

Natural Gas Company, a division of KN Energy, Inc.

Docket No. CP91-10-002, Rocky Mountain Natural Gas Company v. Jack J. Grynberg, Individually and as General Partner for the Greater Green River Basin Drilling Program: 72-73

CAG-20.

Docket No. RP89-124-000, CNG Transmission Corporation

CAG-21.

Docket No. RP92-227-001, Eastern Shore Natural Gas Company

CAG-22.

Docket Nos. RP93-5-009 and RS92-69-003, Northwest Pipeline Corporation

CAG-23.

Docket Nos. RS92-22-005 and 006, Panhandle Eastern Pipe Line Company

CAG-24.

Omitted

CAG-25.

Docket No. CP89-460-101, Pacific Gas Transmission Company

CAG-26.

Docket No. CP92-6-008, Southern Natural Gas Company and South Georgia Natural Gas Company

Docket No. CP92-311-006, Southern Natural Gas Company

CAG-27.

Docket No. CP88-14-001, ANR Pipeline Company

CAG-28.

Omitted

CAG-29.

Docket No. CP89-2173-001, Arkla Energy Resources, a Division of Arkla, Inc. and Mississippi River Transmission Corporation

Docket No. CP89-2174-003, Arkla Energy Resources, a Division of Arkla, Inc.

Docket No. CP89-2195-001, ANR Pipeline Company

Docket No. RP91-65-009, Arkla Energy Resources, a Division of Arkla, Inc.

CAG-30.

Docket Nos. CP90-1389-003 and CP91-1884-002, Great Lakes Gas Transmission Limited Partnership

CAG-31.

Docket No. CP89-661-019 and 021, Algonquin Gas Transmission Company

CAG-32.

Docket No. CP92-259-001, Sumas International Pipeline, Inc.

Docket Nos. CP92-336-002 and CP92-383-001, Northwest Pipeline Corporation

Docket No. CP92-247-002, Northwest Pipeline Corporation and Washington Water Power Corporation

CAG-33.

Docket No. CP90-687-008, Transcontinental Gas Pipe Line Corporation

CAG-34.

Docket No. CP93-75-001, Sunrise Energy Company v. Transwestern Pipeline Company

CAG-35.

Docket No. CP92-448-001, ANR Pipeline Company

CAG-36.

Docket No. CP92-668-000, Southern Natural Gas Company and South Georgia Natural Gas Company

Hydro Agenda

H-1.

Project No. 8142-002, Henwood Associates, Inc. Order on stay.

Electric Agenda

E-1.

Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1.

Reserved

II. Restructuring Matters

RS-1.

Docket Nos. RS92-49-000, RP92-74-000 and RP92-204-000 South Georgia Natural Gas Company. Order on compliance filing.

RS-2.

Docket Nos. RS92-75-000 and 001, Paiute Pipeline Company. Order on compliance filing.

RS-3.

Docket Nos. RS92-13-000, 001, CP82-487-000, RP86-10-000, RP89-34-000, RP92-163-004, RP92-170-004 and RP92-236-002, Williston Basin Interstate Pipeline Company. Order on compliance filing.

RS-4.

Docket No. RS92-40-000, Louisiana-Nevada Transit Company. Order on compliance filing.

RS-5.

Docket Nos. RS92-43-000 and RP93-4-000, Mississippi River Transmission Company. Order on compliance filing.

RS-6.

Docket No. RS92-2-000, ANR Pipeline Company. Order on compliance filing.

RS-7.

Docket No. RS92-86-000, Transcontinental Gas Pipe Line Corporation. Order on compliance filing.

RS-8.

Docket Nos. RS92-28-005, 006, 007, RP93-14-006 and CP93-77-001, Algonquin Gas Transmission Company. Order on compliance filing.

III. Pipeline Certificate Matters

PC-1.

Reserved

Dated: May 5, 1993.

Lois D. Cashell,

Secretary.

[FR Doc. 93-11097 Filed 5-6-93; 3:12 pm]

BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, May 13, 1993

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 13, 1993, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Item No., Bureau, and Subject

1—Common Carrier—Title: Regulatory Reform for Local Exchange Carriers Subject

to Rate of Return Regulation (CC Docket No. 92-135). Summary: The Commission will consider adoption of a *Report and Order* concerning optional methods of regulating local exchange carriers that do not participate in price cap regulation.

2—Common Carrier—Title: Policy and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards (CC Docket No. 91-115). Summary: The Commission will consider adoption of a *Report and Order* concerning the current provision of billing name and address information by local exchange carriers.

3—Office of Engineering and Technology—Title: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum for Mobile-Satellite Service in the 1530-1544 MHz and 1626.5-1645.5 MHz Bands (GEN Docket No. 90-56, RM-6459). Summary: The Commission will consider adoption of a *Report and Order* and *Further Notice of Proposed Rulemaking* concerning allocation of spectrum to the generic mobile-satellite service.

4—Private Radio—Title: Amendment of part 90 of the Commission's Rules Governing Extended Implementation Periods (PR Docket No. 92-210, RM-7974). Summary: The Commission will consider adoption of a *Report and Order* modifying our rules that govern extended implementation periods.

5—Private Radio—Title: Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of Specialized Mobile Radio Systems (SMR) in the 800 MHz Frequency Band (RMs-8117, 8030 and 8029). Summary: The Commission will consider adoption of a *Notice of Proposed Rulemaking* proposing new rules for facilitating the future development of SMR systems in the 800 MHz Band.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Steve Svab, Office of Public Affairs, telephone number (202) 632-5050.

Issued: May 6, 1993.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93-11159 Filed 5-6-93; 3:19 pm]

BILLING CODE 6712-01-M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1458]

TIME AND DATE: 10 a.m. (EDT), May 12, 1993.

PLACE: Sevier County Courthouse Annex, 125 Court Street, Sevierville, Tennessee.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on April 14, 1993.

ACTION ITEMS:

Discussion Items

1. TVA Honor Guard.

2. TVA 60th Anniversary.

New Business

C—Energy

C1. Contract with International Combustion Limited for Callatin Fossil Plant Low NOx Burner Assemblies.

