

the same as the amount specified in the offering announcement.

* * * * *

3. Section 356.13 is amended by revising paragraph (a) to read as follows:

§ 356.13 Net long position.

(a) *Reporting net long positions.* When bidding competitively, a bidder must report the amount of its net long position when the total of all of its bids in an auction plus the bidder's net long position in the security being auctioned equals or exceeds the net long position reporting threshold amount. The threshold amount for any particular security will be as stated in the offering announcement for that security. (See § 356.10.) That amount will be \$2 billion for bills, notes, and bonds unless otherwise stated in the offering announcement. For example, the net long position reporting threshold amount may be less than \$2 billion for smaller security offerings, e.g., certain inflation-indexed securities or cash management bills. If the bidder either has no position or has a net short position and the total of all of its bids equals or exceeds the threshold amount, e.g., \$2 billion, a net long position of zero must be reported. In cases where a bidder that is required to report the amount of its net long position has more than one bid, the bidder's total net long position should be reported in connection with only one bid. A bidder that is a customer must report its reportable net long position through only one depository institution or dealer. (See § 356.14(c).)

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Dated: April 30, 1997.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 97-12017 Filed 5-7-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 154, 155, and 156

46 CFR Parts 13, 15, 30, 35, 98, and 105

[CGD 79-116]

RIN 2115-AA03

Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule sets out qualifications for tankermen, and for persons in charge of, and assisting in, the handling, transfer, and transport of oil and certain hazardous liquid cargoes in bulk on board vessels. It is necessary to protect our waterways. It will ensure that these persons are competent to perform their duties, even during emergencies; will improve the handling, transfer, and transport of these cargoes; and will reduce the risk and severity of spillage from tank vessels.

DATES: This final rule is effective June 9, 1997.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Mark C. Gould, Project Manager, Maritime Personnel Qualifications Division, (202) 267-6890.

SUPPLEMENTARY INFORMATION:

Regulatory History

On December 18, 1980, the Coast Guard published two notices of proposed rulemaking (NPRMs): CGD 79-116, which proposed rules for tankermen (45 FR 83290); and CGD 79-116a, which proposed rules for persons in charge of transfers of oil (45 FR 83268).

On October 17, 1989, the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) entitled, "Tankerman Requirements and Qualifications for Persons-in-Charge of Dangerous Liquid and Liquefied Gas Transfer Operations" (54 FR 42624), which combined the two original rulemakings and officially closed CGD 79-116a as a distinct rulemaking. The Coast Guard received 42 comments on that SNPRM. No public meeting was requested, nor was one held.

On April 4, 1995, the Coast Guard published an interim rule entitled "Qualifications for Tankermen, and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases" (60 FR 17134). On March 26, 1996, the Coast Guard reopened the comment period (61 FR 13098). No public meeting was requested, nor was one held.

Background and Purpose

Background information on qualifications for tankermen, and for

persons in charge of transfers of dangerous liquids and liquefied gases, appears in the preamble to the interim rule published on April 4, 1995.

Discussion of Comments

The Coast Guard received a total of 56 letters in response to the reopened comment period; these presented more than 200 comments. All of these letters are available for inspection in CGD 79-116 at the address listed under **ADDRESSES.**

1. General Comments

One comment asked what impact this rulemaking would have on fishing vessels. Tankerman rules for fishing vessels may be found in 46 CFR part 105, which discusses commercial fishing vessels dispensing petroleum products, and in particular under § 105.45-1, which details the tankerman requirements for these vessels.

Another comment supported the Coast Guard in its efforts to align this rulemaking with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW).

One comment noted that the definition of "tankship" varies from section to section in this rulemaking. The Coast Guard agrees and has defined "tankship," "self-propelled tank vessel," "tank vessel," and "tank barge," as appropriate, in the definition sections of 33 CFR part 154 and 46 CFR parts 13 and 30.

A separate comment asked the Coast Guard to define "in bulk." The Coast Guard defines "in bulk" as "liquid cargo in bulk," found in 46 CFR 13.103.

Several comments noted that the course in dangerous liquids (DL) for tankerman will meet the vapor-recovery regulations in 46 CFR 39.10-11 but not, as stated in the preamble to the interim rule, the facility-training regulations in 33 CFR 154.840. The Coast Guard agrees and has made it clear in the final rule that this course will meet only the vapor-recovery regulations.

A separate comment noted that a discussion of endorsements as restricted Tankerman person in charge (PIC) and Tankerman-PIC (Barge) referred to benefits for only oil and chemical companies. In fact, these endorsements are intended for the benefit of all companies, not just oil and chemical—and many mariners—engaged in the carriage of DL or liquefied gases (LG).

Two comments indicated that the language and organization of the interim rule were unusually confusing and difficult to follow. The Coast Guard agrees and has made every effort to make the final rule easier to understand.

Another comment indicated that 33 CFR parts 154 and 156 should not apply to a mobile transfer facility with a capacity of less than 250 barrels. Yet, as written, it will be applicable to any facility or vessel if there is a transfer of oil or hazardous material to, from, or within any vessel with a capacity of 250 barrels or more. The Coast Guard disagrees with the comment. The Oil Pollution Act of 1990 (OPA 90), enacted by Congress, established the criteria for these regulations. To change the types of vessel required to comply with these regulations would necessitate a change in the law by Congress.

Two comments supported allowing mariners interested in returning to sea after serving in a marine-related capacity ashore to substitute related experience for sea service. The Coast Guard disagrees because few marine-related jobs ashore relate directly to a tankerman's duties. It is important that a tankerman retain his expertise, and this cannot be done working in other shoreside capacities. It should also be borne in mind that if the mariner does not comply with 46 CFR 13.113 by the first renewal of his or her U.S. Merchant Mariner's Document (MMD) after March 31, 1997, he or she will have to comply with § 13.201 for an original Tankerman-PIC endorsement.

2. Training Courses

One comment supported the Coast Guard's proposal to defer the requirement of the DL and LG courses for a limited time, because of the limited availability of courses. This would give mariners a reasonable time to satisfactorily complete the courses. This deferral was outlined in a policy letter to the Regional Examination Centers (RECs) dated April 9, 1996. It is also available in the docket.

Several comments stated that firefighting training should not be required when the tankerman certification is restricted to cargoes that are not flammable or combustible. The Coast Guard agrees in part. Use of shoreside pumping equipment seldom presents danger of fire; and for this use, the firefighting course may be less important. In contrast, use of a barge's own pumping equipment presents danger of fire; methods of extinguishing such fire are the subject of the course in tank-barge firefighting. So an applicant obtaining a restricted Tankerman-PIC endorsement without having taken a course in firefighting will be authorized only to handle non-flammable or non-combustible cargoes on those vessels that do not use their equipment to load or discharge a cargo.

Another comment stated that firefighting training should not be required for any tankerman endorsement. The Coast Guard disagrees. An alert and trained tankerman will, in all probability, be the first person to notice a barge fire during a transfer. The 2-day course in tank-barge firefighting teaches the student not only the hazards involved with a fire on board a tank barge but also how to determine whether he or she can prevent a confinable fire from becoming an unmanageable one. Students in the course will have to participate in realistic fire-extinguishment exercises involving responses to fires in the early stages using equipment found on tank barges—portable fire extinguishers.

Two comments indicated that requiring applicants for original endorsements to have completed their DL or LG courses within 2 years of application was too restrictive. The comments indicated that the Coast Guard should allow applicants to have completed the required course up to 5 years before the date of application. The Coast Guard agrees and has increased the time limit from 2 to 5 years. 46 CFR 13.209, 13.309, and 13.409 have been changed accordingly.

One comment wanted to require that all DL or LG courses be Coast Guard approved. The Coast Guard agrees. All these courses must be approved by the Coast Guard or found to be acceptable by the Officer in Charge, Marine Inspection (OCMI), who will review them against appropriate curricula in 46 CFR 13.121.

One comment recommended that the Coast Guard amend 46 CFR 10.303(d) to require that trainers keep students' records; however, this change is beyond the scope of this rulemaking.

Another comment stated that, by not requiring a minimum number of hours to cover the DL or LG course, the Coast Guard would allow oil or chemical companies to set their own standards. To clarify, the companies would not offer the course, in most cases (educational facilities would), and the Coast Guard would both approve and monitor it.

One comment recommended that the DL and LG courses contain training in proper radio communications. The Coast Guard disagrees. Since a check of radio communications is part of the pre-transfer inspection procedure, if one of the PICs is having difficulty in radio communications, it will be evident to the other PIC before the transfer commences.

Several comments did not want Crude-Oil Washing (COW) systems and inert-gas systems included in the

syllabus for DL and LG courses for Tankerman-PIC (Barge). The Coast Guard agrees and has deleted these and other inapplicable subjects from the syllabus.

3. 33 CFR 155.700 (Designation of PIC)

The Coast Guard received one comment requesting that the wording from § 155.710, concerning the appointment of the PIC of a transfer, be incorporated into this section. Specifically, the comment stated that it is routine for shippers or facility operators to designate the Tankerman-PIC without consulting with the owner or operator of the vessel and that, in those situations, the Tankerman-PIC is an employee of the facility, of an independent tankering service, or of the cargo interest. The Coast Guard agrees and has incorporated this wording.

Another comment asked whether § 155.700 applied to bunkering. To clarify, if the transfer of bunkers meets the criteria of § 155.700, this section applies.

4. 33 CFR 155.710 (Qualifications of PIC)

The Coast Guard received one comment asking whether a Chief Engineer or First Assistant Engineer could act as the Tankerman-PIC of a fuel-oil transfer by virtue of his or her Tankerman-Engineer endorsement. Section 155.710(e) states that, on a vessel required to have a licensed person aboard, a master, mate, pilot, engineer, or operator of that vessel, or the holder of an MMD with the appropriate Tankerman-PIC endorsement, may act as the Tankerman-PIC of a transfer of fuel oil as appropriate. Therefore, a Chief Engineer or First Assistant Engineer may, by virtue of his or her license or MMD endorsed as Tankerman-PIC or Tankerman-Engineer, act as the Tankerman-PIC of a fuel-oil transfer.

Several comments indicated that § 155.710(e) was confusing about a fuel-oil transfer between an uninspected towing vessel and an inspected tank barge. There was also concern that the PIC of bunkering aboard an uninspected vessel would be unlicensed and have no basic knowledge of a tankerman's duties, while the person on the other end of the hose in the same bunkering would be required to hold a Tankerman-PIC endorsement. The Coast Guard agrees and has amended this section so that the PIC of bunkering aboard an uninspected vessel which is required to have a licensed person aboard either be that person (or another licensed person) or hold an MMD endorsed as Tankerman-PIC. Note that, since most

applicants for the Tankerman-PIC endorsement who work on towing vessels will not be able to meet the experience requirements, they can apply for restricted endorsements using service on towing vessels instead of service on tankships or self-propelled tank vessels.

Another comment noted that § 155.710(b)(1)(ii), which discusses transfers of liquid cargo in bulk aboard barges, conflicts with 46 CFR 13.113(c), which discusses grandfathering provisions, in that the former requires the PIC of a transfer to hold a Tankerman-PIC or Tankerman-PIC (Barge) endorsement but that the latter, until March 31, 2001, does not. The Coast Guard agrees and has amended this section, § 155.710(b)(2) in the final rule, accordingly.

Several comments disagreed with the interim rule as it allowed a National Fire Protection Association (NFPA) Certificated Marine Chemist to act as Tankerman-PIC for tank-cleaning and gas-freeing. They felt that no marine chemist is qualified for those activities. The Coast Guard disagrees. A marine chemist must go through an extensive training program before receiving a Marine Chemist's Certificate issued by the NFPA. In addition, the marine chemist must still comply with §§ 155.710(a)(1) for tankships and 155.710(b)(1) for tank barges. These sections require that the person designated as a Tankerman-PIC have sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct a transfer.

Two comments did not want §§ 155.710(a)(1)(i) and (2) to require that a person achieve vessel-specific training before he or she may conduct a transfer. The Coast Guard disagrees. A potential Tankerman-PIC of a transfer must be experienced with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents and, if installed, the COW, inert-gas, and vapor-control systems.

As written in the interim rule, § 155.710(f) may be misleading. It discusses the documents that must be held by the person in charge of a transfer of oil or hazardous material in bulk on any vessel other than a tank vessel. Yet a "tank vessel" was according to the interim rule, at § 154.105, "any vessel that carries oil or hazardous material in bulk as cargo or in residue." In essence, this section exempted those vessels it was meant to target. While §§ 155.710 (a), (b), (c), and (d) refer to U.S.-flag tankships, U.S.-flag tank barges, foreign-flag tankships, and foreign-flag tank barges, respectively, the Coast Guard's intent was for section (f) to apply to all other tank vessels, as presently defined in the final rule at § 154.105, not already discussed—specifically, to self-propelled tank vessels, other than tankships (defined in the final rule at § 154.105), that carry oil in hazardous material in bulk as cargo or in residue. 33 CFR 155.710(f) has been rewritten to reflect this intent.

One comment questioned why transfers described in § 155.710(f) required different levels of expertise depending on the grade of the cargo. The Coast Guard agrees and has amended this section to require a valid license and a Tankerman-PIC endorsement on the MMD regardless of the cargo carried.

Another comment questioned why § 155.710(a)(1) doesn't specify the minimum training for the PIC of a transfer. Section 155.710(a)(3) requires that the PIC hold a Tankerman-PIC endorsement issued under 46 CFR part 13. 46 CFR part 13 requires that every applicant complete an approved course in DL or LG.

Two comments asked why the PIC of a transfer or a tank-cleaning on a foreign-flag tankship must hold a license, while the PIC of a transfer or a tank-cleaning on a U.S.-flag tankship may be either a NFPA Certificated Marine Chemist or a Tankerman-PIC. The Coast Guard agrees and has amended § 155.710(c)(2) to correct the inequity.

