

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Chapter I****[USCG-1998-3473]****RIN 2115-AF61****Emergency Response Plans for Passenger Vessels****AGENCY:** Coast Guard, DOT.**ACTION:** Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard seeks public comments on potential rules that would require owners or operators of U.S.-flag inspected passenger vessels, including small passenger vessels, operating in domestic service to develop and exercise emergency response plans. These plans would establish ways of mitigating the consequences of collisions, allisions, groundings, fires, and other emergencies. The plans' elements would address possible emergencies, passengers' evacuation, crews' training, and available emergency response and rescue resources both on vessels and in their operating areas.

DATES: Comments must reach the Coast Guard on or before June 26, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility [USCG-1998-3473], U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address, between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

Copies of NVIC 8-93 and NVIC 1-97, referred to in this advance notice, are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at <http://www.uscg.mil/hq/g-m/nmc/genpub.htm>.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, call Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202-366-9329. For information concerning the advance notice of proposed rulemaking provisions, call Lieutenant John G. White, Project Manager, U.S. Coast Guard Headquarters, Office of Standards Evaluation and Development (G-MSR-2), telephone 202-267-6885.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in the early stages of this potential rulemaking by submitting written data, views, or arguments on the questions that follow the analysis of environmental impact. Persons submitting comments should include their names and addresses, identify this advance notice [USCG-1998-3473] and the specific section or question in this notice to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you want acknowledgment of receipt of your comments, you should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. If it proposes a rule, it will both consider these and invite more.

The Coast Guard may schedule a public meeting depending on the response to this advance notice. You may request a public meeting by submitting a comment requesting one to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a meeting should be held, we will announce the time and place in a later notice in the **Federal Register**.

Purpose

The Coast Guard needs your feedback on the issues addressed in this advance notice to help it define the scope of potential rules requiring emergency response plans and exercises for inspected passenger vessels operating in domestic service. Passenger vessels operate in diverse environments and face hazards that may result in what are referred to as "low-probability-high-consequence" incidents. While the overall safety record for inspected passenger vessels is very good, their

operations are not risk-free. Emergency response planning is a cornerstone in developing effective safety management systems that address "low-probability-high-consequence" incidents. It offers a systematic means by which to constantly balance the interaction among the elements of management, the work environment, individual behavior, and appropriate technology. The primary goal of this potential rulemaking would be to obtain industry participation in efforts toward emergency planning and coordination. The need for planning is clear in light of the pressures and multiple tasks facing personnel when confronted by an emergency. Effective planning will prevent confusion, mistakes, and the failure to advise key people. Without it—and practice—a single incident could easily overwhelm the emergency response resources of a vessel and a local community, resulting in passengers' injuries.

Developing universal planning criteria for passenger vessels is difficult because of the diversity of the vessel population and operating environments. Among the affected vessels are ferries of various types, sport-fishing vessels, dinner excursion vessels, cruise vessels, riverboat gaming vessels, and offshore gaming vessels. These vessels operate everywhere from busy commercial ports located in major metropolitan areas to remote sections of rivers or interstate lakes away from large cities. Some operate in the same port or municipal jurisdiction, while others travel to several ports and routinely cross political jurisdictions. Any rulemaking would address these differences and provide flexibility according to type and size of vessel, passenger capacity, shore-based management structure, availability of resources and facilities for search and rescue, routes, number of municipalities involved, and traffic and weather.

The Coast Guard recognizes that many owners and operators of passenger vessels have already engaged in contingency planning. For example, many owners and operators of cruise vessels have engaged in emergency planning by preparing planning documents and by participating in related training and exercises. Others, such as riverboat gaming vessel operators, have also engaged in the planning process. Furthermore, there are cooperative efforts under way between the Coast Guard and representatives of the industry to address risk management for the industry, of which contingency planning may be one component. The Coast Guard intends to build upon such

efforts during this potential rulemaking by incorporating lessons learned from current plans and past exercises and gathering significant public input. The Coast Guard is particularly interested in information that you can provide on current planning—its scope, successes, problems, and so forth. Any rules that resulted would aim at assisting the maritime community by clarifying authority and expectations for plans and exercises, and by providing a level of consistency between ports. Your input will be particularly useful during the early stage of any rulemaking arising from this advance notice.