C2. Arrangements with Oklahoma Gas and Electric Company (OG&E) Providing for TVA Purchases from OG&E.

E—Real Property Transactions

E1. Sale of Permanent Easement Affecting Approximately 0.06 Acre of Land to the West Lauderdale Water and Fire Protection Authority for a Water Tank Site—State Line, Alabama, Repeater Station Property—Tract No. XWJRS-1WS—Lauderdale County, Alabama.

E2. Public Auction Sale Affecting Approximately 10.5 Acres of Land—Former Marshall and Henderson Manufacturing, Inc., Kiln Property—Tract No. XWEMP-1—Weir, Choctaw County, Mississippi.

E3. Abandonment of Transmission Line Easements Affecting Approximately 3.5 Acres of Land to the Underlying Landowner, Adam D. Hamilton—TVA's Arlington-Jefferson City Right-Of-Way—Tract Nos.

HQJC-1 and HQJCR-2—Jefferson County, Tennessee.

E4. Abandonment of Easement Rights Affecting Approximately 0.05 Acre of Land—Elgin and Jean C. Smith—Tract No. XCR-30—Hamilton County, Tennessee, Chickamauga Lake.

E5. Abandonment of Easement Rights Affecting Approximately 0.01 Acre of Land—Alex Biles—Tract No. BR-216F—Washington County, Tennessee, Boone Lake.

E6. Abandonment of TVA Easement Rights Affecting Approximately 16.5 Acres of Land—McKinnon Bridge Company, Inc.—Tract Nos. WBR-1608F, -1609F, and -1610F—Loudon County, Tennessee, Watts Bar Lake.

E7. Grant of Permanent Easement Affecting 12.04 Acres of Land for a Highway Right-Of-Way—Tennessee Department of Transportation—Tract No. XTGR-159H—Marion County, Tennessee, Gunter'sville Lake.

E8. Sale of Noncommercial, Nonexclusive Permanent Easement Affecting 0.16 Acre of Land for Construction and Maintenance of Recreational Water Use Facilities—Alan Kuntz—Tract No. XTELR-113RE—Loudon County, Tennessee, Tellico Lake.

F—Unclassified

F1. License to Science Applications International Corporation to Use and Distribute the On-Line Diagnostic Monitoring System Software and Information.

F2. Filing of Condemnation Case.

INFORMATION ITEMS:

1. Realignment of Hydro Benefit to Residential Consumers.
2. Jobs and Education Bill Credit Program.

CONTACT PERSON FOR MORE INFORMATION:

Alan Carmichael, Vice President, Government Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: May 5, 1993.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 93-11041 Filed 5-6-93; 10:01 am]

BILLING CODE 8120-08-M

Corrections

Federal Register

Vol. 58, No. 88

Monday, May 10, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2389-012-Maine]

Edwards Manufacturing Co.; Intent to Prepare an Environmental Impact Statement

Correction

In notice document 93-9467 beginning on page 21715 in the issue of Friday, April 23, 1993, in the third column, under the subject heading, "April 29, 1993" should read "April 19, 1993".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Services

Tetanus/Diphtheria and Tetanus Vaccine Information Materials

Correction

In notice document 93-7767 beginning on page 17603 in the issue of Monday, April 5, 1993, make the following correction:

On page 17605, before the file line at the bottom of the page, insert "Td-Int. April 5, 1993."

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-020-4210-05; I-29559]

Twin Falls County, ID, Hub Butte Landfill Proposal; Intent To Prepare an Environmental Impact Statement/Plan Amendment

Correction

In notice document 93-5683 beginning on page 13640, in the issue of

Friday, March 12, 1993, make the following correction:

1. On page 13641, in the first column, in land description T. 11 S., R. 17 E., in Sec. 32, in the first line insert a comma after "W^{1/2}", and the second line should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AG17

Dependency and Indemnity Compensation Reform Act of 1992

Correction

In rule document 93-9736 beginning on page 25561 in the issue of Tuesday, April 27, 1993, make the following correction:

§ 3.5 [Corrected]

On page 25561, in the third column, in § 3.5(e)(1), in the fifth line, insert "the" after "be".

BILLING CODE 1505-01-D

Federal Register

**Monday
May 10, 1993**

Part II

Department of Transportation

Coast Guard

33 CFR Part 89

**Inland Navigation Rules, Gulf Intracoastal-
Coastal Waterway; Final Rule**

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 89

[CGD 91-050]

RIN 2115-AE09

Waters on Which Certain Inland Navigation Rules Apply

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the regulations implementing the Inland Navigation Rules by defining certain portions of the Gulf Intracoastal-Coastal Waterway as waters "specified by the Secretary". This will allow towboat operators on designated portions of the Gulf Intracoastal Waterway to use a rule designed for certain rivers and narrow waterways, exempting them from using white masthead lights, thus improving navigation safety.

EFFECTIVE DATE: July 9, 1993.

ADDRESSES: Unless otherwise indicated, documents referenced 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. Jonathan Epstein, Navigation Rules and Information Branch, Office of Navigation Safety and Waterway Services, (202) 267-0352 or (202) 267-0357.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal persons involved in drafting this document are Jonathan Epstein, Project Manager, Office of Navigation Safety and Waterway Services, and Helen Boutros, Project Counsel, Office of Chief Counsel.

Regulatory History

On September 18, 1992, the Coast Guard published a notice of proposed rulemaking entitled "Waters on Which Certain Inland Navigation Rules Apply" in the *Federal Register* (57 FR 43169). The Coast Guard received four letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

Under the Inland Navigation Rules Act of 1980 (Pub. L. 96-591, 33 U.S.C.

2001 *et seq.*), Congress delegated to the Secretary of Transportation authority to specify waters on which certain Inland Navigation Rules apply in order to best meet the navigational needs in these areas. The Secretary of Transportation delegated this authority to the Coast Guard (49 CFR 1.46(n)(14)).

