

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Parts 10 and 15****[CGD 94-055]****RIN 2115-AF23****Licensing and Manning for Officers of Towing Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the requirements for licensing those mariners that operate towing vessels, uninspected as well as inspected. This proposed rule would create new licenses with levels of qualification and with enhanced training and operating experience, including practical demonstrations of skill; further, it would ensure that all towing vessels are manned by officers holding licenses specifically authorizing their service. It is based on the investigation of an allision of a towing vessel and its barges with a railroad bridge, near Mobile, Alabama, in September 1993, which caused 47 deaths.

DATES: Comments must be received on or before October 17, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) [CGD 94-055], 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: LCDR Don Darcy, Operating and Environmental Standards Division, (202) 267-0221.

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 94-055] 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 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 proposal in view of the comments.

A public meeting was held on April 4, 1994, at Coast Guard Headquarters. Afterwards, the Coast Guard received numerous letters from active mariners requesting a copy of this proposed rule and seeking an opportunity to comment. The Coast Guard reached each identifiable group and provided it an opportunity to forward comments to the docket. It will mail a copy of this rule to every interested party. Persons may request additional public meetings by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a public meeting would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the Federal Register.

Background and Purpose

This proposed rule is necessary as part of a comprehensive initiative by the Coast Guard to improve navigational safety for towing vessels. It follows a report directed by the Secretary of Transportation, entitled *Review of Marine Safety Issues Related to Uninspected Towing Vessels* (hereafter Review), which identified improvements in licensing, training, and qualifications of operators of uninspected towing vessels (OUTVs) that may be necessary to achieve this goal.

The Secretary of Transportation initiated the Review after the collision, in September 1993, of a towing vessel and its barges with a railroad bridge near Mobile, Alabama (hereafter Amtrak casualty). This casualty was closely followed by several others involving towing vessels. Each emphasized the urgency of examining the rules for the licensing of all operators of towing vessels. In general, the Review and a previous study, also by the Coast Guard,

entitled *Licensing 2000 and Beyond* (hereafter Licensing 2000), concluded that the requirements for licensing all operators of towing vessels are outdated and need improvement.

The Review examined marine-casualty statistics for towing vessels over a 12-year period (1980-1991). Of 12,971 marine casualties covered, at least 7,664, or around 60 percent, were directly attributable to personnel error. Over the last several years, more research has been conducted on the effects of human factors on marine casualties. Much of it concludes that improvements in the licensing, training, and qualifications of personnel might be accomplished to reduce the number of casualties.

In all, the Review contained 19 recommendations, on licensing OUTVs and other matters, including reporting marine casualties and hazardous conditions; bridge-fendering systems and navigational lighting; adequacy of navigational equipment for uninspected towing vessels; and adequacy of the Aids to Navigation System for marking the approaches to bridges over navigable waterways.

In response to the Review, on March 2, 1994, the Coast Guard published a notice of public meeting and availability of study (59 FR 10031) that announced the availability of the Review, and scheduled a meeting to seek public comment on the recommendations made in it.

The public meeting was held on April 4, 1994. It was well attended by the public, representing a wide range of towing interests. In response, the Coast Guard received a total of 23 written comments beyond free discussion at the meeting itself. These comments are summarized in the section entitled *Discussion of Proposed Rule*.

The National Transportation Safety Board (NTSB) also conducted an investigation following the Amtrak casualty. The findings of the NTSB investigation identified one of the probable causes of the casualty as the Coast Guard's failure to establish higher standards for the licensing of inland operators of towing vessels. This proposed rule aims to update the licensing, training, and qualifications of personnel on towing vessels in order to reduce similar vessel casualties attributable to human factors. Specifically, it addresses (1) Levels of licenses; (2) restrictions of licenses by horsepower; (3) practical demonstrations of skills; and (4) responsibility of industry.

In addition, this proposed rule has taken into account nine of the recommendations from the Review that

affect licensing: (1) The creation of levels of licenses; (2) a requirement of practical demonstration, by simulator or equivalent, for upgrade of license; (3) a requirement of practical demonstration, by simulator or equivalent, for increase in scope of license; (4) a requirement of practical demonstration, by simulator or equivalent, for renewal of license; (5) a limitation, to smaller vessels, of the license for second-class operator of uninspected towing vessels; (6) a requirement of experience on the Western rivers to receive an endorsement for them; (7) the assurance that any new license meets international standards; (8) provisions for crossover or equivalence for masters and mates of vessels of between 500 and 1,600 gross tons; and (9) emphasis on responsibility of owners of towing vessels to employ qualified, experienced personnel as operators in charge (or masters) of their vessels.

This rulemaking arises largely from a cooperative effort between the Coast Guard and the towing industry. It reflects oral comments made at the public meeting held on April 4, 1994; written comments in response to this meeting; and written comments in response to the Review. Further, the Merchant Marine Personnel Advisory Committee (MERPAC) created a working group to generally address the towing-safety initiatives. The Coast Guard considered the *Report of the MERPAC Working Group*, dated June 10, 1994, even before the drafting of this proposed rule. Further still, the Towing Safety Advisory Committee (TSAC) created a working group to specifically address licensing issues. The Coast Guard also considered the *Report of the TSAC Working Group on Licensing*, dated December 5, 1994 (hereafter TSAC Report), during the drafting of this rule. The TSAC Report incorporates the results of numerous working-group meetings, independent research, and analysis of current industry practices.

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW)

STCW sets qualifications for masters, officers, and watchkeeping personnel on seagoing merchant ships. It was adopted in 1978 and it entered into force in 1984. The U.S. became a party in 1991. STCW applies to mariners serving on board seagoing vessels (i.e., vessels, including towing vessels, that operate beyond the boundary line as defined in 46 CFR part 7). Therefore, in addition to the requirements set forth in this rulemaking, mariners serving on seagoing towing vessels must meet the

training, certification and watchkeeping requirements in STCW.

On July 7, 1995, a Conference of Parties to STCW adopted a comprehensive package of Amendments to STCW. The amendments will enter into force on February 1, 1997. They will affect virtually all phases of the system used in the U.S. to train, test, evaluate, license, certify, and document merchant mariners for service on seagoing vessels. On March 26, 1996, the Coast Guard published a notice of proposed rulemaking in the Federal Register [CGD 95-062] (61 FR 13284), concerning changes to the U.S. licensing and documentation system to conform to STCW as recently amended.

Discussion of Proposed Rule

1. License for master, mate (pilot), or apprentice mate (steersman) of towing vessels. Licenses for operators of uninspected towing vessels and second-class operators of uninspected towing vessels would no longer be issued under this proposed rule. These two licenses would be replaced with a graduated series of masters' and mates' licenses limited to towing vessels in general. Holders of current licenses would be grandfathered into licenses commensurate with their experience. These new licenses would be issued at the time of routine renewal.

The TSAC Report recommends a move to a series of licenses because of the increased requirements for licensing of other kinds since the inception of the OUTV license, along with increased requirements for reporting casualties and for radar training. With all of these increased requirements, and with broad acceptance of practical demonstrations that are now embodied in this proposed rule, TSAC concluded that OUTV licenses should be upgraded to licenses of officers: masters and mates by whatever names.

Following the TSAC Report, concern was voiced on the part of many inland-towing companies and inland mariners alike that, through the history of the inland-towing industry, the term "mate" has never referred to a licensed officer. The term, in this industry, refers to the chief unlicensed deck person, while the term "pilot" refers to the licensed person that operates the vessel. To recognize and preserve regional features of the current inland system and reduce any undue confusion, this proposed rule would use a synonymous term, "pilot of towing vessels". The document identified by this term would be issued instead of another, called "mate of towing vessels," for all inland routes. This term in no way implies either the taking or passing of the first-class

pilotage examination or the associated level of proficiency; it merely reflects the historical application of titles in the inland industry. Likewise, the term "apprentice mate" would need to be further clarified by attaching "steersman" to it for the same reason. Therefore, this proposed rule would use another, synonymous term, "steersman of towing vessels," for all inland routes.

Nine written comments concurred with the scheme proposed here, as articulated by Recommendation (1) of the Review. No comments disagreed with a new licensing structure that included additional levels. Many comments indicated that the authority to operate towing vessels should be a restricted authority rather than a lesser-included, low-level authority, covered by a license for a master of between 200 and 1,600 gross tons.

Three active mariners, currently working on the inland routes as OUTVs, felt that the best way to achieve the desired level of safety would be to eliminate the OUTV license and require in its place a first-class pilot's license; three towing-industry managers stated that a requirement for this license would be too restrictive, and suggested that a master's license with a route restriction could provide the necessary operational flexibility for safe navigation. The Coast Guard acknowledges that many towing companies operate over large areas and might be constrained by a requirement that every master hold a first-class pilot's license; however, the Coast Guard also recognizes that the highest level of a mariner's geographical knowledge would be achieved with a requirement for this license. The Coast Guard concludes that the addition of a practical demonstration of skill during evaluation along with an upgrade to master or mate (pilot) of towing vessels would effectively raise the safety level of towing without overburdening the industry or its mariners.

The Coast Guard considered just adding levels to the existing OUTV license, for master of OUTV and mate of OUTV. The TSAC working group considered it, too. But the Coast Guard and TSAC generally agreed that a structure comprising a sequence of apprentice mate (or steersman), mate (or pilot), and master, and specifically limited to towing vessels, was more appropriate for consistency with the U.S. licensing program as a whole.

