

regulatory policies and procedures of DOT is unnecessary. The regulated areas established by the proposed regulation would encompass less than one square nautical mile on Elliott Bay adjacent to the Seattle waterfront. Entry into the regulatory area would be restricted for less than five hours on the day of the event. These restrictions would have little effect on maritime commerce in the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal 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). Because the impacts of this proposal are expected to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this proposal will not have a significant impact on a substantial number of small entities.

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Environment

The Coast Guard considered the environmental impact of this proposed regulation and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this proposed regulation is categorically excluded from further environmental documentation. Appropriate environmental analysis of the National Maritime Week Tugboat Race will be conducted in conjunction with the marine event permitting process each year. Any environmental documentation required under the National Environmental Policy Act will be completed prior to the issuance of a marine event permit for this event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to

amend Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new section 100.1306 is added to read as follows:

§ 100.1306 National Maritime Week Tugboat Races, Seattle, WA

(a) *Regulated Area.* A regulated area is established on that portion of Elliott Bay along the Seattle waterfront in Puget Sound bounded by a line commencing at latitude 47°37'36.0" N, longitude 122°22'42.0" W; thence to latitude 47°37'24.5" N, longitude 122°22'58.5" W; thence to latitude 47°36'08.0" N, longitude 122°20'53.0" W; thence to latitude 47°36'21.0" N, longitude 122°20'31.0" W; thence returning to the origin. This regulated area resembles a rectangle measuring approximately 3900 yards along the shoreline between Pier 57 and Pier 89, and extending approximately 650 yards into Elliott Bay. Temporary floating markers will be placed by the race sponsors to delineate the regulated area. [Datum: NAD 1983]

(b) *Special Local Regulations.*

(1) No person or vessel may enter or remain in the regulated area except for participants in the event, supporting personnel, vessels registered with the event organizer, and personnel or vessels authorized by the Coast Guard Patrol Commander.

(2) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels and personnel in the area described in paragraph (a) of this section. The patrol shall be under the direction of a Coast Guard officer or petty officer designated by the Captain of the Port as the Coast Guard Patrol Commander. The Patrol Commander may forbid and control the movement of vessels in the area described in paragraph (a) of this section.

(3) A succession of sharp, short blasts from whistle or horn from vessels patrolling the area under the direction of the Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and comply with the orders of the patrol vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(c) *Effective dates.* These regulations become effective annually on the third Saturday of May from 12 p.m. to 4:30 p.m. unless otherwise specified by Federal Register notice.

Dated: December 21, 1995.

John W. Lockwood,

U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 96-449 Filed 1-16-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 160

[CGD 94-089]

RIN 2115-AF19

Advance Notice of Arrivals, Departures, and Certain Dangerous Cargoes

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast guard proposes to amend the requirements for notice of arrival and departure by applying them to all vessels of 300 gross tons or more and eliciting added information. In addition, the Coast Guard proposes to amend the requirement for all foreign vessels regardless of the gross tonnage to give notice of arrival and departure anywhere within the Seventh Coast Guard District. These changes are necessary for the Coast guard to implement more efficiently its programs for safety of vessels and for protection of the marine environment. They should aid in the identification and elimination of substandard ships from U.S. waters, improve emergency response, and facilitate the enforcement of rules governing Certificates of Financial Responsibility.

DATES: Comments must be received on or before April 16, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA, 3406) [CGD 94-089], 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. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

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:

CDR Dennis Haise, Operating and Environmental Standards Division, (202) 267-6451.

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 94-089] and the specific section of this proposal 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 acknowledgement 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 proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Background and Purpose

The Ports and Waterways Safety Act of 1972 [86 Stat. 424], as amended by the Port and Tanker Safety Act of 1978 [92 Stat. 1471], authorizes the Secretary of the Department in which the Coast Guard is operating to require the receipt of notice from any vessel destined for or departing from a port or place under the jurisdiction of the United States. This notice may include any information necessary for the control of the vessel and for the safety of the port or marine environment. See 33 U.S.C. 1223; 33 CFR Part 160, Subpart C. In April, 1994, the Coast Guard established its Port-State-Control Program (PSCP) to eliminate substandard ships from U.S. waters. It developed a comprehensive risk-based targeting scheme to set boarding priorities and used funds provided in the Coast Guard's 1994 appropriations act for this purpose. See Senate Report Number 103-150. The primary factors used in determining which vessels to board are the vessel's: Flag; owner; operator; classification ("class") society; age; and operating

history. The PSCP's success hinges on the ability of the Coast Guard to identify and examine those vessels that seem to pose the greatest risks to life, property, and the environment. By making vessels provide added information about arrival and departure, field units of the Coast Guard will be able to efficiently target vessels and allocate inspection resources.

