of vessels 100 gross tons or less.

Holders of OUTV licenses will receive licenses as master of towing vessels upon renewal. Holders of licenses as master of inspected, self-propelled vessels, or as mate or pilot of inspected, self-propelled vessels of more than 200 gross tons, will receive the same license and an endorsement for towing vessels if they are operating in the towing industry. We do not anticipate renewing any second-class OUTV licenses, since the mariners holding these licenses should be eligible for licenses as master of towing vessels by the time their licenses expire.

(43) Two comments recommended that the Coast Guard clarify how the mariner will prove prior deck service when there is currently no guidance for the Regional Examination Centers (RECs) and when previous employers have gone out of business or have been consolidated.

The towing officers' assessment record may be a valuable tool to overcome this problem by documenting vessels and dates, along with any records of employment or training the individual mariner may keep.

(44) Several comments agreed that at least 18 months of prior deck service for the mate (pilot) is a good requirement. Two comments suggested that the 18 months should be extended to 36 months. One comment suggested that even the 18 months was too burdensome on the mariner.

We recognize the support of the 18 months of service for a mate (pilot), but disagree with the suggestion that it be extended to 36 months. We do not want

to overburden the new mariners coming into the towing industry. However, the intent of this rulemaking is to increase the level of safety; therefore, we are adopting the 18 months of service as proposed in the SNPRM.

(45) One comment requested that the Coast Guard clarify the term "on deck."

We consider "on deck" to indicate working in the deck department as opposed to in the engineering or steward's department.

(46) Two comments noted that the requirement of 1 year of sea service as a mate (pilot) before the Coast Guard issues a master's license could place a burden on small companies or affect the availability of licensed personnel.

This requirement equates to the current one for a second-class OUTV license. We now authorize anyone holding this license to stand the back watch. Small companies are already investing time and effort to develop OUTVs. Making the step process mandatory for new licenses will improve that process by providing milestones toward obtaining the license as master of towing vessels.

(47) One comment suggested that the Coast Guard accept or give partial credit for service on tugs of less than 26 feet.

We disagree. While the legal definition of a towing vessel (46 U.S.C. 2101(40)) does not specify a minimum length, the licensing-and-manning statute (46 U.S.C. 8904(a)) states that a licensed individual must operate a towing vessel that is at least 26 feet in length. To ensure that the experience is comparable, we established the minimum length of 8 meters (26 feet).

(48) Several comments requested that the Coast Guard explain the relationship and differences between the training-record book required under STCW and the one proposed in the NPRM.

The training-record book required by STCW is not as flexible as the towing officers' assessment record required by this interim rule for towing vessels; therefore, for an original license as mate (pilot) of towing vessels you can not substitute an STCW training-record book for the towing officers' assessment record nor can you substitute the towing officers' assessment record for the STCW training record book. For example, all requirements for STCW must be met to get an STCW endorsement; whereas, if the license need not bear an STCW endorsement (as, for example, it need not for towing inland), the towing officers' assessment record need only attest proficiency in the kind of towing the mariner is working in.

(49) One comment asked the Coast Guard to clarify the "unlimited" section

of the towing officers' assessment record.

The assessment record does not have an "unlimited" section. But, if you completed all the sections of the assessment record and demonstrated proficiency in all the different types of towing, we would not limit you to any one type of towing.

(50) Many comments stated that the towing officers' assessment record would be a good tool to track the experience of each mariner, but several requested that the Coast Guard provide a more complete discussion of the requirements for maintaining the assessment record. The comments raised questions like, "What entries are included?" and "Will there be a phase-in period?"

We require, for demonstration of proficiency, entries that have the footnote "All" and the footnotes for a particular route desired: "O" for oceans, "C" for coastwise and near-coastal, "I" for inland and Great Lakes, "WR" for Western Rivers and "R" for rivers. Moreover, the assessment record will allow space to enter the vessels served on, dates served, routes, drills participated in, and all training received. As this rule is effective on November 20, 2000, the phase-in period is 1 year.

(51) Several comments requested that the Coast Guard keep the requirements of the assessment record simple and standardized. One comment noted that a standardized format would assist the RECs in the review process.

We will standardize the assessment records as much as possible and clearly identify the requirements. However, as mentioned earlier in this section, the type of towing that the vessels are engaged in will determine what other items need to be addressed. Before the effective date of the interim rule, we will develop guidance for the RECs to standardize the assessment records' evaluations.

(52) Several comments stated that a towing officers' assessment record would impose a paperwork burden on the mariners. One comment suggested that the vessel's daily log should fulfill the requirements of this rulemaking.

We address the paperwork burden under *Costs*, within *Regulatory Evaluation*, and under *Collection of Information* later in the preamble. We agree that a vessel's daily log could aid the mariner in keeping track of his or her experience; but such logs are not required on most towing vessels. If the vessel keeps such a log, the mariner may use it.

(53) Two comments recommended that the captain of the vessel, not the

employer, verify the information in the towing officers' assessment record.

While the master is the best person to verify completion of tasks in the assessment record, companies have to work with the captain to ensure that mariners get appropriate credit for experience gained during underway time. Cooperation between companies and captains is also consistent with the Review's recommendation that companies assume more responsibility for the training of their crews.

(54) One comment noted that it would take longer than 1 hour over a 3-year period to learn and comply with the requirements of this rulemaking.

The 1 hour referred to is only for filling out the paperwork, and is an average estimated for all licensed OUTVs.

(55) One comment stated that there would be a burden on employers to maintain records for each mariner.

We determined that companies are already gathering the required information for other purposes such as pay, benefits, and billing for services rendered; therefore, records maintenance should not be an added burden to the employers.

(56) Two comments stated that this rule imposes confusing paperwork requirements, which will be a great burden on the mariner.

We will make guidance available to all OUTVs and prospective masters and mates (pilots) of towing vessels to keep the recordkeeping as simple as possible.

Horsepower

(57) Two comments supported regulating according to horsepower (HP) "breakpoint" even though one of them noted that the ratio of HP to barge does not hold true all the time. Two comments recommended that the Coast Guard restrict the tons towable with a given HP, lest companies overload or overwhelm the available HP.

This is not feasible, as we mentioned earlier, because of the different combinations of tows—especially on the rivers. If companies overload or overwhelm available HP, they risk considerable losses, which create an incentive to be sensible in their arrangement of barges.

(58) One comment recommended a breakpoint of 5,000 HP, if the Coast Guard persisted in regulating according to HP.

Since we have forgone any attempt to regulate, the point is moot.

Public Input

(59) Nineteen comments stated that the Coast Guard should receive more input from the mariners. Many

requested that the Coast Guard find better ways to inform mariners of proposed changes to rules. Word of these changes must reach the mariners with enough time for them to get involved in the regulatory process. Two comments suggested that the Coast Guard establish direct contact with the working mariners, by a master mailing-list or database of concerned mariners. Several comments pointed out that late notice of public meetings did not allow mariners to adjust their schedules to attend the meetings.

We encouraged input from active mariners. The NPRM drew 787 comment letters; the SNPRM, just 114. The dramatic decrease is due precisely to the fact that the SNPRM responded to the comments on the NPRM from the public. We provide up-to-date information by the Internet; the Marine Safety Newsletter; press releases; and responses to telephone, fax, and written inquiries.

(60) Four comments asked the Coast Guard to extend the comment period.

We are publishing this interim rule with a request for comments before a final rule so the public will have an opportunity to express their views on the latest changes. Publishing this interim rule between the SNPRM and final rule is equivalent to extending or reopening the comment period for 90 days.

Refresher Courses and Training

(61) Many comments favored the refresher courses on Rules of the Road and suggested implementing the requirement every 5 years, at the same time as license renewal and radar re-certification.

Combining the radar-observer course and the courses on Rules of the Road could streamline the renewal process; however, we will not require the combination of these courses. It is not appropriate for us to micro-manage the delivery of courses, even if our rules separately require them.

(62) One comment asked how the Coast Guard plans to administer the refresher courses.

We do not plan to administer the refresher courses ourselves. We will review, accept or approve, and oversee the courses administered by the industry.