The Coast Guard supports two parallel hierarchies of licenses, separated by horsepower, for the following reasons: (1) The two would create levels of licenses that did not exist with the OUTV license, providing

the less-experienced mariner, while qualified to stand the watch, the tutelage of a more experienced hand, a master; (2) the two would serve to signify the greater authority, and responsibility, of mariners in charge of towing vessels, deemed necessary because of the ever-increasing size of flotillas moved on the inland routes every day and proved necessary by the Amtrak casualty; and (3) the two would provide continuity with licenses issued for Oceans and Great Lakes.

Furthermore, a variation of the hierarchy for 3,000 horsepower or less—limited master, limited mate (pilot), and limited apprentice mate (steersman) licenses—would also be issued for routes restricted by the local Officer in Charge, Marine Inspection, instead of the current limited OUTV license.

During the development of this possible change, some questions have arisen regarding the applicability of the two-watch system. The authority for issuance of licenses for masters and mates (pilots) of towing vessels would continue to be 46 U.S.C. 7101 and 8904. The latter statute does not prescribe the types of licenses suitable for uninspected towing vessels; it only states that a towing vessel must be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area, under prescribed rules. The Chief Counsel of the Coast Guard has already determined that any towing vessel under 200 gross tons, operating at sea under a license structure created pursuant to 46 U.S.C. 8904, is permitted to operate under a two-watch system. This issue receives some discussion in 46 CFR 15.705(d).

In the past, every operator was responsible for the operation of the towing vessel during his or her watch. However, business practices dictated that one operator—the senior one, the OUTV—be designated as the captain, who could be held responsible to the company as a traditional master. Nevertheless, the office of the Chief Administrative Law Judge reports that, until the Amtrak casualty, the Coast Guard had not processed a case of suspension or revocation against the OUTV unless, when a casualty occurred, he or she was on watch. The Coast Guard concludes that the master's duties, and the overall responsibility associated with overseeing the safety of the vessel, are indivisible. Because a mariner in command of a towing vessel under 46 U.S.C. 8904 may not work (even voluntarily) for more than 12 hours in a consecutive 24-hour period except in an emergency, the Coast Guard invites comments to the docket

on whether this work-hour limit would place any practical difficulty on an individual who serves as a master or mate (pilot) on a towing vessel.

The new licensing scheme would no longer treat towing as a lesser-included activity allowed by a master's license. Under the proposed rule, every towing vessel would have to be under the command of a mariner licensed specifically for towing vessels. Any mariner with the proper training and skills, as verified through sea service, examination, and a practical demonstration of proficiency, could get appropriate endorsements added to his or her license.

The proposed rule also introduces a new license: apprentice mate (steersman) of towing vessels. TSAC expressed concern that the current program of licensing technically allows a mariner who meets sea-time requirements and passes a written test to take control of a vessel that he or she may not possess the knowledge, expertise, or experience to operate. TSAC, therefore, strongly endorsed the concept of an apprentice mate (steersman). The purpose was to validate a mariner's competence before giving the mariner the authority to operate a towing vessel. Other considerations included the need to know the rules of the road before actually steering a towing vessel; the necessity under STCW to establish a procedure to document a trainee's progress in watchkeeping; and the need to set a time limit for completion of a training program. The Coast Guard agrees, and proposes a license for an "apprentice mate (steersman) of towing vessels".

On inland routes, to reduce confusion and maintain continuity with currently used terms, the term "steersman" would apply instead of the term "apprentice mate". These two terms would be synonymous, each restricted by route endorsement.

The prerequisites for the license as apprentice mate (steersman) would comprise sea service; the successful completion of a Coast Guard examination; a physical exam; a drug test; and a character evaluation. Even with the license, however, the mariner would be authorized only to train in the wheelhouse under the continuous, direct supervision and observation of a mariner licensed as master or mate (pilot) of towing vessels.

This rulemaking and several other recent ones have caused concern for the assistance-towing industry. Its vessels assist disabled vessels for consideration and are licensed under 46 U.S.C. 8904(b). Many of its vessels are greater

than 8 meters (about 26 feet) in length and are around 500 horsepower. Although this proposed rule would not apply to vessels that engage solely in assistance towing, it would affect this industry because many vessels that engage in assistance towing also engage in commercial towing. The Coast Guard invites comment on whether this rule should apply to assistance-towing vessels of limited size and horsepower.

2. Requirements for renewal of licenses. One of the recommendations from the Review suggested that applicants for renewals of OUTV licenses be required to demonstrate their skills on a simulator. The Coast Guard finds merit in requiring a demonstration of proficiency, but for reasons discussed later in this preamble it would not make the use of a simulator mandatory. Instead, this proposed rule would permit the following: (1) Completion of an approved course using either a simulator or a towing vessel to demonstrate operational skills associated with towing vessels before a designated examiner; and (2) check-ride with a designated examiner. Additionally, this rule would permit mariners to complete a refresher-training course on rules of the road in lieu of an examination.

3. Horsepower as basis of authority. Current rules treat anyone licensed as an OUTV as qualified, with some restrictions, to operate all uninspected towing vessels. When they were developed, in 1969, several comments recommended limiting the license by gross tonnage or other suitable criterion. The Coast Guard did not adopt this recommendation then, because it was already limiting licenses for Oceans and coastwise routes by a criterion of 200 gross tons. It also determined then that gross tonnage was not an accurate measure of the overall capability of a towing vessel to move a tow. Current rules restrict OUTV licenses by route. Over 20 years later, the Coast Guard maintains that gross tonnage is not an accurate measure of the capability of a towing vessel.

The Review recommended limiting the licenses of master and mate (pilot) of towing vessels by the most appropriate method, whether towing configuration, route, gross tonnage, or horsepower. Comments responding to this recommendation chose horsepower as the best single criterion for determining the capability of a towing vessel.

The TSAC Report also identified horsepower as the best criterion for limiting licenses. This Report recommends 3,000 horsepower as a break point for issuing licenses: Master

or mate (pilot) of towing vessels 3,000 horsepower or less, and master or mate (pilot) of towing vessels of unlimited horsepower. TSAC concluded that only tows of a certain size can be put on vessels of lower horsepower. Differing opinions arose among the full advisory committee following its working group's recommendation. Some held 3,000 horsepower too high, some too low; while others felt that two break points were necessary. Nevertheless, the vast majority agreed that it was appropriate to limit licenses by horsepower. However, vessels operating beyond the boundary line would still need an STCW endorsement with tonnage of vessel, even though the license was based on horsepower. One comment noted that the average raft of barges bound down the Lower Mississippi River comprises 35 loaded barges and contains over 50,000 tons of cargo, and that the average of these tows is 245 feet wide and 1,200 feet long with a draft of 9 to 11 feet. This is longer and wider than any ship that sails the open sea—and a raft of barges bound up the river can be half again as long. While there is no precise correlation between horsepower and the number of barges towed, the Coast Guard recognizes the different skills, knowledge, and responsibility required to maneuver the larger vessels and more numerous barges when compared to the smaller vessels and less numerous barges. It has determined that a corresponding distinction is necessary in the licensing structure.

The Coast Guard agrees that horsepower is the best single criterion for limiting licenses. It further agrees that a single break point, at 3,000 horsepower, would effectively distinguish between the considerable skills, knowledge, and responsibility necessary to control typical tows and the extraordinary ones necessary to control gargantuan tows.

The Coast Guard also recognizes the impact of choosing any particular level of horsepower for the break point. Many companies operate numerous towing vessels, of varying levels. Therefore, the choice of a level may divide mariners within a company. Within the documented towing fleet recorded in the Coast Guard's Marine Safety Information System (MSIS), about 20 percent of towing vessels are of 3,000 horsepower or greater. Therefore, the choice of this level would require only about 20 percent of affected mariners to hold the endorsement for unlimited horsepower on their licenses.

Following the TSAC Report, representatives of the harbor-towing industry expressed concern. Because of

the specific nature of their operations, and relatively small range in the horsepower of their vessels, they worried that the disruption of operations due to a limitation of licenses by horsepower would outweigh the gains in safety. The primary reasoning was that most of their vessels are plus or minus 1,500 horsepower from the 3,000 horsepower; and that, therefore, no vastly different skills are necessary. The Coast Guard invites comment on whether a special harbor endorsement, free of limitation by horsepower, is appropriate.

4. *Routes.* Under this proposed rule, towing vessel licenses would be issued on the following routes:

- a. Oceans.
- b. Near-coastal routes.
- c. Great Lakes and inland routes.
- d. Rivers.
- e. Western rivers.
- f. Restricted local area designated by the Officer in Charge, Marine Inspection (OCMI).

The license of a master or mate (pilot) of towing vessels endorsed for Oceans would authorize service on Near-coastal routes, Great Lakes and inland routes, and Rivers upon 30 days of observation and training on each subordinate route. That of a master or mate (pilot) of towing vessels endorsed for Near-coastal routes would authorize service on Great Lakes and inland routes and Rivers upon 30 days of observation and training on each subordinate route.

On the Western rivers, the method of towing, the aids to navigation, the operating methods, and the operating environment are unique. Qualification as a master or mate (pilot) of towing vessels even endorsed for Oceans, Near-coastal routes, Great Lakes and inland routes, and Rivers would not authorize operation on Western rivers. For this endorsement, 90 days of operation and training on a Western Rivers route would be required.