One comment questioned why a Tankerman-PIC of a foreign-flag tankship or tank barge must read, speak, and understand English, or a language mutually agreed upon with the shoreside PIC, while a Tankerman-PIC of a U.S.-flag tankship or tank barge does not. 46 CFR 13.201(g) requires that each applicant for a Tankerman-PIC endorsement be capable of speaking and understanding, in English, all instructions needed to commence, conduct, and complete a transfer of cargo, and be capable of reading the English found in the Declaration of

Inspection, vessel-response plans, and Cargo Information cards. 46 CFR 13.301(g) requires the same of each applicant for a Tankerman-PIC (Barge) endorsement.

Another comment asked why a foreign Tankerman-PIC and Tankerman-PIC (Barge) must be able to effectively communicate with all crew members involved in the transfer, while a U.S. Tankerman-PIC and Tankerman-PIC (Barge) does not. The Coast Guard disagrees. 46 CFR part 156 applies to the transfer of oil or hazardous material on the navigable waters or in the contiguous zone of the United States, to, from, or within a vessel with a capacity of 250 barrels or more. Section 156.120(v) requires that at least one person at the site of the transfer fluently speak the language or languages spoken by both Tankermen-PICs.

A separate comment did not like the requirement for an interpreter, found in § 155.710(d)(4), because, when complying with rest hour requirements, he or she would not be "immediately available to the Tankerman-PIC at all times during the transfer." The Coast Guard disagrees. On foreign-flag vessels, STCW imposes rest-hour requirements only on watchstanders. Further, it is the responsibility of the PIC of the transfer on the vessel to ensure that an interpreter is always immediately available to him or her, even if that means the vessel's carrying two interpreters.

An additional comment recommended that any interpreter used during a transfer must have basic knowledge of the duties and responsibilities of a Tankerman-PIC. The Coast Guard disagrees. An interpreter's role is to translate in case of a language barrier.

One comment asked the Coast Guard to require that all communications on oil transfers be in English. The Coast Guard feels that safeguards, such as those found in §§ 155.710(c)(4) and (5), and 155.710(d)(3) and (4), provide sufficient protection to prevent a language barrier from causing a spill.

A separate comment did not like the phrase "shall verify to his or her satisfaction" (§§ 155.710 (a) and (b)) because it is too open-ended (the same phrase appears in paragraphs (c) and (d) for foreign-flag tankships and barges). The Coast Guard disagrees. On a tankship the chief mate, in charge of cargo for the master and, ultimately, the owner of the vessel, will assure himself or herself that a new crewmember has the abilities and skills necessary to safely conduct the transfer before he or she will be allowed to do so. Likewise, the "person who arranges and hires

(someone) to be in charge of a transfer of liquid cargo in bulk," whether that person owns the cargo or the vessel, must be assured of either the Tankerman-PIC's abilities or, at least, the reputation of the company that hires him or her. In practice, some official of the cargo owner or vessel owner usually takes sufficient steps to minimize the chances of a spill during a transfer of fuel oil, cargo oil, or hazardous material.

Another comment stated that the word "or" separating § 155.710(e) (1), (2), (3), and (4), had vanished, causing much confusion. It cited as an example an uninspected towing vessel in excess of 100 gross tons taking fuel from an inspected tank barge. The Coast Guard recognizes the confusion. To answer the example posed, § 155.710(e)(1) states that, if the towing vessel must have a licensed person aboard, the PIC of the fueling must be licensed. Section 155.710(e)(2) states that, if that vessel does not require a licensed person onboard, the PIC must have been instructed both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel. Personnel on the towing vessel in this example must comply with (e)(1). The unintentional removal of the word "or" from between the sections occurred in the SNPRM published on October 17, 1989, and persisted through the rulemaking from then until now. To emphasize that the four requirements of paragraph (e) apply separately, the Coast Guard has repunctuated the whole paragraph.

Another comment asked if, after a tank barge has been emptied, a specially-equipped shoreside company may be hired to clean out the cargo tanks of the barge, and if the employees of this company need to hold Tankerman-PIC endorsements. The shoreside PIC of tank-cleaning does not have to hold a Tankerman-PIC (Barge) endorsement, but the PIC on the barge does, whether he or she is from the barge company or shoreside company. This final rule makes no changes in this regard. Section 155.700 still states that each vessel with a capacity of 250 or more barrels of fuel oil, cargo oil, or hazardous materials must designate the PIC of each transfer to or from the vessel and of each tank-cleaning. Section 155.710(b)(2) still requires that the PIC of a tank-cleaning on a tank barge that must be inspected under 46 U.S.C. 3703 hold a Tankerman-PIC or Tankerman-PIC (Barge) endorsement or, if at a tank-cleaning facility or shipyard, be a NFPA Certificated Marine Chemist.

Another comment indicated that the term "liquefied gas" should be deleted from §§ 155.710 (c)(3), (d)(2), and (f)(2)

as they stood in the interim rule. The Coast Guard agrees. Liquefied gases are specifically excluded from the definition of "hazardous material" as defined in § 154.105. (Requirements for vessels carrying and facilities handling liquefied gas may be found in 46 CFR part 154.) The Coast Guard has amended all three sections to delete the reference.

5. 33 CFR 156.120 (Requirements for Transfer)

One comment requested that 46 CFR subpart 35.35 require the Tankerman-PIC to be on duty throughout the cargo transfer. Sections 156.120 (s), (t)(1), and (u)(1) already require that the Tankerman-PIC be on duty throughout the transfer.

Another comment requested that § 156.120 require agreement on a predetermined radio frequency by both parties at the pre-transfer meeting. The Coast Guard agrees and has amended § 156.120.

6. 46 CFR 13.103 (Definitions)

One comment expressed concern that the definition of "liquid cargo in bulk" included even liquid cargo in portable tanks. The Coast Guard agrees and has amended the definition in § 13.103.

7. 46 CFR 13.107 (Tankerman Endorsement: General)

Several comments stated that inclusion of "bunkering" in § 13.107(d) incorrectly implies that a Tankerman-Engineer endorsement is required for bunkering. The Coast Guard agrees and has deleted that term from this section.

Another comment supported the Coast Guard's interpretation of "direct supervision" to include the use of hand-held radios. The Coast Guard defines being "directly supervised" in § 13.103 to mean "being in the direct line of sight of the person in charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a hand-held radio."

A separate comment encouraged permission to use video cameras as a means of providing a clear line of sight. The Coast Guard agrees. Because this would meet the intent of the definition, this method would be acceptable.

Another comment questioned why an applicant for Tankerman-Engineer does not have to read or write English. In order to pass the Coast-Guard-approved course on DL or LG for tankships, including the final examination, the applicant must be able to read and write English.

The Coast Guard received one comment noting that § 13.107(a) empowered only OCMI's at Coast Guard

RECs to endorse MMDs as Tankerman-PIC, while § 13.107(b) empowered all OCMI's to endorse MMDs as Tankerman-PIC (Barge). The Coast Guard agrees and has conformed paragraph (b) to paragraph (a).

Another comment noted that, as written, § 13.509 requires that all Tankerman-Engineer applicants successfully complete the course in DL or LG. In contrast, STCW requires that, in the engine department, only the chief engineer officer, the second engineer officer, and any person with immediate responsibility for loading, discharging, and care in transit or in handling of the cargo complete that course. Because second and third engineers on U.S. vessels, although not necessarily meeting the definition of cargo engineers, regularly work on elements of the cargo system, the Coast Guard has determined that engineering officers, regardless of primary duties, should be able to assist in any of the principal duties of the engineering department, and must, therefore, complete the DL or LG course.

Another comment suggested that, to avoid confusion, a statement should categorically exclude personnel involved in fueling from this section. The Coast Guard agrees and a new paragraph (g) has been added.

One comment stated that § 13.107(c) violates OPA 90 on hours of work. The Coast Guard disagrees. The number of tankermen listed in Table 15.860(a)(1) is the minimum number required. The proper number required will depend upon the vessel's operation.

8. 46 CFR 13.109 (Tankerman Endorsement: Authorized Cargoes)

One comment asked that the Coast Guard change the proposed endorsement for dangerous liquids into two separate endorsements: For petroleum liquids and chemical liquids. The Coast Guard disagrees. While there are different dangers associated with the carriage of chemical products as opposed to petroleum products, mandatory attendance by all applicants for tankerman endorsements, except restricted endorsements, will make them aware of the dangers and characteristics of products or chemicals with which they have not had contact. The Coast Guard is also depending on every employer to ensure a mariner's competency before allowing him or her to act as Tankerman-PIC in a transfer.

Several comments objected to the rule's exclusion of the liquid cargoes in bulk listed in Table 2 of part 153 when they are carried on barges not certified for ocean service. The Coast Guard disagrees. The legislation that enables

rules preventing pollution is the International Convention for the Prevention of Pollution from Ships, 1973, known as MARPOL. This convention has been implemented domestically by the Act to Prevent Pollution from Ships, 33 U.S.C. 1901 *et seq.*, 33 U.S.C. 1903(a) states that products listed in Annexes I and II of MARPOL, which are also found in Table 2 of part 153, apply only to seagoing ships. No tankerman endorsement is necessary to transfer the liquid cargoes in bulk listed in Table 2 when those cargoes are carried on barges certificated for inland service.

9. 46 CFR 13.111 (Restricted Endorsement)

Many comments requested that the restricted Tankerman-PIC endorsement be eliminated, denied to those seeking an original Tankerman-PIC endorsement, or issued only in accordance with strict guidelines given to OCMs. The Coast Guard disagrees with the first two recommendations, and agrees with the third. The use of this endorsement in strictly limited cases is a significant benefit, particularly for companies engaged in the transportation of one cargo or a few cargoes of DL or LG and for their employees. Mandating that these employees attend courses in DL or LG would be of little benefit to the employees, the company, or the public. Likewise, precluding an original restricted Tankerman-PIC endorsement provides little benefit to the public, since the tankerman will be handling only one or a few cargoes. However, to acquire this restrictive endorsement, an applicant will have to produce proof on company letterhead of adequate training in the safe handling, loading or unloading, and characteristics of the cargo he or she will be handling. These requirements are found in new §§ 13.111 (b) and (c).

Two comments strongly supported the original, free issuance of the restricted endorsement, and strongly opposed the restrictive interpretation discussed in the notice that reopened the comment period. The Coast Guard disagrees. The Coast Guard always intended that this endorsement would be available to only a very small percentage of the industry. A tankerman who works for a company, large or small, and who performs the same tasks routinely, such as hooking up for an unloading of one or a few specific cargoes at the same dock, is the tankerman for whom the Coast Guard intended this endorsement. Making him or her attend a course unnecessarily in DL or LG would not be practical. That

course teaches hazardous characteristics of many different cargoes, most of which he or she will never handle. On the other hand, a mariner who routinely handles different cargoes with different hazardous characteristics would definitely benefit from attending that course.

One comment requested that the Coast Guard not consider the size of an oil or chemical company when deciding whether or not its employees should be allowed to use the restricted endorsement. The Coast Guard agrees. The activities of its employees, not the size of the company, should be the determining factor.

Another comment stated that, because many oil or chemical companies maintain their own on-site, dedicated fire personnel, personnel with restricted endorsements should not have to complete a firefighting course. The Coast Guard disagrees. This course, required in some form for any of the Tankerman-PIC endorsements, involves both classroom exercises and field fire-extinguishment. The field fire-extinguishment exercises entail initial response to fires that may be manageable with portable extinguishers. This course was never intended to take the place of professional firefighters. It was intended to make the tankerman aware of the fire hazards on the barge and maybe prevent a small fire from becoming a major catastrophe.

One comment suggested waiver of the requirement of the firefighting course for the restricted endorsement if the applicant handles only non-flammable cargoes. The Coast Guard agrees in part. Use of shoreside pumping equipment seldom presents danger of fire; and for this use, the firefighting course may be less important. In contrast, use of a barge's own pumping equipment presents danger of fire; methods of extinguishing such fire are the subject of the course in tank-barge firefighting. Therefore, if the barge company's equipment is used in the transfer of oil or hazardous material, the firefighting course must be taken. Also, an applicant obtaining a restricted Tankerman-PIC endorsement without having taken a course in firefighting will be authorized only to handle non-flammable or non-combustible cargoes on those vessels that do not use their equipment to load or discharge a cargo.

One comment suggested allowing the restricted Tankerman-PIC endorsement for the tankermen of a vessel that plies its trade outside the boundary line. Again, STCW does not recognize restricted endorsements. As a signatory to STCW, the U.S. cannot recognize them outside of the boundary line,

where STCW becomes effective. must follow all provisions of the treaty. New §§ 13.111(f) and 15.860(h) have been added to make this clear.

One comment suggested that 30 days' unlicensed sea service, instead of the current 60 days', be required for the endorsement as restricted Tankerman-PIC or Tankerman-PIC (Barge). The Coast Guard has determined that 30 days of observation are insufficient to qualify an applicant as the Tankerman-PIC of a transfer of DL or LG.

An additional comment agreed with the Coast Guard's intended use of the restricted endorsement. It stated that a tankerman with a restricted endorsement for a specific cargo was preferable to a tankerman with an unrestricted endorsement and no experience handling the cargo being transferred.

Two comments sought special consideration for crews of oil-spill-response vessels (OSRVs) when they are operating in response areas designated by Federal On-Scene Coordinators. The Coast Guard agrees. When operating under these conditions, crews of OSRVs will be candidates for restricted Tankerman-PIC endorsements. Section 13.111 now expressly covers OSRVs. However, when bunkering, an OSRV is like any other vessel and may be subject to §§ 155.700 and 155.710.

10. 46 CFR 13.113 (Tankermen Certified Under Prior Regulations)

Several comments asked the Coast Guard not to make mariners with many years of experience as Tankerman-PICs take the course in DL or LG. Because the U.S. is signatory to STCW, the Coast Guard must require appropriate training for all Tankerman-PICs. However, the Coast Guard will lessen the requirements for applicants obtaining their Tankerman-PIC endorsements under § 13.113 by letting them attend less-detailed approved courses offered by their employers rather than the full approved courses in DL or LG. The Coast Guard has added to § 13.103 a definition for "approved training." It has also listed in §§ 13.121 (i) and (j) topics that the shortened course must cover.