As the Coast Guard continues enforcing financial responsibility for water pollution under the Oil Pollution Act of 1990, it is important that only those vessels that have satisfactorily demonstrated their ability to meet their responsibility to the U.S. resulting from their discharge of oil or hazardous substances be permitted into U.S. waters. A Certificate of Financial Responsibility (COFR) is required of certain vessels over 300 gross tons, is issued by the Coast Guard, and documents a vessel's compliance with U.S. law on financial responsibility for water pollution. The current threshold of 1600 gross tons for notice means that the Coast Guard gets no advance notice of arrival for many vessels over 300 gross tons required to carry COFRs. Reducing the tonnage threshold will enhance the ability of the Captain of the Port (COTP) to verify compliance by vessels over 300 gross tons with the requirements for the carriage of COFRs.

In 1989, because of the large number of foreign vessels arriving at the port of Miami without notice, in unsafe condition and without proper manning, the Coast Guard amended 33 CFR Part 160 so that all foreign vessels calling in the zone of the COTP Miami had to give notice of arrival.

The COTP Miami runs a vigorous compliance program aimed at these low-tonnage and often substandard ships. However, vessel operators have been able to avoid the stricter requirements and potential enforcement of the COTP Miami by changing their ports of call to other, nearby COTP zones (such as those of Jacksonville, Savannah, Charleston, or Tampa).

To remove the incentive to avoid scrutiny by the COTP Miami, and to improve the effectiveness of efforts by the Seventh Coast Guard District to eliminate substandard ships from U.S. waters; the requirement for notice of arrival by all commercial non-public foreign vessels needs expansion to cover all COTP zones in the Seventh District. The boundaries of the Seventh District appear at 33 CFR 3.35-1(b); the District comprises South Carolina, Georgia, and most of Florida, along with the island possessions of the U.S. pertaining to Puerto Rico and the Virgin Islands.

Discussion of Proposed Rule

Section 160.201(c). This paragraph would remove reference to section 160.209, which is reserved.

Section 160.201(c)(1). This paragraph would reduce the threshold for giving prearrival notice from 1600 to 300 gross tons; but it would require the notice from foreign vessels, entering ports or places throughout the entire Seventh Coast Guard District, regardless of tonnage.

First, the change in tonnage would help the COTP verify the validity of a vessel's COFR before the vessel's arrival in U.S. waters, and prohibit any vessel not in compliance from entering. Second, the change in geographic reach to cover all ports in the Seventh Coast Guard District would remove the incentive to change ports of call to avoid scrutiny by COTP Miami. This should improve the effectiveness of efforts by the Seventh District to eliminate substandard ships from U.S. waters.

The increased population of reporting vessels resulting from a lowering of the threshold of tonnage would allow the Coast Guard to establish and maintain a more comprehensive set of data relative to a flag state's "fleet size"—"fleet size" being the number of distinct vessels of a certain flag calling at U.S. ports in a year. This would aid in a more accurate identification of flag states associated with substandard shipping and improve the usefulness of the PSCP targeting scheme.

Section 160.201(c)(3). This paragraph would make a vessel's International Maritime Organization (IMO) international number, owner, operator, class society, and 24-hour point of contact all reportable elements.

The IMO international number is a unique identifier assigned by the IMO to vessels subject to the International Convention for the Safety of Life at Sea. This number is typically the same number assigned by Lloyds Registry of Shipping, and is a primary vessel-identification number in the Coast Guard's automated Marine Safety Information System (MSIS). The inclusion of a vessel's IMO international number as part of the required report would facilitate the identification and retrieval from MSIS of vessel-specific factors used in the risk-based targeting scheme of the PSCP.

As several of the primary factors in the risk-analysis matrix of the PSCP are a vessel's owner, operator, and class society, COTPs need to learn these data as far in advance as practicable. They could then identify and examine those vessels that seem to pose the greatest

risks and could allocate inspection resources efficiently.

A name and telephone number of a 24-hour point of contact for vessel-related problems or concerns would constitute part of the prearrival notice. Experience shows that, when these data are readily available to the COTP, response to incidents is quicker and more efficient, and problems associated with a vessel's port call are minimized.