Hazards Faced by Passenger Vessels

The Coast Guard estimates that there are about 6,100 inspected passenger vessels operating in the United States. Of these, about 5,100 are small passenger vessels inspected under 46 CFR Subchapter T; most of these vessels carry fewer than 50 passengers.

Although the safety record for domestic passenger vessels is very good, it cannot reliably predict an absence of serious accidents. Passenger vessels do experience fires, groundings, collisions, allisions, loss of propulsion, loss of steering control, and other equipment failures. For example, from the end of 1992 until the end of 1996, passenger vessels experienced an average of over 575 such incidents a year. Most of these were minor, and very few resulted in injuries. However, such incidents—aggravated by other factors such as bad weather, strong currents, or heavy vessel traffic—could lead to serious injuries indeed. It is difficult to make a general statement about risk to passenger vessels because of the variables involved. However, the key to effective planning is determining the level of risk and taking appropriate steps to address that risk. The Coast Guard is interested in your feedback regarding that level and those steps.

Existing Guidance for Planning

A key component of any future rulemaking would be requirements on the scope and content of emergency response plans. The Coast Guard would like to learn about any existing guidance for the development of plans or other information relevant to preparing plans. There are two Coast Guard Navigation and Inspection Circulars (NVICs) that address emergency response plans for passenger vessels. Both NVICs provide options or alternatives for compliance with certain rules for the safety of passenger vessels.

NVIC 8-93, "Equivalent Alternatives to 46 CFR Subchapter H Requirements Related to Means of Escape, Safe Refuge

Areas, and Main Vertical Zone Length," elaborates equivalent means of egress, safe refuge areas, and limitations of length of main vertical zones for certain passenger vessels required to meet 46 CFR Subchapter H on structural fire protection. Some passenger vessels built to the standards of Subchapter H after the publication of NVIC 8-93 practice the alternatives provided by the NVIC.

One alternative provided by NVIC 8-93 involves the preparation of an Emergency Evacuation Plan (EEP). The EEP tells the master and crew what procedures they must carry out in the event of a shipboard fire. An EEP is generally in the form of a pamphlet describing the various safety features and emergency procedures. It sets out simplified diagrams of the vessel's emergency egress and refuge systems and explains fire protection equipment. Each member of the crew should be familiar with these systems and equipment so they can direct passengers to safe refuge in an emergency and can help to contain and combat the fire. The Coast Guard verifies the crew's performance during fire and lifesaving drills conducted as part of regularly scheduled vessel inspections.

EEPs address issues such as the number of persons in each enclosed space and on each part of the weather deck, possible fire scenarios, dimensions and capacities of egress components, characteristics and capacities of refuge areas, identity of embarkation areas and how passengers would be evacuated from those areas, and how passengers would be informed of emergency procedures. Because many gaming vessels have passengers on board while the vessels are moored, some Officers in Charge of Marine Inspection (OCMIs) require addenda to EEPs for gaming vessels to address passengers' egress in case of an emergency evacuation when moored.

Although EEPs deal only with fires and need not cover availability of and coordination with local emergency resources, passengers' egress under EEPs may apply to more comprehensive emergency response plans. The Coast Guard is interested in comments from the public regarding EEPs and their applicability to these more comprehensive plans. Copies of NVIC 8-93 are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at <http://www.uscg.mil/hq/g-m/nmc/genpub.htm>.

NVIC 1-97, "Shipboard Safety Management and Contingency Plan for

Passenger Vessels," may be another valuable model for developing emergency response plans. The NVIC was developed to provide guidance on preparing a Shipboard Safety Management and Contingency Plan for some passenger vessels as an alternative to certain survival craft requirements specified in 46 CFR Subchapter W. This alternative is discussed in the Interim Rule on Lifesaving Equipment published in the **Federal Register** on May 20, 1996 [61 FR 25272].

