

identification system technology in the VTS. At this 1998 meeting, we reported the preliminary results of tests conducted on the Lower Mississippi River using precursor AIS. The proposed VTS on the Lower Mississippi River is not discussed in this rulemaking because it is the subject of a separate rulemaking titled "Vessel Traffic Service Lower Mississippi River" (65 FR 24616, April 26, 2000; docket [USCG-1998-4399]). We copied those comments regarding the AIS that were submitted to the VTS Lower Mississippi River docket and have placed those copies in the docket for this interim rule. However, most of those comments are not addressed herein either because they are no longer applicable or because they address a previous version of AIS and not the version required by this interim rule. We encourage all those who commented previously on this rulemaking to comment on the new provisions set forth in this rule. We will address those comments along with all other comments submitted in direct response to this interim rule in the final rule.

Over the past few years, the Coast Guard has made AIS presentations at various public forums including Federal advisory committee meetings (Towing Safety Advisory Committee, National Offshore Safety Advisory Committee, Houston-Galveston Navigation Safety Advisory Committee and Navigation Safety Advisory Council). Moreover, the AIS-based Ports and Waterways Safety System project being installed at the VTS Lower Mississippi River is regularly discussed at the Lower Mississippi River Waterway Safety Advisory Committee meetings.

The Houston-Galveston Navigation Safety Advisory Committee and Lower Mississippi River Waterway Safety Advisory Committee are Federally chartered advisory committees charged with making recommendations to the Coast Guard on matters relating to the safe and efficient transit of vessels on their respective waterways. These open forums have afforded the public, particularly those in the Gulf of Mexico and Mississippi River areas, the opportunity to comment on both VTS Lower Mississippi River and AIS issues. The public's input will be taken into account throughout this rulemaking. Elsewhere in today's **Federal Register**, we have published a notice requesting comments on AIS carriage for vessels outside VTS and Vessel Movement Reporting System (VMRS) areas that are not on an international voyage (See USCG-2003-14878).

Background and Purpose

Section 5004 of the Oil Pollution Act of 1990, as codified in 33 U.S.C. 2734, directed the Coast Guard to operate additional equipment, as necessary, to provide surveillance of tank vessels transiting Prince William Sound, Alaska. We have done so since 1994 through a system then known as "Automated Dependent Surveillance." Advances have taken place with this technology, now referred to as the AIS. Section 102 of the MTSA mandates that AIS be installed and operating on most commercial and passenger vessels on all navigable waters of the United States.

The version of AIS required by this interim rule automatically broadcasts vessel and voyage-related information that is received by other AIS-equipped ships and shore stations. In the ship-to-shore mode, AIS enhances maritime domain awareness and allows for the efficient exchange of vessel traffic information that previously was only available via voice communications with a VTS. In ship-to-ship mode, an AIS provides essential information to other vessels, such as name, position, course, and speed that is not otherwise readily available onboard vessels. In either mode, an AIS enhances the mariner's situational awareness, makes possible the accurate exchange of navigational information, mitigates collision through reliable passing arrangements, and facilitates vessel traffic management, while simultaneously reducing very high frequency voice transmissions.

AISs have achieved acceptance through worldwide adoption of performance and technical standards developed to ensure commonality, universality, and inter-operability. These recommendations have now been established and adopted as standards by the following diverse international bodies: the IMO, the International Telecommunications Union (ITU), and the International Electrotechnical Commission (IEC). Further, installation of such equipment is required on vessels subject to SOLAS, as amended.

Applicability and Compliance Dates

This interim rule requires the following vessels to install and operate AIS:

- Vessels on international voyages subject to SOLAS under the schedule set forth in SOLAS chapter V, regulation 19.2.4;
- Vessels of 65 feet or more in length, not subject to SOLAS or transiting a VTS area, in commercial service on international voyages by December 31, 2004; and

- The following VTS or VMRS users:
- Self-propelled vessels of 65 feet or more in length, in commercial service;
- Towing vessel 26 feet or more in length and more than 600 horsepower;
- Vessels of 100 gross tons or more carrying one or more passengers for hire; and
- Passenger vessels certificated to carry 50 or more passengers for hire.

The VTS and VMRS users must comply by: December 31, 2003, within VTS St. Marys River; by July 1, 2004, within VTS Berwick Bay, VMRS Los Angeles/Long Beach, VTS Lower Mississippi River, VTS Port Arthur and VTS Prince William Sound; by December 31, 2004, within VTS Houston-Galveston, VTS New York, VTS Puget Sound, and VTS San Francisco.

Note that the compliance dates set forth in SOLAS differ from those enacted in the MTSA. In this rule, where the dates differ, we have sided with the internationally agreed upon dates of SOLAS, particularly regarding tankers built before July 1, 2002, where the compliance date is the first survey of these vessels for safety equipment on or after July 1, 2003, which could extend compliance to July 1, 2004 (one year later than the MTSA).

However, we accelerated AIS implementation from the revised SOLAS schedule to meet other international obligations. As of March 25, 2003, the Saint Lawrence Seaway Development Corporation, under an international agreement with the St. Lawrence Seaway Management Corporation of Canada, has required AIS on vessels transiting St. Lawrence Seaway waters from St. Lambert, Quebec to Long Point, in mid-Lake Erie. (68 FR 9549, February 28, 2003). We anticipate VTS St. Marys River will be AIS-capable by December 31, 2003, and at that time we will require all VTS users, including SOLAS vessels, transiting the Seaway and the VTS to continue AIS operation through their entire transit.

This acceleration also follows our plan to require AIS use in areas where we will have an infrastructure to fully monitor and manage the AIS data link and ensure accurate maritime domain awareness. That is why we have, initially, decided to implement AIS predominately in VTS and VMRS areas as they become equipped with AIS capability.

The MTSA calls for AIS use in all navigable waters, but allows this requirement to be waived if the Secretary finds that an AIS is not needed for safe navigation on specified navigable waters. The Coast Guard