One comment questioned whether a seasoned master with 20 years of experience on tankships or self-propelled tank vessels should have to obtain an original endorsement under § 13.201, 13.401, or 13.501. A licensed officer with prior experience on tankships or self-propelled tank vessels will follow § 13.113—that is, he or she may continue to act as Tankerman-PIC until the first renewal of his or her MMD after March 31, 1997, provided he

or she can supply proof of service on company letterhead, from the owner, operator, master, or chief engineer of the vessel, that details his or her qualifying service as required by § 13.113(d)(1)(iii). At the first renewal of the MMD after March 31, 1997, the officer as applicant will follow § 13.113(d) to obtain his or her Tankerman-PIC endorsement.

Several comments did not like the requirements of § 13.113(c), which allows a person who served as PIC for the transfer of liquid cargoes governed by Subchapter O—but who, because the cargoes were non-flammable or non-combustible, did not need a tankerman endorsement—to continue serving as a Tankerman-PIC (Barge) until March 31, 2001. The comments wanted these persons to be compelled to comply with the regulations by the effective date of the interim rule, like all other applicants. The Coast Guard agrees in part with these comments. Requiring these applicants to obtain their original MMDs with endorsements as Tankerman-PIC (Barge) by the effective date of the interim rule would have placed undue hardship on them for several reasons: The RECs would have had an unacceptable work backlog and would not have been able to provide satisfactory service; and there were barely enough courses in DL and LG approved by the Coast Guard available for the oceangoing applicants, let alone for all of the inland applicants as well. Delaying the effective date for this substantial portion of the inland applicants should ease these problems. However, it should be noted that nothing in this rule prevents a company from requiring that its employees obtain their endorsements sooner than March 31, 2001.

One comment suggested that the Coast Guard grandfather those merchant mariners currently serving on their licenses as Tankermen-PICs by invoking documented sea service on tankships or self-propelled tank vessels, Certificates of Discharge, or letters from their employers. The comment stated that this would be consistent with STCW Chapter V/1, Paragraph 3. The Coast Guard disagrees. STCW allows substitution but only 2 years or less after it enters into force for the U.S. Because it entered into force for the U.S. on October 1, 1991, substitution is no longer allowed.

A separate comment did not like the practice of permitting non-tankerman to serve as PICs of any transfers of hazardous material. The Coast Guard is convinced that the comment has misinterpreted the rule. Section 13.113 allows certain non-tankermen who have already been acting as Tankerman-PICs

to continue so acting until the first renewal of their MMDs after March 31, 1997. (It aims at preventing a huge work backlog at the RECs.) By March 30, 2002, all personnel covered by this section will have Tankerman-PIC endorsements on their MMDs.

Another comment suggested that having mariners obtain the Tankerman endorsement at the first renewal after March 31, 1997, conflicts with the renewal of existing MMDs, which began on January 1, 1995. The Coast Guard disagrees. For example, mariners required to renew their MMDs in 1997 (mariners whose MMDs were issued in years ending in 2 or 7) will be required to obtain their Tankerman endorsements at the same time.

One comment stated that Tankermen-PICs, to be parallel with foreign mariners held to STCW Regulation VI/3, will each have to take a firefighting course every 5 years. The Coast Guard disagrees. The U.S. has decided that on-board fire and boat drills conducted with training will satisfy Regulation VI/3. Therefore, no Tankerman-PIC will have to take either a basic or a combined basic and advanced course in firefighting more than once.

Another comment advised the Coast Guard that there are currently operators of uninspected towing vessels (OUTVs) who will be grandfathered under § 13.113(a) by virtue of their licenses and service. However, as their vessels are under 100 gross tons, they do not yet hold MMDs; and the interim rule does not provide for those who find themselves in this predicament. The Coast Guard agrees and has amended § 13.113(a) for OUTVs.

A separate comment noted that Table 13.113 does not recognize credit for service between March 31, 1996, and March 31, 1997. The Coast Guard acknowledges that the table may have been confusing and has amended §§ 13.113(d)(1)(ii) (A) and (B) to make them clearer.

A last comment on § 13.113 asked the Coast Guard to provide for mariners who previously worked as tankermen but who now work ashore in the marine industry and cannot satisfy the requirement to prove the recency of their sea service. The Coast Guard is sympathetic to this issue. Yet the recency clause is extremely important, to ensure that they have retained their proficiency in the physical aspects of the transfer. A mariner working ashore may retain the theory, but become rusty in actually performing a transfer of oil or hazardous material. In order to ease the plight of more applicants, yet still require that applicants retain the practical knowledge they gained while

at sea, the Coast Guard has increased the maximum period of time served since date of application from 5 years to 10 years for § 13.113(d) and has added a new § 13.113(d)(3) for mariners holding licenses issued under part 10 of this chapter who want to obtain endorsements as Tankermen-PIC (Barge) on their MMDs.

11. 46 CFR 13.115 (Licensed Engineer: Endorsement as Tankerman-Engineer Based on Service on Tankships or Self-Propelled Tank Vessels Before March 31, 1996)

The interim rule stated that an applicant who can prove 30 days of service as chief engineer, first assistant engineer, or cargo engineer on tankships or self-propelled tank vessels before March 31, 1996, may apply for a Tankerman-Engineer endorsement on his or her MMD until the first renewal of the MMD that occurs after March 31, 1997. However, as discussed in the notice that reopened of the comment period published March 26, 1996, STCW requires 90 days of sea service to obtain a Tankerman-Engineer endorsement. Since the U.S. is signatory to STCW, the Coast Guard considers itself bound to require 90 days of service on tankships or self-propelled tank vessels so the applicant can obtain the STCW form that will allow him or her to sail on tank vessels in ocean service. Any applicant proving only 30 days of service will be limited to service on vessels certificated for other than ocean service.

To comply with STCW, and as discussed in the notice that reopened the comment period, the Coast Guard has renumbered § 13.115(b) as it stood and added a new § 13.115(b). This requires each applicant for an endorsement as Tankerman-Engineer to have completed an appropriate course in DL or LG 10 years or less before March 31, 1996.

One comment stated that the Coast Guard should allow a candidate to substitute a year of sea service on relevant ships for completion of the course in DL or LG, as allowed by STCW Regulation V/1 Paragraph 3. The Coast Guard disagrees. The STCW Regulation requires that such substitution occur within 2 years after the entry into force of the Convention for the U.S. Because the Convention entered into force for the U.S. on October 1, 1991, substitution can no longer occur.

Another comment stated that—because STCW Regulation V/1 Paragraph 2.1 does not apply to Chief or First Assistant Engineers, since they do not have the particular responsibilities

for loading, discharging, or caring for the transit or handling of cargo—these Engineers should not have to complete the course in DL or LG. Section 13.115 requires the completion of the DL or LG course by of all masters, chief engineer officers, chief mates, and second engineer officers, and possibly of others, because of their general responsibilities, irrespective of STCW. Therefore, applicants for Tankerman-Engineer endorsements must complete the course.

12. 46 CFR 13.117 (Any Person: Endorsement as Tankerman-Assistant Based on Unlicensed Deck Service Before March 31, 1996)

The interim rule stated in effect that an applicant who can prove 30 days of deck service or 30 days of service as a pumpman on tankships or self-propelled tank vessels before March 31, 1996, may apply for a Tankerman-Assistant endorsement on his or her MMD until the first renewal of the MMD that occurs after March 31, 1997. However, as discussed in the notice that reopened the comment period published March 26, 1996, STCW requires 90 days of sea service to obtain a Tankerman-Assistant endorsement. Since the U.S. is signatory to STCW, the Coast Guard considers itself bound to require 90 days of service on tankships or self-propelled tank vessels so the applicant can obtain the STCW form that will allow him or her to sail on tank vessels in ocean service. Any applicant proving only 30 days of service will be limited to service on vessels certificated for other than ocean service.

One comment stated that the Coast Guard should allow a candidate to substitute completion of a tanker-familiarization course for the required sea service, as allowed by STCW Chapter V/1 Paragraph 1.2. The Coast Guard agrees. To comply with STCW, and as discussed in the notice that reopened the comment period, a new § 13.117(c) allows applicants to substitute completion of a tanker-familiarization course for the required sea service.

One comment suggested in effect requiring that any applicant for the Tankerman-Assistant endorsement unable to prove 90 days of sea service on tankships or self-propelled tank vessels must provide a certificate of completion from a tanker-familiarization course. The Coast Guard agrees—see new § 13.117(c).

Another comment requested that the Coast Guard require refresher training, in the form of a course in tanker-familiarization, upon each renewal of MMD for all those holding Tankerman-

Assistant endorsements. The Coast Guard disagrees. There is no refresher training required for any of the other Tankerman endorsements and STCW does not require it. The Coast Guard makes every attempt to not unnecessarily require more stringent training of its mariners than other nations require of theirs.

13. 46 CFR 13.120 (Renewal of Endorsement)

One comment felt that § 12.02–27(c) did not let shore-based tankermen prove that they meet the professional requirements for renewal of their MMDs. Shore-based tankermen are, in fact, covered. If a shore-based tankerman provides a letter on company letterhead showing assignment to barges for a full year of service during the past 5 years, he or she will be in compliance with § 12.02–27(c)(1).

A separate comment requested a definition of the term “approved course.” The Coast Guard has amended this section to be more definite.

Another comment stated that the number of transfers required for renewal of endorsement in this section conflicts with the number in § 13.113(e)(1)(iii), which the comment understood to govern the first renewal. To clarify, § 13.113(e)(1)(iii) governs the initial endorsement, which will take place during the first renewal of MMD occurring after March 31, 1997. Until that time, the mariner who qualifies under § 13.113 may act as a Tankerman-PIC or Tankerman-PIC (Barge) with no endorsement on his or her MMD.

A separate comment did not like the fact that this rulemaking did not grandfather those already holding tankermen's endorsements nor those having closely-related service. The primary purpose of this rulemaking is to ensure that mariners with tankermen's endorsements are competent to perform their duties, even during emergencies. This will eliminate a significant number of spills. (The secondary purpose is compliance with STCW. As an “administration” responsible to STCW, the Coast Guard must publish regulations concerning tankermen.) To exempt existing tankermen from this rulemaking would exempt the majority of tankermen from having to comply. Since the main purpose of this rulemaking is to ensure competence in the performance of duties, the Coast Guard feels this cannot be accomplished without requiring that all applicants meet some minimum standard—completion of a training course for original endorsement and actual transfers for renewal. If the Coast Guard were to allow closely-related service

instead of actual transfers when renewing, there could be mariners holding tankermen endorsements who have not conducted actual transfers since those completed for their original endorsements. Therefore, the Coast Guard has left § 13.120 unchanged.

14. 46 CFR 13.121 (Courses for Training Tankermen)

One comment suggested that the Coast Guard enlist the assistance of maritime educators or companies handling DL or LG to reformulate Table 13.121(f). This table comes from the guidelines promulgated under STCW for a Model Course, and the Coast Guard is satisfied with its contents.

Another comment suggested that a review of the requirements of 33 CFR 156.120 should be included as a topic in Table 13.121(f). The Coast Guard believes that completion of a course covering the required curricula in Table 13.121(f) will satisfy all of the requirements found in 33 CFR 156.120.

One comment suggested including a reference with each listing in case the course-approval guidelines are insufficiently clear. The National Maritime Center (NMC) makes such guidelines available to those companies applying for course approval. If any questions arise regarding a course, the applicant may consult the NMC (or an REC) directly for clarification.

Several comments felt that certain topics, such as COW systems, inert-gas systems, and tank-cleaning, were not relevant to the jobs of inland tankermen. The Coast Guard agrees in principle. However the Tankerman-PIC endorsement does not limit the mariner to inland waters only. Therefore, all applicants for the various tankerman endorsements, except those for Tankerman-PIC (Barge) and restricted Tankerman, will have to take the same course.

Two comments asked how many transfers, required by §§ 13.203(b) and 13.303(b), could be replaced with simulated transfers under § 13.121(c). They also asked which parts of the required transfers could be simulated. Section 13.121(c) sets out the necessary combinations of commencements and completions of loadings and discharges.

15. 46 CFR 13.125 (Physical Abilities)

This section requires every applicant for the Tankerman-PIC endorsement to meet the physical requirements of 46 CFR 10.205(d). However, 46 CFR 12.05–5(b) states that the physical examination for an able seaman (AB) is the same as for a deck officer. Therefore, if an AB applicant holds an unexpired deck license or a valid MMD endorsed with

a rating, the OCMI may waive the requirements for a physical examination. This section now reflects the availability of waiver.

16. 46 CFR 13.127 (Service: General)

Two comments were concerned that § 13.127(b), as written, encouraged applicants to violate work-hour rules of OPA 90. Both recommended that off-duty personnel could fulfill requirements for competence in transfer of DL or LG through incremental training, including segments of transfers; this training, including these segments, would, altogether, constitute the service required. The Coast Guard agrees and has added § 13.127(b)(9) to reflect this recommendation.

One comment asked whether the service letter of an applicant involved in more than the minimum number of transfers must document all of the applicant's transfers. The letter must document only the number of transfers required for the particular endorsement.

An additional comment asked who must sign the service letter. The owner, operator, master, or chief engineer of the vessel must. Section 13.127(a) now reflects this requirement.

A separate comment stated that the term "fully capable," used in § 13.127(a), is too subjective. The Coast Guard disagrees. Again, the owner, operator, master, or chief engineer of the vessel must sign the service letter. It is the Coast Guard's opinion that the person who has observed the applicant's performance on board the tank vessel is in the best position to assess his or her ability to supervise transfers of liquid cargo. If the owner is reluctant to sign the letter, then the owner should have the person who observed the applicant's performance sign it.