NVIC 1-97 offers guidance on preparing plans that address contingencies such as medical emergencies, oil spills, fires, collisions, allisions, and groundings. It stresses that planners should conduct an initial risk assessment addressing navigation and safety in a vessel's operating environment (distance from shore, depth of water, temperature, current, visibility, proximity of other vessels, availability and suitability of onshore or offshore facilities, etc.). In general, plans should identify local facilities for firefighting, ambulances, and search and rescue, including local telephone numbers and contact points, for both underway and dockside situations. Plans should also contain protocols for company drills and crew training. The NVIC stresses that a plan is necessary because of the multiple tasks a vessel's crew may encounter in an emergency. If a crew is properly prepared, passengers will more likely be aware of the environment, be informed of emergency procedures, and be prepared to follow directions.

NVIC 1-97 recommends that any plan should be tailored to a particular vessel, be easy to use, be understood by management personnel of the vessel both on board and ashore, and be updated regularly. According to the NVIC, any plan should comprise: Guidance assisting a vessel's crew to deal with catastrophic vessel damage; procedures to mobilize emergency response teams; procedures for moving passengers off the vessel; lists of external organizations that may assist; communications; arrangements for passengers with physical or mental impairments; and training for personnel with identified roles in the plan.

NVIC 1-97 recommends the following specific components and characteristics for plans:

- Plans should inform the vessel's master and crew how to handle an emergency and to stop or minimize damage and the effects of an emergency.
- Plans should fit the particular vessels for which they are developed.
- Plans should establish procedures to get passengers from various spaces on

the vessel to an assembly station (stage 1 egress); direct them on to the embarkation stations (stage 2 egress); and evacuate them to points of safety (stage 3 egress) in an emergency.

- Plans should describe the method and procedure for providing timely instructions to passengers.
- Plans should list external organizations that the plan-holder would call for assistance in emergencies. Among the organizations may be governmental agencies, fire departments, hospitals, vessel or equipment providers, and contractors offering specialized services such as towing and barge services, and trained personnel related to control, triage, or recovery.
- Plans should describe the different kinds of training to prepare the crew for handling various emergencies.
- Plans should be realistic, practical, and easy to use, and understood by company personnel, both on board and ashore.
- Plans should have a designated space to allow for recording lessons learned during exercises.
- Plans should be reviewed, evaluated, exercised, and updated regularly.
- Plans should be kept in loose-leaf binders to facilitate updating.
- Plans should have flow charts or checklists to guide personnel through various actions and decisions required during incidents.
- Plans should be readily available on board and located throughout the vessel so that crew members are aware of their responsibilities during each type of emergency.
- Plans should discuss and practice the means of providing safety information to passengers such as emergency signals and announcements; announcements of evacuation procedures; announcements of assistance for disabled, elderly, or young passengers; identification of crew members; life jacket instructions; and announcements of procedures for disembarking from the vessels in emergencies.
- Plans should include lists of specific acts, taken sequentially or concurrently, to counteract each potential emergency and prevent or minimize damage. The NVIC recommends acts for the following scenarios: vessel's loss of steering or control; collision and grounding; fire and explosion; oil spill; bomb threat; flooding; abandonment of ship; person overboard; emergency on another vessel; and medical emergency.

NVIC 1-97 also provides guidance on how plans should be exercised. It

establishes three levels of exercises to ensure the practice of main components on a regular basis.

Level 1 exercises involve the vessel's crew. They emphasize developing and practicing the vessel's initial response such as alerting key personnel, starting emergency systems, securing nonessential machinery, starting evacuation procedures, controlling and directing passengers, and deploying on-site personal protective and lifesaving equipment. The NVIC recommends conducting *Level 1* exercises at least once a month.

Level 2 exercises involve the local response community. Plan holders should drill with some or all of the external organizations listed in their plans. Tabletop exercises focusing on organizations' response management teams are appropriate. Although several organizations may participate, plan holders usually design, control, exercise, and evaluate their own plans. The NVIC recommends the conduct of *Level 2* exercises once a year.

Level 3 exercises involve several plan holders' coming together as equals to cooperatively design and execute a response exercise to a marine incident.

