

(ii) Other material. None.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 15

[CGD 94-041]

RIN 2115-AE92

Radar-Observer Endorsement for Operators of Uninspected Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; reopening of comment period.

SUMMARY: On October 26, 1994 (59 FR 53754), the Coast Guard published an interim rule establishing radar-training requirements for licensed masters, mates, and operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more in length. Under the interim rule, on February 15, 1995, these licensed persons would be required to hold either an endorsement as a radar observer or, if holding a valid license issued before February 15, 1995, a certificate from a Radar-Operation course. In response to comments from members of the regulated public, the Coast Guard is amending the interim rule to change the date on which the radar-observer endorsement or the Radar-Operation course certificate will be required from February 15, 1995, to June 1, 1995. The Coast Guard is also reopening the comment period to solicit additional public involvement in this rulemaking.

DATES: This interim rule is effective on February 14, 1995. Comments must be received before June 1, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA, 3406) (CGD 94-041), 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: Mr. Robert S. Spears, Jr., Project Manager, Office of Marine Safety, Security, and Environmental Protection (G-MVP-3), (202) 267-0224, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 94-041) 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.

Drafting Information

The principal persons involved in the drafting of this document are Mr. Robert S. Spears, Jr., Project Manager, Office of Marine Safety, Security, and Environmental Protection, Mr. Patrick J. Murray, Project Counsel, Office of the Chief Counsel, and Commander Thomas Cahill, Office of the Chief Counsel.

Regulatory Information

This rule amends an interim rule issued by the Coast Guard on October 26, 1994 (59 FR 53754). Comments received from members of the regulated public have indicated that difficulties were encountered in obtaining the required training in the time allowed. This rule amends the date by which a license endorsement or a certificate of training must be obtained, and relieves a potential burden on members of the regulated public by providing additional time to achieve compliance. It should not adversely affect navigation safety. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard certifies that good cause exists for this rule to be effective upon publication.

Background

Following the derailment of the Amtrak Sunset Limited, with extensive injury and loss of life, on September 22, 1993, the Coast Guard conducted a study of uninspected towing vessel safety. The study made a number of

recommendations for improving safety in the towing industry. One of the recommendations was to require radar observer training and endorsements for operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more in length. That recommendation was approved, and on October 26, 1994 (59 FR 53754), the Coast Guard published an interim rule establishing requirements for radar training. The interim rule also added topics to the list of required subjects taught in approved radar-training courses that must be completed in order to receive a radar-observer endorsement.

The interim rule went into effect on November 25, 1994. However, to provide a reasonable opportunity for affected persons to complete the training and obtain the required endorsements, 46 CFR 15.815(c) provided that the endorsement was required only for those licenses to be issued after February 15, 1995. Persons holding valid licenses issued prior to February 15, 1995, would be required to undergo basic radar training and receive a certificate of completion for that training prior to February 15, 1995. Without the endorsement or certificate of completion, after February 15, 1995, no person may serve as a master, mate, or operator of a radar-equipped towing vessel, 8 meters (approximately 26 feet) or more in length, required to have a licensed operator. For a person holding a license issued before February 15, 1995, the additional training needed to qualify for a radar-observer endorsement would then be required before the individual renewed or upgraded his or her license.

The comment period for the interim rule closed on January 24, 1995. Prior to the close of the comment period, the Coast Guard received over 300 comments. A number of the comments expressed concern that the required training would not be available before February 15, 1995. Therefore, to relieve this potential burden, the Coast Guard is amending the interim rule. The Coast Guard will also continue to evaluate the comments received on this rulemaking.

Discussion of Amendment

This rule changes the date in 46 CFR 15.815(c) by which a radar-observer endorsement or certificate of training must be received from February 15, 1995 to June 1, 1995. This extension permits affected mariners who are not able to complete radar training by February 15 to continue to operate legally. Further, the related reopening of the comment period provides a greater