Section 160.203. This section would define *gross tons* and *operator* to resolve doubts that might arise regarding applicability of this rule. It would also redefine *public vessel* to conform it to a recent decision by the General Counsel, U.S. Department of Transportation.

Section 160.207(c). This paragraph would bring uniformity to the contents of the notice; uniformity would facilitate compliance by the affected parties. This paragraph would also delete current, although recent, paragraph (c)(5) because the IMO international number would become required information of all covered vessels, not just foreign-flag tank vessels of over 5000 gross tons.

Section 160.211. This section would bring uniformity to the contents of the notice from vessels carrying certain dangerous cargoes; again, uniformity would facilitate compliance by the affected parties. Section 160.211 already requires notices from all vessels carrying certain dangerous cargoes, regardless of tonnage. The items made matters of notice would be IMO international number (if applicable), owner, operator, class society, and 24-hour point of contact.

Section 160.213. Like section 160.211, this section would bring uniformity to the contents of the notice from vessels carrying certain dangerous cargoes; again, uniformity would facilitate compliance by the affected parties. The items made matters of notice would be IMO international number (if applicable), owner, operator, class society, and 24-hour point of contact.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order.

Nor is this rule significant under the regulatory policies and procedures of the Department of Transportation (DOT) [44 FR 11040 (February 26, 1979)]. The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under

paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This rule for the most part would incorporate into an established reporting regime what are becoming customary procedures. The items made matters of notice are readily available to those from whom we seek them. Modern electronic communication simplifies their reporting. Some units of the Coast Guard already receive much of this information from the shipping industry on a voluntary basis.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule, if adopted, would have a significant economic impact on a substantial number of small entities. "Small entities" may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

Small businesses generally operate fewer vessels and would therefore have fewer reports to make. As the notice can be spoken and need follow no particular format, costs could be limited to those of a brief telephone call. In the Seventh Coast Guard District, all foreign vessels, regardless of size, have had to give notice since 1989, with no reported economic impact.

In an effort to minimize the impacts of the reporting requirements, current § 160.201 already contains several exemptions from the reporting requirements. Notwithstanding the changes this rule would make to § 160.201(c)(1), these exemptions would remain.

Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule if adopted, would not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information would be worth the burden imposed by its collection. Collection-of-information requirements include reporting, recordkeeping, notification, and other, similar requirements.

This rule would contain collection-of-information requirements in the following sections: 160.207, 160.211,

and 160.213. The following particulars apply:

DOT No.: 2115.

OMB Control No.: 2115-0557.

Administration: U.S. Coast Guard.

Title: Advance Notice of Arrivals, Departures, and Certain Dangerous Cargoes.

Need for Information: Senate Report 103-150 on the 1994 appropriation bill for the Department of Transportation and related agencies directed, and the bill as enacted funded, vigorous efforts by the Coast Guard to implement procedures designed to eliminate substandard ships from U.S. waters. In April, 1994, the Coast Guard established its PSCP for this purpose. It developed a comprehensive risk-based targeting scheme to set boarding priorities. The primary factors in this analysis are the vessel's flag, owner, operator, class society, age, and operating history. The PSCP's success hinges on the ability of the Coast Guard to target and examine those vessels that seem to pose the greatest risks to life, property, and the environment. By making vessels provide added information on arrival and departure, Coast Guard field units would be able to efficiently target vessels and allocate inspection resources.

Proposed Use of Information:

Requiring a vessel to give notice that includes its IMO international number, along with the names of its owner, operator, and class society, would enable the COTP to identify a high-risk vessel more effectively before its arrival in U.S. waters, and to take the appropriate safety measures. The inclusion of the IMO international number would facilitate the identification and retrieval from the Coast Guard's MSIS of the vessel-specific factors used in the risk-based targeting scheme of the PSCP.

Frequency of Response: A covered vessel would have to give notice whenever it arrived at a U.S. port. A covered vessel carrying any of certain dangerous cargoes would have to give notice whenever it arrived at or departed from a U.S. port.

Burden Estimate: The estimated burden to respondents would be around 15,700 hours/year.

Respondents: According to MSIS records, around 9800 vessels would be covered.

Form(s): There would be no forms required for collection of this information.

Average Burden Hours per Respondent: Average reporting burden would be 0.185 hours a response. There would be no recordkeeping burden.

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES**.

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposed rule and concluded that, under paragraph 2.B.2e(22) of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. A Determination of Categorical Exclusion is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 160 as follows:

PART 160—[AMENDED]

1. The citation of authority for Part 160 is revised to read as follows:

Authority: 33 U.S.C. 1223, 1231; 49 CFR 1.46.