In 1989, the American Waterways Operators, Inc., representing many of the towboat operators, raised concerns about glare and reflection of the masthead lights off of large tows when pushing ahead on the Gulf Intracoastal Waterway. Based on recommendations from both the Navigation Safety Advisory Council and the Towing Safety Advisory Council, the Coast Guard is amending 33 CFR part 89 so that Inland Rule 24(i) will apply to specified portions of the Gulf Intracoastal Waterway. This will allow towboat operators to extinguish their masthead lights, except when approaching or crossing certain designated ship channels.

Discussion of Comments and Changes

The Coast Guard received four comments in response to the proposed rule. Comments from the American Waterways Operators and American Commercial Barge Line Company strongly endorsed the rule.

One comment requested that the Coast Guard define the terms "EHL" and "WHL" as used in the proposed rule. The final rule indicates that the terms are acronyms for "East of Harvey Locks" and "West of Harvey Locks" and denote mile marks. The same comment also noted that the Cochrane Bridge, referenced in § 89.25(f), was replaced in 1985 and questioned whether the replacement bridge carries the name of the previous bridge. The Coast Guard has verified that the replacement bridge carries the same name.

The same comment also suggested that the Coast Guard more stringently enforce existing lighting standards for tow vessels on the Gulf Intracoastal Waterway. The Coast Guard has long recognized the problem of adequate sidelights on barges. These enforcement concerns will be forwarded to local Coast Guard Districts. However, since towboat operators on the Gulf Intracoastal Waterway almost exclusively push ahead, their barges are lighted not only with side lights but with a special flashing yellow light in accordance with Inland Rule 24(f)(i). Therefore, the Coast Guard has determined that barges will be sufficiently lighted under these rules to meet the navigational needs of the Gulf Intracoastal Waterway.

Another comment expressed concern that the Coast Guard would include questions about the twelve designated areas along the Gulf Intracoastal Waterway on future licensing exams. Questions concerning licensing and testing are beyond the scope of this rulemaking. A copy of the comment, however, has been forwarded to the appropriate Coast Guard authority.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (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 is unnecessary. No additional costs will be incurred. This rule merely requires white masthead lights to be turned on and off at appropriate points along the Gulf Intracoastal Waterway, for safety reasons.

Small Entities

No comments were received regarding the impact of the rule on small entities. This rule exempts towboat operators from using white masthead lights on designated portions of the Gulf Intracoastal Waterway. This rule will impose no additional costs. 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 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 rule in accordance with 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. Under Federal law, authority to issue regulations to implement the Inland Navigational Rules is vested in the Secretary of Transportation and delegated to the Coast Guard. Therefore, the Coast Guard intends this rule to preempt State action addressing this subject matter.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of

Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. This rule exempts towboat operators from using white masthead lights on designated portions of the Gulf Intracoastal Waterway and clearly will have no impact on the environment. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 33 CFR Part 89

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

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 89 as follows:

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

1. The authority citation for part 89 continues to read as follows:

Authority: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

2. Section 89.25 is revised to read as follows:

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), and 15(b) apply.

Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, the Western Rivers, and the following specified waters:

- (a) Tennessee-Tombigbee Waterway.
- (b) Tombigbee River.
- (c) Black Warrior River.
- (d) Alabama River.
- (e) Coosa River.

(f) Mobile River above the Cochrane Bridge at St. Louis Point.

(g) Flint River.

(h) Chattahoochee River.

(i) The Apalachicola River above its confluence with the Jackson River.

3. Section 89.27 is added to read as follows:

§ 89.27 Waters upon which Inland Rule 24(i) applies.

(a) Inland Rule 24(i) applies on the Western Rivers and the specified waters listed in § 89.25 (a) through (i).

(b) Inland Rule 24(i) applies on the Gulf Intracoastal Waterway from St. Marks, Florida, to the Rio Grande, Texas, including the Morgan City-Port Allen Alternate Route and the Galveston-Freeport Cutoff, except that a power-driven vessel pushing ahead or towing alongside shall exhibit the lights required by Inland Rule 24(c), while transiting within the following areas:

(1) St. Andrews Bay from the Hathaway Fixed Bridge at Mile 284.6 East of Harvey Locks (EHL) to the DuPont Fixed Bridge at Mile 295.4 EHL.

(2) Pensacola Bay, Santa Rosa Sound and Big Lagoon from the Light "10" off of Trout Point at Mile 176.9 EHL to the Pensacola Fixed Bridge at Mile 189.1 EHL.

(3) Mobile Bay and Bon Secour Bay from the Dauphin Island Causeway Fixed Bridge at Mile 127.7 EHL to Little Point Clear at Mile 140 EHL.

(4) Mississippi Sound from Grand Island Waterway Light "1" at Mile 53.8 EHL to Light "40" off the West Point of Dauphin Island at Mile 118.7 EHL.

(5) The Mississippi River at New Orleans, Mississippi River-Gulf Outlet

Canal and the Inner Harbor Navigation Canal from the junction of the Harvey Canal and the Algiers Alternate Route at Mile 6.5 West of Harvey Locks (WHL) to the Michoud Canal at Mile 18 EHL.

(6) The Calcasieu River from the Calcasieu Lock at Mile 238.6 WHL to the Ellender Lift Bridge at Mile 243.6 WHL.

(7) The Sabine Neches Canal from mile 262.5 WHL to mile 291.5 WHL.

(8) Bolivar Roads from the Bolivar Assembling Basin at Mile 346 WHL to the Galveston Causeway Bridge at Mile 357.3 WHL.

(9) Freeport Harbor from Surfside Beach Fixed Bridge at Mile 393.8 WHL to the Bryan Beach Pontoon Bridge at Mile 397.6 WHL.

(10) Matagorda Ship Channel area of Matagorda Bay from Range "K" Front Light at Mile 468.7 WHL to the Port O'Connor Jetty at Mile 472.2 WHL.

(11) Corpus Christi Bay from Redfish Bay Day Beacon "55" at Mile 537.4 WHL when in the Gulf Intracoastal Waterway main route or from the north end of Lydia Ann Island Mile 531.1A when in the Gulf Intracoastal Waterway Alternate Route to Corpus Christi Bay LT 76 at Mile 543.7 WHL.