For a route endorsement not included in his or her current endorsements, an applicant would have to pass an exam for the route and serve in the next lower grade for 90 days. After the 90 days of experience on the applied-for route, the lower-trade restriction would be removed. For example, an individual holding a license as master of towing vessels endorsed for rivers, applying for one as master of towing vessels endorsed for a near-coastal route would have to pass an exam for this route and submit evidence of 90 days of experience as a mate on this route. Upon completion of the required sea service, the applicant would have his or her license endorsed for this route.

Specific comments regarding changes to route endorsements are requested.

5. *Demonstration of proficiency.* With the exception of radar-observer training and flashing-light communications, the Coast Guard uses the traditional knowledge-based examination. While this examination is a reliable, effective tool to evaluate a mariner's skills in navigation techniques, vessel management, safety precautions, stability calculations, hazardous-materials regulation, engineering theory, and similar subjects, it does not assess a mariner's actual proficiency in vessel maneuvering and safe navigation. This proposed rule would require a practical demonstration of proficiency for a mariner to obtain an original license as mate (pilot) of towing vessels. The Coast Guard concludes that a performance-based assessment would provide a truer measure of a mariner's skills.

When establishing a performance-based assessment, one must keep two things in mind: First, the diversity of the towing industry; second, the methods necessary to evaluate a mariner's skills.

The towing industry covers a lot of ground, in several senses. Fleeting tugs, ocean tugs, harbor tugs, assistance tugs, and line haulers all differ from one another in their displacements and power. Likewise, they differ from one another in their grades—from oceanic and coastwise trade, where a tug tows a small number of barges astern on a hawser, to trade on the rivers including the Western rivers, where a tug pushes a large number of barges ahead.

The Coast Guard also recognizes that various, specialized vessel-handling skills are necessary to maneuver various tows and that these are as important to evaluate as the traditional knowledge-based examination is to administer. It is for these reasons the Coast Guard is proposing a practical demonstration of proficiency.

To assess a mariner's practical skills, the Coast Guard introduces the concept of a designated examiner: A towing-vessel expert who will provide verification of an apprentice mate's (steersman's) proficiency in vessel-handling and related safety issues.

To help designated examiners in their duty, all apprentice mates (steersmen) would have to keep training- and assessment-record books. These books would specify the training required to reach the necessary standard of competence for a license as mate (pilot) of towing vessels. A training- and assessment-record book must provide certain basic information including an indication, by means of the initials or signature of a clearly identified, designated examiner, that the candidate

has established, through practical demonstrations, that he or she is competent in each of the subjects of knowledge, understanding, and proficiency. Mariners desiring towing-vessel endorsements on their masters' or mates' licenses would also have to complete these books.

Again, given the diversity in the towing industry, the training- and assessment-record book would have to be a flexible tool. While this preamble mentions a model training- and assessment-record book, towing companies would be free to conform their books to the contours of their vessels' operations. In all cases, the companies' variants would have to satisfy, for the applicable routes, the minimum standards provided in the model. The books would be freestanding documents and, ultimately, the responsibility of the individual mariners to maintain. After review of them, the designated examiners would conduct final assessments of specific skills.

Three of the recommendations in the Review suggested that simulators should become a mandatory method of assessing an individual's competence, for an original license, a renewal of license, and a change in scope of license. Four comments, three of whose writers hailed from the oceanic and coastal towing industry, agreed that simulators should become a mandatory method. Fourteen comments, in dissent from these recommendations and comments, opposed simulators' becoming a mandatory method for towing vessels. Primary arguments included the limited application of simulators for shallow-draft, close-quarters maneuvering; their lack of availability; and their costs as an undue hardship. (All of these comments, however, agreed that some form of practical demonstration of proficiency would be beneficial in assessing mariners' competence.) MERPAC similarly concluded that simulators were not a feasible method of assessment to require at this time.

The TSAC Report recommends that the Coast Guard continue to research the application of simulators. TSAC recognizes that simulators are excellent tools and offer the possibility of practical demonstrations of proficiency once the problems of performance standards, availability, and cost are resolved.

While the Coast Guard sees great merit in the use of simulators, it acknowledges the same three problems. Accordingly, this proposed rule would make the use of simulators, in the assessment of competence, optional.

This proposed rule would allow three alternative methods for assessment of a mariner's practical skill. The alternative methods are (1) Completion of an approved training course with assessment by simulator; (2) completion of an approved training course with assessment by check-ride on a towing vessel, which may be part of a company's training program; and (3) assessment by check-ride on a towing vessel, with a designated examiner. An element common to all would be the mariner's having to complete a training- and assessment-record book that includes a demonstration of proficiency before a designated examiner.

6. *Training.* Licensing 2000 recommended increased emphasis on approved courses, and other, more formalized methods of training, rather than "seatime," as the principal guarantor of competency. Both MERPAC and TSAC have endorsed this recommendation. The TSAC Report recommends that every applicant for the license as mate (pilot) of towing vessels complete an approved training program that covers (a) Classroom instruction in shipboard management, seamanship, navigation, radar, meteorology, maneuvering and handling vessels, engine basics, preventing and fighting fires, emergency procedures, and lifesaving and environmental regulations; and (b) demonstration of proficiency on board a towing vessel.

The Coast Guard concurs with the recommendation of the TSAC Report and has included in this proposed rule a provision for a training course. This would involve classroom instruction and practical demonstration of proficiency either on board a towing vessel or at a shoreside training facility (i.e., on a simulator). Many towing companies currently have in place model training programs that employ practical, "hands-on" assessment of competence and classroom training. These programs have proved highly effective and are in keeping with current international and domestic initiatives that encourage mariners to complete either training programs or courses. Nevertheless, to be consistent with requirements for other masters' and mates' licenses, this rule would not make completion of an approved course mandatory. Instead, under this rule a mariner could complete an approved training course or demonstrate his or her skills before a designated examiner to satisfy the requirement for practical demonstration of skills for the license as mate (pilot) of towing vessels. The Coast Guard invites comment on whether (a) this training should be made mandatory for all applicants; (b) the training should

be completed at the level of apprentice mate (steersman) since mariners must pass the examination at that level and since this training may also help prepare them for the examination; and (c) applicants should receive credit equivalent to sea service for completing the training and, if so, how much.

7. *Examination.* The written examination previously required for the license as OUTV would continue to be available for that as apprentice mate (steersman): Its topics, outlined in Table 10.910-2, appear sufficient for that as apprentice mate (steersman), without substantial changes.

However, an examination or some refresher training on rules of the road would be necessary for every renewal of a license. TSAC endorsed this concept, agreeing that refresher training on rules of the road might prevent some casualties and help improve the overall proficiency of mariners in charge of all vessels. Specific comment is requested on how this proposed rule can better define examination and refresher training on rules of the road.

8. *Designated examiner.* As defined in this proposed rule, a designated examiner is an individual trained or instructed in assessment techniques and otherwise qualified to evaluate whether a candidate for a license, document, or endorsement has achieved the level of competency necessary to hold the license, document, or endorsement. This individual may be personally designated by the Coast Guard, or be designated within the context of an approved program of training or assessment approved by the Coast Guard.

The Coast Guard is working with MERPAC and TSAC to identify criteria for certifying designated examiners. The MERPAC working groups engaged in these efforts have settled on a concept under which the Coast Guard would individually certify designated examiners who meet the following criteria: "(a) have attained a level of qualification at least equivalent to the qualifications for which the assessment is being conducted; (b) have at least 2 years of operational experience in a capacity corresponding to the level of qualification concerned; and (c) understand and implement assessment techniques and evaluation processes established by the U.S. Coast Guard." Meanwhile, TSAC proposed similar criteria, but recommended specific training in assessment techniques and evaluation processes and either one written recommendation from a towing company attesting the applicant's qualification to serve as designated examiner or three letters of

recommendation from masters of towing vessels.

The Coast Guard invites comment concerning (a) its involvement in individually certifying designated examiners and (b) the specific assessment and instruction training techniques necessary for those who assess candidates for towing vessel licenses or endorsements.

9. Approved training other than approved courses. The Coast Guard is including in this proposed rule and in that in CGD 95-062 (61 FR 13284; March 26, 1996), on STCW, an alternative to its current course-approval system. Proposed new § 10.309 rests on the principle of self-certification with minimal Coast Guard oversight based on acceptance by the Coast Guard of certain materials and procedures to maintain standards. In other words, completion certificates issued by training programs that meet the conditions stated in that section could be accepted as proof of passage of the "approved training course."

This could be done by a process like that used to credit "approved seagoing service" after the fact, on sufficient documentary proof. If the Coast Guard learned that the conditions set out in new § 10.309 were not being met by a particular training program, it would not accept certificates of completion of the program as proof of completion of the necessary training itself. The conditions for conducting approved training other than approved courses are set out in new § 10.309.

The Coast Guard welcomes comment on this alternative approach, particularly with respect to its own involvement in overseeing and maintaining standards through a Coast-Guard-acceptance procedure.

10. Responsibility of towing vessel owners and operators. One of the recommendations in the Review stated that the Coast Guard should emphasize the responsibility of towing-vessel owners to employ only qualified, experienced personnel as operators in charge or masters of their vessels. Five comments agreed with this, and none opposed it.