The Coast Guard encourages you to review NVIC 1-97 and provide feedback on its applicability to comprehensive emergency response planning for passenger vessels. Copies of NVIC 1-97 are available either from the Coast Guard point of contact designated in **FOR FURTHER INFORMATION** or from the Home Page of the Coast Guard for Marine Safety and Environmental Protection on the Internet at <http://www.uscg.mil/hq/g-m/nmc/genpub.htm>. The Coast Guard is also interested in other planning guidance that you think may be useful in the development of any potential rulemaking.

Crews' Training

As discussed in NVIC 1-97, crews' training is an important component of emergency response planning. If crew members are properly trained in emergency procedures, they will likely help evacuate passengers from the vessel and mitigate the emergency. It is important that crew members be familiar with their positions and roles during an emergency, and have the opportunity to practice these roles on a routine basis. The Coast Guard is interested in learning about training programs you may be involved in that address the safety of passengers, and what you believe are key components of such programs.

Regulatory Assessment

At this early stage in what is still just a potential rulemaking, the Coast Guard has not determined whether any future rulemaking may be considered a significant regulatory action under section 3(f) of E.O. 12866 or the regulatory policies and procedures of the Department of Transportation [44 FR 11030 (February 26, 1979)]. The Coast Guard anticipates that any future rulemaking will require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866.

Any future rulemaking may have substantial effects on owners and operators of passenger vessels who have yet to develop and implement emergency response plans, and it may generate substantial public interest. The primary economic impact of any rule would be on those owners and operators who would have to comply with any new requirements. Because there are no such requirements now, we cannot quantify the full extent of the economic and operational impacts now. A primary purpose of this advance notice is to help the Coast Guard develop a proposal and determine the costs and benefits of any new requirements, to the extent that they exceed current statutory and regulatory requirements or current industry practices. We expect that the public response to the questions and issues addressed in this notice will help us in writing a proposed rule and a draft regulatory assessment. We seek your feedback on what costs you incur by developing and exercising emergency response plans as well as what economic incentives you envision for complying with such requirements.

Small Entities

Under the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the Coast Guard must consider whether any potential rulemaking, if it led to an actual rule, would have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

Because there are not yet any new requirements, the Coast Guard cannot yet determine potential effects upon small entities. Accordingly, an initial Regulatory Flexibility Analysis discussing the impact of this potential rulemaking on small entities has not been prepared. However, the Coast Guard anticipates that any future rulemaking may have potential impacts on small businesses, and State and local

governments. The Coast Guard expects that comments received on this advance notice will help it in determining the number of potentially affected small entities, and in weighing the impacts of various regulatory alternatives for the purpose of drafting new requirements.

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 wants to assist small entities in understanding this advance notice so that they can better evaluate the potential effects of any future rulemaking on them and participate in the rulemaking. If you believe that your small business, organization, or agency may be affected by any future rulemaking, and if you have questions concerning this notice, please consult the Coast Guard point of contact designated in **FOR FURTHER INFORMATION**. The Coast Guard is particularly interested in how any future rulemaking may affect small entities. If you are a small entity and believe you may be affected by such a rulemaking, please tell how, and what flexibility or compliance alternatives the Coast Guard should consider to minimize the burden on small entities while promoting passenger safety.

Collection of Information

Under the Paperwork Reduction Act [44 U.S.C. 3501 *et seq.*], the Office of Management and Budget (OMB) reviews each proposed rule that contains a collection-of-information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. As defined in 5 CFR 1320.3(c), "collection of information" includes reporting, record-keeping, monitoring, posting, labeling, and other, similar actions.

The Coast Guard cannot yet estimate the paperwork burden associated with this potential rulemaking because it has not yet proposed any new requirements. However, at a future stage, it may require that owners and operators of certain passenger vessels develop and maintain emergency response plans. It expects that comments received in response to this advance notice will help it in estimating the potential paperwork burden, as required under the Paperwork Reduction Act. After estimating the burden and deciding to go ahead with the rulemaking, it would submit the proposed record-keeping requirement to the Office of Management and Budget (OMB) for approval. The Coast Guard is interested in your input regarding potential

collection-of-information burdens imposed by any future rulemaking.