(12) Port Isabel and Brownsville Ship Channel south of the Padre Island Causeway Fixed Bridge at Mile 665.1 WHL.

Dated: April 9, 1993.

W.J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc 93-10960 Filed 5-7-93; 8:45 am]

BILLING CODE 4910-14-M

Federal Register

Monday
May 10, 1993

Part III

Department of Transportation

Coast Guard

33 CFR Part 164

46 CFR Part 35

Navigation Underway: Tankers; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

46 CFR Part 35

[CGD 91-203, 91-204, 91-222]

RIN 2115-AE00, AE03, AE12

Navigation Underway; Tankers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is consolidating three proposed rules into one final rule requiring tankers of 1,600 or more gross tons (GT) when operating on the navigable waters of the United States to navigate with two officers on the bridge and an adequate engineering watch, including a licensed engineer in the machinery spaces. Restrictions are also imposed on use of an auto pilot by these tankers. These actions are required by statute. This final rule will provide additional tanker navigation safety requirements to reduce the incidence of tanker casualties.

EFFECTIVE DATE: This regulation is effective on July 9, 1993. The Director of the Federal Register approves as of July 9, 1993. The incorporation by reference of certain publications listed in the regulations.

FOR FURTHER INFORMATION CONTACT: Ms. Margie Hegy, Short Range Aids to Navigation Division, (G-NSR-3), 267-0415.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Paul Jewell, Project Manager, OPA 90 staff and Joan Tilghman, Project Counsel, OPA 90 staff.

Regulatory History

This final rule combines three related Coast Guard rulemakings that were published separately. Those rulemakings were: "Use of Automatic Pilot: Area Restrictions and Performance Requirements" (CGD 91-204), "Unattended Machinery Spaces: Operating Requirements" (CGD 91-203), and "Second Officer on the Bridge" (CGD 91-222).

On January 3, 1992, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Tank Vessels: Automatic Pilot Use; Area Restrictions and Performance Requirements" in the *Federal Register* (57 FR 514). The Coast Guard received

26 letters commenting on the proposal. Because of the comments received, a supplemental notice of proposed rulemaking (SNPRM) was published on October 2, 1992, entitled "Use of Automatic Pilot: Area Restrictions and Performance Requirements" (57 FR 45667). Seventeen letters were received commenting on the SNPRM. Both of these rulemaking documents proposed to designate waters where certain tank vessels would be allowed to operate with the auto pilot engaged.

On April 9, 1992, the Coast Guard published a NPRM entitled "Unattended Machinery Spaces: Operating Requirements" in the *Federal Register* (57 FR 12378). That NPRM proposed to allow certain tankers to operate with unattended machinery spaces. The Coast Guard received 159 letters commenting on the proposal. Most of those letters objected to the proposal, and on October 2, 1992, the Coast Guard published a SNPRM. The SNPRM proposed to require the machinery spaces to be attended continuously. The Coast Guard received 10 letters commenting on the SNPRM.

On October 2, 1992, the Coast Guard also published a NPRM entitled "Second Officer on the Bridge" in the *Federal Register* (57 FR 45664). The NPRM proposed to require that two licensed officers be on the bridge of certain tankers when in the internal waters of the U.S. The Coast Guard received 27 letters commenting on this proposal.

No public hearings were requested for the most recent rulemakings and none was held.

Background and Purpose

The Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380) requires a number of tanker navigation safety rules. Section 4114(a) of OPA 90 directs the Coast Guard to define the conditions under, and designate the waters upon, which tank vessels subject to 46 U.S.C. 3703 may operate with the auto pilot engaged or with an unattended engine room. For tankers 1,600 GT or more subject to 46 U.S.C. 8502, section 4116(b) directs the designation of U.S. waters where a second officer must be on the bridge.

The Coast Guard has determined that this rule should also apply to foreign flag tankers and U.S. tankers sailing on registry because these tankers pose a similar risk to the environment as tankers subject to 46 U.S.C. 8502. Therefore, under the authority of section 12 of the Ports and Waterways Safety Act (33 U.S.C. 1231) and 46 U.S.C. 8502 this final rule applies to all tankers of 1,600 GT or more when in the navigable waters of the United States. This rule:

(1) Designates areas where automatic pilots may be used; (2) prohibits operation with unattended machinery spaces; and (3) requires the tankers to navigate with at least two officers on the bridge.

Discussion of Comments and Changes

A number of the comments received addressed the three proposed rules in general and also provided specific comments on the individual provisions of the proposed rules. The majority of the comments supported the proposed rules, and many stated that the Coast Guard should extend the rules to include other vessels. The reason given was that navigation safety rules are appropriate not only for tankers but for all vessels that pose a risk to the environment.

There were a number of comments that addressed specifically including both towing vessels and barges under the rules because they also pose a risk to the environment. Some of the comments stated that Congress clearly intended these rules to apply to towing vessels. There also were comments that supported excluding towing vessels and barges from the scope of the rules because towing vessels are operated differently from tankers. These latter comments stated that applying the rules to towing vessels would increase operating expenses without a commensurate increase in safety or would adversely affect the safety of towing vessels and tank barges.

OPA 90 requires that the Coast Guard designate waters where most tankers must navigate with additional navigational safeguards. Congress expressed its desire that the Coast Guard implement these rules for tankers in an expeditious manner. The Coast Guard does not want to delay further the implementation of the tanker-specific rules to include other vessels, but may consider initiating a separate rulemaking under other authority to expand the applicability of the requirements set out in the final rule.

The proposed rules referred separately to tankers and integrated tug and barge units (ITBs) certificated to operate as tankships. ITBs inspected and certificated to operate as tankships are considered by the Coast Guard to fall within the definition of tanker. Consequently, it is not necessary to designate ITBs as a separate and distinct category of tanker. Language specifically defining ITBs as tankers is included in the final rule.

One comment requested the Coast Guard to clarify whether the three proposed rules applied to foreign tankers enroute to Canadian ports and

transiting U.S. waters in the Strait of Juan de Fuca.