The Coast Guard concludes that towing companies have taken on this responsibility in the past, given the front-end qualifications for licensing. Many companies have already demonstrated their commitment to safety by training and evaluating their employees. Under this proposed rule, they would share greater responsibility for mariners' training and qualifications by establishing approved training courses, by recommending designated examiners, and in overseeing the

completion of mariners' training- and assessment-record books. This increase in responsibility also is consistent with Licensing 2000 and with the TSAC Report, both of which urge increased responsibility, and accountability, by companies for the competence and quality of mariners.

Summary of Proposed Changes

45 CFR Part 10—Licensing of Maritime Personnel

1. In general, throughout this part the terms "operator of uninspected towing vessels" and "second-class operators of uninspected towing vessels" would be replaced by "master of towing vessels" and "mate (pilot) of towing vessels". Furthermore, a license and title of "apprentice mate (steersman)" would be added as the first step toward a license as master or mate (pilot) of towing vessels.

2. The authority citation for part 10 would be revised by adding 14 U.S.C. 633 and 46 U.S.C. 2110, 7109, 7302, 7505, and 7701.

3. Section 10.103 would be revised by adding definitions of the following: apprentice mate (steersman) of towing vessels; approved training; Coast-Guard-accepted; designated examiner; pilot of towing vessels; practical demonstration; qualified instructor; standard of competence; and steersman of towing vessels.

4. Section 10.201(f)(2) would be revised by requiring that an apprentice mate (steersman) of towing vessels be at least 18 years of old.

5. Section 10.209(c)(6) would be added and would require each applicant for renewal of a license as master or mate (pilot) of towing vessels to submit satisfactory evidence both of practical demonstration of skills before a designated examiner or completion of an approved course and of rules-of-the-road examination or refresher training.

6. Section 10.304(e) would be added to require the completion of a training- and assessment-record book, for a license as mate (pilot) of towing vessels.

7. Section 10.309 would be added to provide an alternative to the course-approval system in § 10.302. The training would have to be set out in a Coast-Guard-accepted written syllabus showing the subjects covered, the classroom time required, and the qualifications of the instructors. Simulators could be used in this training if they met applicable performance standards and were used by an instructor with appropriate guidance in instructional techniques involving their use.

8. In § 10.403, Figure 10.403 would be revised by adding the proposed

hierarchy of licenses for towing vessels under 200 gross tons.

9. Sections 10.412(a), 10.414(a), and 10.420 would be revised by removing the words "operator of uninspected towing vessels,".

10. Section 10.418(b) would be revised to require 1 year of service as master or mate (pilot) of towing vessels on Oceans or Near-coastal routes to be eligible for a license as master of Ocean or Near-coastal steam or motor vessels of not more than 500 gross tons.

11. Section 10.446(b) would be revised by increasing the service requirement to be eligible for a license as master of Great Lakes and inland steam or motor vessels of not more than 500 gross tons from 6 months to 1 year of service as master of towing vessels.

12. Section 10.463 would be added to explain (a) the hierarchy of licenses for masters and mates (pilots) of towing vessels and (b) route endorsements. The Coast Guard proposes issuing licenses as master and mate (pilot) of towing vessels in two categories: unlimited horsepower and 3,000 horsepower or less. Towing vessel licenses are, and will continue to be, endorsed for Oceans and Near-coastal routes by the gross tonnage of the towing vessels on which the experience was acquired. Other route endorsements without limits of gross tonnage are, and will continue to be, Great Lakes and inland routes, Rivers, Western rivers, and Restricted local areas designated by Officers in Charge, Marine Inspection.

13. Section 10.464 would be revised to explain the proposed requirements for masters of towing vessels, including training and service. For a license as master of towing vessels, regardless of horsepower, the requirement would normally be 4 years of total service.

Section 10.464 would also explain requirements for a master of self-propelled vessels of greater than 200 gross tons to get a towing-vessel endorsement: pass a written examination on towing; obtain 30 days of training and observation on towing vessels on the route for which the endorsement is requested (this endorsement would be restricted to the horsepower of the service presented); complete a Coast-Guard-accepted training- and assessment-record book; and present satisfactory evidence of successful completion of a practical demonstration before a designated examiner.

14. Section 10.465 would be added to explain the proposed requirements for mates (pilots) of towing vessels, including required training and service. For a license as mate (pilot) of towing vessels, regardless of horsepower, the

requirement would normally be 30 months of total service. This section would also describe proposed requirements for completion of a training- and assessment-record book and for a practical demonstration of proficiency before a designated examiner.

Section 10.465 would also explain requirements for a mate of self-propelled vessels of greater than 200 gross tons to get a towing-vessel endorsement: pass a written examination on towing; obtain 30 days of training and observation on towing vessels on the route for which the endorsement is requested (this endorsement would be restricted to the horsepower of the service presented); complete a Coast-Guard-accepted training- and assessment-record book; and present satisfactory evidence of successful completion of a practical demonstration before a designated examiner.

15. Section 10.466 would be redesignated as § 10.467, and a new § 10.466 would be added to explain the requirements for apprentice mate (steersman) of towing vessels including the following: he or she would have to prove 18 months of service on deck, 12 months of this on towing vessels; and he or she would have to pass an examination.

16. For an added endorsement of route on any of these licenses, an applicant holding any of these licenses would have to prove 3 months of experience on towing vessels, in the next lower grade, on the route requested.

17. Section 10.482(a) would be revised to explain the requirements to qualify for an endorsement authorizing an applicant to engage in assistance towing. The endorsement would apply to all licenses except those for master and mate (pilot) of towing vessels and those authorizing service on inspected vessels over 200 gross tons. Holders of any of these licenses could engage in assistance towing within the scope of the licenses and without the endorsement.

18. In § 10.903, paragraphs (a)(18) and (b)(4) would be revised to show that the licenses for apprentice mate (steersman) of towing vessels would require examinations and that the licenses for master or mate (pilot) of towing vessels (endorsed for the same route) would not.

46 CFR Part 15—Manning Requirements

19. The authority citation for part 15 would be revised to add 46 U.S.C. 2103, 8101, 8502, 8901, 8902, 8903, 8904, and 9102 and 50 U.S.C. 198.

20. Section 15.301(b)(6) would be removed because the terms master and mate (pilot) appear in paragraphs (1) and (2).

21. Section 15.610 would be revised by requiring every towing vessel at least 8 meters (about 26 feet) in length to be under the direction and control of a person licensed as master or mate (pilot) of towing vessels or as master or mate of appropriate gross tonnage holding an endorsement of his or her license for towing vessels.

22. Section 15.805(a)(5) would be added to require that every towing vessel of 8 meters (about 26 feet) or more in length must be under the command of an individual holding an appropriate license as master.

23. In § 15.810, a new paragraph (d) would require that the person in charge of the navigation or maneuvering of a towing vessel of 8 meters (about 26 feet) or more in length shall hold either a license authorizing service as mate (pilot) of towing vessels—or, on inland routes; as pilot of towing vessels—or a license as master of appropriate gross tonnage endorsed for towing vessels.

24. Section 15.910(a) would be revised to require that “No person may serve as master or mate (pilot) of any towing vessel of 8 meters (about 26 feet) or more in length unless he or she holds a license explicitly authorizing such service.”

Regulatory Evaluation

This proposal 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. It is not 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 proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Benefits: The report directed by the Secretary of Transportation, *Review of Marine Safety Issues Related to Uninspected Towing Vessels*, directly attributed 7,664 vessel casualties, including that involving the MORRIS J. BERMAN, to personnel error. The Coast Guard affirms that, of that 60 percent of towing-vessel casualties, the dominant categories of human error were management, operator status, knowledge, and decision-making, which are all relevant to this proposal.

The training required by this proposal has the potential to significantly

decrease the number of fatalities and injuries in the towing industry. If this proposal causes a reduction in the number of fatalities by 37 in 1997, 29 in 1998, 23 in 1999, 13 in 2000, 10 in 2001, and 8 in 2002, the benefits will exceed the costs. The complex cumulative effect of human error makes it difficult to quantify the exact benefits of the proposal. One way to reduce the risks associated with human error in operating towing vessels is to ensure that mariners maintain the highest practicable standards of training, certification, and competence. The proposal is intended to accrue benefits from a reduction of towing vessel accidents and injuries through an increased awareness of safe towing practices.

Costs: There are about 5,400 documented towing vessels in the United States. The impact on the people now operating these vessels would be low because holders of current licenses would be grandfathered into licenses commensurate with their experience. Because these new licenses would be issued at the time of routine renewal, there would be no new users' fees for them. This proposed rule, however, would result in increased fees for new entrants into the industry. They would now have to obtain several intermediate licenses to reach the license with the broadest operating authority, paying a separate fee for each license. As of December 1, 1993, there were 12,019 licensed OUTVs. From 1989 to 1993, an average of 473 new licenses as OUTVs were issued annually, and an average 1,931 licenses as OUTVs were renewed annually.

The probable costs in user's fees for an entrant into the towing industry are as follows:

1. The license for an apprentice would be issued at the current user's fees for a license as an OUTV. These fees are as follows:	
Evaluation fee	\$65.00
Examination fee	80.00
Issuance fee	35.00
Total	180.00

Note: Because these fees are part of the current user's fees, none would represent “new money”.

