

by 6 hours from the previously reported ETA; (9) any significant deviation from previously reported information; (10) upon departing the RNA with one or more CDC barges; and (11) when directed by the IRVMC.

Availability of the Information From Other Sources. We received four comments on the availability of the information being collected from other sources. One comment mentioned that if we needed to know where the CDC barge was we would be able to request the data at any "particular moment in time" from the vessel operators or the Army Corps of Engineers. We agree that the Army Corps of Engineers collects adequate information from towing vessel operators and we are working with the Army Corps of Engineers to access that information. Once we are authorized to receive the information and the appropriate electronic systems are in place and tested, then we will re-evaluate the reporting points that coincide with the lock and dams (L&D). Until such time we are proposing to continue requiring information at reporting points that coincide with Army Corps of Engineer's L&Ds.

There was also discussion regarding the possibility of companies submitting real-time barge movement information to the Coast Guard via computer tracking programs in lieu of reporting to the Coast Guard at individual reporting points. A number of technology issues must be addressed in this area before this could be accomplished. Therefore, the Coast Guard proposes to maintain the manual collection of information from the reporting party in the interim rule while we continue to work with other government agencies and industry partners to research and develop alternatives to collecting the information necessary for the Coast Guard to maintain continual maritime domain awareness at any threat level.

Use of Technology. We received three comments regarding the use of technology to collect information by requiring electronic delivery of the information by automatic tracking devices and the web through real-time tracking programs. In response to these comments the Coast Guard is exploring existing systems used by affected companies for the possibility of integration of these systems. Before publishing the temporary final rule that established the existing RNA, the Coast Guard established the Inland River Vessel Movement Center (IRVMC), creating one location to which reports are to be made vice requiring reports to be made to each Captain of the Port (COTP) in which the CDC barge was operating. This proposed rule keeps the

IRVMC in place, alleviating the burden on the towing vessel operator, responsible for a CDC barge, of having to determine which COTP zone they are operating in and maintaining a contact list for each COTP. The IRVMC accepts telephone (toll free), facsimile (toll free), and e-mail transmissions as means of reporting the information. Persons subject to this requirement may utilize the means that most efficiently meet their needs, provided that the information and timeliness requirements are met. The Coast Guard also has a reporting form and e-mail link available on the Internet at <http://www.uscg.mil/d8/Divs/M/IRVMC.htm>.

The Coast Guard proposes to continue receiving reports as required by the temporary rule. However, the Coast Guard proposes to consider and approve alternative methods, to be used by a reporting party, to meet any reporting requirements if: (1) The reporting party submits a written request for the alternative to Commander, Ninth Coast Guard District (m), 1240 E. Ninth Street, Cleveland, OH 44199; and (2) the alternative provides an equivalent level of reporting to that which would be achieved by the Coast Guard with the required check-in points.

Cost and Burden of the Reporting Requirements. We received several comments regarding the cost and burden of the reporting requirements. One comment mentioned that the preparation of reports for the Coast Guard by smaller or midsize companies that do not have 24-hour dispatchers adds to the daily workload of the mariner. We have added to the proposed regulatory text that alternative reporting may be requested from the Commander, Ninth Coast Guard District.

Two comments suggested that the Coast Guard could obtain this information from the Army Corps of Engineers rather than have separate reporting points for the Coast Guard thereby reducing the reporting burden. As stated earlier in this rule, we agree that the Army Corps of Engineers collects adequate information from the towing vessel operator and we are working with the Army Corps of Engineers to access the information. However in the interim, we are proposing to continue to use locks as reporting points.

Another suggestion was made to reduce the reporting requirements to a single report every 24 hours during periods of lower Maritime Security (MARSEC) levels, and, if the MARSEC level rose, the reporting requirements would be increased. However, this would not satisfy the Coast Guard's need to maintain constant maritime

domain awareness for defined areas along the river systems, nor will it provide us timely information if the MARSEC level is increased due to a threat.

Justification of the Regulation. We received two comments concerning the justification for the regulation. One questioned why we implemented the RNA when we did; one questioned the justification for the timing of the RNA because we lowered the Maritime Security Condition (MARSEC) level the day the temporary RNA was effective; and another one questioned why the normal regulatory process of a notice of proposed rulemaking was not used. The effective date of the RNA and the change in the MARSEC level were coincidental. As a component of the Department of Homeland Security, the Coast Guard has a responsibility to ensure the safety and security of our ports and waterways. The temporary RNA and the proposed RNA will allow the Coast Guard to maintain constant maritime domain awareness on the inland rivers.

Response to Comments Summary

In response to these comments the Coast Guard is (1) removing the requirement to report 4 hours prior to loading a CDC barge in the RNA; (2) removing the requirement of reporting 4 hours prior to dropping off a CDC barge at a fleeting area; (3) establishing reporting requirements specifically for fleeting area managers; (4) considering and approving requests for alternative methods of meeting reporting requirements; (5) amending or removing some reporting points that were in unsafe areas; (6) exploring a reduction in checkpoints on pooled rivers by using Army Corps of Engineers data from L&Ds; (7) researching existing systems employed by affected companies with the possibility of the integration of these systems; and (8) researching technology for automatic tracking of CDC barges.

Discussion of Proposed Rule

The Coast Guard proposes to establish a regulated navigation area for the Illinois Waterway System above mile 187.2 to the Chicago Lock on the Chicago River at mile 326.7, and to the confluence of the Calumet River and Lake Michigan at mile 333.5 of the Calumet River. This proposed rule applies to: (1) towing vessel operators responsible for one or more CDC barges within the regulated area, and (2) fleeting area managers responsible for CDC barges in a fleeting area. The terms barge, certain dangerous cargoes (CDCs), downbound, CDC barge, Ninth Coast