U.S. waters in the Strait of Juan de Fuca are internal waters of the United States. Tankers transiting the internal waters of the U.S. are subject to this rule. The principle of innocent passage only applies to vessels transiting the territorial seas of the U.S.

Unattended Machinery Spaces

Most of the comments agreed that tankers should operate with a licensed engineer in the machinery spaces. One comment stated that tankers should be prohibited from operating with their machinery spaces unattended out to twelve nautical miles from shore.

Section 4114(a) of OPA 90 specifies that this rule applies only on the navigable waters of the United States. As defined in 33 U.S.C. 2701, navigable waters are the waters of the United States, including the territorial sea. This rule cannot be extended out to twelve miles under section 4114(a), because the territorial sea extends only three miles from the territorial sea baseline. Extending the applicability of this rule under other authority may be the subject of a later Coast Guard action. The final rule sets requirements for those areas that Congress believed merited special attention.

Three comments stated that the rule should not require the engineer to be in a specific location, because there are instances when the licensed engineer's presence in the main control space or some other location within the machinery spaces would be more appropriate.

The purpose of the rule is to ensure that a licensed engineer is monitoring the engineering system's performance and is available to take immediate corrective action when necessary. A restrictive reading of the International Maritime Organization (IMO) definition of machinery spaces could lead to the conclusion that the engineer's presence in the main control station is not sufficient to comply with this rule. However, such a limited scope is not consistent with the Coast Guard's intent. The final rule has been clarified to allow the licensed engineer to monitor the systems and take the necessary corrective action from the main control station.

The majority of comments to both the NPRM and SNPRM endorsed having a licensed engineer in the machinery spaces when a tanker is transiting any navigable waters of the U.S. One comment stated that tankers should be permitted to operate with unattended machinery spaces when in the territorial sea except in specified high risk areas.

Another comment said that having a licensed engineer in the machinery spaces of highly automated vessels would not improve safety. That comment indicated that certain automated vessels with safety features beyond the minimum requirements prescribed for automated plant certification, should be allowed to operate without an engineer attending the machinery spaces. For safety reasons the Coast Guard believes that most tankers in the navigable waters of the U.S. should have a licensed engineer immediately available in the machinery spaces to respond to alarms and take manual control when necessary.

Second Officer on the Bridge

Fourteen comments supported the provision requiring two officers on the bridge. Many of those comments stated that navigating with two licensed officers on the bridge when the vessel was operating in pilotage waters was already a common maritime practice required by most tanker owners.

Two comments did not support the proposed rulemaking. One comment stated that two officers were not necessary as long as the one officer on watch was well rested, competent, and qualified. The other comment felt that an additional officer would be a distraction to the person piloting the vessel.

Standard maritime practice dictates that two officers be on the bridge when a tanker is in pilotage waters. More importantly, in OPA 90 Congress has recognized the difficulty and complexity of tanker navigation close to shore by requiring the Coast Guard to designate waters where having a second licensed officer will facilitate safe operations.

One comment letter expressed neither explicit support nor opposition to the rule but cited a list of tanker casualties that occurred with two officers on the bridge. Another comment questioned whether any recent tanker casualties occurred because there was only one officer on the bridge.

The Coast Guard recognizes that there have been tanker casualties that have occurred with two or more officers on the bridge. However, there are recent instances where tanker casualties occurred due to error by the sole licensed deck officer on watch. The T/V WORLD PRODIGY grounding and spill in 1989 is an example of the type of accident that this rule should help prevent.

One comment stated that the rule should use the term "licensed deck officers" to preclude using other licensed officers, such as engineering or

radio officers, in complying with this rule. A similar comment stated that the duties of the two officers should be specified, because the rule as written would allow either officer to be sleeping as long as both were presented on the bridge. Another comment questioned whether the pilot was considered a licensed officer for the purposes of this rule.

The Coast Guard has revised the terminology in the second officer provision of this rule to specify that two licensed deck officers must be "on watch" on the bridge to ensure that both of these officers are serving in an official capacity and not sleeping or performing other tasks unrelated to the navigation of the tanker. The rule now specifies that in waters where a pilot is required, the master or a mate must be on the bridge along with the pilot. The rule will allow one officer to concentrate on the safe movement of the tanker through the waterway, while the other officer assists as necessary with navigation and performs other important watch functions. In areas where pilots are not required, at least two licensed deck officers must be on the bridge to navigate the tanker safely.

The NPRM stated that in fifteen States, a foreign flag or U.S. registered vessel is required only to pay a pilotage fee in the State's pilotage waters. Some comments read this statement as the Coast Guard's interpretation of pilotage laws. One comment believed the Coast Guard endorsed this practice.

The Coast Guard is aware of fifteen States which do not have compulsory pilotage laws and mentioned that fact to dispel any notion that foreign trade tankers were already required to navigate with two licensed officers on the bridge. The Coast Guard's description of existing practices is not an endorsement.

A number of the letters supporting the second officer provision stated that a second officer should be required in all navigable waters of the U.S. The comments stated that extending the requirement to all navigable waters would reflect good marine practice, would ensure that an additional officer is assisting with the navigation in the generally congested areas at the entrance to harbors, and would make the final rule less confusing to the mariner. This change would also make the second officer provision consistent with the applicability of the unattended machinery spaces and auto pilot provisions of the rule.

The Coast Guard agrees with the comments and has removed the limitation to internal waters from § 164.13(c) thus making the rule subject

to the general applicability provisions of § 164.01, which includes all navigable waters of the U.S., (except the St. Lawrence Seaway). This will not be a substantial added burden, because the requirement would add only a small additional time (20 minutes at nine knots) during the voyage when two officers would be required to be on the bridge. It also should increase the likelihood that the tanker will navigate safely in what are generally congested approaches to U.S. harbors. The impact of this change on vessels certificated only for Great Lakes service or Lakes, Bays, and Sounds (LBS) service is discussed below.