17. 46 CFR 13.129 (Quick-Reference Table for Tankerman)

One comment stated that Table 13.129 should be amended to require that applicants for the Tankerman-Engineer endorsement prove required service and cargo-course completion. The Coast Guard agrees and has amended the section appropriately.

18. 46 CFR 13.201 (Original Application for "Tankerman-PIC" Endorsement) and 13.301 (Original Application for "Tankerman-PIC (Barge)" Endorsement)

One comment questioned how illiterate applicants would be handled. Completion of the requisite DL or LG course, including a satisfactory final examination, will ensure that all applicants can adequately read and understand the English language.

19. 46 CFR 13.203 (Eligibility: Experience)

As discussed in the notice that reopened the comment period dated March 26, 1996, STCW requires 90 days of sea service to obtain a Tankerman-PIC endorsement. Since the U.S. is a signatory to STCW, the Coast Guard has amended this section to require 90 days of service on tankships or self-propelled tank vessels. However, STCW does not differentiate between licensed and unlicensed service. Therefore, the Coast Guard has amended paragraphs (a)(1), (2), and (3) of this section to require 90 days of sea service for licensed, unlicensed, or cadet personnel, or a combination of the three.

Many comments suggested that § 13.203 reflect acceptance of seetime earned aboard tankships or self-propelled tank vessels by cadets at State maritime academies or the U.S. Merchant Marine Academy as experience for the Tankerman-PIC endorsement. The Coast Guard agrees and has amended § 13.203(a)(2) accordingly.

One comment asked how mariners can get experience on vessels and in what capacity they can be employed while gaining the required service. Applicants for Tankerman-PIC, Tankerman-Engineer, and Tankerman Assistant, under STCW Regulation V/1, need 90 days of "seagoing" service. The Coast Guard interprets this to mean that they must do more than merely participate in transfers while their tankships or self-propelled tank vessels are tied up at the docks. They will have to obtain the 90 days while they are members of tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsements applied for. Applicants for the Tankerman-PIC (Barge) endorsement may gain the required service by either serving 60 days on tank vessels appropriate to the endorsement or serving 60 days while participating in transfers on tank barges appropriate to the endorsement.

20. 46 CFR 13.303 (Eligibility: Experience)

Two comments requested clarification of § 13.303(a)(1) to ensure inclusion of shore-based personnel. The Coast Guard agrees and has amended the section to include those personnel.

Several comments thought that the Coast Guard should define, in § 13.303(a)(2), the term, "closely related service." This term is a common term, already used in the regulations in 46 CFR 10.209(c)(4) and 12.02-27(c)(4). Determinations of "closely related service" are in the purview of

individual OCMI's, as each is the local authority responsible for a marine-safety zone.

One comment requested a reduction in required service for an applicant already holding an MMD endorsed for DL and seeking an endorsement for LG, or the converse. Section 13.303(c) already covers this.

Several comments stated that many tankermen do not travel with tank barges. In addition, at some facilities, a transfer is often limited to either the loading or the unloading of a single cargo, thus making it difficult for an applicant to comply with § 13.303(b). The Coast Guard agrees, and notes that this type of applicant would probably be eligible for a restricted endorsement, whether Tankerman-PIC or Tankerman-PIC (Barge). (However, this endorsement would be severely restrictive.)

21. 46 CFR 13.305 (Proof of Service for "Tankerman-PIC (Barge)" Endorsement)

One comment stated that employers of shore-based tankermen were not included in those who could provide a among possible providers of the service letter. The Coast Guard agrees and has amended the section to include them.

One comment suggested that the Coast Guard reinstate the requirement that applicants for endorsements as Tankerman-PIC (Barge) calculate the loading and discharge rates. In standard practice, a tankerman can monitor such rates on barges without calculating them. Therefore, this section remains unchanged.

22. 46 CFR 13.307 (Eligibility: Firefighting Course)

One comment noted that the word "or" was missing between paragraphs (a) and (b). The Coast Guard has corrected the omission.

23. 46 CFR 13.309 (Eligibility: Cargo Course)

One comment asked whether the Coast Guard would require later training in DL or LG for renewal of an MMD. Because completion of a course in DL or LG is not required for renewal by STCW, the Coast Guard does not intend to require completion of the course for U.S. applicants.

Another comment asked whether completion of the Tankerman-PIC course would count as completion of the Tankerman-PIC (Barge) course. The Tankerman-PIC course covers more than the material of the Tankerman-PIC (Barge) course. Therefore, completion of a Tankerman-PIC course will count as completion of the Tankerman-PIC (Barge) course. Section 13.309 reflects this change.

24. 46 CFR 13.401 (Original Application for "Tankerman Assistant" Endorsement)

One comment requested that the Coast Guard require applicants for a Tankerman-Assistant endorsement to be able to read and write English. The Coast Guard disagrees. Since the "Tankerman-Assistant" is not in charge of the transfer and does not have to sign the Declaration of Inspection, the Coast Guard considers his or her ability in English non-essential to a safe transfer. It already requires that he or she be capable of clearly understanding and speaking all necessary instructions in English, and, therefore, has not revised § 13.401(f).

25. 46 CFR 13.405 (Proof of Service for "Tankerman-Assistant" Endorsement)

One comment stated that the term "in the opinion of the signer," used in § 13.405(a)(3), is too subjective. The Coast Guard disagrees. As earlier noted, the service letter may be signed by the owner, operator, master, or chief engineer of the vessel. The person who has observed the subject's performance on board the tankship is in the best position to confirm the subject's ability to carry out the responsibilities of Tankerman-Assistant. If the owner is reluctant to sign the letter, then the owner should have the person who observed the subject's performance sign as well as prepare it.

26. 46 CFR 13.407 (Eligibility: Firefighting Course)

One comment stated that the firefighting course for tank barges is irrelevant to tankermen and suggested that the DL or LG course could teach tankermen all they needed to know about firefighting. The Coast Guard has determined that the 2-day firefighting course for tank barges was designed specifically for tankermen. The course includes classroom training and hands-on fire-extinguishment exercises using portable extinguishers to control or even extinguish fires at an early stage. Attendance will give the applicant an appreciation for the hazards of fires on board tank barges and how to control and extinguish small fires. Attendance will also teach him or her when to evacuate barges rather than attempt to fight fires.

27. 46 CFR 13.409 (Eligibility: Cargo Course)

Two comments stated that, since the interim rule does not provide for Tankerman-Assistant applicants to take the tanker-familiarization course, the final rule should let the course in DL or LG, completed within the past 10 years,

satisfy the course-completion requirement in § 13.409. A third comment requested that the final rule let the tanker-familiarization course itself satisfy it. The Coast Guard agrees with all three comments. To comply with STCW, it has amended § 13.409 to let either the tanker-familiarization course or the course in DL or LG satisfy the requirement.

28. 46 CFR 13.501 (Original Application for "Tankerman-Engineer" Endorsement)

Two comments requested that the Coast Guard require that applicants for a Tankerman-Engineer endorsement be able to read and write English. The Coast Guard has reconsidered, but has not required this in § 13.501(g) or elsewhere. Since the Tankerman-Engineer is not in charge of the transfer and does not have to sign the Declaration of Inspection, the Coast Guard considers his or her ability in English non-essential to a safe transfer. It already requires that he or she be capable of clearly understanding and speaking all necessary instructions in English.

29. 46 CFR 13.503 (Eligibility: Experience)

One comment disagreed with the discussion in the notice that reopened the comment period, which stated that, to be in compliance with STCW, an applicant for the endorsement as Tankerman-Engineer must both complete the appropriate course in DL or LG and prove 90 days of sea service on tankships or self-propelled tank vessels. The Coast Guard disagrees with the comment and has amended §§ 13.503 and 13.509 to require both the course and the service.

30. 46 CFR 13.509 (Eligibility: Cargo Course)

One comment asked whether completion of a Tankerman-PIC course would satisfy the requirement for a Tankerman-PIC (Engineer) course. Tankerman-Engineer applicants have to take the Tankerman-PIC course: No Tankerman (PIC)-Engineer course exists.

31. 46 CFR 15.860 (Tankerman)

Many comments recommended various changes to the Coast Guard's definition of "line of sight." After considering all such changes, the Coast Guard now defines being "directly supervised" in § 15.301(a) as "being in the direct line of sight of the person in charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined

working frequency over a hand-held radio."

Two comments stated that, because of the work-hour limits in OPA 90, Table 15.860(a)(1) is deficient in requiring only two Tankerman-PICs. The Coast Guard disagrees. The number of tankermen listed in Table 15.860(a)(1) is the minimum number required. The proper number required will depend upon the vessel's operation. It is the vessel's responsibility to ensure that sufficient tankermen are onboard to satisfy OPA 90 on hours of work.

One comment reasoned that, if the Coast Guard required all tankermen to speak and understand English, five persons on every foreign-flag vessel would have to speak and understand English. The Coast Guard disagrees. Part 15 governs manning on U.S.-flag vessels only.

32. 46 CFR 35.35-30 ("Declaration of Inspection" for Tank Vessels—TB/ALL)

The heading for § 35.35-30, though amended by the interim rule dated April 4, 1995, did not appear amended when codified at 46 CFR parts 1-40 on October 1, 1995. The Coast Guard is recapitulating the amended heading in this final rule.

33. 46 CFR 35.35-35 (Duties of Person in Charge of Transfer—TB/ALL)

Several comments asked the Coast Guard to ensure coverage of transfers of fuel oil and bunkers in this section. They added that a large segment of the industry does not realize that it must comply with 33 CFR 156.120 and 156.150 when conducting such transfers. The Coast Guard agrees and has amended this section to refer to 33 CFR 156.120 and 156.150.

34. 46 CFR 105.45-1 (Loading or Dispensing Petroleum Products)

Several comments asked whether a fishing vessel transferring fuel oil to another fishing vessel would need to have a tankerman on board. If § 105.05-1 applies to the vessel, § 105.45-1(b) requires that each person aboard it, in charge of a transfer of liquid cargo in bulk to or from a cargo tank, hold a valid MMD endorsed as Tankerman-PIC (restricted or not) or a valid license authorizing service as master, mate, pilot, or engineer.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under

that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

A regulatory assessment, which was completed in August 1989, has been revised to reflect adjustments to data and the discount rate. It is available in the docket for inspection or copying where indicated under ADDRESSES. A summary of the assessment follows:

This final rule applies to persons serving as tankermen and to those in charge of, and assisting in, the handling, transfer, and transport of DL or LG on tank vessels, including tank barges. To meet the new standards, a mariner serving in any of these capacities must obtain one of the following endorsements on his or her MMD: "Tankerman-PIC"; restricted "Tankerman-PIC"; "Tankerman-PIC (Barge)"; restricted "Tankerman-PIC (Barge)"; "Tankerman-Assistant"; or "Tankerman-Engineer."

The population affected by this final rule is the number of shipboard personnel on tank vessels, including barges, whom this rule requires to hold the tankerman endorsement. Shore-based personnel who board unmanned barges to load or unload them will likewise be affected. Last, persons who serve as PICs on tank vessels or tank barges, whether employed onboard or ashore, for the transfer of liquid cargoes in bulk listed in subchapter O, but who did not previously require tankerman endorsements because the cargoes transferred were non-flammable or non-combustible, will likewise be affected. As of November 1996, there were an estimated 205 tankships, on ocean, coastwise, and inland or Great Lakes routes, and 4926 tank barges.¹ Roughly 17,525 personnel will need the endorsements to comply with 33 CFR 155.710. This number includes those OUTVs whom § 155.710 requires to hold the endorsements. About 45 percent of the 17,525 will be applicants currently unlicensed. If statistics for original MMDs issued with tankerman endorsements from 1992 through 1995 are indicative, about 825 new tankermen will receive the endorsements annually. Likewise, about 240 new OUTVs will receive them annually.

Comment on Cost

One comment stated that the cost of a DL or LG course and a firefighting course for the restricted Tankerman-PIC or Tankerman-PIC (Barge) endorsement is excessive for small companies

engaged in the transportation of DL or LG. The Coast Guard has concluded that the applicant for a restricted Tankerman-PIC or Tankerman-PIC (Barge) endorsement need not complete a course in DL or LG. The applicant must, indeed, complete an approved course in tank-barge firefighting, designed specifically for tank barges and including exercises in extinguishment of tank-barge fires.

Costs

The costs of this final rule in general result from training tankermen in firefighting and in DL and LG. The costs to any particular applicant depend on the courses taken, the fees for the courses, and (where applicable) the expenses for travel, meals, and lodging. If the courses are offered by the employer, there may be no costs to the applicant. Other costs include fees to applicants to obtain original MMDs and associated endorsements issued by RECs. Since December 1988, firefighting has been a requirement for licensed personnel. Therefore, the costs of this rule due to firefighting will primarily affect unlicensed personnel. The following are general premises: (1) An estimated 15 percent of tankship applicants, 33 percent of tank-barge applicants, 50 percent of subchapter-O applicants, and 50 percent of OUTV applicants will get restricted endorsements, which do not require an approved course in DL or LG; (2) 45 percent of applicants for tankermen's endorsements every year must get training in firefighting; (3) OUTVs operating on routes other than ocean routes must get training in firefighting; (4) 50 percent of tankermen certified under prior regulations but applying for the new endorsement will attend a less-detailed, approved training course through their employers' in-house programs rather than the full approved course in DL or LG offered by independent schools; (5) tankermen usually work on rotational schedules, allowing them to arrange for enrollment in courses without interfering with their normal jobs; and (6) about 30 percent of those attending independent schools will incur miscellaneous expenses involving travel and lodging.

The Coast Guard estimates costs due to the new requirements for tankermen certified under prior regulations will be \$4,635,850 for courses in DL and LG and \$5,112,325 for courses in firefighting. (As under the interim rule, these tankermen have until their first license renewals after March 31, 1997, to meet the requirements.) It estimates that those costs for the 825 or so tankermen and 240 or so OUTVs

entering the industry every year will be \$1,082,780 and \$183,150, respectively.