2. In § 160.201, paragraph (c) is amended by revising its introductory text; (c)(1); and (c)(3) (i), (ii), and (iii) and by adding paragraphs (c)(3) (iv) through (x), to read as follows:

§ 160.201 Applicability and exceptions to applicability.

* * * * *

(c) Section 160.207 does not apply to the following:

(1) Each vessel of 300 gross tons or less, except a foreign vessel of 300 gross tons or less entering any port or place in the Seventh Coast Guard District as described by § 3.35–1(b) of this chapter.

* * * * *

(3) * * *

- (i) Name of the vessel;
- (ii) Country of registry of the vessel;
- (iii) Call sign of the vessel;

(iv) International Maritime Organization (IMO) international number—or, if the vessel does not have an assigned IMO international number, official number—of the vessel;

(v) Name of the registered owner of the vessel;

(vi) Name of the operator of the vessel;

(vii) Name of the classification society of the vessel;

(viii) Each port or place of destination;

(ix) Estimated dates and times of arrivals at and departures from these ports or places; and

(x) Name and telephone number of a 24-hour point of contact.

* * * * *

3. In § 160.203, new definitions, for “gross tons” and “operator”, are added in alphabetical order, and the definition for “public vessel” is revised, to read as follows:

§ 160.203 Definitions.

* * * * *

Gross tons means the tonnage determined by the tonnage authorities of a vessel's flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 (“Convention”). For a vessel measured only under Annex I of the Convention, *gross tons* means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

* * * * *

Operator means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

* * * * *

Public vessel means a vessel that is owned or demise- (bareboat-) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

* * * * *

4. In § 160.207, paragraphs (c)(1) through (c)(5) are revised, and paragraphs (c) (6) through (11) are added, to read follows:

§ 160.207 Notice of arrival: Vessels bound for ports or places in the United States.

* * * * *

(c) * * *

- (1) Name of the vessel;
- (2) Country of registry of the vessel;

(3) Call sign of the vessel;

(4) International Maritime Organization (IMO) international number—or, if the vessel does not have an assigned IMO international number, official number—of the vessel;

(5) Name of the registered owner of the vessel;

(6) Name of the operator of the vessel;

(7) Name of the classification society of the vessel;

(8) Name of the port or place of departure;

(9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place; and

(11) Name and telephone number of a 24-hour point of contact.

5. In § 160.211, paragraph (a) is revised to read as follows:

§ 160.211 Notice of arrival: Vessels carrying certain dangerous cargo.

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, bound for a port or place in the United States and carrying certain dangerous cargo, shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of the—

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime

Organization (IMO) international number—or, if the vessel does not have an assigned IMO international number, official number—of the vessel;

(5) Name of the registered owner of the vessel;

(6) Name of the operator of the vessel;

(7) Name of the classification society of the vessel;

(8) Name of the port or place of departure;

(9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place;

(11) Name and telephone number of a 24-hour point of contact;

(12) Location of the vessel at the time of the report;

(13) Name of each of the certain dangerous cargoes carried;

(14) Amount of each of the certain dangerous cargoes carried;

(15) Stowage location of each of the certain dangerous cargoes carried; and

(16) Operational condition of the equipment under § 164.35 of this chapter.

* * * * *

6. In § 164.211, paragraph (b) is amended by removing the reference “(a)(8)” and adding, in its place, the reference “(4) and (a)(8) through (16)”.

7. In § 160.213, paragraph (a) is revised to read as follows:

§ 160.213 Notice of departure: Vessels carrying certain dangerous cargo.

(a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo, shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of—

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international

number—or, if the vessel does not have an assigned IMO international number, official number—of the vessel;

- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;
- (10) Estimated date and time of arrival at this port or place;
- (11) Name and telephone number of a 24-hour point of contact;
- (12) Name of each of the certain dangerous cargoes carried;
- (13) Amount of each of the certain dangerous cargoes carried;

(14) Stowage location of each of the certain dangerous cargoes carried; and

(15) Operational condition of the equipment under § 164.35 of this chapter.

* * * * *

§ 160.213 [Amended]

8. In § 160.213, paragraph (b) is amended by removing the reference “(a)(7)” and adding in its place the reference “(4) and (a)(8) through (15)”.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96-450 Filed 1-16-96; 8:45 am]

BILLING CODE 4910-14-M