One letter stated that the second officer requirement should apply when a tanker is within one-half hour steaming time from shore, because there are rocks and shoals that far out to sea. The final rule applies in the navigable waters of the U.S. A rule which applies when a vessel is one-half hour steaming time from shore would be inexact and confusing to mariners and enforcement officers alike. Because such a standard would vary with each tanker, and possibly extend beyond the navigable waters of the U.S., the Coast Guard did not incorporate the suggestion into the rule.

One comment noted that having two officers on the bridge when approaching port is something that vessels have done for 100 years. The comment stated that instead of implementing the rule, the Coast Guard should require tankers to hire a local quartermaster to steer the vessel, arguing that local quartermasters would greatly enhance safety in U.S. waterways.

The person steering the tanker, whether a local quartermaster or a member of this ship's crew, should follow the directions of the watch officer or pilot. The helmsman should neither be expected, nor allowed, to make decisions regarding the helm commands or courses steered, but should only execute the steering commands given. Consequently, the Coast Guard does not believe that requiring a local quartermaster would result in safer navigation than navigating with two licensed officers. The Coast Guard does not intend to require tanker masters to hire a local quartermaster to steer the vessel.

Seven comments were received that discussed the proposed exemption for small tankers certificated only for operation on Great Lakes service or Lakes, Bays, and Sounds (LBS) service. All but one of the comments agreed that small tankers should be exempt from the rule; and four stated that the exemption be extended to include other

small, special purpose tankers with limited areas of operation. Some comments argued, however, that factors other than the certificate of inspection should be considered when determining which tankers to exempt. Small tanker owners and operators noted that, because of the OPA 90-mandated work-hour limitations, the second officer rule could be economically devastating. The owners would have to double the deck officer complement and modify their vessels to accommodate the extra officers. The comments stated that the rule would not increase the safety of the small tankers because of tanker size, limited routes, and officer familiarity with the waters navigated.

The Coast Guard does not wish to impose an undue burden on operators of small tankers. For the reasons set out in the NPRM, the Coast Guard continues to believe that small coastal tankers on limited routes pose less risk to health, safety, and the environment than other tankers. However, a blanket exemption for Great Lakes and LBS services could allow a large tanker to change its route and become exempt from the rule simply because of its certificate. Such an exemption would be inappropriate. Consequently, the provision in the proposed rule that exempted all tankers certificated to operate only on the Great Lakes or only on Lakes, Bays, and Sounds routes has been eliminated. Instead, Coast Guard COTPs will consider deviations from the rule on a case-by-case basis. A deviation may be granted, if it does not impair the safe navigation of the vessel. The procedure by which a tanker owner or operator may request a deviation is specified in 33 CFR 164.55.

The rule is intended to match the cost of compliance with the benefit to be gained. In striking a balance, the Coast Guard believes it is appropriate to take account of the relative risks posed by large and small tankers. For the reasons set out above, the best approach for achieving a cost/benefit balance for small tankers is to let the cognizant COTP assess the risks and grant deviations to specific vessels or transits as appropriate.

Use of Auto Pilots

Comments stated that the auto pilot rule should apply to all tank vessels regardless of cargo or size because all tank vessels pose risks. One comment stated that if a helmsman was not required to be present, an auto pilot failure on a small tank vessel could cause the vessel to ground or collide with another vessel, perhaps resulting in a major spill.

In the auto pilot SNPRM, the Coast Guard proposed to remove 46 CFR 35.20-45, which governs the use of auto pilots by all tank ships, and to add, in 33 CFR 164.13, stringent restrictions on auto pilot use by a limited class of tank vessel. Because 33 CFR part 164 applies only to vessels of 1,600 GT or more, the use of an auto pilot by tank ships of less than 1,600 GT would have been unrestricted. The Coast Guard agrees that small tank ships should be required to exercise appropriate care when using an auto pilot. Consequently, 46 CFR 35.20-45 is retained with a cross reference to the more restrictive rules in 33 CFR 164.13 for tankers of 1,600 GT or more. Title 46 CFR 35.20-45 requires the master of a tank ship to ensure that when the auto pilot is used in certain areas or circumstances that: (1) It is possible to immediately establish manual control; (2) a competent person is ready to take over steering control and; (3) the changeover from automatic to manual steering is made by, or under the supervision of, the officer of the watch. The final rule adds auto pilot restrictions to 33 CFR 164.13 for tankers of 1,600 GT or more. These restrictions include a prohibition on auto pilot use in certain designated areas and a requirement that a qualified helmsman be stationed at the helm.

One comment generally agreed with the auto pilot SNPRM, but suggested modification to allow Captains of the Port (COTPs) discretion in permitting certain vessels with an auto pilot that is part of an integrated navigation system to operate without restriction.

In the auto pilot SNPRM, the Coast Guard proposed that certain tankers with integrated navigation systems be allowed to operate with such systems engaged even in traffic separation schemes and shipping safety fairways where use of an auto pilot was otherwise prohibited. This provision is retained in the final rule. Anchorage grounds and areas within one half mile from shore were not added to the list of areas where the integrated systems could be used, because the variety of circumstances that could be encountered in those areas make it undesirable to grant blanket approval to the use of integrated systems. Tankers in anchorage grounds or that are within one half mile from shore are generally maneuvering at a slow speed where an auto pilot would not be effective.

Two comments stated that the COTPs also should have discretion to restrict the use of an auto pilot in additional waters within the COTP zone. The Coast Guard does not agree. It is in the mariner's and the Coast Guard's interest to minimize the prospect of a confusing

array of rules that may vary from port to port. The Coast Guard finds that a single, national rule will facilitate compliance.

A number of comments did not agree that the one-half mile from shore restriction on the use of an auto pilot was adequate because there would not be sufficient time to correct an auto pilot failure. The comments suggested restricting the use of an auto pilot to greater distances from shore.

The Coast Guard does not agree that the time required to correct an auto pilot failure is a significant safety consideration. This rule requires a helmsman to be present and ready at all times to take manual control. It takes a similar amount of time to override a modern auto pilot and take manual steering control as it does to make a course change by turning the wheel.

