

comment further alleged that there is good reason to require such training for licensed officers of towing vessels. The Coast Guard agrees in part. Officers who would receive ocean endorsements on their licenses must receive such training.

Transition Period

One comment recommended language to grandfather candidates who anticipate completing training within three months of the interim rule's effective date. The Coast Guard accepts this recommendation.

Western Rivers

One comment stated that the 90-day requirement would make it extremely difficult for a mariner, entering the Western Rivers on periodic ocean voyages, to obtain the proper endorsement. The Coast Guard agrees; and maintains that that endorsement should be based on observation and training on Western Rivers, and not based on convenience. However, a process has been created in this final rule to allow a mariner operating periodically on the Western Rivers to obtain an endorsement for the "pilotage waters of the Lower Mississippi River", in less than the 90 days required for a Western Rivers endorsement.

One comment asked whether adding an endorsement for Western Rivers to an existing license would entail an exam. No, all that would be necessary would be proof of service.

One comment saw no need for the Coast Guard to start issuing endorsements for the Western Rivers again. We disagree: the desirability of issuing licenses for the Western Rivers arises precisely from the responses to the SNPRM.

One comment asked what the differences are between the Western Rivers and other rivers. Unlike other waterways, the Western Rivers have huge tows operating on them.

Comments Beyond the Scope of the Rulemaking

There were four comments beyond the scope of this rulemaking. We will not discuss them here.

Comments Specific to the Third Interim Rule

We will, however, discuss here comments on the third interim rule (66 FR 20931 (April 26, 2001)), in alphabetical order. There were seven of them, in three letters.

Definition of Disabled Vessel

One comment challenged our decision not to change the definition of

"disabled vessel" in 46 CFR 10.103 of the third interim rule. The comment stated that, unchanged, the definition would not clarify confusion caused, and not lessen the burdens imposed, by that rule. The commenter added that the definition would leave a "tremendous burden on a large number of marine assistance firms," and be "unduly restrictive because towing a barge or any other vessel not regularly operated under its own power of any length" would void the exemption for marine-assistance vessels. The Coast Guard reiterates that such towing very well should void the exemption. The rule for assistance towing established this license precisely for those mariners providing assistance to pleasure vessels. The rule also addressed head-on both the towing of barges and inter-marina towing, both of which the Coast Guard had found inconsistent with the intent of Congress.

License Stipulations

Two comments expressed concern over the stipulation that the license for officers of towing vessels would not authorize foreign voyages, or even domestic voyages, of towing vessels over 200 GT. The Coast Guard agrees with this concern and, in this final rule, allows mariners licensed under this rule to operate all towing vessels of less than 300 GRT on domestic voyages on oceans and near-coastal waters, and, if they satisfy international requirements, on foreign voyages.

Service on Lower Mississippi River

Two comments suggested that mariners seeking authority to operate on the Lower Mississippi River, above mile 304.1, have to obtain endorsements for Western Rivers by completing the TOAR for those Rivers—but equally that those mariners with endorsements for oceans, near-coastal service, or Great Lakes inland service seeking to operate below mile 304.1 should not have either to obtain the endorsement or to complete the TOAR. The Coast Guard agrees. However, we have chosen to use, instead of mile 304.1, mile 234, which is already established by rule as pilotage waters.

Single Track for Licensing

Two comments stated there should be a single track for licensing, to meet the unique needs of coastal harbor tugs, inland fleet boats, and other craft of such limited operations. They urged us to combine the tracks for "harbor assist" and "limited local area" in a single "limited" licensing-progression: Apprentice mate or steersman (limited) and master (limited). The Coast Guard

agrees, and has combined the tracks in this final rule.

Comments Received Outside of the Comment Period

After the comment period closed, on July 25, 2001, the American Waterways Operators (AWO) and other towing-industry representatives identified an apparent inconsistency in the third interim rule. In that rule, mariners who began service and training on towing vessels before May 21, 2001, could continue training under the process in place then and obtain the license as master of towing vessels by May 21, 2004. After May 21, 2004, the requirements of this rule must be met. The apparent inconsistency arises in that such mariners are not also able to obtain the license as mate (pilot) of towing vessels.

In the development of that rule, the Coast Guard determined that the predominant licensing transaction for towing vessels was the obtaining of a license as an OUTV. That license corresponded directly to one as master of towing vessels. The license that corresponded to one as mate (pilot) of towing vessels was the 2nd-class operator's license—a license rarely issued even before May 21, 2001. Because of this rarity, the third interim rule did not include a provision to allow a mariner to obtain a license as mate (pilot) of towing vessels following the requirement for the 2nd-class operator's license. The Coast Guard agrees that an inconsistency exists and, in this final rule, allows a mariner to obtain the license as mate (pilot) of towing vessels, until November 21, 2003, using the process for a 2nd-class operator's license. This provides a more gradual implementation of this rule, as well as aligns the treatment of the licenses for master and mate (pilot) of towing vessels.

Regulatory Evaluation

This final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget (OMB) has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS)(44 FR 11040 (February 26, 1979)).

There were no comments on this section in response to the third interim rule (66 FR 20931 (April 26, 2001)), though the rule did invite comments.

We expect the economic impact of this rule to be so minimal that a full