

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[CGD 89-050]

RIN 2115-AD35

Vessel Identification System

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule with request for comments.

SUMMARY: The Coast Guard is establishing a vessel identification system (VIS), as required by statute, which includes guidelines for State vessel titling systems, procedures for certifying compliance with those guidelines, and rules for participation in this system for undocumented vessels. VIS, in conjunction with current Coast Guard vessel documentation information, will provide a nationwide pool of vessel and vessel owner information that will help in identification and recovery of stolen vessels and deter vessel theft. A mortgage that covers the whole of an undocumented vessel and is perfected in a State that both participates in VIS and holds certification of compliance with guidelines for State vessel titling systems will be deemed to have preferred mortgage status.

DATES: This rule is effective on April 24, 1996. Comments must be received on or before July 24, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406), (CGD 89-050), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: CDR Keith Cameron, Office of Marine Safety, Security and Environmental Protection, Information Management Division (G-MIM), (202) 267-0385.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data,

views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 89-050) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are CDR Keith Cameron, Project Manager, Office of Marine Safety, Security and Environmental Protection and Helen Boutrous, Project Counsel, Office of Chief Counsel.

Regulatory History

On October 5, 1993, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Vessel Identification System in the **Federal Register** (58 FR 51920). The Coast Guard received 27 letters commenting on the NPRM. No public hearing was requested, and none was held.

Background and Purpose

The Secretary of Transportation is required to establish VIS; to prescribe the manner and form for participating States to make information available to VIS; to establish guidelines for State vessel titling systems; and to establish procedures for certifying compliance with those guidelines (46 U.S.C. chapters 125, 131 & 313). The Secretary has delegated to the Commandant, U.S. Coast Guard, the authority to implement VIS. State participation in VIS is entirely voluntary, however, in order to participate, States must comply with certain requirements to ensure the integrity and uniformity of the information provided to VIS.

This interim final rule establishes the minimum requirements for States electing to participate in VIS. VIS will comprise a nationwide information system for identifying recreational vessels that are either numbered in accordance with 46 U.S.C. 123 or titled under the laws of a State. VIS will include information identifying vessels and vessel owners, and information to assist law enforcement officials in the investigation of stolen vessels. Most of the information to be included in VIS is already collected by States that number vessels in accordance with 33 CFR 174.17. This and other information collected by the States will be automatically accessed by VIS, resulting in a central, nationwide pool of vessel information, while minimizing the burden of participating States. Once the VIS requirements are effective, the Coast Guard will begin to work with participating States to coordinate VIS access.

This interim final rule also prescribes guidelines for State vessel titling systems and the procedures for obtaining certification of compliance with those guidelines. Under 46 U.S.C. 31322(d), perfected mortgages covering the whole of a vessel titled in a State that both participates in VIS and has a vessel titling system that has been certified as meeting the titling guidelines issued by this interim final rule will be deemed to have preferred mortgage status. Compliance with the State titling guidelines and requests for certification of that compliance is entirely voluntary. However, preferred mortgage status under 46 U.S.C. 31321(d) is conditioned upon both participation in VIS and certification of compliance with the State titling guidelines issued by this interim final rule.

This action is being published as an interim final rule to allow for public comment on a provision, § 187.315, that has been added to the State vessel titling requirements since publication of the NPRM. Also, this action is being published with an effective date of one year from today's date. This effective date will allow States affected by a statutory amendment to 46 U.S.C. chapter 121, which becomes effective one year from the effective date of the State titling guidelines issued as a part of this interim final rule, time to review, and if necessary, amend their vessel titling requirements. These issues are addressed in greater detail in the discussion of § 187.315 later in this preamble.

It is not anticipated that VIS will be operational before the effective date of this interim final rule. Publishing the