

# DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

[USCG-2003-14878]

### Automatic Identification System; Expansion of Carriage Requirements for U.S. Waters

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Maritime Transportation Security Act of 2002 requires certain vessels to carry an Automatic Identification System. In an interim rule published elsewhere in today's **Federal Register**, the Coast Guard is requiring Automatic Identification System carriage as agreed to by the international community in amendments to the International Convention for the Safety of Life at Sea, 1974, and as directed by the Maritime Transportation Security Act. That rulemaking, however, covers only vessels on international voyages and certain vessels on specified waterways of the United States. This notice solicits comment on how best to address implementation on the remaining navigable waters of the U.S. for vessels not on international voyages.

**DATES:** Comments and related material must reach the Docket Management Facility on or before September 29, 2003.

**ADDRESSES:** To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG-2003-14878), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday

through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, contact Mr. Jorge Arroyo, Office of Vessel Traffic Management (G-MWV-1), U.S. Coast Guard Headquarters, telephone: 202-267-6277, fax: 202-267-4826 or e-mail: [jarroyo@comdt.uscg.mil](mailto:jarroyo@comdt.uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone: 202-366-5149.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

We encourage you to participate by submitting comments and related material. If you do so, please include your name and address, identify the docket number [USCG-2003-14878], indicate the specific question of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Your comments and any other matters you bring to our attention during the comment period will be taken into account in Coast Guard actions regarding the issues raised in the *Questions* section below.

Note, matters pertaining to AIS licensing, equipment certification, and frequencies are subject to Federal Communications Commission regulations and are not addressed in this notice, see FCC Public Notice DA 02-1362 in the docket for further information.

##### Background and Purpose

The Maritime Transportation Security Act of 2002 (MTSA), Public Law 107-295, was enacted November 25, 2002, and requires that four specific categories of vessels be equipped with and operate an Automatic Identification System (AIS). These categories are—

1. Self-propelled commercial vessels 65 feet or more in length;

2. Vessels carrying more than a number of passengers for hire determined by the Secretary of the agency in which the Coast Guard is operating;

3. Towing vessels of more than 26 feet in length and 600 horsepower; and

4. Other vessels for which the Secretary determines AIS is necessary for safe navigation of the vessel. (46 U.S.C. 70114(a)(1)(A)–(D)).

Under the MTSA, vessels that must be equipped with AIS must use it in all navigable waters of the United States, unless the Secretary finds that AIS is not needed for safe navigation on specified navigable waters. If such a finding is made, the Secretary may waive the AIS requirements in those waters (46 U.S.C. 70114(a)(2)(B)). The MTSA also allows the Secretary to exempt a vessel from the AIS requirement if the Secretary finds that AIS is not necessary for the safe navigation of the vessel on the waters on which the vessel operates (46 U.S.C. 70114(a)(2)(A)).

In an interim rule published elsewhere in today's **Federal Register**, titled "Automatic Identification System; Vessel Carriage Requirement" (Docket USCG-2003-14757, RIN 1625-AA67), the Coast Guard will require the following vessels to install and operate AIS:

(1) Vessels subject to the International Convention for the Safety of Life at Sea, 1974, (SOLAS) and on international voyage, under the schedule set forth in SOLAS chapter V, regulation 19.2.4;

(2) Vessels not subject to SOLAS that are 65 feet or more in length, in commercial service and on an international voyage, by December 31, 2004; and

(3) The following Vessel Traffic Service (VTS) and Vessel Movement Reporting System (VMRS) users:

(i) Self-propelled vessels of 65 feet or more in length, in commercial service;

(ii) Towing vessels 26 feet or more in length and more than 600 horsepower;

(iii) Vessels of 100 gross tons or more carrying one or more passengers for hire; and

(iv) Passenger vessels certificated to carry 50 or more passengers for hire.

These vessels 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.

The Coast Guard recognizes the benefits of AIS and has been a leading