Industry Costs

The Coast Guard estimates the cost of this final rule to employers who will offer in-house courses—in DL or LG, only to those tankermen certified under prior regulations but applying for the new endorsement—to be \$4,101,562. Because these courses will be less-detailed, their cost should be less than that of an independent school.

Total Costs

The Coast Guard estimates the costs of this final rule to be \$8,091,320 to tankermen already in the industry, \$4,101,562 to employers who will offer in-house courses in DL or LG, \$1,550,185 to OUTVs as required in § 155.710, \$477,750 to applicants for fees associated with the issuance of original MMDs and endorsements, and \$1,265,930 to new tankermen and OUTVs entering the industry every year. Costs will accrue over the next 5 years, based on the renewal dates of the applicants' licenses or MMDs. Exceptions hold for applicants who serve as PICs for the transfer of liquid cargoes governed by Subchapter O. These applicants must be in compliance with the rule by March 31, 2001. The costs to year 2007 are estimated to be \$28,627,497. The present value of these costs to year 2007 is \$20,474,844. This reflects a 7-percent discount rate back to year 1997 of the projected stream of costs in accordance with current guidance from the Office of Management and Budget.

Benefits

The measures instituted by this final rule, to establish the qualifications of mariners in charge of, and assisting in, the transfer of DL and LG, should reduce the risks and severity of spills, and mitigate pollution of the environment. The main purpose is to ensure that these mariners are competent to perform their duties. Quantifiable benefits accruing from this rule will be reductions in injuries and deaths, and reductions in spills and the associated clean-up costs. Non-quantifiable benefits will be improved safety and firefighting procedures and a nationwide standard for tankermen's qualifications.

OPA 90 consolidated prior federal pollution laws and established an Oil Spill Liability Trust Fund (OSLTF) of \$1 billion, administered by the Coast Guard, to pay for prompt removal of oil and for uncompensated damages. The Coast Guard believes that this final rule will bring a decrease of spills resulting

¹ Based on a query of the database of the Marine Safety Management System (MSMS).

from tankermen's errors. The number and volume of these spills can fall between 10 percent and 30 percent over the next five years. From 1990 to 1995, OSLTF spent, on average, about \$32,000,000 a year; the sum increases every year. Decreases in these expenditures alone would result in savings between \$16,000,000 and \$48,000,000 over the next five years. The estimate of the total cost of this rule, almost \$28.6 million over ten years, is less than the average estimate of \$32,000,000 in savings over just five years.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*] the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their field; (2) governmental jurisdictions with populations of less than 50,000; and (3) "small business concern[s]" as defined by section 3 of the Small Business Act (15 U.S.C. 632(a)). (Small businesses are identified under Standard Industrial Classification codes and size standards in the table following 13 CFR 121.201.)

Sufficient flexibility was built into the rulemaking when the interim rule was published on April 4, 1995, to accommodate small entities. The effective date of March 31, 1997, or later provided enough leeway to applicants regarding the new requirements. Any person with a license, who served as a PIC before March 31, 1996, may continue to so serve until the first renewal of his or her MMD or license after March 31, 1997. The person will then follow 46 CFR 13.113(d) to obtain his or her Tankerman-PIC endorsement. Any applicant for an original endorsement now enjoys not 2 but 5 years to complete his or her course in DL or LG under 46 CFR 13.209, 13.309, and 13.409. And the Coast Guard is willing to let applicants obtaining their Tankerman-PIC endorsements under prior regulations, cited in § 13.113, attend less-detailed, approved courses in DL or LG offered by their employers rather than the full approved courses in DL and LG offered by independent schools.

This rule places its burden on individual tankermen, not on their employers, who may, though not required, relieve the tankermen of it. The Coast Guard expects that, of the employers who will assume this

responsibility, few, if any, will be small entities.

Therefore, the Coast Guard certifies under 5 U.S.C. 601 *et seq.* that this final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard will provide assistance to small entities to determine how this rule applies to them. If you are a small business and need assistance understanding the provisions of this rule, please contact your local REC.

Collection of Information

This final rule contains collection of information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and the OMB has approved them. The section numbers are 13.107, 13.109, 13.111, 13.113, 13.115, 13.117, 13.123, 13.201, 13.301, 13.401, and 13.501, and the corresponding OMB approval numbers are OMB Control Numbers 2215-0514 and 2115-0111.

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that the rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The authority to issue merchant mariners' licenses and documents belongs to the Coast Guard by Federal statutes.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under paragraph 2.B.2. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs 2.B.2.e(34) (c) and (d), since the rule concerns maritime personnel and the manning and equipping of vessels. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects

33 CFR Part 154

Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 156

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 13

Barges, Seamen, Tank vessels.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Marine safety.

46 CFR Part 105

Cargo vessels, Fishing vessels, Hazardous materials transportation, Marine safety, Petroleum, Seamen.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR parts 154, 155, and 156, and 46 CFR parts 13, 15, 30, 35, 98, and 105 as follows:

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

1. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46. Subpart F is also issued under 33 U.S.C. 2735.

2. Section 154.105 is amended by adding and/or revising the following definitions in alphabetical order to read as follows:

§ 154.105 Definitions.

* * * * *

Boundary Line means any of the lines described in 46 CFR part 7.

* * * * *

Self-propelled tank vessel means a self-propelled tank vessel other than a tankship.

Tank barge means a non-self-propelled tank vessel.

Tankship means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

* * * * *

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

3. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; Sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, 155.1030 (j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and sections 155.1110 and 155.1150 also issued under 33 U.S.C. 2735.

4. Section 155.700 is revised to read as follows:

§ 155.700 Designation of person in charge.

Each operator or agent of a vessel with a capacity of 250 or more barrels of fuel oil, cargo oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154, or each person who arranges for and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall designate, either by name or by position in the crew, the person in charge (PIC) of each transfer to or from the vessel and of each tank-cleaning.

5. In § 155.710 paragraph (a)(3) is added and paragraphs (a)(1), (a)(2), (b), (c)(2), (c)(3), (c)(4) introductory text, (c)(4)(ii), (c)(4)(iii), (c)(5), (d)(1), (d)(2), (d)(3) introductory text, (d)(3)(ii), (d)(3)(iii), (d)(4), (e) introductory text, (e)(1), (e)(2), (e)(3), (f), and (g) are revised to read as follows:

§ 155.710 Qualifications of person in charge.

- (a) * * *
 - (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures),

the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the Crude-Oil Washing (COW), inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;

(2) Except as provided in paragraph (g) of this section, holds a license issued under 46 CFR part 10 authorizing service aboard a vessel certified for voyages beyond any Boundary Line described in 46 CFR part 7, except on tankships or self-propelled tank vessels not certified for voyages beyond the Boundary Line; and

(3) Except as provided in paragraph (g) of this section and 46 CFR 13.113 (a) or (c), holds a Tankerman-PIC endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product.

(b) On each tank barge required to be inspected under 46 U.S.C. 3703, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall verify to his or her satisfaction that each PIC—

(1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct either a transfer of liquid cargo in bulk or cargo-tank cleaning; and

(2) Except as provided in paragraph (g) of this section and 46 CFR part 13.113 (a) or (c), holds a Tankerman-PIC or Tankerman-PIC (Barge) endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product and vessel.

(c) * * *

- (2) Except as provided in paragraph (g) of this section, holds a license or other document issued by the flag state or its authorized agent authorizing service as master, mate, pilot, engineer, or operator on that vessel;

(3) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to the International

Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;

(4) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—

* * * * *

(ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and

(iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning; and

(5) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(d) * * *

- (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;

(2) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to STCW, or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;

(3) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—

* * * * *

(ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and

(iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning; and

(4) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(e) The operator or agent of each vessel to which this subpart applies shall verify to his or her satisfaction that the PIC of any transfer of fuel oil requiring a Declaration of Inspection—

(1) Holds a valid license issued under 46 CFR part 10 authorizing service as master, mate, pilot, engineer, or operator aboard that vessel, or holds a valid MMD issued under 46 CFR part 13 endorsed as Tankerman-PIC or Tankerman-PIC (Barge), appropriate to the fuel oil and the vessel, unless exempted elsewhere in this chapter;

(2) On each uninspected vessel not requiring a licensed person aboard, has been instructed by the operator or agent of the vessel both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel;

(3) On each tank barge, for the vessel's own engine-driven pumps has been instructed both in his or her duties and in the Federal statutes and regulations on water pollution; or

(f) Except as provided in paragraph (g) of this section, the operator or agent of each self-propelled tank vessel carrying oil or hazardous material in bulk shall verify to his or her satisfaction that the PIC of the transfer of oil or hazardous material in bulk to or from a vessel, or of cargo-tank cleaning, holds a Tankerman-PIC endorsement on his or her MMD and either a license or a Certificate issued by a flag state party to STCW authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel.

(g) The PIC of a cargo-tank cleaning on a vessel at a tank-cleaning facility or shipyard need not hold any of the licenses, documents, certificates, or endorsements required in paragraphs (a) through (f) of this section, if he or she is a National Fire Protection Association Certificated Marine Chemist.

6. The introductory text of § 155.720 is revised to read as follows:

§ 155.720 Transfer procedures.

The operator of a vessel with a capacity of 250 or more barrels of oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154 shall provide transfer procedures that meet the requirements of this part and

part 156 of this chapter for transferring—

* * * * *

PART 156—OIL AND HAZARDOUS MATERIAL TRANSFER OPERATIONS

7. The authority citation for part 156 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1) (C) and (D); 46 U.S.C. 3703a. Subparts B and C also issued under 46 U.S.C. 3715.

8. In § 156.120 paragraph (w)(13) is added; and paragraphs (w) introductory text, and (w)(12) are revised to read as follows:

§ 156.120 Requirements for transfer.

* * * * *

(w) The person in charge of the transfer on the transferring vessel or facility and the person in charge of it on the receiving vessel or facility have held a conference, to ensure that each person in charge understands—

* * * * *

(12) Transfer shutdown procedures; and,

(13) If the persons use radios, a predetermined frequency for communications during the transfer, agreed upon by both.

* * * * *

TITLE 46—SHIPPING

PART 13—CERTIFICATION OF TANKERMEN

9. The authority citation for part 13 continues to read as follows:

Authority: 46 U.S.C. 3703, 7317, 8703, 9102; 49 CFR 1.46.

10. In § 13.103 the introductory text is republished and the following definitions are added and/or revised in alphabetical order to read as follows:

§ 13.103 Definitions.

As used in this part:

Approved training means training that is approved by the Coast Guard or meets the requirements of § 10.309 of this chapter.

* * * * *

Directly supervised means being in the direct line of sight of the person in charge, or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a hand-held radio.

* * * * *

Liquid cargo in bulk means a liquid or liquefied gas listed in 46 CFR 153.40 and carried as a liquid cargo or liquid-cargo residue in integral, fixed, or portable tanks, except a liquid cargo

carried in a portable tank actually loaded and discharged from a vessel with the contents intact.

* * * * *

Officer in Charge, Marine Inspection (OCMI), means, for this part, the officer or individual so designated at one of the locations of the regional examination centers listed in § 10.105.

* * * * *

Regional examination center (REC) means an office of an OCMI that performs licensing and certification.

Restricted Tankerman endorsement means a valid tankerman endorsement on an MMD restricting its holder as the OCMI deems appropriate—for instance, to one or a combination of the following: A specific cargo or cargoes; a specific vessel or vessels; a specific facility or facilities; a specific employer or employers; a specific activity or activities (such as loading or unloading in a cargo transfer); or a particular area of water.

Self-propelled tank vessel means a self-propelled tank vessel other than a tankship.

* * * * *

Tankship means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

* * * * *

11. In § 13.107 paragraphs (a), (b), (c), (d), and (e) are revised, and a new paragraph (g) is added, to read as follows:

§ 13.107 Tankerman endorsement: General.

(a) If an applicant meets the requirements of subpart B of this part, the OCMI at an REC may endorse his or her MMD as “Tankerman-PIC” with the appropriate cargo classification or classifications. A person holding this endorsement and meeting the other requirements of 33 CFR 155.710(a) may act as a PIC of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning on any tank vessel. That person may also act as a Tankerman-Engineer, provided that he or she also holds an engineer's license.

(b) If an applicant meets the requirements of subpart C of this part, the OCMI at an REC may endorse his or

her MMD as "Tankerman-PIC (Barge)" with the appropriate cargo classification or classifications. A person holding this endorsement and meeting the other requirements of 33 CFR 155.710(b) may act as a PIC of a transfer of liquid cargo in bulk only on a tank barge.

(c) If an applicant meets the requirements of subpart D of this part, the OCMI at an REC may endorse his or her MMD as "Tankerman-Assistant" with the appropriate cargo classification or classifications. No person holding this endorsement may act as a PIC of any transfer of fuel oil, of any transfer of liquid cargo in bulk, or of cargo-tank cleaning unless he or she also holds an endorsement authorizing service as PIC. He or she may, however, without being directly supervised by the PIC, perform duties relative to cargo and cargo-handling equipment assigned by the PIC of transfers of fuel oil, of transfers of liquid cargo in bulk, or of cargo-tank cleaning. When performing these duties, he or she shall maintain continuous two-way voice communications with the PIC.

(d) If an applicant meets the requirements of subpart E of this part, the OCMI at an REC may endorse his or her MMD as Tankerman-Engineer. No person holding this endorsement may act as a PIC or "Tankerman-Assistant" of any transfer of fuel oil, of any transfer of liquid cargo in bulk, or of cargo-tank cleaning unless he or she also holds an endorsement authorizing such service. A person holding this endorsement and acting in this capacity has the primary responsibility, on his or her self-propelled tank vessel carrying DL or LG, for maintaining both the cargo systems and equipment for transfer of liquids in bulk and the bunkering systems and equipment. No person licensed under part 10 of this chapter may serve as a chief engineer, first assistant engineer, or cargo engineer aboard an inspected self-propelled tank vessel when liquid cargo in bulk or cargo residue is carried unless he or she holds this endorsement or equivalent.

