

VIS requirements now, however, will provide States with the information necessary to prepare for participation in the voluntary VIS system.

Discussion of Comments and Changes

All of the comments received were considered in the development of this interim final rule. The issues raised by the comments received, and the sections which have been revised or added since publication of the NPRM, are discussed below. Some sections were revised or reorganized for clarity.

Subpart A—General

§ 187.1 Applicability.

VIS will cover vessels that are numbered or titled under the laws of a State. Information pertaining to vessels which are documented by the Coast Guard will continue to be collected under the current regulations. Many of the comments suggested that documented vessels be covered by the VIS requirements. After analyzing the merits of applying the VIS requirements to documented vessels, the Coast Guard determined that it will be more efficient to maintain the current Coast Guard data base on documented vessels, and allow increased access to that information through VIS. Therefore, documented vessels will not be covered by the vessel identification system requirements of this interim final rule. Users of VIS will, however, have access to a nationwide pool of information on recreational vessels, whether documented or undocumented, because the planned enhancement of the documentation data base will allow access to the Coast Guard's data base on documented vessels through VIS. The Coast Guard currently maintains an information system on over 200,000 vessels documented under 46 U.S.C. chapter 121. Maintaining this documentation system, while allowing access to the data base through VIS, satisfies the statutory goal of establishing a nationwide vessel data base and is more efficient than discontinuing the existing documentation record keeping system.

One comment suggested that the VIS final rule specifically exempt barges from VIS. The comment noted that the Abandoned Barge Act of 1992 amended 46 U.S.C. 12301 to require the numbering of undocumented barges greater than 100 gross tons. The Coast Guard published a notice on October 18, 1994, seeking comments on the development of a numbering system for barges (59 FR 52646). Currently, barges are not numbered, and the Coast Guard is in the early stages of developing a mandatory numbering system. Because

this interim final rule applies only to vessels that are numbered or titled under the laws of a State, barges are not currently covered by VIS. As the Coast Guard's efforts to establish a barge numbering system continue, the Coast Guard will examine whether a specific exclusion of barges from VIS is appropriate. The Coast Guard will propose future amendments to VIS, if necessary.

§ 187.3 Definitions.

One comment suggested that the Coast Guard add the definition of "titled vessel" to § 187.3 and another comment suggested adding the definition of "perfection". Under § 187.303, the Coast Guard requires that participating States define most of the terms included in § 187.3 in their titling systems substantially as those terms are defined by the Coast Guard. Therefore, in order to allow the States the most flexibility possible in establishing approved titling systems, the Coast Guard has attempted to minimize the number of required definitions. The Coast Guard agrees that a definition of the term "titled vessel" would be helpful, and a definition of that term has been added. However, the term "perfection" will be left to the States to define in accordance with their own titling systems. The definition of the term "person" has been revised to be consistent with the definition provided in the regulations regarding State numbering system requirements at 33 CFR 173.3(e). This revision is intended to result in no substantive change.

§ 187.5 Vessel identifier.

Many comments objected to the use of "VIN" as an acronym for "Vessel Identification Number." The comments suggested that this acronym would confuse law enforcement personnel who are far more familiar with VIN meaning Vehicle Identification Number. The Coast Guard agrees with these comments and will not use the acronym VIN in the VIS regulations. The title of the section has been revised accordingly.

Some of the comments revealed a misunderstanding of this provision by objecting to the establishment of a new number. VIS will not establish a new numbering system for vessels. For purposes of identifying a vessel within VIS, the number to be used will be the hull identification number (HIN) assigned to an undocumented vessel in accordance with Subpart C of part 181. Several comments suggested that documented vessels be identified within VIS by their HIN. However, as discussed above, the Coast Guard is maintaining

its existing data base on documented vessels which uses the Coast Guard Official Number to identify vessels within the current documentation system. Therefore, it will be necessary to keep the Coast Guard Official Number as the primary identifier for documented vessels. Information on documented vessels, such as owner name, Official Number, HIN if one has been assigned, length, and hailing port, will be available through VIS.

Several comments suggested that § 187.5(c), which requires States to assign an HIN to vessels under certain circumstances, will be problematic for States. The comments stated that the requirement leaves no room for discretion by the States to refuse to assign an HIN to a vessel which the State may believe to be stolen. These comments suggested replacing the word "shall" with "may" in paragraph (c). The Coast Guard disagrees with these comments. The HIN will be the primary identifier for all State registered or numbered vessels in the United States. Section 187.5(b) allows for the use of other identifiers, such as the number issued on a certificate of number by the issuing authority of a State, only where a vessel does not have an HIN (e.g., a vessel built prior to 1972). However, under § 187.5(c), if the ownership or State of principle use of the vessel changes, the State is required to assign an HIN to that vessel, just as States currently do under the authority of 33 CFR 181.31(c) for "backyard boat builders". The HIN must meet the format requirements of 33 CFR 181.25. States may impose any controls necessary to ensure HINs are assigned appropriately. Section 187.5(c) has been revised to clarify this issue for the States. The Coast Guard specifically invites comments on this revised provision from States that anticipate participating in VIS.

One comment suggested that VIS require mandatory inspection of a vessel prior to a State assigning an HIN. While the Coast Guard agrees that inspections could lessen the probability of illegal action by those attempting to obtain an HIN, it is the Coast Guard's position that the decision to implement such procedures should be left to the individual States.

Several comments suggested requiring that all documented vessels be assigned an HIN. Vessels manufactured or used primarily for noncommercial use (33 CFR 181.3), the only vessels included in VIS, are currently required to have an HIN, whether they are documented or not. However, as discussed above, to utilize the existing database of information on documented vessels, it