2. Now, the holder of a license as an OUTV pays these fees once and pays no others. If the hierarchy of licenses as masters or mates (pilot) of towing vessels were adopted, the mariner would pay evaluation and issuance fees for each successive license. These fees are as follows:

License Fee (evaluation and issuance)	\$100.00
Multiplied by the additional levels of licensing	×2
Total added cost for each licensed master	\$200.00
New licenses issued each year	473
Towing-vessel endorsements on other licenses (estimated)	+47
Total mariners affected each year	520
Total added costs for each licensed master	\$200.00
Multiplied by the total masters affected each year	×520
Maximum additional cost for new applicants	\$104,000.00

Note: These costs would be incurred over a minimum of 3½ years.

The actual figure should be far less than this maximum additional cost because not all masters and mates (pilots) would rise through all levels. Further, the issuance of new licenses may supersede renewal fees.

The Coast Guard would not increase the user's fee for its evaluation of a mariner's demonstrations of proficiency.

It would, however, incur and pass along costs for demonstrations of proficiency. It expects that these costs would be shared by the mariner and the employer.

There are three, alternative methods of demonstrating proficiency; they and their costs appear as follows:

(1) *Completion of an approved training course using a simulator to demonstrate proficiency.* Around 5 percent of the towing industry currently

uses simulators to test proficiency. The Coast Guard estimates that an additional 5 percent might elect this method as a result of this rulemaking. The latter number might grow as simulators become more readily available. The following calculations represent the estimated prevalence of the use of simulators to demonstrate proficiency and the estimated costs of that use:

PREVALENCE OF SIMULATORS TO DEMONSTRATE PROFICIENCY

New licenses issued each year	520
Multiplied by the percentage of new applicants using simulators	(5%)×.05
New licenses based on simulator proficiency	26

COST OF USE OF SIMULATOR TO DEMONSTRATE PROFICIENCY

Estimated cost of one-week simulator course	\$5,000.00
Multiplied by the number of students	×26
Total costs each year	\$130,000.00

(2) *Completion of an approved training course using a towing vessel to demonstrate proficiency.* The Coast Guard estimates that 65 percent, or 338 of the 520 mariners who obtain towing licenses annually, would use this option. An estimated 70 percent of

towing companies already have formal training courses available for their deck officers. With this in mind, the Coast Guard estimates that 70 percent of the 338 mariners, or 237 mariners, would be trained by company programs already in place. Therefore, approximately 101

mariners would attend a course offered by a maritime training facility not associated with a company. The new costs associated with this option would be paid by the mariner if he or she did not have access to a towing company's in-house course.

ESTIMATED NUMBERS USING COMPLETION OF A TRAINING COURSE TO DEMONSTRATE PROFICIENCY

New licenses issued each year	520
Minus those based on using simulators (and check-rides, below)	- 182
New licenses based on using training course	338
Multiplied by percentage of individuals not covered by company training programs	(30%)×.30
New licenses based on training courses excluding existing company programs	101

ESTIMATED TOTAL ANNUAL COST OF NEW TRAINING COURSES

Cost for each new applicant	\$5,000
Multiplied by number of students	×101
Total costs each year	\$505,000

(3) *Check-ride with a designated examiner.* A survey by TSAC suggests that about 30 percent of towing

companies would use this method. These costs, including hiring a designated examiner for a final check-

ride, would most likely be shared by the mariner and the employer:

ESTIMATED NUMBERS USING CHECK-RIDES TO DEMONSTRATE PROFICIENCY

New licenses issued each year	520
Multiplied by the percent of new applicants using check-rides	(30%)×.30
New licenses based on using check-rides	156

ESTIMATED COSTS OF USING CHECK-RIDES

Wage of towing operator (for 12-hour day)	\$350.00
Wage of same operator (for 1 hour)	\$30.00
Multiplied by duration of check-ride (in hours)	×5
Cost for each check-ride	\$150.00

ESTIMATED TOTAL ANNUAL COSTS OF USING CHECK-RIDES

Cost for each check-ride	\$150.00
Multiplied by the number of new licenses based on using check-rides	×156
Total cost each year	\$23,400.00

Estimated numbers of operators applying for endorsement as designated examiner.

A common cost included in all three methods of demonstrating proficiency is

the cost of training the designated examiner in assessment technique.

The Coast Guard estimates that 5 percent of the current operators of towing vessels would apply for the

endorsement as designated examiner. The following calculations demonstrate estimated costs of training designated examiners in examination techniques:

COST OF OPERATORS APPLYING FOR ENDORSEMENT AS DESIGNATED EXAMINER

Total number of operators of towing vessels as of April 1996	12,895
Multiplied by the percentage of operators applying for endorsement as designated examiner	(5%)×.05
Total number of designated examiners	645
Cost of training in examination techniques	×\$250
Total cost of training designated examiners	\$161,250

Estimated cost of refresher training on rules of the road for renewal of license.

The costs assume that all licensed masters and mates complete refresher training on rules of the road, instead of

Coast Guard examination, for renewal of their license.

Total number of operators of towing vessels as of April 1996	12,895
Divided by number of years in cycle of renewal	÷5
Number of renewals each year	2,579
Multiplied by the estimated cost of refresher training	×\$150
Total annual cost of refresher training	\$386,850

ESTIMATED ANNUAL COSTS OF THIS RULEMAKING ARE AS FOLLOWS:

Users' fees	\$104,000
Approved training course using a simulator	130,000
Approved training course using a towing vessel	505,00
Check-rides with designated examiner	23,400
Designated examiners' training	161,250
Refresher training	386,850
Annual new costs for rulemaking	1,310,500

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.

This proposed rule would place its primary economic burden on the mariners, not on their employers—who may, though they need not, assume responsibility for this burden. The Coast Guard expects that, of the employers who would assume this responsibility, few if any would be small entities. Therefore, 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. If, however, you think that your business or

organization qualifies as a small entity and that this rule would have a significant economic impact on your business or organization, please submit a comment (see "ADDRESSES") explaining why it qualifies and in what way and to what degree this proposed rule would economically affect it.

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 is worth the burden imposed by its collection. Collection-of-information requirements comprise reporting, recordkeeping, notification, and other, similar requirements.

This proposed rule contains collection-of-information requirements in §§ 10.304, 10.309, 10.463, 10.464, and 10.465. The following particulars apply:

DOT No.: 2115.

OMB Control No.: 2115 AF23.

Administration: U.S. Coast Guard.

Title: Licensing and Manning for Officers of Towing Vessels.

Need For Information: This proposed rule would require every mariner who seeks an original license as mate (pilot) of towing vessels or an endorsement for towing vessels to have a training- and assessment-record book. It may also require a report on a final check-ride before a designated examiner. These recordkeeping requirements are largely consistent with good commercial practices to the end of good seamanship for safe navigation. The following is a section-by-section justification of them:

Proposed § 10.304(e) would require each applicant for a license as mate (pilot) of towing vessels, and each master or mate of self-propelled vessels of greater than 200 gross tons seeking an endorsement for towing vessels, to complete a training- and assessment-record book.

Proposed §§ 10.309 (a)(10) and (b) would, respectively, require those monitoring the training under this section to communicate their conclusions to the Coast Guard within 1 month of the completion of the

monitoring and require those providing the training to submit a certificate to the Coast Guard once a year.

Proposed § 10.463(h) would require a company to maintain evidence that every vessel it operates is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route. This could be accomplished with copies of current licenses and voyage records that most companies already keep.

Proposed § 10.464(d)(2) would require masters of vessels of greater than 200 GT to maintain training- and assessment-record books for license endorsements as master of towing vessels. Collection of this information is necessary to ensure that the mariner has completed the series of qualification for licensing.

Proposed § 10.465(d)(2) would require mates of vessels of greater than 200 GT to maintain a training- and assessment-record books for license endorsements as mate (pilot) of towing vessels. Collection of this information is necessary to ensure that the mariner has completed the series of qualification for licensing.

Proposed §§ 10.465(a)(2), (b)(2), (c)(2) and (d)(2) would require a final check-ride before a designated examiner. They would then require the applicant to submit his or her completed training- and assessment-record book to the Coast Guard Regional Examination Center. Collection of this information is necessary because it would raise the safety of towing by upgrading the evaluation process.

Proposed use of Information: This information would warrant the mariner qualified to hold a license for the service in which he or she would engage.

Frequency of Response: Evidence of qualification for an original license as mate (pilot) of towing vessels under proposed § 10.465 would accumulate periodically during an 18-month period. Final check-ride before a designated examiner under proposed §§ 10.465(a)(2), (b)(2), (c)(2), and (d)(2) would entail a one-time record after the mariner's training- and assessment-record book had been completed.

Burden Estimate: 1,590 hours.

Respondents: 1,060 mariners of towing vessels.

Average Burden Hours Per Respondent: 1.5 hours.

The Coast Guard has submitted the requirements to OMB for review under section 3507 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 proposal under 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 proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. The rule is a matter of "training, qualifying, licensing, and disciplining of maritime personnel" within the meaning of subparagraph 2.B.2.e.(34)(c) of Commandant Instruction M16475.1B that clearly has no environmental impact. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR parts 10 and 15 as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. Revise the authority citation for part 10 to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7101, 7106, 7107, 7109, 7302, 7505, 7701; 49 CFR 1.45 and 1.46. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

2. To § 10.103, add definitions, in alphabetical order, to read as follows:

§ 10.103 Definitions of terms used in this part.