(63) One comment asked whether the Coast Guard requires exercises on Rules of the Road for everyone renewing a license.

No, the current rules require exercises on Rules of the Road for renewing a license for master or mate (pilot) of towing vessels, only when a mariner presents evidence of employment in a

position closely related to the operation, construction, or repair of vessels as discussed in 46 CFR 10.209(c)(1)(iv).

(64) Two comments opposed refresher courses and suggested that mariners with decades of experience do not need such courses.

This interim rule does not require refresher courses for renewal of licenses where the mariner can document continued service, training, and demonstration of proficiency. It requires the courses only when the mariner cannot document those three. For example, a mariner, who not worked in the towing industry for long periods of time, would have difficulty documenting service, training, and demonstration of proficiency.

(65) Several comments recommended ways to conduct the courses and training. One comment recommended personal-computer-based, or interactive, training. One suggested that the courses be in-house courses or open-book tests to take at home. Two suggested that the Coast Guard avoid take-home and mail-in exams and establish renewal classes annually or biannually. Some suggested including radar re-certification in the refresher courses. Others stated that no radar course is needed.

We have not ruled out computer-based training as part of an accepted or approved course. An in-house course, meaning one given at a company's facility, is a possibility. Take-home with mail-in completion is not an option for radar training. However, there could be an on-going process during the term of validity of the license to document proficiency for renewal. Annual and biannual courses would be cost-prohibitive and excessive. The Coast Guard will continually evaluate each course for compliance with the requirements for refresher courses and radar training.

(66) One comment disputed the applicability of § 10.309 to personnel of domestic towing vessels exempted from STCW.

The requirements in § 10.309 cover training for all licenses subject to STCW. While this section indeed does not apply to licenses that do not require STCW certificates or endorsements, it is an excellent generic description of a Coast Guard-accepted training course and may be used as a guide for developing Coast Guard-accepted training courses exclusively for (non-STCW) towing-vessel licenses.

(67) One comment noted that approval of training other than through courses would impose a great burden on the Coast Guard.

Training other than through courses already comes within the rules and will

stay there through this interim rule. We intend for such training to serve the towing industry. It may in fact increase the burden on us.

(68) One comment recommended that the Coast Guard establish clear criteria for the approval of training.

Section 10.302 already contains clear criteria for the approval of training, and the National Maritime Center evaluates them from time to time.

(69) One comment stated that training other than through courses is unnecessary. Another noted the difficulty of finding trainers who are able to train mariners with decades of experience.

We have determined that the training is necessary, especially for mariners new to the towing industry. It is not normally necessary for mariners with decades of experience; these mariners just need to be informed of recent changes.

Regional Examination Centers (RECs)

(70) Many comments stated that the RECs are overworked and will not be able to handle the workload created by the new rules.

We acknowledge that this is a concern for mariners and the industry; however a full examination of the program demonstrates that much of this rulemaking will add little workload to the RECs. This rule will not increase the number of examinations to be given, and will add only one level of licenses. Also, the licensing program may realize some relief due to a shift in operations of casino vessels from river to shore-side. The riverboat casino industry contributed to the work backlogs in the RECs during the mid-1990s. This ongoing shift in their operations should reduce the number of license and merchant mariner document transactions at those facilities. Incomplete mariner application packages also cause a delay in issuing licenses. The licensing process established by this rule will ensure the completeness of the mariner's application package; reducing the time between the receipt of the application and when the license is issued.

Responsibility of the Master

(71) Several comments noted that there are many conditions over which the master has no control, such as fatigue of the crew and deadlines from the company. Many of these recommended that the responsibility for the safety of the vessel needs sharing among the master, the company, and the crew. They stated that the master cannot be responsible for the independent actions of the pilot or engineer. They

asked the Coast Guard to specifically outline the master's responsibilities.

The master is responsible for the care and safety of the vessel and crew. Sharing of responsibility for safety of the vessel already occurs, and should occur; but it cannot occur equally. The owner has an investment in the vessel and cargo, and the crew has a responsibility to do its jobs as safely and efficiently as possible. There still has to be someone in charge, and that is the master. As we stated before, the stander of the back watch is responsible for his or her acts; nevertheless, if an accident happens because of acts of the back watch carried out on orders given by the master, then the master may be accountable for the orders given. Usually the company outlines the responsibilities in the conditions of employment when it hires a master. In other words, what the company expects the master to do is—within the general guidelines of maritime and other law—for the company to determine.

(72) Many comments pointed out that a master cannot be responsible for both the front and back watch. Others suggested that, if the Coast Guard enforced rules that limit a master from working over a 12-hour day, the master would be even less well-situated.

From our history of administrative hearings on suspending and revoking licenses, the OUTV has seldom been held responsible for misconduct of the back watch, unless the back watch is following an order given by the master. If the master does not stand a watch, as he or she does not aboard a lot of deep-draft seagoing vessels, he or she may fairly bear some general responsibility for all watches.

Route Endorsements

(73) Many comments requested that the Coast Guard clarify the requirements for route endorsements. They also suggested that the Coast Guard clarify the process for examination and evaluation.

A route endorsement requires an evaluation of the applicant's experience, training, and knowledge of a specific route. Information on the process of examination and evaluation for original licenses and renewal of existing licenses appears in 46 CFR part 10. (This information, including printable forms, is also available on the Internet through some of the RECs. You may access these sites at <http://www.uscg.mil/hq/g-m/marpers/pers.htm>.) The information in part 10 comprises definition of terms, general requirements for all licenses, professional requirements for deck officers and engineer officers, and subjects of license examination.

(74) Two comments asked whether we charge user fees for route endorsements.

Yes, we charge a fee for a change in the scope of a license, as by endorsement. The required fees are administrative ones for evaluation and testing.

(75) Many comments stated that route endorsements would be too restrictive for mariners who may change routes on a moment's notice. Some stated that route endorsements would limit the employment of mariners. One comment suggested that route endorsements subordinate to the main route would constrain new businesses.

The current licensing scheme already contains route endorsements for the OUTV; these are not subordinate route endorsements. This interim rule does contain additional requirements for operating on Western Rivers, because we determined that the unique conditions encountered on those rivers warrant stricter standards.

(76) One comment opposed the requirement to demonstrate experience on routes. One disagreed with the requirement to prove experience on subordinate routes, and noted that the Coast Guard does not require the same proof for other vessels. Another stated that 90 days to qualify on a route is too long.

Other licensing schemes, such as that for oceans, demand considerable training and experience compared with that for the OUTV. Still, oceans do not have parallel shores like Western Rivers. For this reason, a master holding a license for oceans and whose initial training and experience was in excess of that required for OUTV, must have his or her license endorsed to sail on Western Rivers.

Furthermore, we are amending the definition for *Inland waters* in 46 CFR 10.103 to also exclude Western Rivers. When a master or mate of towing vessels navigates both inland and Western Rivers, both routes will have to be endorsed on his or her license. The phase-in period for the dual endorsement will be at the next renewal or issuance of a new towing license after the effective date of this rule.

(77) One comment asked whether the 90-day requirement to qualify for Western Rivers is long enough. Two comments requested that the Coast Guard extend the qualifying time for those rivers to 180 days.

We recognize Western Rivers present unique operating conditions, requiring additional time to ensure familiarity. We also recognize the value of the experience gained in navigating other routes. The mariner adding the Western Rivers endorsement to an existing

license, already has demonstrated experience operating towing vessels, and will have one or more routes endorsed on his or her license. Considering this minimum time required to obtain the endorsement, and these are experienced mariners, 90 days is enough time for the purpose of this requirement.

(78) One comment opposed route endorsements for mariners with more than 5 years of experience because those mariners have worked in most areas.

We will grandfather the licenses of mariners for the routes on which they can document service. Mariners with 5 or more years of experience in the towing industry may not have been exposed to special hazards associated with unfamiliar routes. Therefore, we will not automatically consider mariners with 5 years of experience or more to be qualified for all routes.

(79) One comment asked whether Puget Sound would be split into different routes.

No, Puget Sound will remain one near-coastal route.

(80) Some comments suggested that the routes be less specific; others, that they be more specific. One comment recommended that the single Western-rivers route should be separated into a route for each river with a 30-day posting requirement for each.