(e) If an applicant meets the requirements of § 13.111, the OCMI at an REC may place on his or her MMD an endorsement as a "Tankerman-PIC" restricted according to the definitions of "restricted Tankerman endorsement" in § 13.103.

* * * * *

(g) This section does not apply to any person solely by reason of his or her involvement in bunkering or fueling.

12. In § 13.111 paragraphs (a), (b), and (c) are revised and paragraph (f) is added to read as follows:

§ 13.111 Restricted endorsement.

(a) An applicant may apply at an REC listed in 46 CFR 10.105 for a tankerman endorsement restricted to specific cargoes, specific vessels or groups of vessels (such as uninspected towing vessels and Oil Spill Response Vessels), specific facilities, specific employers, or otherwise as the OCMI deems appropriate. The OCMI will evaluate each application and may modify the applicable requirements for the endorsement, allowing for special circumstances and for whichever restrictions the endorsement will state.

(b) To qualify for a restricted "Tankerman-PIC" endorsement, an applicant shall meet §§ 13.201, excluding paragraph (f); 13.203; and 13.205.

(1) Twenty-five percent of the service described in § 13.203(a) must have occurred within the past five years.

(2) Two of the transfers described in § 13.203(b) must have occurred within the past five years.

(c) To qualify for a restricted "Tankerman-PIC (Barge)" endorsement, an applicant shall meet §§ 13.301, excluding paragraph (f); and 13.305.

(1) Twenty-five percent of the service described in § 13.303(a) must have occurred within the past five years.

(2) Two of the transfers described in § 13.303(b) must have occurred within the past five years.

* * * * *

(f) Because the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), does not recognize restricted Tankerman-PIC endorsements, persons may act under these only aboard vessels conducting business inside the Boundary Line.

13. In § 13.113, the heading and paragraphs (a), introductory text (c), (d), introductory text (d)(1)(i), (d)(1)(ii), (d)(1)(iii), (d)(2), (e)(1)(ii), (e)(1)(iii), and (f) are revised, and new paragraph (d)(3) is added to read as follows:

§ 13.113 Tankermen certified under prior regulations.

(a) A person who holds a license issued under part 10 of this chapter, and who as a PIC transferred liquid cargoes in bulk before March 31, 1996, may continue to serve as a "Tankerman-PIC" under the license until the first renewal of his or her MMD under § 12.02-27 of this chapter that occurs after March 31, 1997, or, if he or she holds no MMD, until the first renewal of his or her license that occurs after March 31, 1997, as follows:

* * * * *

(c) A person who served as PIC for the transfer of liquid cargoes in bulk listed

in subchapter O of this chapter but who did not require a tankerman endorsement, because the cargoes were non-flammable or non-combustible, may act as a "Tankerman-PIC (Barge)" for those liquid cargoes until March 31, 2001, if he or she produces a letter—on company letterhead, from the owner or operator of a terminal or of a tank barge or from the owner, operator, or master of a self-propelled tank vessel—that proves his or her qualifying service as required by paragraph (e)(1)(iii) of this section.

(d) A person who qualifies under paragraph (a) of this section by holding a current license may apply for a "Tankerman-PIC" or a "Tankerman-PIC (Barge)" endorsement under this subpart.

(1) * * *

(i) A certificate of completion from a course in shipboard firefighting approved by the Commandant and meeting the basic firefighting section of the IMO's Resolution A.437(XI), "Training of Crews in Fire Fighting," or a certificate of completion from a firefighting course before March 31, 1996, that the OCMI finds in substantial compliance with that section;

(ii) Either—

(A) A certificate of completion from a liquid-cargo course in DL or LG approved by the Commandant, appropriate to the endorsement applied for, or a certificate of completion from a liquid-cargo course in DL or LG up to ten years before March 31, 1996, that the OCMI finds acceptable under § 13.121(d) and Table 13.121(f), appropriate to the endorsement applied for; or

(B) A letter on company letterhead from the applicant's employer stating that the applicant has successfully completed the approved training discussed in § 13.121 (i) or (j); and

(iii) Evidence of service as follows:

(A) A letter on company letterhead from the owner, operator, master, or chief engineer of the vessel attesting that the applicant—

(1) Acted as the PIC of the transfer of DL or LG, appropriate to the endorsement applied for, on self-propelled tank vessels before March 31, 1996; acted as the PIC of the transfer of DL or LG, appropriate to the endorsement applied for within the last 5 years; and accumulated two transfers on self-propelled tank vessels within the last 10 years; and

(2) Served at least 90 days as a master or mate on self-propelled tank vessels certified to carry DL or LG, appropriate to the endorsement applied for, before March 31, 1996; and acted as a master or mate on self-propelled tank vessels

certified to carry DL or LG within the last 10 years.

(B) Certificates of discharge proving at least 90 days of service as master or mate on self-propelled tank vessels certified to carry DL or LG, appropriate to the endorsement applied for, before March 31, 1996, with at least one discharge date within the last 5 years.

(2) To qualify for a "Tankerman-PIC (Barge)" endorsement, a licensed officer shall present—

(i) Either—

(A) A certificate of completion from a course in shipboard firefighting described in paragraph (d)(1)(i) of this section, or from a course in tank-barge firefighting approved by the Commandant; or

(B) A letter on company letterhead from the owner, operator, master, or chief engineer of a tank vessel attesting that before March 31, 1996, the applicant received training in awareness of hazards due to flammability and in firefighting through a program, lecture, or seminar that included hands-on firefighting that the OCMI finds in substantial compliance with § 13.121(g);

(ii) Either—

(A) A certificate of completion from a liquid-cargo course in DL or LG for tankships or tank barges approved by the Commandant, appropriate to the endorsement applied for;

(B) A certificate of completion from a liquid-cargo course in DL or LG for tankships or tank barges up to 10 years before March 31, 1996, that the OCMI

determines substantially covers the material required by Table 13.121(f); or

(C) A letter on company letterhead from the applicant's employer stating that the applicant has successfully completed the approved training discussed in § 13.121(i) or (j); and

(iii) Evidence either—

(A) Of service that satisfies paragraph (d)(1)(iii) of this section, except that for paragraphs (d)(1)(iii) (A)(2) and (B) 60 days of service on any tank vessel are enough; or

(B) On company letterhead, from the owner or operator of a terminal, or of a tank barge, of service attesting that the applicant both acted as the PIC of the transfer of DL or LG, appropriate to the endorsement applied for, on tank barges, before March 31, 1996, and accumulated two transfers on tank barges within the last 10 years.

(3) To qualify for a restricted endorsement based on grades of cargo handled, a mariner shall—

(i) For a restricted "Tankerman-PIC" endorsement, meet paragraphs (d)(1) (i) and (iii) of this section; or

(ii) For a restricted "Tankerman-PIC (Barge)" endorsement, meet paragraphs (e)(1) (i) and (iii) of this section.

(e) * * *

(1) * * *

(ii) Either—

(A) A certificate of completion from a liquid-cargo course in DL or LG approved by the Commandant up to 10 years before March 31, 1996, appropriate to the endorsement applied for;

(B) A certificate of completion from a liquid-cargo course in DL or LG up to 10 years before March 31, 1996, that the OCMI determines substantially covers the material required by Table 13.121(f); or

(C) A letter on company letterhead from the applicant's employer stating that the applicant has successfully completed the approved training discussed in § 13.121 (i) or (j); and

(iii) Evidence on company letterhead from the owner, operator, master, or chief engineer of the vessel, or from the owner or operator of a terminal or of a tank barge, of service attesting that the applicant both acted as the PIC of the transfer of DL or LG, appropriate to the endorsement applied for on self-propelled tank vessels or on tank barges, before March 31, 1996, and accumulated two transfers on self-propelled tank vessels or on tank barges within the last 10 years.

* * * * *

(f) Each person qualifying under this section shall obtain a tankerman endorsement at the first renewal of his or her MMD under § 12.02-27 of this chapter that occurs after March 31, 1997, except that each person qualifying under paragraph (c) of this section shall obtain the endorsement by March 31, 2001.

* * * * *

14. Table 13.113 is revised to read as follows:

TABLE 13.113.—TANKERMEN CERTIFIED UNDER PRIOR REGULATIONS

Before effective date served as:	Service after effective date but before permanent endorsement:	Requirements for permanent endorsement to an MMD:	Requirements for RESTRICTED endorsement to an MMD:
Licensed Officer	May serve as Tankerman-PIC in accordance with 13.113(a), until first renewal of MMD or license after March 31, 1997.	Section 13.113(d) (1), (2) ...	Section 13.113(d)(3).
Tankerman with endorsement on MMD	May serve as Tankerman-PIC (Barge) in accordance with 13.113(B), until first renewal of MMD after March 31, 1997.	Section 13.113(e)(1)	Section 13.113(e)(2).
PIC of non-flammable or non-combustible cargoes listed in Subchapter O.	May serve as Tankerman-PIC (Barge) in accordance with 13.113(c) until March 31, 2001.	Section 13.113(e)(1)	Section 13.113(e)(2).

15. Section 13.115 is revised to read as follows:

§ 13.115 Licensed engineer: Endorsement as Tankerman-Engineer based on service on tankships or self-propelled tank vessels before March 31, 1996.

A licensed person with at least 30 days of service as chief engineer, first assistant engineer, or cargo engineer on one or more tankships or self-propelled tank vessels before March 31, 1996, may, at any time until the first renewal

of his or her MMD under § 12.02-27 of this chapter that occurs after March 31, 1997, apply for a "Tankerman-Engineer" endorsement under this subpart if he or she presents—

(a) Either—

(1) A letter on company letterhead from the owner, operator, master, or chief engineer of the vessel attesting that the applicant served at least 30 days as chief engineer, first assistant engineer, or cargo engineer on tankships or self-propelled tank vessels certified to carry

DL or LG, appropriate to the endorsement applied for, before March 31, 1996, and has so served within the last 5 years; or

(2) Certificates of Discharge proving at least 30 days of service as chief engineer, first assistant engineer, or cargo engineer on tankships or self-propelled tank vessels certified to carry DL or LG, appropriate to the endorsement applied for before March

31, 1996, with a discharge date within the last 5 years; and

(b) Either—

(1) A certificate of completion from a liquid-cargo course in DL or LG for tankships approved by the Commandant, appropriate to the endorsement applied for;

(2) A certificate of completion from a liquid-cargo course in DL or LG for tankships up to 10 years before March 31, 1996, that the OCMI determines substantially covers the material covered by Table 13.121(f); or

(3) A letter on company letterhead from the applicant's employer stating that the applicant has successfully completed the approved training discussed in § 13.121 (i) or (j).

16. Section 13.117 is revised to read as follows:

§ 13.117 Any person: Endorsement as Tankerman-Assistant based on unlicensed deck service before March 31, 1996.

An applicant with unlicensed deck service on tankships or self-propelled tank vessels before March 31, 1996, may, at any time until the first renewal of his or her MMD under § 12.02-27 of this chapter that occurs after March 31, 1997, apply for a "Tankerman-Assistant" endorsement under this subpart if he or she presents either—

(a) A letter on company letterhead from the owner, operator, or master of the vessel attesting that the applicant performed at least 30 days of deck service or service as a pumpman of tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for before March 31, 1996, and has so performed within the last 5 years;

(b) Certificates of Discharge proving at least 30 days of deck service or of service as a pumpman on tankships or self-propelled tank vessels certified to carry DL or LG, appropriate to the endorsement applied for, before March 31, 1996, with a discharge date within the last 5 years; or

(c) A certificate of completion from a tanker-familiarization course approved by the Commandant.

17. Section 13.120 is revised to read as follows:

§ 13.120 Renewal of endorsement.

An applicant wishing to renew a tankerman's endorsement shall meet the requirements of § 12.02-27 of this chapter for renewing an MMD and prove either participation in at least two transfers within the last 5 years in accordance with § 13.127(b) or completion of an approved course as described in § 10.304.

18. In § 13.121 paragraphs (c), (d)(3), (d)(4), (f), and (g) are revised; and new

paragraphs (d)(5), (d)(6), (h), (i), and (j) are added to read as follows:

§ 13.121 Courses for training tankermen.

* * * * *

(c) A course that uses simulated transfers to train students in loading and discharging tank vessels may replace up to 2 loadings and 2 discharges, 1 commencement and 1 completion of loading, and 1 commencement and 1 completion of discharge required for a Tankerman-PIC or Tankerman-PIC (Barge) endorsement. The request for approval of the course must specify those segments of a transfer that the course will simulate. The letter from the Coast Guard approving the course will state the number and kind of segments that the course will replace.

(d) * * *

(3) "Tankerman-PIC LG" is Tankship: Liquefied Gases;

(4) "Tankerman-PIC (Barge) LG" is Tank Barge: Liquefied Gases;

(5) "Tankerman-Assistant DL" is Familiarization with DL Tankship; and

(6) "Tankerman-Assistant LG" is Familiarization with LG Tankship.

* * * * *

(f) No school may issue a certificate unless the student has successfully completed an approved course with the appropriate curriculum outlined in Table 13.121(f) or § 13.121(h).

(g) An organization with a course in DL or LG or a course in tank-berge firefighting taught before March 31, 1996, that substantially covered the material required by Table 13.121(f) for liquid cargoes, Table 13.121(g) for firefighting, or § 13.121(h) for familiarization with tankships, may seek approval under § 10.302 of this chapter from the Coast Guard for any course taught up to ten years before March 31, 1996.

(h) The Coast Guard will evaluate the curricula of courses for Familiarization with DL and LG Tankships to ensure adequate coverage of the required subjects. Training may employ classroom instruction, demonstrations, or simulated or actual operations.

(1) The curricula of courses for Familiarization with DL Tankships must consist of the following:

(i) General characteristics, compatibility, reaction, firefighting, and safety precautions for bulk liquid cargoes defined as DL in this part.

(ii) Terminology of tankships carrying oil and other chemicals.

