

will be necessary to use the Coast Guard Official Number as the primary identifier for a documented vessel.

Subpart B—Information to be Collected by Participating States

§ 187.101 Information to identify a vessel owner.

Many comments objected to the provision that would have required participating States to collect information on the percentage of ownership interest of each owner for each vessel. Many comments also objected to the proposed requirement to obtain the address of each owner. These comments contended that collecting this amount of information would be overly burdensome. The Coast Guard agrees with the comments on this matter, and § 187.101 has been revised to lessen the information burden. This interim final rule requires the State to obtain the name of each owner of a vessel, but does not require States to collect any information regarding the percentages of ownership interest. Further, States are required to obtain the address of only one owner.

Several comments objected to the collection of an individual owner's Social Security Number or, where not available, date of birth and driver's license number. The comments indicated that some States do not allow the required collection of an individual's social security number, and not all individuals have a driver's license. For an effective information and identification system, there must be a method of identifying the owner of a vessel beyond the individual's name. The Coast Guard included collection of date of birth and driver's license number to assist those States that may have problems collecting Social Security Numbers. To alleviate the situation that may arise for a State where no Social Security Number or driver's license number is available, the Coast Guard will accept, in such situations only, the individual's date of birth and alternative information identifying the individual vessel owner as specified by the regulations of the State or issuing authority.

§ 187.103 Information to identify a vessel.

Most of the comments agreed with the NPRM regarding the information to be collected to identify a vessel.

One comment suggested that information regarding a vessel's type of propulsion is too detailed for inclusion in VIS. However, it is the Coast Guard's position that a vessel's type of propulsion is an excellent means, in combination with other information, to identify a vessel. Propulsion type

greatly influences the value of a vessel, and this information is currently required to be collected by States with authorized numbering systems under 33 CFR 174. Therefore, inclusion of this information in VIS will cause no additional information collection requirement for these States. However, the term "jet drive" has been removed from the list of propulsion types to be consistent with the list of propulsion types provided in the regulations regarding State numbering system requirements at 33 CFR 174.19.

One comment argued that the final rule should not require the collection of the vessel number previously issued by an issuing authority. It is the Coast Guard's position that this is valuable information in assisting in the identification of a vessel. Also, like propulsion type, this information is required to be collected by States with authorized numbering systems under 33 CFR part 174 and represents no increased burden for these States that choose to participate.

§ 187.105 Information on titled vessels.

There was general agreement among those commenting regarding the information to be collected on titled vessels by a participating State.

One comment however, disagreed with the requirement to collect information regarding evidence of a lien or other security interest. The comment argued that the information would not be helpful. Also, the comment argued that it would be difficult to collect information regarding evidence of a lien kept in another State. Under 46 U.S.C. 12501(b)(5), VIS must include information on titled vessels indicating where evidence of a lien or other security interest may be found against the vessel in that State. Therefore, the requirement to collect information indicating where evidence of a lien may be found is retained in this interim final rule. Section 187.105(a)(3) has been revised, however, to clarify that a State must collect information regarding evidence of a lien or other security interest found in that State only.

§ 187.107 Information to assist law enforcement officials.

Several of the comments agreed with the requirements of § 187.107 as proposed. The information listed in paragraph (a) of § 187.107 (report of loss or theft, point of contact) is required to be collected, while collection of the more detailed information listed in paragraph (b) is optional. One comment suggested that the Coast Guard require the collection of the information listed in both paragraphs (a) and (b). The Coast

Guard encourages participating States to collect the detailed information listed in paragraph (b). However, in the interest of putting the least possible burden on participating States while still meeting the needs of the VIS system, the Coast Guard has determined that, for now, collection of the information listed in paragraph (b) will remain optional. The Coast Guard has been working with the Criminal Justice Information Service, Department of Justice, regarding the mutual supporting roles of the National Crime Information Center (NCIC) and VIS. Because much of the information listed in paragraph (b) is contained in NCIC's Boat File, collection of that information will not be required in this rulemaking.

Subpart C—Vessel Identification System Participation Requirements

§ 187.201 Participating State requirements.

Paragraph (b) was reserved in proposed § 187.201. It has been determined that additional requirements are not necessary in that section and the paragraphs of § 187.201 have been redesignated accordingly. Also, a printing error in the wording of proposed § 187.201(a)(6) (now § 187.201(f)) has been corrected in this interim final rule.

One comment stated that the retention of previously issued certificates of number or titles would be overly burdensome. This section requires a State to collect old, no longer valid, certificates of number and title when issuing new certificates of number or titles. The State may retain or dispose of the old documents as it sees fit. Because a State is free to dispose of these invalid records, the Coast Guard does not agree that the provision is overly burdensome and the provision is retained.

Two comments suggested that compliance with the participation requirements would be easier if States are allowed to use microfiche technology. States are free to use such technology or other methods of electronic storage where appropriate. This rulemaking does not address how that information is to be stored by the States. As discussed earlier, and in § 187.201(a), Coast Guard-State Cooperative Agreements will be developed to specify the manner and form that information will be accessed by VIS.

Several comments suggested that participation in VIS be made mandatory for States. There is no statutory authority to require participation in VIS. Under 46 U.S.C. chapter 125, participation in VIS by the States is to be voluntary.