Apprentice mate (steersman) of towing vessels means a mariner qualified to perform watchkeeping on the bridge while in training under the direct supervision of a licensed master, mate, or pilot of towing vessels.

Approved training means training that is approved by the Coast Guard or meets the requirements of § 10.309.

* * * * *

Coast-Guard-accepted means that the Coast Guard has acknowledged in writing that the material or process at issue meets the applicable requirements; that the Coast Guard has issued an official policy statement listing or describing the material or process as meeting the applicable requirements; or that an entity acting on behalf of the Coast Guard under a Memorandum of Agreement has determined that the material or process meets the applicable requirements.

* * * * *

Designated Examiner means an individual who has been trained or instructed in techniques of training or assessment and is otherwise qualified to evaluate whether a candidate for a license, document, or endorsement has achieved the level of competence required to hold the license, document, or endorsement. This individual may be designated by the Coast Guard or by a Coast-Guard-approved program of training or assessment.

* * * * *

Pilot of towing vessels means a qualified officer of towing vessels operating exclusively on inland routes.

Practical demonstration means the performance of an activity under the direct observation of a designated examiner for the purpose of establishing that the performer is sufficiently proficient in a practical skill to meet a specified standard of competence or other objective criterion.

Qualified instructor means an individual who has been trained or instructed in instructional techniques and is otherwise qualified to provide required training to candidates for licenses, documents, and endorsements.

* * * * *

Standard of competence means the level of proficiency to be achieved for the proper performance of duties aboard a vessel in accordance with any applicable national and international criteria.

Steersman of towing vessels means a mariner qualified to perform watchkeeping on the bridge, aboard a towing vessel operating exclusively on inland routes, while in training under the direct supervision of a licensed master, mate, or pilot of towing vessels.

* * * * *

§ 10.201 [Amended]

3. In § 10.201, in paragraph (f)(1), remove the words "second-class operator of uninspected towing vessel" and add, in their place, the words "mate (pilot) of towing vessels (19 years)"; and, in paragraph (f)(2), remove the words "designated duty engineer of

vessels of not more than 1,000 horsepower, may be granted to an applicant who has reached the age of 18 years." and add, in their place, the words "designated duty engineer of vessels of not more than 1,000 horsepower, or apprentice mate (steersman) of towing vessels, may be granted to an applicant, otherwise qualified, who has reached the age of 18 years."

§ 10.203 [Amended]

4. In § 10.203, in Table 10.203, remove the word "Uninspected" from before the words "towing vessels" and capitalize the first letter in the word "towing" in column one; and remove the words "Operator: 21; 2/c operator: 19." from the license category just amended to read "Towing vessels" in column two (minimum age) and add, in their place, the words "Master of towing vessels: 21; mate (pilot) of towing vessels: 19; apprentice mate (steersman): 18".

§ 10.205 [Amended]

5. In § 10.205, in paragraph (f)(1), remove the words "operator of uninspected towing vessels" and add, in their place, the words "master or mate (pilot) of towing vessels"; and, in paragraph (g)(3), remove the words "All operators of uninspected towing vessels, oceans (domestic trade)" and add, in their place, the words "All licenses for master or mate (pilot), except apprentice mate (steersman), for towing vessels on Oceans".

6. In § 10.209, revise paragraph (c)(1) introductory text and add paragraph (c)(6) to read as follows:

§ 10.209 Requirements for renewal of licenses and certificates of registry.

* * * * *

(c) * * *

(1) Except as provided in paragraph (c)(6) of this section, to renew a license as master, mate, engineer, pilot, or operator, the applicant shall—

* * * * *

(6) An applicant for renewal of a license as master or mate (pilot) of towing vessels shall submit satisfactory evidence, predating the application by not more than 1 year, of satisfying the requirements of paragraph (c)(1) (i) or (ii), or those of paragraph (c)(1)(iv) except the exercise; and

(i) Either completing a practical demonstration of maneuvering and handling a towing vessel before a designated examiner or completing an approved course; and

(ii) Either passing a rules-of-the-road examination or completing a refresher training course.

* * * * *

7. In § 10.304, revise the heading and add paragraph (e) to read as follows:

§ 10.304 Substitution of training for required service, and use of training- and assessment-record books.

* * * * *

(e) Each applicant for a license as mate (pilot) of towing vessels, and each master or mate of self-propelled vessels of greater than 200 gross tons seeking an endorsement for towing vessels, shall complete a training- and assessment-record book that contains at least the following:

(1) Identification of the candidate, including full name, home address, photograph or photo-image, and personal signature.

(2) Objectives of the training and assessment.

(3) Tasks to be performed or skills to be demonstrated.

(4) Criteria to be used in determining that the tasks or skills have been performed properly.

(5) Places for a qualified instructor to indicate by his or her initials that the candidate has received training in the proper performance of the tasks or skills.

(6) A place for a qualified examiner to indicate by his or her initials that the candidate has successfully completed a practical demonstration and has proved competent in the task or skill under the criteria.

(7) Identification of each qualified instructor by full name, home address, employer, job title, ship name or business address, number of any Coast Guard license or document held, and personal signature.

(8) Identification of each designated examiner by full name, home address, employer, job title, ship name or business address, number of any Coast Guard license or document held, and personal signature confirming that his or her initials certify that he or she has witnessed the practical demonstration of a particular task or skill by the candidate.

8. Add section 10.309 to read as follows:

§ 10.309 Approved training other than approved courses.

(a) When the training and assessment of competence required by this part are not subject to § 10.302 and are not being used to substitute for seagoing service, they may meet the following requirements:

(1) The training and assessment must have written, clearly defined objectives

that emphasize specific knowledge, skills, and abilities, and include criteria to use in establishing a candidate's successful achievement of the objectives.

(2) The training must be set out in a written syllabus that conforms to a Coast-Guard-accepted outline for such training and includes—

(i) The sequence of subjects to be covered;

(ii) The number of classroom hours in the presence of a qualified instructor to be spent on each subject;

(iii) The identity and professional qualifications of each instructor conducting the training;

(iv) The identification of other media or facilities to be used in conducting the training; and

(v) Measurements at appropriate intervals of each candidate's progress toward acquisition of the specific knowledge, skills, and abilities stated in the objectives.

(3) Except as provided in paragraphs (a) (4) and (5) of this section, documentary evidence must be readily available to establish that all instructors—

(i) Have experience, training, or instruction in effective instructional techniques;

(ii) Are qualified in the task for which the training is being conducted; and

(iii) Hold the level of license, endorsement, or other professional credential required of those who would apply, on board a vessel, the relevant level of knowledge, abilities, and skills described in the training objectives.

(4) Neither a specialist in a particular field of non-maritime education, such as mathematics or first aid, nor an individual with at least 3 years of service as a member of the Armed Forces of the United States specializing in the field in which he or she is to conduct training, need hold a maritime license or document to conduct training in that field.

(5) A simulator may be used in training if—

(i) The simulator meets applicable performance standards;

(ii) The instructor has gained practical operational experience on the particular type of simulator being used; and

(iii) The instructor employing the simulator has received appropriate guidance in instructional techniques involving the use of simulators.

(6) Essential equipment and instructional materials must afford all candidates adequate opportunity to participate in exercises and acquire practice in performing required skills.

(7) A process of routinely assessing the effectiveness of the instructors,

including the use of confidential evaluations by candidates, must be in place.

(8) Records of candidates' performance must be maintained for at least 1 year.

(9) To ensure that the training is meeting its objectives, and the requirements of paragraph (a) of this section, its offeror shall monitor it at suitable intervals in accordance with a Coast-Guard-accepted quality-standards system, which must include the following features:

(i) Those monitoring the training shall be persons knowledgeable about the subjects being monitored and about the national and international requirements that apply to the training, and shall not themselves be involved in the training.

(ii) Those monitoring the training shall enjoy convenient access to all appropriate documents and facilities, and opportunities both to observe all appropriate activities and to conduct confidential interviews when necessary.

(iii) Arrangements must be such as to ensure that persons monitoring the training are not penalized or rewarded, directly or indirectly, by the sponsor of the training for making any particular

observations or for reaching any particular conclusions.

(10) Those monitoring the training shall communicate their conclusions to the Coast Guard within 1 month of the completion of the monitoring.

(11) Those providing the training shall let the Coast Guard observe the training and review documents relative to paragraphs (a) (1) through (10) of this section.

(b) The Coast Guard will maintain a list of training each of whose providers annually submits a certificate, signed by the provider or its authorized representative, stating that the training fully complies with requirements of this section. Training on this list will presumptively constitute the training necessary for licenses and STCW endorsements under this part. The Coast Guard will update this list periodically and make it available to members of the public on request.

(c) If the Coast Guard determines, on the basis of observations or conclusions either of its own or by those monitoring the training, that particular training does not satisfy one or more of the conditions described in paragraph (a) of this section—

(1) The Coast Guard will notify the provider of the training by letter enclosing a report of the observations and conclusions;

(2) The provider will have a specified period to appeal the conclusions to the appropriate official at Coast Guard Headquarters, or to bring the training into compliance; and

(3) If the appeal is denied—or the deficiency is not corrected in the allotted time, or within any additional period held by the Coast Guard, considering progress toward compliance, to be appropriate—the Coast Guard will remove the training from the list referred to in paragraph (b) of this section until it can verify full compliance; and it may deny applications, based in whole or in part, on training not on the list until additional training or assessment is documented.

