

Coast Guard is defining the term "pilotage waters" in the definition section as opposed to a footnote in the reference tables.

Second, the **Federal Register** inadvertently omitted five asterisks in the amendatory language in the interim final rule. As a result, paragraphs (f) and (g) from 46 CFR 15.812 were deleted in error. This clerical error has been corrected in the final rule. Third, the Coast Guard is revising the headings to the quick reference tables to clarify that designated and non-designated areas are pilotage waters. Lastly, the Coast Guard has inserted the words "coastwise seagoing" in 15.812(a)(1) before the term "tank barges" to clarify that the rule applies only to coastwise seagoing tank barges.

**Assessment**

This rule is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget under that order. It requires an assessment of potential costs and benefits under section 6(a)(3) of that order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). This rule is significant because it clarifies when a vessel is required to use the services of a Federally licensed pilot, and at one time was controversial.

The Coast Guard expects the economic impact of this rule to be minimal. This rule defines "coastwise seagoing vessel" for pilotage purposes, describes first class pilotage areas where local pilotage expertise is warranted, and provides quick reference tables for pilotage requirements. Additionally, this rule clarifies that a Federal pilot is required 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.

This rule codifies current practices, and there are no expected increases in costs. Therefore, no additional assessment is necessary. The Coast Guard anticipates that the rule will not increase crew size or require increased use of pilots since, for the most part, vessels affected by this rule are presently required by their Certificate of Inspection to use a Federal pilot.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this final rule

will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The small entities that could be affected by this final rule are primarily independent operators of tank barges and self-propelled vessels. Since this rule, for the most part, adopts current practices, the Coast Guard believes that there will be no significant economic impact on "small entities." Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq) that this final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

**Federalism**

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule does not affect existing State pilotage requirements, but instead clarifies the Federal pilotage requirements for those vessels which, under 46 U.S.C. 8502, are exclusively subject to Federal pilotage.

**Environment**

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. The rule, which clarifies Federal pilotage requirements, is administrative in nature since, by codifying existing practices, it permits vessels to continue to operate according to current industry practice. Therefore, this is included in the categorical exclusion in subsection 2.B.2.1, "Administrative actions or procedural regulations and policies which clearly do not have any environmental impact." A Categorical Exclusion Determination has been placed in the docket.

**List of Subjects in 46 CFR Part 15**

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons set out in the preamble, the Coast Guard is adopting the interim final rule published at 59 FR 4839 on February 22, 1994, as final with the following changes:

**PART 15—MANNING REQUIREMENTS**

1. The authority citation for part 15 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3703, 8101, 8502, 8901, 8902, 8903, 8904, 9102; 50 U.S.C. 198, and 49 CFR 1.46.

1a. In § 15.301(a), the definition for designated areas is revised and a definition for pilotage waters is added in alphabetical order to read as follows:

**§ 15.301 Definition of terms used in this part.**

\* \* \* \* \*

*Designated areas* means those areas within pilotage waters for which first class pilot's licenses or endorsements are issued under part 10, subpart G, of this Chapter, by the Officer in Charge, Marine Inspection (OCMI). The areas for which first class pilot's licenses or endorsements are issued within a particular Marine Inspection Zone and the specific requirements to obtain them may be obtained from the OCMI concerned.

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*Pilotage waters* means the navigable waters of the United States, including all inland waters and offshore waters to a distance of three nautical miles from the baseline from which the Territorial Sea is measured.

\* \* \* \* \*

2. Section 15.812(a)(1) is revised to read as follows:

**§ 15.812 Pilots.**

(a) \* \* \*

(1) Coastwise seagoing vessels propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, and coastwise seagoing tank barges subject to inspection under 46 U.S.C. Chapter 37;

\* \* \* \* \*

3. Section 15.812(e) is revised to read as follows:

**§ 15.812 Plots.**

(e) Federal pilotage requirements contained in paragraphs (a) through (d) of this section are summarized in two quick reference tables.

(1) Table 15.812(e)(1) provides a guide to the pilotage requirements for inspected, self-propelled vessels.