Specific endorsements for rivers ("sub-routes") would significantly increase the paperwork burden and the burden on the individual mariners without any need or benefit comparable to that for specific endorsements for routes.

(81) One comment requested clarification on why the Coast Guard needs to align licensing requirements for inland waters and Western Rivers with those under the STCW.

One of the recommendations from the Review was to reevaluate the oceans (domestic-trade) route authorized for an OUTV license and to propose alternatives that conform to international standards. This is why we accept the completed STCW training-record book as complying with the towing requirements for renewals and upgrades.

(82) One comment suggested applying tonnage restrictions only to the inland waters and Western Rivers.

We cannot manage restrictions on tonnage of the barges in a tow, because a single tow may contain fully loaded, partially loaded, and empty barges. Therefore, we will rely on the companies, who risk their barges and cargo, and on their underwriters, who stand most losses, to configure tows for safe navigation.

(83) One comment suggested that the Coast Guard require mariners with licenses endorsed for Western Rivers to have experience above the Baton Rouge Bridge on the Mississippi River.

Companies should take the responsibility to ensure that their bridge crews have experience on any section of the Western Rivers before they entrust their vessels to them for that section.

(84) One comment asked why the Coast Guard did not include the "unlimited" exam in Table 10.910-2.

The "unlimited" exam referred to by this comment is the same OUTV exam included in Table 10.910-2 under license codes 10, 11, and 12.

(85) One comment recommended that the Coast Guard specify what it will test on a limited exam. The comment stated that the terms "partial" and "special" are familiar to mariners but that "limited" is a new term.

We previously addressed the limited OUTV license, in the current regulations under 46 CFR 10.464(f), which stated: "The examination for a license as operator of uninspected towing vessels endorsed for a local limited area is modified by deleting inappropriate questions." For example, an exam for a license limited to the port of New York may not have the same questions as an exam for a limited license for Memphis, Tennessee, because the traffic schemes are different.

Safety

(86) One comment suggested that, before the Coast Guard lets a mariner handle a larger tow, it should require him or her to serve as an apprentice mate during high and low water.

Under this interim rule the new mariner will train as an apprentice mate (steersman) before getting a license as mate (pilot). Grandfathered or not, mariners will still have to prove their competence before employers entrust them with larger tows.

Simulators

(87) Several comments agreed that simulators are a good idea, but urged that they not be used for new applicants or inexperienced pilots.

In most cases, we do not expect entry-level mariners to use simulators; however, simulators should remain an option for mariners unable to demonstrate proficiency on a towing vessel. Their use is no substitute for actual bridge time required for a mate (pilot) license.

(88) Two comments stated that simulators have no place at all in demonstrating proficiency.

We disagree. Simulators are valuable training tools in the maritime industry.

They may require adjustments to make them more applicable to the towing industry, but they have their place.

(89) One comment pointed out that using simulators imposes added costs (for example, the cost of traveling to the simulator site).

Costs get a thorough examination under *Costs*, within *Regulatory Evaluation*, in the summary of our analysis that appears later in the preamble.

(90) Many comments stated that mariners can demonstrate their proficiency only in real-life situations, on towing vessels, because simulators lack the real-life pressure of towing vessels. Some comments suggested using simulators as devices to train mariners rather than as devices to test the skills of mariners.

We concluded that the best training is "hands-on" training aboard towing vessels; however, as we noted earlier, in testing as well as in training, simulators have a place.

(91) Two comments recommended three days of sea time for every day in a simulator.

Neither comment offered any basis for this equivalency (or any other). If someone can validate any such equivalency, we will consider it.

(92) One comment stated that simulators are invaluable and should be mandatory for training.

We agree that simulators are valuable. But making them, and only them, mandatory for training would be neither practicable nor cost-effective. Hands-on experience still delivers the best training.

(93) One comment asked why simulators persisted into the SNPRM when so many comments on the NPRM, 86 percent of the 115 comments to the NPRM on use of simulators, opposed them.

Simulators persisted into the SNPRM, and persist into this interim rule, because they are valuable tools for both training and testing. To allay some of the concerns about the use of simulators, e.g., their cost and availability, the use of simulators is optional.

STCW

(94) Several comments asked the Coast Guard to clarify how the interim rule on STCW and this interim rule on licensing and manning will affect mariners on vessels under 200 gross tons (as admeasured under 46 U.S.C. 14502 (regulatory measurement)). These comments also asked whether an STCW endorsement is necessary for a master on a vessel of less than 200 gross tons, towing a barge on a voyage to another

country. The comments recommended that STCW endorsements be available to masters and mates who wish to be considered for international voyages.

We require any licensed mariner on a towing vessel of less than 200 gross tons, on a coastwise voyage (from a port in the U.S. to a port in the U.S.) to have his or her license endorsed for STCW. The mariner can get the license endorsed without added training or assessment. However, when a towing vessel of less than 200 gross tons is on a foreign voyage, all crewmembers will have to meet basic requirements of safety training and assessment under STCW.

(95) One comment requested clarification of the procedure to obtain an STCW endorsement.

That procedure is the subject of a separate rulemaking, on the implementation of STCW (62 FR 34506 (June 26, 1997)).

(96) One comment stated that adherence to existing laws, policies, and industry practices does not necessarily satisfy the requirements of STCW.

We agree that, for most mariners on towing vessels, the requirements of STCW are stricter than existing laws, policies, and practices. But those three sources provide an adequate level of safety for mariners on towing vessels.

Whistleblowers

(97) Several comments noted that there is not enough protection and incentive for mariners who expose abuse by industry. Several comments stated that employers coerce mariners to work in unsafe conditions.

This is a concern of Congress, which, again, affords some relief in 46 U.S.C. 2114. It is a concern of the Coast Guard, too, but is not within the scope of this rulemaking.

(98) One comment suggested that working groups from within industry should address the problems of coercive tactics in a different proceeding.

We agree that this is a good suggestion. TSAC may consider working groups to focus on these problems.

(99) One comment stated that a mariner may have difficulty getting a letter of service from an employer against whom the mariner has filed a complaint.

This has always been a problem when companies go out of business or there is a conflict between employer and employee. An REC usually works with a mariner to evaluate whatever records of employment the mariner alleges.

Comments Beyond the Scope of This Rulemaking

We acknowledge receipt of the following comments but consider them to be beyond the scope of this rulemaking.

(100) One comment requested that the Coast Guard streamline the renewal of licenses so that it is faster.

(101) Two comments asked whether the Coast Guard is considering towing vessels for a formal inspection program.

(102) One comment recommended that the Federal Government focus on the upkeep of channels to improve safety.

(103) One comment noted that recreational boaters threaten the safety of commercial and of other recreational vessels. Training or licensing recreational boaters would enhance safety.

(104) One comment suggested improving safety by requiring licensing or documentation for all personnel and the inspection of all vessels.

(105) One comment suggested establishing a Board of Pilots to investigate accidents, as in trucking.

(106) One comment stated that Coast Guard personnel at the National Maritime Center (NMC) lack small-vessel expertise.

(107) Several comments recommended that the Coast Guard include the Gulf Intracoastal Waterway (GIWW) in the Western-rivers and near-coastal routes. One comment specifically requested that the Coast Guard consider the Mississippi River below the Baton Rouge Bridge as part of the inland waterway. Two comments noted that much of the commerce traveling in and out of the Gulf Coast also uses the GIWW.

(108) One comment recommended that the Coast Guard state specifically what bodies of water the Western Rivers comprise. The comment noted that separation of the Western Rivers from the inland rivers causes confusion along the Gulf Coast.

(109) One comment suggested consolidating the routes for rivers and Western Rivers.

(110) One comment recommended that the Coast Guard implement safety requirements for the vessels, not for the mariners.

(111) One comment suggested that safety would improve if the Coast Guard inspected all towing vessels and licensed all their personnel.

(112) One comment noted the increase in risk to mariners with the increase in the transport of hazardous materials.

(113) Several comments suggested that towing companies focus on

improving the safety of equipment. Some noted that some of the unsafe operations are due to the companies' increasing tonnages and reducing crews.

