

and “loaded” were confusing and misleading. We agree. The proposed rule will apply to barges carrying CDCs or CDC residue and the terms “empty”, “gas free” and “loaded” will no longer be used. We received one comment suggesting that the definition for “final destination” could be removed if the regulation section was amended to simply require a report upon dropping off a CDC barge at a fleeting area or facility. We agree and propose to remove the term “final destination” and have changed the regulation accordingly. We received two comments stating that the definition of “operator” is vague. We agree. We propose to change the word “operator” to “towing vessel operator”. Towing vessel operator would be defined as “Captain or pilot who is on watch.” Also, we propose that a “company representative” or “dispatcher” may report the specific information required by the purpose of the rule to the IRVMC on behalf of the towing vessel operator or fleeting area manager.

Marine Chemist Certification. We received one comment regarding the use of a marine chemist to certify barges are “gas free.” As we stated in the preceding paragraph, the terms “empty”, “gas free”, and “loaded” are not used in this proposed rule. We have made the proposed rule applicable only to barges carrying CDCs or CDC residue. A barge is not carrying CDCs or CDC residue when it has either never carried CDCs or when it has been certified as “gas free” by a marine chemist.

Location and Number of Reporting Points. We received several comments related to the location and number of reporting points. One comment asked us why the RNA did not continue to, or beyond, New Orleans, Louisiana. The proposed RNA is the same as the regulated area in the temporary rule. The regulated area in the temporary rule does not extend below mile 235.0 on the Lower Mississippi River (Baton Rouge, Louisiana) because the NOAA regulations published February 28, 2003, in the **Federal Register**, apply to all domestic barges carrying CDCs operating below mile 235.0 on the Lower Mississippi River. Making this proposed rule continue to, or beyond, New Orleans, Louisiana would result in duplicative reporting to the National Vessel Movement Center (NVMC) and the Inland River Vessel Movement Center (IRVMC). Therefore the location for the proposed RNA remains unchanged from the regulated area in the temporary rule currently in effect.

Three comments were received regarding several reporting points being located at a turn or in other hazardous

areas of the waterway. The comments recommended changing the location of the reporting points. We agree. We have proposed to have a segment of the waterway serve as a reporting point (that is, the towing vessel operator would be required to report to the IRVMC when transiting upbound between mile 235.0 and mile 240.0 on the Lower Mississippi River). The proposed reporting points, based on recommendations from the waterway users, are reflected in table 165.821(e).

One comment recommended the reporting points should be the same for upbound and downbound. We agree, with the exception of seven reporting points, and the appropriate changes are reflected in the reporting points proposed in table 165.821(e).

Two comments recommended using the Captain of the Port (COTP) boundaries as reporting points because the COTP would be able to determine when a CDC barge enters and departs the zone, allowing for a reduction in the number of reporting points. We disagree. The IRVMC requires reporting within a COTP zone to monitor CDC barge movement through densely populated areas and other areas of concern. This information is disseminated to the appropriate COTP in which the CDC barge is located.

Fleeting Areas. We received two comments that the responsibility of reporting movements of CDC barges in fleeting areas was unclear. We agree and propose to change the regulatory text to specifically address CDC barges in fleeting areas. The Coast Guard proposes that fleeting managers or operators would not be required to report to the IRVMC when moving CDC barges within a fleet using a fleet towing vessel. However, they would be required to report to the IRVMC when a fleet towing vessel moves one or more CDC barges from one fleeting area to another fleeting area or to a facility. The Coast Guard also proposes to add the requirement that fleeting managers report all CDC barges in the fleeting area once a day to the IRVMC. This requirement has been determined to be necessary to ensure accountability for CDC barges located within fleeting areas in the RNA. A company representative or dispatcher would be allowed to report to the IRVMC on behalf of the fleeting area manager.

Need, Use and Validity of the Information Being Collected. We received three comments regarding the vagueness of the Coast Guard’s need for the information being collected and how the Coast Guard intends to use this information. We also received one comment questioning how the Coast

Guard intends to validate the information received.

The information to be collected in this proposed rule will be used for the same purposes as explained in the Collection of Information section of the temporary final rule—to enhance maritime domain awareness by tracking the movement of certain dangerous cargoes throughout the inland river system, and enable the Coast Guard to increase port safety and security and promote the uninterrupted flow of commerce within the Eighth Coast Guard District. The information will also be used to enhance maritime security, protect ports and facilities and high-density population centers (metropolitan areas), control vessel traffic, develop contingency plans, and enforce regulations.

The Coast Guard has used the information collected pursuant to the temporary final rule to maintain continuous maritime domain awareness on the inland rivers so that we may respond, as appropriate, to an actual or threatened terrorist action. We intend to validate the information received through random escorts of towing vessels with CDC barges as they transit the RNA. The Coast Guard will also address the validity of information as it explores the availability of information available from other sources that would tend to validate information reported to the Coast Guard.

Since the temporary RNA has been in effect the Coast Guard has re-evaluated the need for the information being reported to the IRVMC at the following times: (1) 4 hours prior to loading a barge with CDCs, (2) 4 hours prior to dropping off a CDC barge at a fleeting area, and (3) 4 hours prior to picking up one or more CDC barges from a fleeting area. The Coast Guard has determined that there is no longer a need for reporting to the IRVMC 4 hours prior to loading a barge with CDCs. However, the Coast Guard needs to know where a CDC barge is within the RNA at all times and proposes to change the conditions under which a report must be made to the IRVMC to: (1) Upon point of entry into the RNA with one or more CDC barges; (2) 4 hours prior to originating a voyage within the RNA with one or more CDC barges; (3) upon dropping off one or more CDC barges at a fleeting area or facility; (4) upon picking up one or more additional CDC barges from a fleeting area or facility; (5) upon moving one or more CDC barges from one fleeting area to another fleeting area; (6) once daily, report all CDC barges within a fleeting area; (7) at designated reporting points in table 165.821(e); (8) when estimated time of arrival (ETA) to a reporting point varies