(iii) General arrangement and construction of cargo tanks, vapor control, and venting.

(iv) Cargo-piping systems and valves.

(v) General operation of cargo pumps.

(vi) General discussion of the following operations connected with the loading and discharging of cargo:

(A) Pre-transfer inspection and conference and Declaration of Inspection.

(B) Lining up of the cargo and vapor-control systems and starting of liquid flow.

(C) Connecting and disconnecting of cargo hoses and loading arms.

(D) Loading.

(E) Ballasting and de-ballasting.

(F) Discharging.

(G) Tank-gauging (open and closed).

(vii) Rules of the Coast Guard governing operations in general and prevention of pollution in particular.

(viii) Prevention and control of pollution.

(ix) Emergency procedures.

(x) Safety precautions relative to:

(A) Entering cargo tanks and pump room.

(B) Dangers of contact with skin.

(C) Inhalation of vapors.

(D) Protective clothing and equipment.

(E) Hot work.

(F) Precautions respecting electrical hazards, including hazards of static electricity.

(xi) General principles and procedures of Crude-Oil Washing (COW) Systems and inert-gas systems.

(xii) Tank-cleaning procedures and precautions.

(xiii) Principles and procedures of vapor-control systems.

(xiv) Cargo-hazard-information systems.

(2) To ensure adequate coverage of the required subjects, training may employ classroom instruction, demonstrations, or simulated or actual operations. The curricula of courses for Familiarization with LG Tankships must consist of the following:

(i) General characteristics, compatibility, reaction, firefighting, and safety precautions for cargoes defined as LG in this part.

(ii) Terminology of tankships carrying LG.

(iii) Physical properties of LG.

(iv) Potential hazards and safety precautions of LG:

(A) Combustion characteristics.

(B) Hot work.

(C) Results of release of LG to the atmosphere.

(D) Health hazards (skin contact, inhalation, and ingestion).

(E) Protective clothing and equipment.

(F) Tank-entry procedures and precautions.

(G) Thermal stresses.

(H) Precautions respecting electrical hazards, including hazards of static electricity.

- (v) Cargo-containment systems.
- (vi) General arrangement and construction of cargo tanks.
- (vii) Cargo-piping systems and valves.
- (viii) Instrumentation:
 - (A) Cargo-level indicators.
 - (B) Gas-detecting systems.
 - (C) Systems for monitoring temperatures of hulls and cargoes.
 - (D) Automatic shut-down systems.
- (ix) Heating systems for cofferdams and ballast tanks.
- (x) General discussion of the following operations connected with the loading and discharging of cargo:
 - (A) Pre-transfer inspection and conference and Declaration of Inspection.
 - (B) Lining up of the cargo and vapor-control systems and starting of liquid flow.
 - (C) Connecting and disconnecting of cargo hoses and loading arms.
 - (D) Loading.

- (E) Ballasting and de-ballasting.
- (F) Discharging.
- (xi) Disposal of boil-off.
- (xii) Emergency procedures.
- (xiii) Rules of the Coast Guard governing operations in general and prevention of pollution in particular.
- (xiv) Principles and procedures of IGSs.
- (xv) Tank-cleaning procedures and precautions.
- (xvi) Principles and procedures of vapor-control systems.
- (xvii) Cargo-hazard-information systems.
 - (i) A company that offers approved DL training for its employees shall ensure discussion of the following topics (further discussed in STCW Regulation V, Section A-V/1, paragraphs 9 through 21):
 - (1) Treaties and rules.
 - (2) Design and equipment.
 - (3) Cargo characteristics.

- (4) Ship operations.
 - (5) Repair and maintenance.
 - (6) Emergency procedures.
 - (j) A company that offers approved LG training for its employees shall ensure discussion of the following topics (further discussed in STCW Regulation V, Section A-V/1, paragraphs 22 through 34):
 - (1) Treaties and rules.
 - (2) Chemistry and physics.
 - (3) Health hazards.
 - (4) Cargo containment.
 - (5) Pollution.
 - (6) Cargo-handling systems.
 - (7) Ship operations.
 - (8) Safety practices and equipment.
 - (9) Emergency procedures.
 - (10) General principles of cargo operations.
19. Table 13.121(F) is redesignated Table 13.121(f) and revised to read as follows:

TABLE 13.121(f)

Course topics	1	2	3	4
General characteristics, compatibility, reaction, firefighting procedures, and safety precautions for the cargoes of:				
Bulk liquids defined as Dangerous Liquids in 46 CFR Part 13	x	x		
Bulk liquefied gases & their vapors defined as Liquefied Gases in 46 CFR Part 13			x	x
Physical phenomena of liquefied gas, including:				
Basic concept			x	x
Compression and expansion			x	x
Mechanism of heat transfer			x	x
Potential hazards of liquefied gas, including:				
Chemical and physical properties			x	x
Combustion characteristics			x	x
Results of gas release to the atmosphere			x	x
Health hazards (skin contact, inhalation, and ingestion)			x	x
Control of flammability range with inert gas			x	x
Thermal stress in structure and piping of vessel			x	x
Cargo systems, including:				
Principles of containment systems	x	x	x	x
Construction, materials, coating, & insulation of cargo tanks			x	x
General arrangement of cargo tanks	x	x	x	x
Venting and vapor-control systems	x	x	x	x
Cargo-handling systems, including:				
Piping systems, valves, pumps, and expansion systems	x	x	x	x
Operating characteristics	x	x	x	x
Instrumentation systems, including:				
Cargo-level indicators	x	x	x	x
Gas-detecting systems	x		x	x
Temperature-monitoring systems, cargo	x		x	x
Temperature-monitoring systems, hull			x	x
Automatic-shutdown systems	x		x	x
Auxiliary systems, including:				
Ventilation, inerting	x	x	x	x
Valves, including:				
Quick-closing	x	x	x	x
Remote-control	x	x	x	x
Pneumatic	x	x	x	x
Excess-flow	x	x	x	x
Safety-relief	x	x	x	x
Pressure-vacuum	x	x	x	x
Heating-systems: cofferdams & ballast tanks			x	x
Operations connected with the loading and discharging of cargo, including:				
Lining up the cargo and vapor-control systems	x	x	x	x
Pre-transfer inspections and completion of the Declaration of Inspection	x	x	x	x
Hooking up of cargo hose, loading arms, and grounding-strap	x	x	x	x
Starting of liquid flow	x	x	x	x
Calculation of loading rates	x		x	

TABLE 13.121(f)—Continued

Course topics	1	2	3	4
Discussion of loading	x	x	x	x
Ballasting and deballasting	x	x	x	x
Topping off of the cargo tanks	x	x	x	x
Discussion of discharging	x	x	x	x
Stripping of the cargo tanks	x	x		
Monitoring of transfers	x	x	x	x
Gauging of cargo tanks	x	x	x	x
Disconnecting of cargo hoses or loading arms	x	x	x	x
Cargo-tank-cleaning procedures and precautions	x	x		
Operating procedures and sequence for:				
Inerting of cargo tanks and void spaces	x	x	x	x
Cooldown and warmup of cargo tanks			x	x
Gas-freeing	x	x	x	x
Loaded or ballasted voyages	x		x	
Testing of cargo-tank atmospheres for oxygen & cargo vapor	x	x	x	x
Stability and stress considerations connected with loading and discharging of cargo	x	x	x	x
Loadline, draft, and trim	x	x	x	x
Disposal of boil-off, including:				
System design			x	x
Safety features			x	x
Stability-letter requirements	x		x	
Emergency procedures, including notice to appropriate authorities, for:				
Fire	x	x	x	x
Collision	x	x	x	x
Grounding	x	x	x	x
Equipment failure	x	x	x	x
Leaks and spills	x	x	x	
Structural failure	x	x	x	x
Emergency discharge of cargo	x	x	x	x
Entering cargo tanks	x	x	x	x
Emergency shutdown of cargo-handling	x	x	x	x
Emergency systems for closing cargo tanks	x	x		
Rules & regulations (international and Federal, for all tank vessels) on conducting operations and preventing pollution	x	x	x	x
Pollution prevention, including:				
Procedures to prevent air and water pollution	x	x	x	x
Measures to take in event of spillage	x	x	x	x
Danger from drift of vapor cloud	x	x	x	x
Terminology for tankships carrying oil and chemicals	x			
Terminology for tank barges carrying oil and chemicals		x		
Terminology for tankships carrying liquefied gases			x	
Terminology for tank barges carrying liquefied gases				x
Principles & procedures of crude-oil-washing (COW) systems, including:				
Purpose	x			
Equipment and design	x			
Operations	x			
Safety precautions	x			
Maintenance of plant and equipment	x			
Principles & procedures of the inert-gas systems (IGSs), including:				
Purpose	x		x	
Equipment and design	x		x	
Operations	x		x	
Safety precautions	x		x	
Maintenance of plant and equipment	x		x	
Principles & procedures of vapor-control systems, including:				
Purpose	x	x	x	x
Principles	x	x	x	x
Coast Guard regulations	x	x	x	x
Hazards	x	x	x	x
Active system components	x	x	x	x
Passive system components	x	x	x	x
Operating procedures, including:				
Testing and inspection requirements	x	x	x	x
Pre-transfer procedures	x	x	x	x
Connecting sequence	x	x	x	x
Start-up sequence	x	x	x	x
Normal operations	x	x	x	x
Emergency procedures	x	x	x	x
Cargo-hazard-information systems	x	x	x	x
Safe entry into confined spaces, including:				
Testing tank atmospheres for oxygen & hydrocarbon vapors	x	x		
Definition and hazards of confined spaces	x	x	x	x

TABLE 13.121(f)—Continued

Course topics	1	2	3	4
Cargo tanks and pumprooms	x	x	x	x
Evaluation and assessment of risks and hazards	x	x	x	x
Safety precautions and procedures	x	x	x	x
Personnel protective equipment (PPE) and clothing	x	x	x	x
Maintenance of PPE	x	x	x	x
Dangers of skin contact	x	x	x	x
Inhalation of vapors	x	x		
Electricity and static electricity—hazards and precautions	x	x	x	x
Emergency procedures	x	x	x	x
Federal regulations, national standards & industry guidelines	x	x	x	x
Inspections by marine chemists & competent persons, including hot-work permits & procedures	x	x	x	x
Vessel response plans:				
Purpose, content, and location of information	x	x	x	x
Procedures for notice and mitigation of spills	x	x	x	x
Geographic-specific appendices	x	x	x	x
Vessel-specific appendices	x	x	x	x
Emergency-action checklist	x	x	x	x

Column 1—Tankerman-PIC DL.
 Column 2—Tankerman-PIC (Barge) DL.
 Column 3—Tankerman-PIC LG.
 Column 4—Tankerman-PIC (Barge) LG.

Table 13.121(g) [Amended]

20. Amend Table 13.121(g) to read as follows:

- a. After the course topic “Definitions of flammability and combustibility: Flammability” insert an “x” in column one.
- b. After the course topic “Definitions of flammability and combustibility: Inerting” remove the “x” in column one.
- c. After the course topic “Fire Prevention: Fire hazards of DL and LG” insert an “x” in column two.
- d. After the course topic “Firefighting equipment: Limitations of portable and semiportable extinguishers” insert an “x” in column two.
- e. After the course topic “Basic firefighting techniques: Stopping leakage of cargo” insert an “x” in column two.
- f. After the course topic “Basic firefighting techniques: Extinguishing” insert an “x” in column one.
- g. After the course topic “Basic firefighting techniques: Extinguishing

with portable units” insert an “x” into column two.

h. After the course topic “Basic firefighting techniques: Using additional personnel” insert an “x” into column two.

i. After the course topic “Use of extinguisher on: Flammable and combustible liquids” insert an “x” in column two.

j. After the course topic “Use of extinguisher on: Manifold-flange fire” insert an “x” in column two.

k. After the course topic “Use of extinguisher on: Drip-pan fire” insert an “x” in column two.

l. After the course topic “Use of extinguisher on: Pump fire” insert an “x” in column two.

21. In § 13.127, the heading and paragraphs (a) introductory text, and (b)(6) are revised; and paragraph (b)(9) is added to read as follows:

§ 13.127 Service: general.

(a) A service letter must be signed by the owner, operator, master, or chief

engineer of the vessel and must specify—

* * * * *

(b) * * *

(6) Credit for a commencement of loading accrues only if the applicant participates in the pre-transfer inspection, the pre-transfer conference including execution of the Declaration of Inspection, the connection of cargo hoses or loading-arms, the line-up of the cargo system for the loading, the start of liquid flow, and the calculation of loading-rates, where applicable.

* * * * *

(9) Personnel desiring credit for transfers during off-duty hours may satisfy requirements of competence through incremental training periods that include segments of transfers. The cumulative number of transfers must equal the minimum specified in § 13.203(b) or 13.303(b).

22. Table 13.129 is revised to read as follows:

TABLE 13.129

Category	Minimum age	Physical required	Service	Recency of service	Proof of service	Certificate from firefighting course 13.207	Cargo course	English language
Tankerman-PIC Subpart B ..	18; 13.201(a)	Yes; 13.125	13.203	13.123	13.205	13.207	13.209	13.201(g)
Tankerman-PIC (Barge) Subpart C.	18; 13.301(a)	Yes; 13.125	13.303	13.123	13.305	13.307	13.309	13.301(g)
Tankerman-Assistant Subpart D.	18; 13.401(a)	Yes; 13.125	13.403	13.123	13.405	13.407	13.409	13.401(f)
Tankerman-Engineer Subpart E.	18; 13.501(a)	Yes; 13.125	13.503	13.123	13.505	13.507	13.509	13.501(g)
Restricted Tankerman-PIC ..	18; 13.111(b)	Yes; 13.111(b)	13.111(b)	13.111(b)	13.111(b)	13.111(b)	No	13.111(b)
Restricted Tankerman-PIC (Barge).	18; 13.111(c)	Yes; 13.111(c)	13.111(c)	13.111(c)	13.111(c)	13.111(c)	No	13.111(c)
Restricted Tankerman-PIC (Barge), Facility.	18; 13.111(d)(1) ...	Yes; 13.111(d)(3)	13.111(d)(4)	No	13.111(d)(4)	No	No	13.111(d)(5)

23. In § 13.203 the heading and paragraphs (a)(1), (2), and (3) and (b) introductory text, are revised to read as follows:

§ 13.203 Eligibility: Experience.