(114) One comment stated that mariners must accept the unsafe conditions offered by the companies, or the companies will hire mariners who will work in those conditions.

(115) One comment recommended that the Coast Guard ensure adequate numbers of mariners on vessels. One comment stated that the towing industry needs a program similar to the ISM Code, under which the employers could help mariners get the necessary rest by implementing three-watch rotations and increasing the manpower.

(116) Two comments stated that a company's responsibilities should include training over specific routes and restricted sailing in adverse weather.

(117) One comment suggested that the Coast Guard make companies accountable through the enforcement of civil penalties for non-compliance.

(118) One comment stated that the RECs lack the expertise to prepare local-area exams. The comment also pointed out the difficulty in preparing mariners for exams whose topics are not listed in Table 10.910-2.

Regulatory Evaluation

This interim rule is an integral part of the Coast Guard's comprehensive initiative to improve navigational safety for towing vessels. The towing-vessel industry has experienced several serious casualties in recent years, most notably the allision in September 1993 of a towing vessel and its barges with a railroad bridge near Mobile, Alabama. In this incident, barges being pushed by a towboat in dense fog displaced the Big Bayou Canot Railroad Bridge. An Amtrak train with 220 persons on board struck the displaced bridge and derailed. Forty-two passengers and 5 crewmembers were killed; 103 passengers were injured.

The National Transportation Safety Board determined that the probable cause of the derailment was the displacement of the railroad bridge when it was struck by a towboat. The allision was a result of the pilot's becoming lost and disoriented in the dense fog, in part, the Board maintained, because of the U.S. Coast Guard's failure to establish higher standards for licensing operators of inland towing vessels. This interim rule arises largely from a cooperative effort between the Coast Guard and the towing industry.

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not

require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040 (February 26, 1979)).

A Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT follows:

Benefits. The principal benefits of this rule will be to enhance the safety of navigation and to reduce the risk of collisions, allisions, groundings, and human casualties. We intend this rule to improve safety in the towing industry by increasing the levels of knowledge and proficiency of the mariners in charge of the navigation and safety of the towing vessel and crew. The training that is required by this rule should significantly decrease the number of fatalities and injuries in the towing industry and also reduce the amount of property damage.

We analyzed information from our Marine Safety Management System (MSMS) to quantify benefits. We concentrated our analysis of the benefits on data sets from 1996 through 1998. First, we analyzed all cases where death had occurred involving a towing vessel. There were 21 accidents resulting in 27 deaths. Secondly, we found about 1500 marine casualties involving towing vessels where a lack of knowledge or proficiency was cited as a causal factor. For the purpose of analysis we examined only the 50 cases where the total damage was the greatest.

Relying on narratives written by the Investigating Officers (IOs) of the Coast Guard, we assigned to cases probabilities depending on the likelihood that this rulemaking might have helped in preventing the casualty. We recognize that operator error is only one of the causal factors in many casualties. Consequently, we gave even incidents that earned a "High" probability (of avoidance through measures included in this rule) only a value of 20 to 40 percent. We gave those that earned a "Low" probability values of 5 to 15 percent.

We estimate that annual benefits from preventing deaths will range from \$2,430,000 to \$5,130,000, while annual benefits from preventing property damage will range from \$1,158,987 to \$2,546,694. The 10-year present value of total benefits should range from \$25,207,543 to \$53,917,886. The 10-year benefit-cost ratio of this rule should range from 2.59 to 5.54 with the average being 4.07.

Finally, this benefit analysis considered only a portion of the 1500 cases where a lack of knowledge or proficiency was cited as a causal factor. Also, we did not quantify any benefits from preventing injuries. Other areas where benefits exist, but were not quantified, were disruption of private automobile and commercial truck traffic when bridges are damaged, and environmental damage from spilled cargo.

Costs. There are around 5,400 documented towing vessels in the United States. This rule should have a minimal impact on the operators of these vessels because holders of current licenses will be grandfathered into new licenses commensurate with their experience. Because these new licenses will be issued at the time of routine renewal, there will be no new users' fees for them. The rule, however, will result in increased fees for new entrants into the towing industry.

Most revisions to the SNPRM, as reflected in this rule, either make editorial changes or update technical information to reflect comments to the SNPRM. But there are certain ones that are substantive and will require different actions by mariners. In response to comments from the public and TSAC, we now allow mariners who have not had administrative action taken against their license culminating in suspension or revocation to submit "information" and so forgo any demonstration of proficiency for license renewal.

We estimate the annual costs—including direct costs for new entrants into the industry and indirect costs associated with industry's increased paperwork burden—of compliance with this rule at \$1,314,424. The 10-year present value of cost to industry, discounted at 7 percent back to 1998, would total \$9,231,964.

The annual Federal Government costs include Coast Guard time and resources to review towing officers' assessment records for existing mariners, as well as the service records, applications, and check-ride results of entry mariners. We estimate the total costs the Government burden at \$70,464 a year. The 10-year present value of government costs, discounted at 7 percent back to 1998, would total \$494,910.

We estimate that the 10-year present value, discounted at 7 percent back to 1998, of costs to industry and Government would total \$9,726,874.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a

significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule will place its primary economic burden on the mariner, not on the mariner's employer. However, we will continue to require towing companies to maintain evidence that every vessel they operate is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route (as currently required under 46 CFR part 15). These companies are also required under 46 CFR part 10 to record and document sea service of licensed personnel, which should satisfy the recordkeeping and documentation requirements for this rulemaking. This analysis considered all of the roughly 1,252 companies operating towing vessels to be small entities that will experience increased burdens. At an estimated increased burden of 2 hours a company per year, the total impact of this rule on small entities should be \$42,568 a year (1,252 companies × 2 hours a company a year × \$17 an hour). The estimated impact of 2 hours will not apply to all companies since many are already compiling the information required under this part. The estimated burden is a conservative estimate based upon current practice. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for

compliance, please consult Lieutenant Commander Luke Harden, Office of Operating and Environmental Standards (G–MSO), Coast Guard, telephone 202–267–0229; e-mail

Lharden@comdt.uscg.mil. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). You may access the Small Business Administration's site on the Internet at <http://www.sbaonline.sba.gov/SBDC/>.

Collection of Information

This interim rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), "collection of information" comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the collections, a description of the respondents, and an estimate of the total annual burden follow. The estimate accounts for the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

DOT No.: 2115.

OMB Control No.: 2115–0623

Title: Licensing and Manning for Officers of Towing Vessels.

Collection of Information: This interim rule requires every mariner who seeks either an original license as mate (pilot) of towing vessels or an endorsement for towing vessels to have a towing officers' assessment record. It also requires a report on a final check-ride before a designated examiner for every mariner seeking an original license.

Need for Information: The need for the collection of information is to ensure that the mariner's training information is available to assist in determining his or her overall qualification to hold a merchant mariner's license issued by the Coast Guard. These recordkeeping requirements are consistent with good commercial practices to the end of good seamanship for safe navigation. The following is a section-by-section explanation of them:

Section 10.304(h) requires each applicant for a license as mate (pilot) of towing vessels, and each master or mate of self-propelled vessels of greater than 200 gross tons seeking an endorsement for towing vessels, to complete a towing officers' assessment record.

Section 10.463(h) requires a company to maintain evidence that every vessel it operates is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route. The company may do this with copies of current licenses and voyage records that most companies already keep.

Section 10.464(d)(2) requires masters of vessels of greater than 200 gross tons to maintain towing officers' assessment records for license endorsements as masters of towing vessels. Collection of this information is necessary to ensure that the masters have completed the series of qualification for the towing industry.

Sections 10.465(a)(2), (b)(2), (c)(2), and (d) each require a final check-ride before a designated examiner. Afterwards, they require the applicant to submit his or her completed towing officers' assessment record to the Coast Guard Regional Examination Center. Collection of this information is necessary because it will raise the safety of towing by upgrading the evaluation process.

Section 10.465(c) also requires mates of self-propelled vessels of greater than 200 gross tons to maintain towing officers' assessment records for license endorsements over new routes. Collection of this information is necessary to ensure that the mates have completed the series of qualification for the towing industry.