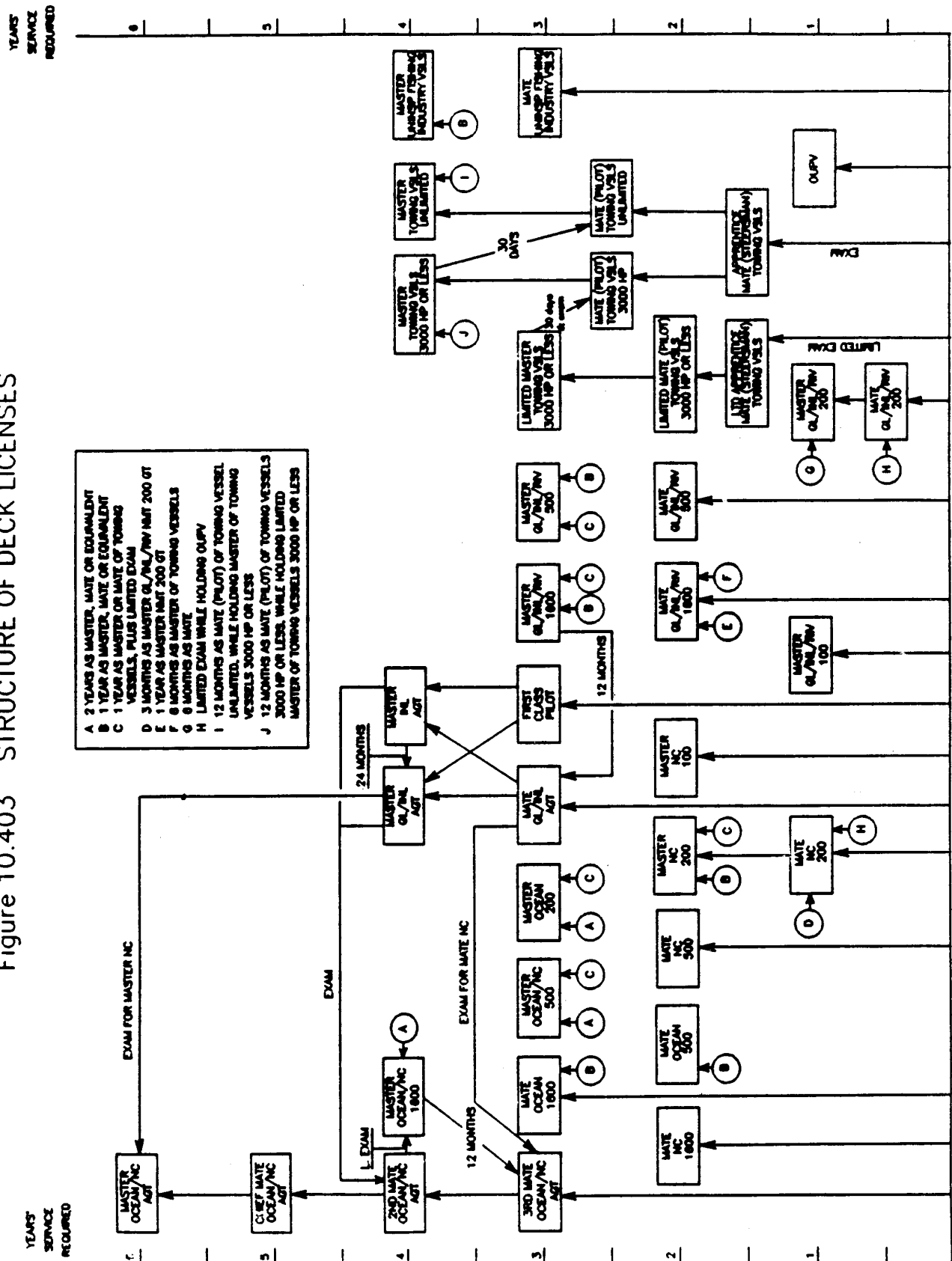
9. In § 10.403, revise Figure 10.403 to read as follows:

§ 10.403 Deck license structure.

* * * * *

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Figure 10.403 STRUCTURE OF DECK LICENSES



§ 10.412 [Amended]

10. In § 10.412(a), remove the words “operator of uninspected towing vessels,”.

§ 10.414 [Amended]

11. In § 10.414(a), remove the words “operator of uninspected towing vessels,”.

12. In § 10.418, revise the heading and paragraph (b) to read as follows:

§ 10.418 Service for master of Ocean or Near-coastal steam or motor vessels of not more than 500 gross tons.

* * * * *

(b) The holder of a license as master or mate (pilot) of towing vessels authorizing service on Oceans or Near-coastal routes is eligible for a license as master of Ocean or Near-coastal steam or motor vessels of not more than 500 gross tons after both 1 year of service as master or mate of towing vessels on Oceans or Near-coastal routes and completion of a limited examination.

§ 10.420 [Amended]

13. In § 10.410, remove the words “operator of uninspected towing vessels,”.

§ 10.424 [Amended]

14. In § 10.424(a)(2), remove the words “operator or second-class operator of ocean or near coastal uninspected towing vessels” and add, in their place, the words “master or mate of Ocean or Near-coastal towing vessels”.

15. In § 10.426, revise the heading and paragraph (a)(2) to read as follows:

§ 10.426 Service for master of Near-coastal steam or motor vessel of not more than 200 gross tons.

(a) * * *

(2) One year of total service as master or mate of towing vessels on Oceans or Near-coastal routes. Completion of a limited examination is also required.

* * * * *

§ 10.442 [Amended]

16. In § 10.442, paragraphs (a) and (b), remove the words “operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

17. In § 10.446, revise the heading and paragraph (b) to read as follows:

§ 10.446 Service for master of Great Lakes and inland steam or motor vessels of not more than 500 gross tons.

* * * * *

(b) the holder of a license as master or mate (pilot) of towing vessels is eligible for this license after completion of both 1 year of service as master or

mate (pilot) of towing vessels and a limited examination.

§ 10.452 [Amended]

18. In § 10.452(a), remove the words “operator or second-class operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

§ 10.462 [Amended]

19. In § 10.462(c), remove the words “operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

20. Add section 10.463 to read as follows:

§ 10.463 General requirements for licenses for master, mate (pilot), and apprentice mate (steersman) of towing vessels.

(a) The Coast Guard issues licenses as master and mate (pilot) of towing vessels in the following categories:

- (1) Unlimited horsepower.
- (2) 3,000 horsepower or less.

(b) The Coast Guard restricts licenses as master and mate (pilot) of towing vessels for Oceans and Near-coastal routes by the gross tonnage of the towing vessels on which the experience was acquired—by 200, 500, and 1,600 gross tons in accordance with §§ 10.414, 10.418, and 10.412, respectively.

(c) The Coast Guard endorses licenses as master and mate (pilot) of towing vessels for one or more of the following routes:

- (1) Oceans.
- (2) Near-coastal routes.
- (3) Great Lakes and inland routes.
- (4) Rivers.
- (5) Western rivers.
- (6) Restricted local areas designated by Officers in Charge Marine Inspection.

(d) A license as master or mate of towing vessels endorsed for Oceans authorizes service on Oceans, Near-coastal routes, Great Lakes and inland routes, and Rivers except Western rivers upon completion of 30 days of observation and training on each subordinate route.

(e) A license as master or mate (pilot) of towing vessels endorsed for Near-coastal routes authorizes service on Near-coastal routes, Great Lakes and inland routes, and Rivers except Western rivers upon completion of 30 days of observation and training on each subordinate route.

(f) A license as master or mate (pilot) of towing vessels endorsed for Great Lakes and inland routes authorizes service on Great Lakes and inland routes and Rivers except Western rivers upon completion of 30 days of observation and training on the subordinate route.

(g) Before serving as master or mate (pilot) of towing vessels on Western rivers, the licensed mariner shall possess 90 days of observation and training and have his or her license endorsed for Western rivers.

(h) Each company must maintain evidence that every vessel it operates is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route.

(i) For all inland routes, the license as pilot of towing vessels replaces that as mate of towing vessels. All qualifications and equivalencies are the same.

(j) For all inland routes, the license as steersman replaces that as apprentice mate. All qualifications and equivalencies are the same.

21. Revise section 10.464 to read as follows:

§ 10.464 Licenses for masters of towing vessels.

(a) For a license as master of towing vessels of unlimited horsepower, an applicant shall—

(1) Have 48 months of total service including—

(i) Eighteen months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length while holding a license as mate (pilot) of towing vessels unlimited;

(ii) Twelve months of the 18 months, as mate (pilot) of towing vessels of greater than 3,000 horsepower; and

(iii) Three months of the 18 months on the particular route for which application is made; or

(2) Have 12 months of service as mate (pilot) of towing vessels of unlimited horsepower while holding a license as master of towing vessels of 3,000 horsepower or less including 3 months of service on the particular route for which application is made.