Federalism

The Coast Guard has analyzed this advance notice under the principles and criteria contained in Executive Order 12612. From the information available at this time, the Coast Guard cannot determine whether this potential rulemaking would have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Potential issues include introducing some level of standardization of requirements for emergency response plans among Federal, State, and local governments. Because some passenger vessels move from port to port in the national marketplace, separate requirements for each port could be economically burdensome and even unsafe. The Coast Guard specifically seeks public comment on the federalism implications of this potential rulemaking.

Unfunded Mandates

Under the Unfunded Mandates Reform Act [Pub. L. 104-4], the Coast Guard must consider whether this potential rulemaking would result in an annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100 million (adjusted annually for inflation). The Act also requires (in Section 205) that the Coast Guard identify and consider a reasonable number of regulatory alternatives and, from those alternatives, select the least costly, most cost-effective, or least burdensome alternative that achieves the objective.

Currently, several States and local governments operate passenger ferries and may have to comply with any future requirements. They could bear unfunded mandates in that they would incur costs to develop and exercise emergency response plans for those ferries. Privately-owned vessels, fire departments, ambulances, police, etc., could incur costs as well. The Coast Guard is interested in comments addressing the import of any such requirements for unfunded mandates.

Environment

The Coast Guard anticipates that any potential rulemaking would be categorically excluded from further environmental documentation in accordance with Commandant Instruction M16475.1B. Any such rulemaking should enhance the safety and survivability of passengers on board passenger vessels, and should enhance the effectiveness of search and rescue. Therefore, this potential rulemaking

should have no environmental impact. The Coast Guard invites comments addressing possible effects that any such rulemaking may have on the human environment, or addressing possible inconsistencies with any Federal, State, or local law or administrative determinations relating to the environment. It will reach a final determination regarding the need for an environmental assessment after receipt of relevant comments.

Questions

We especially need your help in answering the following questions, although additional information is welcome. In responding to each question, please explain your reasons for each answer so that we can carefully weigh the consequences and impacts of any future requirements we may propose.

1. What are the primary hazards faced by passenger vessels? Do current regulations, industry programs, and voluntary initiatives for emergency response planning adequately address them? Why or why not?

2. Which vessels currently have emergency response plans?

3. What vessels should have emergency response plans? What factors determine whether or not a passenger vessel should have an emergency response plan? (Possible factors to consider may include, but are not limited to, availability of local resources for emergency response, vessel type, vessel route, local weather, vessel traffic, passenger capacity, etc.)

4. What information should a response plan contain? Should vessels that face different levels of risk (passenger capacity, vessel route, vessel traffic, etc.) have different types of plans?

5. Should vessels that operate in larger metropolitan areas with many available resources for emergency response have plans like those vessels operating in relatively isolated areas? Or should port and routes determine the scope and content of plans but not affect the requirement to have them?

6. Have you already prepared an emergency response plan for a passenger vessel? If so, please describe the planning process. If possible, please cover the following issues: (a) what prompted the preparation of the plan; (b) what guidance you used to develop the plan; (c) what contingencies the plan addresses; (d) how the plan addresses coordination with shoreside resources for emergency response; (e) what kind of training is in place for the vessel's crew and its shoreside support personnel; (f) how often you have

exercised the plan during the last 5 years; (g) who participated in these exercises; (h) what was the nature of the exercises (table-top, full-scale, etc.); (i) how exercise performance was evaluated; (j) how often you update the plan; and (k) whether the plan fits with a broader plan (port-level plan, company-wide plan, etc.)?

7. If you have already prepared a plan, how many pages long is it? How long did it take you to prepare?

8. What impacts would any future rulemaking have on existing State-mandated or voluntary initiatives for emergency response planning? Are there non-regulatory alternatives that the Coast Guard should consider? If so, what are they, and how would they promote an adequate level of passenger safety?

9. Should a plan developer conduct a risk assessment to focus the emergency response plan? Should the plan center on the hazards a particular vessel will most likely face rather than on hazards common to all passenger vessels?