Proposed Use of Information: This information warrants the mariner qualified to hold a license for the service in which he or she would engage.

Description of Respondents: Mariners licensed to operate towing vessels, prospective towing-vessel officers, and companies employing these mariners.

Number of Respondents: 13,024 existing mariners of towing vessels, 320 new entrants to the industry, and about 1,252 companies employing these mariners.

Frequency of Response: Since licenses are valid for 5-year periods, the frequency of response for existing mariners should be 20 percent of existing mariners of towing vessels responding in any given year. Each year, all new applicants will have a paperwork burden.

The Coast Guard estimates that 95 percent of existing mariners will choose to maintain towing officers' assessment records as a method of renewal.

An estimated 1 percent of currently licensed mariners may complete a report on a final check-ride before a designated examiner every year. The estimated total percentage of currently licensed mariners who may complete a report on the final check-ride during a 5-year period is 5 percent. Final check-ride before a designated examiner under §§ 10.465(a)(2), (b)(2), and (c)(2) entails a one-time record after completion of the mariner's towing officers' assessment record.

About 1,252 companies must maintain files of licenses and voyage records for each mariner, to be revised upon the expansion of a mariner's route.

Burden of Response: About 95 percent of current licensed towing-vessel operators have to perform an estimated 1.0 hour of management time a year to provide the Coast Guard with updates of their licensing records. About 5 percent of these operators may have to perform an estimated 0.5 hour of management time over 5 years to provide the Coast Guard evidence of having performed the final check-ride. About 320 entry-level mariners seeking licenses to become such operators may have to perform an estimated 1.0 hour of management time apiece each year to provide the Coast Guard with updates of their licensing records.

Under § 10.463(h), about 1,252 companies will have to maintain evidence that every vessel they operate is under the direction and control of a licensed mariner with appropriate experience. (The total burden for each company should come to 2 hours for all of its mariners each year.)

The estimated cost to industry (companies and mariners) for this collection of information is \$283,206 a year. The estimated cost to government is \$70,464 a year.

Estimated Total Annual Burden: The total burden of reporting and recordkeeping for industry is 15,338 hours a year. The total burden of them for government is 2936 hours a year.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this rule to OMB for its review of the collection of information. We ask for public comment on the collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden

are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the requirements for this collection of information become effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

We have analyzed this interim rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This interim rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(c), of

Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. This rule is a matter of "training, qualifying, licensing, and disciplining of maritime personnel" within the meaning of paragraph (34)(c) that clearly has no environmental impact. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

List of Subjects

46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10 and 15 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. Revise the authority citation for part 10 to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. Chapter 71; 46 U.S.C 7502, 7505, and 7701; 49 CFR 1.45 and 1.46. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

2. In § 10.103, revise the definition of *Inland waters*; and add the definitions of *Apprentice mate (steersman) of towing vessels*, *Approved training*, *Disabled vessel*, *Harbor assist*, and *Pilot of towing vessels*, in alphabetical order, to read as follows:

§ 10.103 Definitions of terms used in this part.

Apprentice mate (steersman) of towing vessels means a mariner qualified to perform watchkeeping on the bridge, aboard a towing vessel, while in training under the direct supervision of a licensed master or mate (pilot) of towing vessels.

* * * * *

Approved training means training that is approved by the Coast Guard or meets the requirements of § 10.309.

* * * * *

Disabled vessel means a vessel that needs assistance, whether docked, moored, anchored, aground, adrift, or under way; but does not mean a barge or any other vessel not regularly operated under its own power.

* * * * *

Harbor assist means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel,

or to escort a vessel with limited maneuverability.

* * * * *

Inland waters means the navigable waters of the United States shoreward of the Boundary Lines as described in 46 CFR part 7, excluding the Great Lakes and Western Rivers. For establishing credit for sea service, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska, are inland.

* * * * *

Pilot of towing vessels means a qualified officer of towing vessels operating only on inland routes.

* * * * *

§ 10.201 [Amended]

3. In § 10.201, in paragraph (f)(1), remove the words "second-class operator of uninspected towing vessel" and add, in their place, the words "mate (pilot) of towing vessels"; and, in paragraph (f)(2), remove the words "designated duty engineer of vessels of not more than 1,000 horsepower, may be granted to an applicant who has reached the age of 18 years" and add, in their place, the words "designated duty engineer of vessels of not more than 1,000 horsepower, or apprentice mate (steersman) of towing vessels, may be granted to an applicant, otherwise qualified, who has reached the age of 18 years".

§ 10.203 [Amended]

4. In § 10.203, in Table 10.203, in column one, remove the word "Uninspected" from before the words "towing vessels" and capitalize the first letter in the word "towing"; and, in column two, remove the words "Operator: 21; 2/c operator: 19" from the license category just amended to read "Towing vessels" and add, in their place, the words "Master of towing vessels: 21; mate (pilot) of towing vessels: 19; apprentice mate (steersman): 18".

§ 10.205 [Amended]

5. In § 10.205, in paragraph (f)(1), remove the words "operator of uninspected towing vessels" and add, in their place, the words "master or mate (pilot) of towing vessels"; and revise paragraph (g)(3) to read as follows:

* * * * *

(g) * * *

(3) All licenses for master or mate (pilot), except apprentice mate (steersman), for towing vessels on oceans.

* * * * *

6. In § 10.209, add paragraphs (c)(6) and (7) to read as follows:

§ 10.209 Requirements for renewal of licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(c) * * *

(6) Except as provided by paragraph (c)(7) of this section, an applicant for renewal of a license as master or mate (pilot) of towing vessels shall submit satisfactory evidence, predating the application by not more than 1 year, of satisfying the requirements of paragraph (c)(1)(i) or (ii) of this section, or those of paragraph (c)(1)(iv) of this section except the exercise; and of either—

(i) Completing a practical demonstration of maneuvering and handling a towing vessel before a designated examiner; or

(ii) Submitting documentation in the form of a towing officers' assessment record that lists training, drills, and experience during the license's validity in which an operator's proficiency is assessed over time.

(7) An applicant for renewal of a license as master or mate (pilot) of towing vessels whose most recent license was suspended or revoked by an administrative law judge for incompetence shall complete the practical demonstration rather than submit the towing officers' assessment record under paragraph (c)(6)(i) of this section.

* * * * *

7. In § 10.304, revise the section heading, redesignate paragraph (h) as (i), and add new paragraph (h) to read as follows:

§ 10.304 Substitution of training for required service, use of training-record books, and use of towing officer assessment records.

* * * * *

(h) Each applicant for a license as master or mate (pilot) of towing vessels, and each master or mate of self-propelled vessels of greater than 200 gross tons seeking an endorsement for towing vessels, shall complete a towing officers' assessment record that contains at least the following:

(1) Identification of the candidate, including full name, home address, photograph or photo-image, and personal signature.

(2) Objectives of the training and assessment.

(3) Tasks to perform or skills to demonstrate.

(4) Criteria to use in determining that the tasks or skills have been performed properly.

(5) A place for a qualified instructor to indicate by his or her initials that the candidate has received training in the proper performance of the tasks or skills.

(6) A place for a designated examiner to indicate by his or her initials that the candidate has successfully completed a practical demonstration and has proved competent in the task or skill under the criteria.

(7) Identification of each qualified instructor by full name, home address, employer, job title, ship name or business address, number of any Coast

Guard license or document held, and personal signature.

(8) Identification of each designated examiner by full name, home address, employer, job title, ship name or business address, number of any Coast Guard license or document held, and personal signature confirming that his or her initials certify that he or she has witnessed the practical demonstration

of a particular task or skill by the candidate.

