

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: April 20, 1995.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 95-10352 Filed 4-26-95; 8:45 am]

BILLING CODE 6718-21-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 15

[CGD 84-060]

RIN 2115-AB67

Licensing of Pilots; Manning of Vessels by Pilots

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the regulations concerning the licensing of pilots and the manning of vessels by pilots. This final rule: defines "coastwise seagoing vessel" for pilotage purposes; describes first class pilotage areas where local pilotage expertise is warranted; allows licensed individuals to serve as pilots in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control; requires a Federal pilot for vessels in excess of 1,600 gross tons, propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, that are not authorized by their Certificate of Inspection to proceed beyond the Boundary Line; and provides quick reference tables for Federal pilotage requirements. These changes are necessary to eliminate confusion over where and on what vessels pilotage expertise is required.

EFFECTIVE DATE: May 30, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. John R. Bennett, Merchant Vessel Personnel Division (G-MVP/12), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593-0001, telephone (202) 267-6102.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are: Mr. John R. Bennett, Project Manager, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection, and, Mr. Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Regulatory History

A notice of proposed rulemaking (NPRM) was published June 24, 1985 (50 FR 26117), addressing unresolved pilotage issues. The comment period was originally scheduled to end on September 23, 1985, however, a notice of extension of comment period (50 FR 38557), published in the **Federal Register** on September 23, 1985, extended the comment period to December 22, 1985. In response to that notice, the Coast Guard received 172 written comments, and held two public meetings. One public meeting was held in New York, hosted by the Maritime Association of New York, on November 12, 1985. The second was a meeting of the Towing Safety Advisory Committee Subcommittee on Personnel Manning and Licensing, which was held at Coast Guard Headquarters in Washington, D.C., on December 12, 1985. On June 6, 1988, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) (53 FR 20654) addressing the comments received in response to the NPRM and public meetings. The comment period for the SNPRM ended September 6, 1988. Sixteen written comments were received regarding the 1988 SNPRM. Those comments included several recommendations by the Towing Safety Advisory Committee (TSAC).

On February 2, 1994, the Coast Guard published an interim final rule entitled Licensing of Pilots; Manning of Vessels by Pilots in the **Federal Register** (59 FR 4839). The Coast Guard received six letters commenting on the interim final rule. No public hearing was requested, and none was held.

Background and Purpose

Normally, foreign vessels and U.S. vessels operating on a registry endorsement are under State pilotage authority, and U.S. vessels operating on a coastwise endorsement are under Federal pilotage authority. The regulations addressed in this rule deal only with Federal pilotage.

Discussion of Comments and Changes

Six letters commenting on the interim final rule were received. Some of the

comments addressed in these letters raised issues that were not the subject of this rulemaking. The Coast Guard is responding only to those comments relating to this rulemaking.

One comment suggested that there should be only "designated" pilotage areas because otherwise the Coast Guard would be reducing pilotage requirements for tank barges. The Coast Guard is not reducing pilotage requirements for tank barges or any other vessels in this rulemaking.

Another comment stated that "the local pilotage rules are excessive with regard to the round trip required in non-designated areas." This rule places a Federal pilotage requirement on inland route self-propelled vessels greater than 1,600 gross tons. The only other change required by this rule is to require the master, mate or operator of a coastwise seagoing vessel to have made one round trip in the non-designated areas of pilotage waters within the past five years in order to satisfy the pilotage requirement for that area. The Coast Guard does not believe these additional pilotage requirements are excessive.

Several members of the small passenger vessel industry indicated that they are opposed to the rule because it places a new pilotage requirement on their vessels. The interim final rule does not establish a new pilotage requirement for small passenger vessels. Existing pilotage regulatory requirements for these vessels were established in the 1985 Final Rule (50 FR 26106) and in earlier rules. A vessel has a Federal pilotage requirement if it is a coastwise seagoing vessel, not sailing on register, and underway, not on the high seas. This rule does not create a pilotage requirement for certain small passenger vessels, the requirement already exists.

Another comment stated that while it is clear in the quick reference table that a coastwise seagoing tank barge requires a pilot, the text of the regulation does not specifically indicate that it is a "coastwise seagoing" tank barge that requires a pilot, and suggested that the text of the regulation be modified to agree with the quick reference table. The Coast Guard agrees, and the words "coastwise seagoing" are being added to the text of the regulation in § 15.812(a)(1).

The same comment also suggested that the "designated" areas be compiled and published in the Code of Federal Regulations. The Coast Guard does not agree. This information can be readily obtained from the local Coast Guard Captain of the Port (COTP).

The Coast Guard is adopting the interim final rule as published with some minor technical changes. First, the