10. Should a vessel on a route that crosses several political jurisdictions identify emergency resources in each jurisdiction rather than prepare a basic plan with a port-specific annex for each port it visits?

11. Are NVICs 8-93 and 1-97 good models for developing plans and exercises? Why or why not? Is the information addressed in the NVICs similar to that in existing plans? What are the significant differences, if any? Are there different standards or guidelines that the Coast Guard should rely on when developing any future rulemaking, as from States?

12. Should any future rulemaking prescribe a particular format for plans rather than simply focus on elements of plans? Why or why not? If any format, which?

13. When developing any future rulemaking, how should the Coast Guard address owners and operators of passenger vessels who have already prepared plans? Should it give them credit for these plans? If so, how and how much?

14. What agencies or organizations should review emergency response plans to ensure that they meet minimum standards? Should an agency or organization approve plans? If so, which agencies or organizations? Should State or local authorities conduct reviews or issue approvals of emergency response plans for passenger vessels?

15. Should performance standards that plan holders should be able to meet through planning, such as mandatory evacuation times, be established? If so, who should establish them (Coast Guard, third parties, plan holders, etc.)?

16. What lessons have you learned when developing and exercising existing emergency response plans? Which components of the plans work well and which need improvement?

17. Should ports prepare emergency response plans that address risks to passenger vessels from their perspectives? If so, what information should be included in such plans? How should such plans relate to vessel-specific plans? How should a port-level planning program be implemented?

18. How often should plans be reviewed and updated? What actions or events should trigger plans' reviews and updates (time interval, drill evaluations, actual incidents, changes in operating area, changes in personnel, etc.)?

19. Should any future rules include requirements that plans be exercised? If so, what should be the scope and frequency of the exercises and who should participate? Should these requirements differ according to vessels' classes, operating areas, etc.? If so, how?

20. What might induce diverse jurisdictions and agencies to participate in exercises? What problems might a vessel's operator face in getting full participation in exercises?

21. Who should organize and control exercises (third parties, plan holders, the Coast Guard, etc.)?

22. How should exercise performance be measured (i.e., time to notify resources for response, time to mobilize response, etc.)? Should exercise records be maintained? If so, what information should they contain?

23. Should lessons learned from exercises be shared? If so, how? Should a system of lessons learned be administered at the national rather than the local level? By whom?

24. How should exercises be scheduled? Who should do the scheduling? Should scheduling be done at the local level? At the national? At both?

25. Should there be specific requirements on training for vessels' crews and shoreside emergency response personnel? Why or why not? If so, what should be the components of the training (passenger safety, crowd management, human behavior, etc.)? Who should conduct the training?

26. Should the issuance of a Certificate of Inspection (COI) be

contingent upon submission of an acceptable emergency response plan and participation in emergency response exercises?

27. Should any future rulemaking require that plans include evidence of a commitment of shore-based resources to respond? Is obtaining such a commitment practical? Why or why not?

28. What are the potential costs associated with preparing, implementing, and exercising emergency response plans? If possible, please break down costs according to different components of planning (preparing, drafting, distributing, and updating plans; preparing and conducting exercises; incorporating lessons learned; training crews and whole companies; etc.).

29. How would costs vary depending on a vessel's type and size, its operating area, and other factors? Would the per-vessel cost to develop plans for a fleet of passenger vessels be lower than the cost to prepare a plan for a single vessel? What would be the per-vessel cost of periodic review and updating of emergency response plans? What would be the per-fleet cost?

30. Is data available regarding the effectiveness of existing emergency response plans in improving search and rescue and avoiding or minimizing passengers' casualties?

31. What would be the economic impact of potential requirements for planning on "small entities", as defined by section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605(b)]? What flexibility or alternatives for compliance should any future rulemaking incorporate to minimize the burden on small entities while promoting passengers' safety?

32. What would be the economic impact of potential requirements for planning on State and local governments (especially small ones) and on tribes? What flexibility or alternatives for compliance should the Coast Guard consider that would minimize the cost and burden of such requirements while promoting passengers' safety?

Dated: February 19, 1998.

R.C. North,

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

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