* * * * *

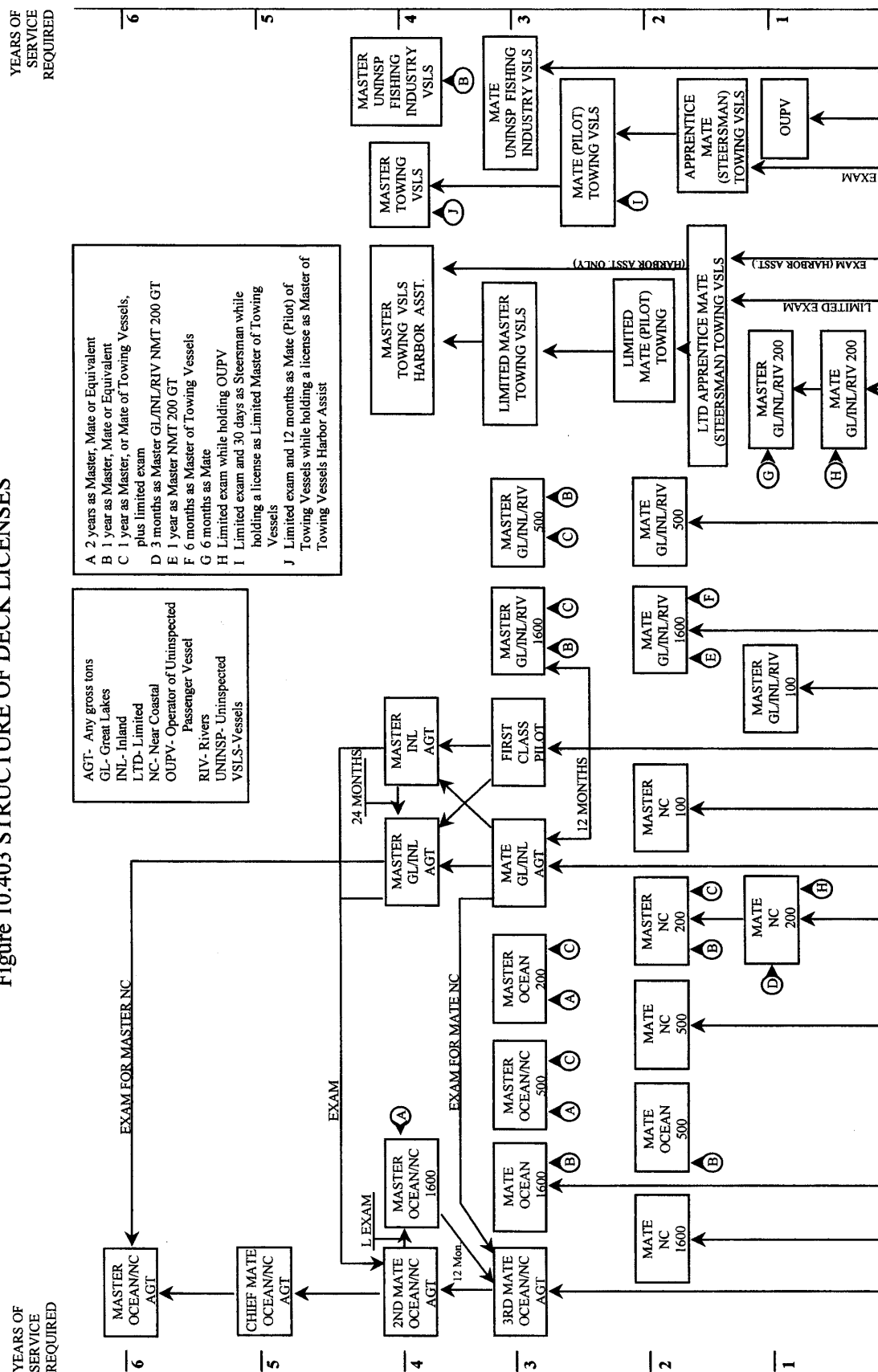
8. In § 10.403, revise the section heading and revise Figure 10.403 to read as follows:

§ 10.403 Structure of deck licenses.

* * * * *

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Figure 10.403 STRUCTURE OF DECK LICENSES



§ 10.412 [Amended]

9. In § 10.412(a), remove the words “operator of uninspected towing vessels,”.

§ 10.414 [Amended]

10. In § 10.414(a), remove the words “operator of uninspected towing vessels,”.

11. Revise § 10.418(b) to read as follows:

§ 10.418 Service requirements for master of ocean or near-coastal steam or motor vessels of not more than 500 gross tons.

* * * * *

(b) The holder of a license as master or mate (pilot) of towing vessels authorizing service on oceans or near-coastal routes is eligible for a license as master of ocean or near-coastal steam or motor vessels of not more than 500 gross tons after both 1 year of service as master or mate of towing vessels on oceans or near-coastal routes and completion of a limited examination.

§ 10.420 [Amended]

12. In § 10.420, remove the words “operator of uninspected towing vessels,”.

§ 10.424 [Amended]

13. In § 10.424(a)(2), remove the words “operator or second-class operator of ocean or near-coastal uninspected towing vessels” and add, in their place, the words “master or mate of ocean or near-coastal towing vessels”.

14. Revise § 10.426(a)(2) to read as follows:

§ 10.426 Service requirements for master of near-coastal steam or motor vessels of not more than 200 gross tons.

(a) * * *

(2) One year of total service as licensed master or mate of towing

vessels on oceans or near-coastal routes. Completion of a limited examination is also required.

* * * * *

§ 10.442 [Amended]

15. In § 10.442, paragraphs (a) and (b), remove the words “operator of uninspected towing vessels” from the two places where they occur and add, in their places, the words “master of towing vessels”.

§ 10.444 [Amended]

15a. In § 10.444(c), remove the words “second-class operator of uninspected towing vessels” and add, in their place, the words “mate (pilot) of towing vessels”.

§ 10.446 [Amended]

16. In § 10.446(b)—

a. In the first sentence, remove the word “operator” wherever it appears and add, in its place, the word “master” and remove the word “uninspected” wherever it appears; and

b. In the third sentence, remove the words “operator or second-class operator of uninspected” and add, in their place, the words “master or mate (pilot) of”.

§ 10.452 [Amended]

17. In § 10.452(a), remove the words “operator or second-class operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

§ 10.462 [Amended]

18. In § 10.462(c), remove the words “operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

19. Add § 10.463 to read as follows:

§ 10.463 General requirements for licenses for master, mate (pilot), and apprentice mate (steersman) of towing vessels.

(a) The Coast Guard issues the following licenses:

- (1) Master of towing vessels.
- (2) Master of towing vessels, harbor assist.
- (3) Master of towing vessels, limited.
- (4) Mate (pilot) of towing vessels.
- (5) Mate (pilot) of towing vessels, limited.
- (6) Apprentice mate (steersman).
- (7) Apprentice mate (steersman), harbor assist.
- (8) Apprentice mate (steersman), limited.

(b) A master license means a license to operate a towing vessel not restricted to harbor assist and not restricted to a local area designated by the OCMI. This also applies to a mate (pilot) license.

(c) For this section, *limited* means a license to operate a towing vessel of less than 200 gross tons limited to a local area designated by the OCMI.

20. Revise § 10.464 to read as follows:

§ 10.464 Requirements for licenses as master of towing vessels.

(a) If you would like to obtain a license as master of towing vessels endorsed with a route listed in column 1 of Table 10.464–1, then you must complete the service requirements indicated in columns 2 through 5. If you would like to upgrade your license as master of towing vessels (harbor assist), then you must complete the service requirements listed in columns 6 through 9. You may serve on the subordinate routes listed in column 10 if you complete the observation and training required in column 11.

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TABLE 10.464-1--REQUIREMENTS FOR LICENSE AS MASTER OF TOWING VESSELS

1 ROUTE ENDORSED	2 TOTAL SERVICE ¹	3 TOS ² ON TV AS MATE (PILOT)	4 TOS ² ON TV AS MATE (PILOT) NOT AS HARBOR ASSIST	5 TOS ² ON PARTICULAR ROUTE	6 TOS ² AS MATE (PILOT) WHILE HOLDING MASTER (HARBOR ASSIST)	7 TOS ² ON PARTICULAR ROUTE	8 TOAR ⁵	9 PASSED APPROPRIATE ROUTE EXAMINATION ³	10 SUB- ORDINATE ROUTE AUTHORIZED	11 DAYS OF OBSERVATION AND TRAINING REQUIRED ⁴
(1) OCEANS (O)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	NC, GL-I, R WR LLA	30 90 30
(2) NEAR- COASTAL (NC)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	GL-I, R WR LLA	30 90 30
(3) GREAT LAKES- INLAND (GL-I)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	R WR LLA	30 90 30
(4) RIVERS (R)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	WR LLA	90 30
(5) WESTERN RIVERS (WR)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	LLA	30

1 Service is in months.

2 TOS is time of service.

3 The COTP determines the appropriate route examination for the desired endorsement.

4 If you hold a license as master of towing vessels you may have a restricted endorsement, as mate (pilot) for a route not included in the current endorsements on which you have no operating experience, placed on your license after passing an examination for that route. Upon completion of 90 days of experience on that route, you may have the endorsement removed. This is instead of the requirement listed in this column.