Some comments stated that the use of an advanced auto pilot in certain waters, such as dredged channels, should not be permitted. The comments cited other unique circumstances in specific local areas of operation (such as the Florida Keys, New York/New Jersey harbor, or Delaware Bay) where the use of an auto pilot would be allowed under this rule but would be unsafe because of specific existing conditions.

The steering of a tanker is affected by the distance from the hull to bottom of the channel. The amount of underkeel clearance and its affect on steering depend on the draft of a tanker and the depth of the water. Some, but not all, tankers have so little underkeel clearance in dredged channels that they should not operate in these channels with their auto pilot engaged. It is the duty of vessel masters and pilots to exercise their professional judgment and weigh the capabilities of the auto pilot and the specific navigational demands in a local area. Vessel masters and pilots are in the best position to determine whether, in the waters where the final rule allows discretion, the use of an auto pilot is safe based on the local conditions. There is nothing in this rule that compels a tanker's master or pilot to use an auto pilot, and the Coast Guard is not promoting indiscriminate use of an auto pilot. This rule is permissive and recognizes that an auto pilot is a navigational tool that, when used by a prudent mariner under appropriate circumstances, can assist the mariner in the safe transit of a tanker.

Most comments supported the requirement that a qualified individual be present at the helm when a tanker is operating with the auto pilot engaged while on the navigable waters of the U.S. One dissenting comment suggested

that the boredom of the helmsman and resulting inattention outweighed the safety advantages of having a qualified individual at the helm. Another dissenting comment stated that having a helmsman defeats the purpose of an auto pilot.

Under current regulations (33 CFR 164.11), there must be a person competent to steer the vessel in the wheelhouse at all times. Because of the risk tankers pose to the environment, the Coast Guard does not agree the qualified helmsman on tankers of 1,600 gross tons or more should be allowed to engage in other duties elsewhere on the bridge when the auto pilot is engaged pursuant to this rule. Having a qualified helmsman at the helm ensures that someone is immediately available to disengage the auto pilot and take manual steering control in an emergency.

The statute cited in the footnote of 33 CFR 164.11 has been superseded. The Coast Guard has added a provision in this rule to correct that footnote.

Some of the comments noted that the Coast Guard's statement in the SNPRM that licensed deck officers sometimes serve as helmsman was not true and that we should prohibit this practice. The Coast Guard knows that it would be unusual for a large tanker to have the licensed deck officer serving as helmsman. The discussion of the issue in the SNPRM focused on a limited group of small tankers that have limited space in the pilothouse and that are not required to carry individuals qualified to serve as helmsman. The Coast Guard does not believe that it is appropriate to prohibit a licensed deck officer, master, or pilot from steering a tanker.

Incorporation by Reference

The Director of the Federal Register has approved the material in 33 CFR 164.03 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of the rule to be so minimal that a full Regulatory Evaluation is unnecessary. The rule does not meet any of the criteria listed in paragraph 6(a)(2) of the Executive Order. This rule will not result in annual costs of \$100 million; will have no significant adverse effects on competition, employment, or other aspects of the economy; and will not

result in a major increase in costs and prices.

The rule will affect tankers of 1,600 GT or more. Tankers must comply with this rule only when underway on the navigable waters of the United States, which extends out to 3 nautical miles seaward from the territorial sea baseline. The comments received on the NPRMs and SNPRMs support the Coast Guard's position that the provisions of the rule, in large part, codify generally accepted marine practice. According to the comments, most tanker masters already ensure that a licensed engineer is attending the machinery spaces and that more than one deck officer is on the bridge when underway in most of the navigable waters of the United States.

There will be no cost to vessel owners in complying with the automatic pilot provisions of the rule, because the rule does not require the use of auto pilots, it only prohibits their use in certain areas. The rule neither requires equipment nor increases crew size.

There were comments from owners of small tankers who indicate that the second officer requirement would cost as much as \$100,000 per year for a tanker. The Coast Guard is aware of 10 small tankers that will be subject to this rule, and consequently, subject to higher operating costs. If all ten of these tanker owners were to spend \$100,000 per year to provide additional deck watch officers, this rule would cost about \$1 million per year. The owners of small tankers are free to request deviation from the rule which could significantly reduce the costs of compliance.

The overall potential benefit of the rule is that it will provide increased protection from oil spills for U.S. shores and adjacent waters. However, it is not possible to predict the number of casualties that will be prevented or the amount of oil that would be spilled. If even one moderate spill in an environmentally sensitive area is prevented, the benefits are expected to outweigh the costs. Requiring two licensed officers on the bridge of tankers reduces the likelihood that a serious navigational error will occur or go unnoticed. Requiring a licensed engineer on watch in the machinery spaces or the main control space will ensure prompt attention to machinery faults. Restricting the use of automatic pilots will promote increased vigilance and quick helm response to emergency situations in restricted waters.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this 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). "Small entities" also include small not-for-profit organizations and small governmental jurisdictions.

The portion of this rulemaking that requires tankers over 1,600 gross tons to operate in the navigable waters of the United States with at least two licensed deck officers on watch on the bridge may result in increased operating costs for vessels in coastwise trading and would likely be the only potential economic impact of interest to small entities. Of particular concern to the Coast Guard were 10 of the smallest tankers that are subject to this rule. The Coast Guard's analysis of its records indicates that none of these 10 vessels are operated by small businesses. Operators include several multinational oil companies, a large Federal agency, a Great Lakes ore fleet operator, and a firm that owns and operates a fleet of 25 ships and 600 barges. Although two firms forwarded comments that expressed economic concerns about effects of the second officer requirement, neither were small businesses. No comments on economic effects were received from small entities.

Additionally, existing provisions for deviations could effectively tie the regulation, were small entities to engage in trade regulated by this rule. While the Coast Guard did not include specific exemptions, Coast Guard COTPs are authorized to consider requests for deviations from the rule on a case-by-case basis. A deviation may be granted if granting the deviation does not impair the safe navigation of the vessel. The procedure by which a tanker owner or operator may request a deviation is specified in 33 CFR 164.55. Beyond the deviation procedures, further flexibility would not be in the interest of sound environmental policy.

