

the vessel. The companies reason that any further fire-fighting by these personnel could result in unacceptable risks to the personnel. Our analysis of casualties indicates that all fires put out by crewmembers were put out by crewmembers without benefit of extensive training or protective clothing. We therefore have considered the costs and benefits associated with such training and clothing, and we have decided not to require these in this interim rule.

Several other comments stated that, in their opinion, portable equipment would be adequate to control engine-room fires because fire-detection systems are now mandatory on all non-exempt towing vessels under the new rules for fire-protection measures effective October 8, 2001 (65 FR 52043). We agree that those systems will provide early warning of potential fires and, in most cases, will allow crewmembers to act before the fires grow to unmanageable sizes. Early detection capability was a factor in our decision to allow the use of portable fire-fighting equipment in this interim rule.

#### Voyage Planning

Most comments on voyage planning opposed requiring it for towing vessels

on Western Rivers and other inland waters. The Coast Guard agrees, requiring it only for these vessels (each with at least one barge in tow) when they operate beyond the baseline of the territorial sea.

Many suggested we define the term "voyage." For the purposes of this rule, a voyage (or trip) is a movement of a towing vessel that is under way, with at least part of the transit being seaward of the territorial-sea baseline.

One comment suggested specific changes, such as development of guidelines for voyage planning with detailed information on its four components: appraisal, planning, execution, and monitoring. Another suggested that proper planning encompass a number of items to protect endangered species and critical habitats. The Coast Guard agrees in part. We will further evaluate the need for detailed instructions regarding voyage planning and will issue guidelines to the industry if they are deemed necessary.

#### Regulatory Evaluation

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

Office of Management and Budget under that Order. However, it is significant under the regulatory policies and procedures of the Department of Homeland Security (DHS).

A draft Regulatory Evaluation under the regulatory policies and procedures of DHS is available in the docket for inspection or copying where indicated under **ADDRESSES**. A summary of the Evaluation follows:

We expect measures published in this interim rule to yield a benefit-to-cost ratio of about 1.6-to-1. Estimated benefits, in the form of avoided injuries and avoided damage to vessels and property, are around \$29.5 million. In addition, the measures are estimated to prevent 14,139 barrels of oil pollution. The estimated total present-value cost of this rulemaking is \$18.6 million. The table following this paragraph illustrates the calculation of total benefits and costs and also breaks out the benefits and costs of the fire-suppression and voyage-planning components. The period of analysis is from 2003 until 2015. A majority of the costs are incurred in the first two years of the analysis period, as this is when industry will incur the capital costs of installing manual fire-fighting equipment.

#### TOTAL COSTS, BENEFITS, AND BENEFIT/COST RATIOS OF REQUIREMENTS FOR FIRE-SUPPRESSION AND VOYAGE PLANNING (2003–2015)

Present-Value Total Cost of Fire-Suppression .....	\$16,975,875
Present-Value Total Benefit of Fire-Suppression .....	\$24,325,311
Barrels of Pollution Avoided .....	9,032
Benefit/Cost Ratio .....	1.43:1
Present-Value Total Cost of Voyage Planning .....	\$1,633,346
Present-Value Total Benefit of Voyage Planning .....	\$5,104,360
Barrels of Pollution Avoided .....	5,107
Benefit/Cost Ratio .....	3.13:1
Present-Value Total Cost of Rule .....	\$18,609,221
Present-Value Total Benefit of Rule .....	\$29,429,671
Barrels of Pollution Avoided by Rule .....	14,139
Benefit/Cost Ratio of Rule .....	1.58:1

**Note:** Benefit/Cost ratio is present-value total benefit divided by the present-value total cost.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers the economic impact on small entities of each rule for which a general notice of proposed rulemaking is required. "Small entities" include: small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The requirements contained in this interim rule will have much less of an impact on small entities than those contained in the SNPRM published November 8, 2000. There, we indicated that the requirements contained in the SNPRM might constitute a significant impact on a substantial number of small entities. The total present-value cost of the requirements contained in the SNPRM was around \$116 million.

We estimate that this interim rule will cost industry \$18.6 million. About 1,200 companies are affected by this rule; of these, about 1,000 are considered small

entities. The average small business, in our analysis, owns two affected towing vessels and has average annual revenues of \$1.1 million. Consequently, an average small business will spend around \$12,000 over the 13 years covered by our analysis to have the manual fire-fighting equipment on board and to conduct voyage planning. Therefore, we certify that this rule does not have a significant impact on a substantial number of small entities.