5 TOAR is training officers' assessment record.

(b) If you would like to obtain a license as master of towing vessels (harbor assist) endorsed with a route listed in column 1 of Table 10.464-2, then you must complete the service requirements indicated in columns 2

through 5. If you would like to upgrade your license as master of towing vessels (limited), then you must complete the service requirements listed in columns 6 and 7, and either 8, 9, or 10. You may serve on the subordinate routes listed in

column 11 if you complete the observation and training required in column 12.

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TABLE 10.464-2--REQUIREMENTS FOR LICENSE AS MASTER OF TOWING VESSELS (HARBOR ASSIST)

1 ROUTE ENDORSED	2 TOTAL SERVICE ¹	3 TOS ² ON TV AS APPREN- TICE MATE	4 TOS ² ON TV AS APPREN- TICE MATE CONDUCT- -ING HARBOR ASSIST	5 TOS ² ON PARTICULAR ROUTE	6 TOS ² ON TV CONDUCTING HARBOR ASSIST WHILE LICENSED AS MASTER (LIMITED)	7 TOS ² ON PARTICULAR ROUTE	8 COURSE	9 TOAR ³	10 30 DAYS OF OBSERVATION AND TRAINING AND PASSED A LIMITED EXAMINATION	11 SUB- ORDINATE ROUTE AUTH'D	12 DAYS OF OBSER- VATION AND TRAINING REQ'D
(1) GREAT LAKES- INLAND (GL-I)	48	30 of 48	18 of 30	18 of 30	12	3 of 12	YES	YES	YES	R WR LLA	30 90 30
(2) RIVERS (R)	48	30 of 48	18 of 30	18 of 30	12	3 of 12	YES	YES	YES	WR LLA	90 30
(3) WESTERN RIVERS (WR)	48	30 of 48	18 of 30	18 of 30	12	3 of 12	YES	YES	YES	LLA	30
(4) LIMITED LOCAL AREA (LLA)	48	30 or 48	18 of 30	18 of 30	12	3 of 12	YES	YES	YES		

1 Service is in months.

2 TOS is time of service.

3 TOAR is training officers' assessment record.

(c) If you would like to obtain a license as master of towing vessels (limited), then you must complete the service requirements listed in Table 10.464-3.

TABLE 10.464-3.—REQUIREMENTS FOR LICENSE AS MASTER OF TOWING VESSELS (LIMITED)

¹ Route endorsement	² Total service ¹	³ TOS ² on T/V as limited mate (pilot)	⁴ TOS ² on particular route
LIMITED LOCAL AREA (LLA)	36	12 of 36	3 of 12.

¹ Service is in months.

² TOS is time of service.

(d) The Coast Guard restricts licenses as master of towing vessels for oceans and near-coastal routes by the gross tonnage of the towing vessels on which the experience was acquired by 200, 500, 1,600 gross tons, per §§ 10.424, 10.418, and 10.412 of this part, respectively.

(e) Before you serve as master of towing vessels on the Western rivers, you must possess 90 days of observation and training and have your license endorsed for Western Rivers.

(f) Each company must maintain evidence that every vessel it operates is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route other than Western Rivers.

(g) If you hold a license as master of self-propelled vessels of greater than 200 gross tons and first-class pilot then you may obtain an endorsement for towing vessels (restricted to the service presented) if you—

(1) Have 30 days of training and observation on towing vessels on each of the routes for which the endorsement is sought, except as noted in paragraph (e) of this section;

(2) Submit a towing officers' assessment record described in § 10.304(h) that exhibits evidence of assessment of practical demonstration of skills; and

(3) Pass an examination.

21. Add § 10.465 to read as follows:

§ 10.465 Requirements for licenses as mate (pilot) of towing vessels.

(a) If you would like to obtain a license as mate (pilot) of towing vessels endorsed with a route listed in column 1 of Table 10.465-1, then you must complete the service requirements indicated in columns 2 through 4 and either 5 or 6. If you hold a license as master of towing vessels (harbor assist or limited) and would like to upgrade it to mate (pilot), then you must complete the requirements in column 7. If you hold a license as mate (pilot)(limited) and would like to upgrade it to mate (pilot), then you must complete the requirements in columns 2 through 6 and pass a limited examination. You may serve on the subordinate routes listed in column 8 if you complete the observation and training required in column 9.

TABLE 10.465-1--REQUIREMENTS FOR LICENSE AS MATE (PILOT⁵) OF TOWING VESSELS

1 ROUTE ENDORSED	2 TOTAL SERVICE 1	3 TOS ² ON TV AS APPRENTICE MATE (STEERSMAN)	4 TOS ² ON PARTICULAR ROUTE	5 COURSE	6 TOAR ³	7 30 DAYS OF OBSERVATION AND TRAINING WHILE HOLDING MASTER (HARBOR ASSIST OR LIMITED) AND PASS A LIMITED EXAMINATION	8 SUBORDINATE ROUTE AUTHORIZED	9 DAYS OF OBSER- VATION AND TRAINING REQUIRED ⁴
(1) OCEANS (O)	30	12 of 30	3 of 12	YES	YES	YES	NC, GL-I, R WR LLA	30 90 30
(2) NEAR-COASTAL (NC)	30	12 of 30	3 of 12	YES	YES	YES	GL-I, R WR LLA	30 90 30
(3) GREAT LAKES- INLAND (GL-I)	30	12 of 30	3 of 12	YES	YES	YES	R WR LLA	30 90 30
(4) RIVERS (R)	30	12 of 30	3 of 12	YES	YES	YES	WR LLA	90 30
(5) WESTERN RIVERS (WR)	30	12 of 30	3 of 12	YES	YES	YES	LLA	30

1 Service is in months.

2 TOS is time of service.

3 TOAR is training officers' assessment record.

4 If you hold a license as mate (pilot) of towing vessels you may obtain a restricted endorsement as apprentice mate (steersman). This endorsement will go on your license after you pass an examination for a route that is not included in the current endorsements and on which you have no operating experience. Upon completion of 3 months of experience on that route, you may have the restricted endorsement removed. This is instead of the requirement listed in this column.

5 For all inland routes, as well as Western Rivers, the license as pilot of towing vessels is equivalent to that as mate of towing vessels. All qualifications and equivalencies are the same.

(b) The Coast Guard restricts licenses as mate (pilot) of towing vessels for oceans and near-coastal routes by the gross tonnage of the towing vessels on which the experience was acquired—by 200, 500, 1,600 gross tons, under §§ 10.424, 10.418, and 10.412 of this part, respectively.

(c) Before you serve as mate (pilot) of towing vessels on the Western Rivers, you must possess 90 days of observation and training and have your license endorsed for Western Rivers.

(d) Each company must maintain evidence that every vessel it operates is under the direction and control of a licensed mariner with appropriate

experience, including 30 days of observation and training on the intended route other than Western Rivers.

(e) If you would like to obtain a license as mate (pilot) of towing vessels (limited), then you must complete the service requirements listed in Table 10.465–2.

TABLE 10.465–2.—REQUIREMENTS FOR LICENSE AS MATE (PILOT) OF TOWING VESSELS (LIMITED)

1 Route endorsement	2 Total service ¹	3 TOS ² on T/V as apprentice mate (steerman)	4 Certificate of course comple- tion—training of- ficers' assess- ment record
LIMITED LOCAL AREA (LLA)	24	6 of 24	Either.

¹ Service is in months.

² TOS is time of service.