(b) For a license as master of towing vessels of 3,000 horsepower or less, an applicant shall—

(1) Have 48 months of total service including—

(i) Eighteen months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length while holding a license as mate (pilot) of towing vessels;

(ii) Twelve months of the 18 months, as mate (pilot) of towing vessels of 3,000 horsepower or less; and

(iii) Three months of the 18 months on the particular route for which application is made; or

(2) Have 12 months of service as mate (pilot) of towing vessels of 3,000 horsepower or less while holding a license as limited master of towing

vessels including 3 months of service on the particular route for which application is made.

(c) For a license as master of towing vessels of 3,000 horsepower or less endorsed for a restricted local area, an applicant shall have 36 months of total service including—

(1) Twelve months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length as limited mate (pilot) of towing vessels; and

(2) Three months of service on the particular route for which application is made.

(d) The holder of a license as master of self-propelled vessels of greater than 200 gross tons may obtain an endorsement for towing vessels (restricted to the horsepower of the service presented) if he or she—

(1) Has 30 days of training and observation on towing vessels on each of the routes for which the endorsement is requested;

(2) Submits evidence of assessment of practical demonstration of skills, in the form of a training- and assessment-record book, described in § 10.304(e); and

(3) Passes an examination.

(e) The holder of a license as master of towing vessels may have that license endorsed as mate (pilot) for a route not included in the current endorsements on which he or she has no operating experience after passing an examination for that route. Upon completion of 90 days of experience on that route, he or she may have the mate (pilot) restriction removed.

22. Add section 10.465 to read as follows:

§ 10.465 Licenses for mates (pilots) of towing vessels.

(a) For a license as mate (pilot) of towing vessels of unlimited horsepower, an applicant shall—

(1) Have 30 months of total service including—

(i) Twelve months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length while holding a license as apprentice mate (steersman);

(ii) Twelve months of the 30 months on towing vessels of greater than 3,000 horsepower; and

(iii) Three months of the 12 months on the particular route for which application is made;

(2) Submit either—

(i) A certificate of completion from a Coast-Guard-approved course as specified in paragraph (f) of this section; or

(ii) Evidence of assessment of practical demonstration of skills, in the form of a training- and assessment-

record book in accordance with § 10.304(e); or

(3) Have 30 days of service observing and training on towing vessels of greater than 3,000 horsepower while holding a license as master of towing vessels of 3,000 horsepower or less and pass a partial examination.

(b) For a license as mate (pilot) of towing vessels of 3,000 horsepower or less, an applicant shall—

(1) Have 30 months of total service including—

(i) Twelve months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length while holding a license as apprentice mate (steersman) of towing vessels; and

(ii) Three months of the 12 months on the particular route for which application is made;

(2) Submit either—

(i) A certificate of completion from a Coast-Guard-approved course as specified in paragraph (f) of this section; or

(ii) Evidence of assessment of practical demonstration of skills, in the form of a training- and assessment-record book in accordance with § 10.304(e); or

(3) Have 30 days of service observing and training on towing vessels while holding a license as limited master of towing vessels of 3,000 horsepower or less and pass a partial examination.

(c) For a license as mate (pilot) of towing vessels of 3,000 horsepower or less endorsed for a restricted local area, an applicant shall—

(1) Have 24 months of total service including 6 months of service on deck of a towing vessel of 8 meters (about 26 feet) or over in length as limited apprentice mate (steersman) of towing vessels; and

(2) Submit either—

(i) A certificate of completion from a Coast-Guard-approved course as specified in paragraph (f) of this section; or

(ii) Evidence of assessment of practical demonstration of skills, in the form of a training- and assessment-record book in accordance with § 10.304(e);

(d) The holder of a license as mate of self-propelled vessels of greater than 200 gross tons may obtain an endorsement for towing vessels (restricted to the horsepower of the service presented) if he or she—

(1) Has 30 days of training and observation on towing vessels on each route for which the endorsement is requested;

(2) Submits evidence of assessment of practical demonstration of skills, in the form of a training- and assessment-

record book in accordance with § 10.304(e); and

(3) Passes an examination.

(e) The holder of a license as mate (pilot) of towing vessels may have that license endorsed as apprentice mate (steersman) for a route not included in the current endorsements on which he or she has no operating experience after passing an examination for that route. Upon completion of 3 months of experience in that route, he or she may have the apprentice mate (steersman) restriction removed.

(f) An approved training course for mate (pilot) of towing vessels must include formal instruction and practical demonstration of proficiency either on board a towing vessel or at a shoreside training facility before a designated examiner, and must cover—

(1) Shipboard management and training;

(2) Seamanship;

(3) Navigation;

(4) Watchkeeping;

(5) Radar;

(6) Meteorology;

(7) Maneuvering and handling of towing vessels;

(8) Engine-room basics; and

(9) Emergency procedures.

23. Redesignate section 10.466 as § 10.467 and add a new § 10.466 to read as follows:

§ 10.466 Service for apprentice mate (steersman) of towing vessels.

(a) For a license as apprentice mate (steersman) of towing vessels, an applicant shall—

(1) Have 18 months of service on deck including 12 months on towing vessels;

(2) Pass the examination specified in subpart I of this part; and

(3) Have 3 months of the 18 months on the particular route for which application is made.

(b) For a license as limited apprentice mate (steersman) of towing vessels, an applicant shall—

(1) Have 18 months of service on deck including 12 months on towing vessels;

(2) Pass a limited examination; and

(3) Have 3 months of the 18 months on the particular route for which application is made.

(c) The holder of a license as apprentice mate (steersman) of towing vessels may have that license endorsed as limited apprentice mate (steersman) for a route not included in the current endorsements on which he or she has no operating experience, upon passing an examination for that route. Upon completion of 3 months of experience in that route, he or she may have the limited apprentice mate (steersman) restriction removed.

24. In § 10.482, revise paragraph (a) to read as follows:

§ 10.482 Assistance towing.

(a) This section contains the requirements to qualify for an endorsement authorizing an applicant to engage in assistance towing. The endorsement applies to all licenses except those for master and mate (pilot) of towing vessels and those authorizing service on inspected vessels over 200 gross tons. Holders of any of these licenses may engage in assistance towing within the scope of the licenses and without the endorsement.

* * * * *

§ 10.701 [Amended]

25. In § 10.701(a), remove the words “operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

§ 10.703 [Amended]

26. In § 10.703(a) introductory text, remove the words “operator of uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

§ 10.901 [Amended]

27. In § 10.901(b)(1), remove the words “uninspected towing vessels” and add, in their place, the words “master or mate (pilot) of towing vessels”.

28. In § 10.903, revise paragraphs (a)(18) and (b)(4) to read as follows:

§ 10.903 Licenses requiring examinations.

(a) * * *

(18) Apprentice mate (steersman) of towing vessels;

* * * * *

(b) * * *

(4) Master or mate (pilot) of towing vessels (endorsed for the same route).

29. In § 10.910, amend the introductory language to Table 10.910-1 by revising paragraphs 10 through 12 to read as follows:

§ 10.910 Subjects for deck incenses.

* * * * *

10. Apprentice mate, towing vessels, Oceans (domestic trade) and Near-coastal routes.

11. Apprentice mate (steersman), towing vessels, Great Lakes and inland routes.

12. Steersman, towing vessels, Western rivers.

* * * * *

PART 15—MANNING REQUIREMENTS

30. Revise the authority citation for part 15 to read as follows:

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

§ 15.301 [Amended]

31. In § 15.301(b), remove paragraph (6); and redesignate paragraphs (7) through (10) as paragraphs (6) through (9).

32. Revise section 15.610 to read as follows:

§ 15.610 Masters and mates (pilots) of towing vessels.

Every towing vessel at least 8 meters (about 26 feet) in length measured from end to end over the deck (excluding sheer), except a vessel described by the next sentence, must be under the direction and control of a person licensed as master or mate (pilot) of towing vessels or as master or mate of appropriate gross tonnage holding an endorsement of his or her license for towing vessels. This does not apply to any vessel engaged in assistance towing or any vessel of less than 200 gross tons engaged in the offshore mineral and oil industry if the vessel has sites or equipment of that industry as its place of departure or ultimate destination.

§ 15.705 [Amended]

33. In § 15.705(d), remove the words “individual operating an uninspected towing vessel” and add, in their place, the words “master or mate (pilot)

operating a towing vessel”; and remove the words “individuals serving as operators of uninspected towing vessels” and add, in their place, the words “masters or mates (pilots) serving as operators of towing vessels”.

34. In § 15.805, add paragraph (a)(5) to read as follows:

§ 15.805 Master.

(a) * * *

(5) Every towing vessel of 8 meters (about 26 feet) or more in length.

* * * * *

35. In § 15.810, redesignate paragraphs (d) and (e) as (e) and (f); and add a new paragraph (d) to read as follows:

§ 15.810 Mates.

* * * * *

(d) A person in charge of the navigation or maneuvering of a towing vessel of 8 meters (about 26 feet) or more in length shall hold either a license authorizing service as mate of towing vessels—or, on inland routes, as pilot of towing vessels—or a license as master of appropriate gross tonnage or horsepower, according to the routes, endorsed for towing vessels.

* * * * *

36. Revise section 15.910 to read as follows:

§ 15.910 Towing vessels.

No person may serve as master or mate (pilot) of any towing vessel of 8 meters (about 26 feet) or more in length unless he or she holds a license explicitly authorizing such service.

Dated: June 11, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

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