* * * * *

(a) * * *

(1) At least 90 days of service as a licensed deck officer or a licensed engineering officer on one or more tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for;

(2) At least 90 days of unlicensed or cadet service on deck or in the engine department on one or more tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

(3) A combination of the service in paragraphs (a) (1) and (2) of this section.

(b) Each applicant shall present evidence of participation, under the supervision of a "Tankerman-PIC," in at least 10 transfers of liquid cargo in bulk of the classification desired on tankships or self-propelled tank vessels, including at least—

* * * * *

24. In § 13.207, the heading is revised to read as follows:

§ 13.207 Eligibility: Firefighting course.

* * * * *

25. Section 13.209, is revised to read as follows:

§ 13.209 Eligibility: Cargo course.

Each applicant for an original "Tankerman-PIC" endorsement shall present a certificate of completion from a course in DL or LG appropriate for tankships and for the endorsement applied for, and approved by the Commandant. The date of the certificate may not be more than 5 years earlier than the date of application.

26. In § 13.303 the heading, paragraphs (a) (1) and (b), introductory text are revised to read as follows:

§ 13.303 Eligibility: Experience.

* * * * *

(a) * * *

(1) At least 60 days of service, whether by shore-based or by vessel-based personnel, on one or more tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

* * * * *

(b) Participation, under the supervision of a "Tankerman-PIC" or "Tankerman-PIC (Barge)," in at least 10 transfers of liquid cargo in bulk of the classification desired on any tank vessel, including at least—

* * * * *

27. Section 13.305 is revised to read as follows:

§ 13.305 Proof of service for "Tankerman-PIC (Barge)" endorsement.

Service must be proved by a letter on company letterhead from the owner or operator of a terminal; the owner or operator of a tank barge; the owner, operator, or master of a tank vessel; or the employer of shore-based tankermen. The letter must contain the information required by § 13.127(a), excluding paragraph (a)(3)(vii).

28. In § 13.307, the heading and paragraph (a) are revised to read as follows:

§ 13.307 Eligibility: Firefighting course.

* * * * *

(a) A course in shipboard firefighting, approved by the Commandant and meeting the basic firefighting section of the IMO's Resolution A.437 (XI), "Training of Crews in Fire Fighting," completed 5 years or less before the date of application for the endorsement, unless he or she has previously submitted such a certificate for a license or a tankerman endorsement; or

* * * * *

29. Section 13.309, is revised to read as follows:

§ 13.309 Eligibility: Cargo course.

Each applicant for an original "Tankerman-PIC (Barge)" endorsement shall present a certificate of completion from a course in DL or LG appropriate for tank barges and for Tankerman-PIC or Tankerman-PIC (Barge), and approved by the Commandant. The date of the certificate may not be more than 5 years earlier than the date of application.

§ 13.401 [Amended]

30. In § 13.401, paragraph (e)(2) is revised to read as follows:

* * * * *

(e)(1) * * *

(2) Present evidence of service on tankships or self-propelled tank vessels in accordance with § 13.403; and

* * * * *

31. In § 13.403, the heading and paragraph (a)(1) are revised to read as follows:

§ 13.403 Eligibility: Experience.

(a) * * *

(1) Evidence of at least 90 days of deck service on tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

* * * * *

32. In § 13.405, paragraphs (a) introductory text, (a)(2), and (b)(2),

introductory text are revised to read as follows:

§ 13.405 Proof of Service for "Tankerman-Assistant" endorsement.

(a) Service must be proved by a letter on company letterhead from the owner, operator, or master of a tankship or self-propelled tank vessel. The letter must specify—

* * * * *

(2) The number of days of deck service the applicant accumulated on the tankship or self-propelled tank vessel; and

* * * * *

(b) * * *

(2) A letter on company letterhead from the owner, operator, or master of one of the tankships or self-propelled tank vessel stating that he or she has demonstrated—

* * * * *

33. In § 13.407, the heading is revised to read as follows:

§ 13.407 Eligibility: Firefighting course.

* * * * *

34. Section 13.409, is revised to read as follows:

§ 13.409 Eligibility: Cargo course.

Each applicant for an original "Tankerman-Assistant" endorsement who has not presented the required service on tankships or self-propelled tank vessels shall present a certificate of completion from a course for Familiarization with DL or LG Tankships or from a tanker-familiarization course appropriate to the endorsement applied for, and approved by the Commandant. The date of the certificate may not be more than 5 years earlier than the date of application.

35. In § 13.501, paragraph (d) is revised to read as follows:

* * * * *

(d) Present evidence of service on tankships and self-propelled tank vessels in accordance with § 13.503;

* * * * *

36. In § 13.503, the heading, paragraphs (a) (1), (2), and (3) and (b) are revised to read as follows:

§ 13.503 Eligibility: Experience.

(a) * * *

(1) 90 days of service as a licensed engineering officer of tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for;

(2) 90 days of unlicensed or cadet service in the engine department on tankships or self-propelled tank vessels certified to carry DL or LG appropriate to the endorsement applied for; or

(3) A combination of the service in paragraphs (a) (1) and (2) of this section.

(b) Each applicant already holding an MMD endorsed as Tankerman-Engineer for DL and seeking one for LG, or the converse, shall prove at least half the service required by paragraph (a) of this section.

37. In § 13.505, paragraphs (a) introductory text, (a)(2), and (b) are revised to read as follows:

§ 13.505 Proof of service for "Tankerman-Engineer" endorsement.

(a) Service must be proved by a letter on company letterhead from the owner, operator, master, or chief engineer of a tankship or self-propelled tank vessel. The letter must specify—

* * * * *

(2) The number of days of licensed and unlicensed service in the engine department on tankships or self-propelled tank vessels; or

(b) Service must be proved by certificates of discharge from tankships or self-propelled tank vessels with the appropriate classification of cargo (DL, LG, or both).

38. In § 13.507, the heading is revised to read as follows:

§ 13.507 Eligibility: Firefighting course.

* * * * *

39. Section 13.509, is revised to read as follows:

§ 13.509 Eligibility: Cargo course.

Each applicant for an original "Tankerman-Engineer" endorsement shall present a certificate of completion from a course in DL or LG, appropriate for tankships and the endorsement applied for, approved by the Commandant. The date of the certificate may not be more than 5 years earlier than the date of application.

PART 15—MANNING REQUIREMENTS

40. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 3703, 8105; 49 CFR 1.46.

41. In § 15.301 the following definition is added in alphabetical order to paragraph (a) to read as follows:

§ 15.301 Definitions of terms used in this part.

(a) * * *
* * * * *

Directly supervised means being in the direct line of sight of the person in charge or maintaining direct, two-way communications by a convenient, reliable means, such as a predetermined working frequency over a hand-held radio.

* * * * *

42. In § 15.860 a new paragraph (h) is added to read as follows:

§ 15.860 Tankerman.

* * * * *

(h) Because STCW does not recognize restricted Tankerman-PIC endorsements, persons may act under these only aboard vessels conducting business inside the Boundary Line.

Table 15.860(a)(1) [Amended]

43. In Table 15.860(a)(1) under "Tank vessels" remove the phrase "Tank Barge Certified for Voyages Beyond Boundary Line" and add, in its place, the phrase "Tank Barge."

PART 30—GENERAL PROVISIONS

44. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46. Section 30.01-2 also issued under the authority of 44 U.S.C. 3507; Section 30.01-5 also issued under the authority of Sec. 4109, Pub. L. 101-380, 104 Stat. 515.

45. Section 30.10-62 is added to read as follows:

§ 30.10-62 Self-propelled tank vessel—TB/ALL

Self-propelled tank vessel means a self-propelled tank vessel other than a tankship.

46. Section 30.10-65 is revised to read as follows:

§ 30.10-65 Tank barge—B/ALL.

The term *tank barge* means a non-self-propelled tank vessel.

47. Section 30.10-67 is revised to read as follows:

§ 30.10-67 Tankship—T/ALL.

The term *tankship* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

48. Section 30.10-69 is revised to read as follows:

§ 30.10-69 Tank vessel—TB/ALL.

The term *tank vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

PART 35—OPERATIONS

49. The authority citation for part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; 49 CFR 1.46.

50. In § 35.35-30 the heading and paragraphs (a) and (b) are revised to read as follows:

§ 35.35-30 "Declaration of Inspection" for tank vessels—TB/ALL.

(a) After an inspection under § 35.35-20, but before a transfer of cargo, fuel oil, or bunkers may commence as described in this section and 33 CFR 156.120 and 156.150, the person in charge of the transfer shall prepare, in duplicate, a Declaration of Inspection. The original must be kept aboard the vessel, and the duplicate provided to the terminal supervisor or that person's representative. The supervisor or the representative may, upon demand, inspect the vessel to determine whether its condition is as stated on the Declaration of Inspection.

(b) The Declaration of Inspection may be in any form, but must contain at least:

* * * * *

51. In § 35.35-35 the introductory text is revised; and a new paragraph (f) is added to read as follows:

§ 35.35-35 Duties of person in charge of transfer—TB/ALL.

The person in charge of the transfer of liquid cargo in bulk, fuel oil in bulk, or bunkers in bulk shall control the transfer as follows:

* * * * *

(f) Comply with 33 CFR 156.120 and 156.150.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

52. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

53. In § 98.30-17 paragraph (b)(3) is removed; and paragraph (b)(2) is revised to read as follows:

§ 98.30-17 Qualifications of person in charge

* * * * *

(b) * * *
(2) On a self-propelled tank vessel, or on a tankship, carrying oil or hazardous material in bulk, hold a valid license or certificate authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel, and a Tankerman-

PIC or a restricted Tankerman (PIC) endorsement on his or her MMD.

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

54. The authority citation for part 105 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 4502; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46.

55. In § 105.90-1 paragraph (b)(3) is revised to read as follows:

§ 105.90-1 Existing commercial fishing vessels dispensing petroleum products.

* * * * *

(b) * * *

(3) All commercial fishing vessels must comply with the applicable requirements in subparts 105.15 (Inspection Required), 105.35 (Fire Extinguishing Equipment), and 105.45 (Special Operating Requirements).

Dated: April 25, 1997.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

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POSTAL SERVICE

39 CFR Part 20

Amendment to Interim Rule for Global Package Link to Japan

AGENCY: Postal Service.

ACTION: Amendment to interim rule with request for comments.

SUMMARY: The Postal Service is amending the interim rule on Global Package Link to Japan to change the offering of three levels of service to two levels of service. The discount rate structure currently offered to Japan will be adjusted and the name for Express Service will be changed to Premium service. Additionally, insurance for the Standard service will no longer be available.

DATES: The interim regulations take effect as of 12:01 a.m. on June 8, 1997. Comments must be received on or before June 8, 1997.

ADDRESSES: Written comments should be mailed or delivered to International Business Unit, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 370-IBU, Washington, DC 20260-6500. Copies of all written comments will be available for public inspection and photocopying

between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Michelson at the above address. Telephone (202) 268-5731.

SUPPLEMENTARY INFORMATION: In late 1994, International Package Consignment Service, later renamed Global Package Link (GPL), was introduced to Japan (59 FR 65961, December 22, 1994). Rates have remained constant since the inception of GPL and now must be adjusted slightly to reflect changes in cost and market conditions. Additionally, volume discounts will be changed from a progressive discount after 100,000 packages mailed annually to a straight 3% discount for all packages over 100,000 mailed annually. This makes it consistent with the volume discount structure available to most other GPL destination countries.

The GPL service offerings to Japan: Express, Standard, and Economy will be reduced to two options. Express service will remain as is, except it will now be called Premium service, and the Standard and Economy services will be merged into a new Standard level of service. We believe this change will more accurately reflect the service levels the customers actually receive. In addition, there will no longer be an insurance option for the new Standard service. Customers desiring insurance may choose Premium service, which includes insurance at no additional charge.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

The Postal Service adopts the following interim amendment to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Effective June 8, 1997, subchapter 620 of the International Mail Manual Issue 17 is amended as follows:

6 Special Programs

* * * * *

620 Global Package Link

* * * * *

623.3 Size and Weight Limits

The weight limits for Global Package Link service are 70 pounds for Chile and

Germany; 66 pounds for Brazil, Canada, and the United Kingdom; and 44 pounds for Japan.

The maximum length of GPL packages is 60 inches and the maximum length and girth combined is 108 inches with exceptions: maximum size for Germany is length 47 inches, height 23 inches, width 23 inches. Japan standard packages less than one pound, maximum length is 24 inches; height, depth, and length combined maximum is 36 inches. All packages must be large enough to accommodate the necessary labels and customs forms on the address side.

623.4 Postage

* * * * *

623.44 Base Rates

The Postal Service will charge the base rates, in 1-pound increments, for the first 100,000 packages mailed by the customer during a 12-month period.

RATE REDUCTIONS

Number of packages	Percent discount
Up to 100,000	Base Rate.
Over 100,000	3% off base rates (except Germany and U.K.: Germany, no discount; U.K., 2%).

* * * * *

626 Services Available

* * * * *

626.1 Delivery Options

Delivery options vary according to destination country as set forth below.

* * * * *

626.13 Economy Service

Economy service is available to the United Kingdom. Packages sent through Economy service are transported to the destination country by air for delivery. Tracking is available through the hand-over to the global partner in the United Kingdom.

* * * * *

626.3 Insurance and Indemnity

* * * * *

626.32 Standard Service

626.321 Canada

Packages sent through Standard service and Ground Gateway Service to Canada are insured for the declared value, up to \$100 Canadian. Standard service packages are not insured against delay in delivery. Neither indemnity