(f) If you hold a license as mate of self-propelled vessels of greater than 200 gross tons and one as first-class pilot then you may obtain an endorsement for towing vessels (restricted to the service presented) if you—

(1) Have 30 days of training and observation on towing vessels on each of the routes for which you seek the endorsement, except as noted in paragraph (c) of this section;

(2) Submit a towing officers' assessment record described in § 10.304(h) that exhibits evidence of assessment of practical demonstration of skills; and

(3) Pass an examination.

(g) An approved training course for mate (pilot) of towing vessels must include formal instruction and practical demonstration of proficiency either on board a towing vessel or at a shoreside training facility before a designated examiner, and must cover—

(1) Shipboard management and training;

(2) Seamanship;

(3) Navigation;

(4) Watchkeeping;

(5) Radar;

(6) Meteorology;

(7) Maneuvering and handling of towing vessels;

(8) Engine-room basics; and

(9) Emergency procedures.

§ 10.466 Redesignated as § 10.467

22. Redesignate § 10.466 as § 10.467 and add a new § 10.466 to read as follows:

§ 10.466 Requirements for licenses as apprentice mate (steersman) of towing vessels.

(a) If you would like to obtain a license as apprentice mate (steersman) of towing vessels listed in column 1 endorsed with a route listed in column 2 of Table 10.466–1, then you must complete the service requirements indicated in columns 3 through 6.

TABLE 10.466–1.—REQUIREMENTS FOR LICENSE AS APPRENTICE MATE (STEERSMAN⁴) OF TOWING VESSELS

1 License type	2 Route endorsed	3 Total service ¹	4 TOS ² on T/V	5 TOS ² on particular route	6 Pass exam- ination ³
(1) APPRENTICE MATE (STEERSMAN).	OCEANS (O)	18	12 of 18	3 of 18	Yes.
	NEAR-COASTAL (NC)	18	12 of 18	3 of 18	Yes.
	GREAT LAKES-INLAND (GL-I)	18	12 of 18	3 of 18	Yes.
	RIVERS (R)	18	12 of 18	3 of 18	Yes.
	WESTERN RIVERS (WR)	18	12 of 18	3 of 18	Yes.
(2) APPRENTICE MATE (STEERSMAN) (HARBOR ASSIST).	NOT APPLICABLE	18	12 of 18	3 of 18	Yes.
(3) APPRENTICE MATE (STEERSMAN) (LIMITED) ⁴ .	NOT APPLICABLE	18	12 of 18	3 of 18	Yes.

¹ Service is in months.

² TOS is time of service.

³ The examination for apprentice mate is specified in subpart I of this part. The examination for apprentice mate (limited) is a limited examination.

⁴ For all inland routes, as well as Western Rivers, the license as steersman is equivalent to that as apprentice mate. All qualifications and equivalencies are the same.

(b) If you hold a license as apprentice mate (steersman) of towing vessels you may obtain a restricted endorsement as limited apprentice mate (steersman). This endorsement will go on your

license after you pass an examination for a route that is not included in the current endorsements and on which you have no operating experience. Upon completion of 3 months of experience

on that route, you may have the restricted endorsement removed.

23. Revise § 10.482(a) to read as follows:

§ 10.482 Assistance towing.

(a) This section contains the requirements to qualify for an endorsement authorizing an applicant to engage in assistance towing. The endorsement applies to all licenses except those for master and mate (pilot) of towing vessels and those for master or mate authorizing service on inspected vessels over 200 gross tons. Holders of any of these licenses may engage in assistance towing within the scope of the licenses and without the endorsement.

* * * * *

§ 10.701 [Amended]

24. In § 10.701(a), remove the words "operator of uninspected towing vessels" and add, in their place, the words "master or mate (pilot) of towing vessels".

§ 10.703 [Amended]

25. In § 10.703(a), remove the words "operator of uninspected towing vessels" and add, in their place, the words "master or mate (pilot) of towing vessels".

§ 10.901 [Amended]

26. In § 10.901(b)(1), remove the words "uninspected towing vessels" and add, in their place, the words "master or mate (pilot) of towing vessels".

27. In § 10.903—

a. In paragraph (c) in Table 10.903-1, in the entry for STCW CODE II/2, p. 3 & 4, add an "X" in column 7;

b. In paragraph (c) in Table 10.903-1, in the entry for STCW CODE II/3, remove the "X" in column 7; and

c. Revise paragraphs (a)(18), (b)(4), and (c)(7) to read as follows:

§ 10.903 Licenses requiring examinations.

(a) * * *

(18)(i) Apprentice mate (steersman) of towing vessels;

(ii) Apprentice mate (steersman) of towing vessels, harbor assist;

* * * * *

(b) * * *

(4) Master or mate (pilot) of towing vessels (endorsed for the same route).

(c) * * *

(7) Master or mate of towing vessels of over 200 gross tons, oceans (domestic trade) and near-coastal.

* * * * *

28. In § 10.910, revise paragraphs 10 through 12 in Table 10.910-1 to read as follows:

§ 10.910 Subjects for deck licenses.

* * * * *

10. Apprentice mate, towing vessels, ocean (domestic trade) and near-coastal routes.

11. Apprentice mate (steersman), towing vessels, Great Lakes and inland routes.

12. Steersman, towing vessels, Western Rivers.

* * * * *

PART 15—MANNING REQUIREMENTS

29. Revise the authority citation for part 15 to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), and 9102; and 49 CFR 1.45 and 1.46.

§ 15.301 [Amended]

30. Section 15.301 is amended as follows:

a. In paragraph (a), add the definition of *Disabled Vessel*, in alphabetical order;

b. Remove paragraph (b)(6); and

c. Redesignate paragraphs (b)(7) through (10) as paragraphs (b)(6) through (9).

The addition to § 15.301(a) reads as follows:

(a) * * *

Disabled vessel means a vessel that needs assistance, whether docked, moored, anchored, aground, adrift, or under way; but does not mean a barge or any other vessel not regularly operated under its own power.

* * * * *

31. Revise § 15.610 to read as follows:

§ 15.610 Master and mate (pilot) of towing vessels.

Every towing vessel at least 8 meters (at least 26 feet) in length measured from end to end over the deck (excluding sheer), except a vessel described by the next sentence, must be under the direction and control of a person licensed as master or mate (pilot) of towing vessels or as master or mate of vessels of appropriate gross tonnage holding an endorsement on his or her license for towing vessels. This does not apply to any vessel engaged in assistance towing, or to any towing vessel of less than 200 gross tons engaged in the offshore mineral and oil industry if the vessel has sites or equipment of that industry as its place of departure or ultimate destination.

§ 15.705 [Amended]

32. In § 15.705(d), remove the words "individual operating an uninspected towing vessel" and add, in their place, the words "master or mate (pilot) operating a towing vessel"; and remove the words "individuals serving as operators of uninspected towing vessels" and add, in their place, the

words "masters or mates (pilots) serving as operators of towing vessels".

33. In § 15.805, add paragraph (a)(5) to read as follows:

§ 15.805 Master.

(a) * * *

(5) Every towing vessel of at least 8 meters (at least 26 feet) or more in length.

* * * * *

34. In § 15.810, redesignate paragraphs (d) and (e) as (e) and (f); and add a new paragraph (d) to read as follows:

§ 15.810 Mates.

* * * * *

(d) Each person in charge of the navigation or maneuvering of a towing vessel of at least 8 meters (at least 26 feet) in length shall hold either a license authorizing service as mate of towing vessels—or, on inland routes, as pilot of towing vessels—or a license as master of vessels of appropriate gross tonnage according to the routes, endorsed for towing vessels.

* * * * *

35. Revise § 15.910 to read as follows:

§ 15.910 Towing vessels.

No person may serve as master or mate (pilot) of any towing vessel of at least 8 meters (at least 26 feet) in length unless he or she holds a license authorizing such service.

Dated: November 9, 1999.

R.C. North,

Rear Admiral, U.S. Coast Guard Assistant Commandant for Marine Safety and Environmental Protection.

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1, 6 and 7**

[WT Docket 96-198; FCC 99-181]

Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document establishes rules to ensure that people with disabilities have access to telecommunications services and related equipment, if readily achievable. These rules are required to implement section 255 of Telecommunications Act