Because the portions of this rule concerning unattended machinery spaces and the use of auto pilots will impose virtually no costs on the regulated community, and because of the circumstances described in this discussion on small entities concerning the second officer requirement, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

The 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 the rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Coast Guard received a number of comments on its preemption determination, some in support and some in opposition. While a tanker covered by this rule is operating on the navigable waters of the U.S., the rule: (1) Prohibits the operation with unattended machinery spaces; (2) requires that a qualified individual be at the helm; and (3) requires two officers to be on the bridge. It is a well-settled principle that regulations concerning manning of commercial vessels in U.S. waters are the exclusive domain of the U.S. Coast Guard. Further, standardizing vessel manning requirements is necessary because vessels move from port to port in the national marketplace, and variation of manning requirements would be unreasonably burdensome. Therefore, the Coast Guard intends the manning provisions to preempt State action addressing the same subject matter. This rule does not alter the State-Federal relationship regarding pilotage requirements and does not preempt the States' authority to establish a requirement for a State pilot under 46 U.S.C. 8501.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and a Finding of No Significant Impact are available in the docket for inspection or copying where indicated under "ADDRESSES." The rule is not expected to result in significant impact on the quality of the human environment, as defined by the National Environmental Policy Act.

In evaluating the environmental impact of this action, the Coast Guard considered the following:

(1) Environmental benefits of regulating the use of auto pilots or requiring additional manning on the bridge or in the machinery spaces cannot be quantified in isolation, due to the complementary effects of other OPA 90-related regulatory changes. For

example, regulations dealing with improved crew training, vessel traffic control, and other OPA 90 initiatives should result in reduced casualties and reduced numbers and volumes of spills;

(2) The rule involves the navigable waters of the U.S. and should help prevent spills, especially when vessels are maneuvering near shorelines and in congested waterways.

List of Subjects

33 CFR Part 164

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

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 164 and 46 CFR part 35 as follows:

TITLE 33 CFR—(AMENDED)

PART 164—NAVIGATION SAFETY REGULATIONS

1. The authority citation for part 164 is revised to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502 sec. 4114(a), Pub. L. 101-380, 104 Stat. 517 (46 U.S.C. 3703 note). Sec. 164.61 also issued under 46 U.S.C. 6101.

2. Section 164.03 is revised to read as follows:

§ 164.03 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Marine Environmental Protection Division (G-MEP), room 2100, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

Radio Technical Commission for Maritime Services (RTCM)

P.O. Box 19087, Washington, DC 20036,
Paper 12-78/DO-100, Minimum Performance
Standards, Loran C Receiving Equipment, 12/
20/77-164.41

International Maritime Organization (IMO)

4 Albert Embankment, London SE1 7SR,
U.K., IMO Resolution A.342(IX),
Recommendation on Performance Standards
for Automatic Pilots, adopted November 12,
1975-164.13

3. The footnote in § 164.11 is revised
to read as follows:

¹ See also 46 U.S.C. 8702(d), which
requires an able seaman at the wheel on U.S.
vessels of 100 gross tons or more in narrow
or crowded waters during low visibility.

4. Section 164.13 is added to read as
follows:

§ 164.13 Navigation underway: tankers.

(a) As used in this section, "tanker"
means a self-propelled tank vessel,
including integrated tug barge
combinations, constructed or adapted
primarily to carry oil or hazardous
material in bulk in the cargo spaces and
inspected and certificated as a tanker.

(b) Each tanker must have an
engineering watch capable of
monitoring the propulsion system,
communicating with the bridge, and
implementing manual control measures
immediately when necessary. The
watch must be physically present in the
machinery spaces or in the main control
space and must consist of at least a
licensed engineer.

(c) Each tanker must navigate with at
least two licensed deck officers on
watch on the bridge, one of whom may
be a pilot. In waters where a pilot is
required, the second officer, must be an
individual licensed and assigned to the
vessel as master, mate, or officer in
charge of a navigational watch, who is
separate and distinct from the pilot.

(d) Except as specified in paragraph
(e) of this section, a tanker may operate
with an auto pilot engaged only if all of
the following conditions exist:

(1) The operation and performance of
the automatic pilot conforms with the
standards recommended by the
International Maritime Organization in
IMO Resolution A.342(IX).

(2) A qualified helmsman is present at
the helm and prepared at all times to
assume manual control.

(3) The tanker is not operating in any
of the following areas:

(i) The areas of the traffic separation
schemes specified in subchapter P of
this chapter.

(ii) The portions of a shipping safety
fairway specified in part 166 of this
chapter.

(iii) An anchorage ground specified in
part 110 of this chapter.

(iv) An area within one-half nautical
mile of any U.S. shore.

(e) A tanker equipped with an
integrated navigation system, and
complying with paragraph (d)(2) of this
section, may use the system with the
auto pilot engaged while in the areas
described in paragraphs (d)(3) (i) and (ii)
of this section. The master shall

provide, upon request, documentation
showing that the integrated navigation
system—

(1) Can maintain a predetermined
trackline with a cross track error of less
than 10 meters 95 percent of the time;

(2) Provides continuous position data
accurate to within 20 meters 95 percent
of the time; and

(3) Has an immediate override
control.

TITLE 46 CFR—[AMENDED]**PART 35—OPERATIONS**

5. The authority citation for part 35
continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C.
3306, 3703, 6101; 49 U.S.C. App. 1804; E.O.
11735, 38 FR 21243, 3 CFR, 1971-1975
Comp., p. 793; E.O. 12234, 45 FR 58801, 3
CFR, 1980 Comp., p. 277; 49 CFR 1.46.

6. In § 35.20-45, the introductory text
is revised to read as follows:

§ 35.20-45 Use of Auto Pilot—T/ALL.

Except as provided in 33 CFR 164.13,
when the automatic pilot is used in:

* * * * *

Dated: May 4, 1993.

A. Cattalini,

*Captain, U.S. Coast Guard, Acting Chief,
Office of Navigation Safety and Waterway
Services.*

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