

District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch of the Eighth Coast Guard District maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, at the address given above, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe Railroad swing span drawbridge across Bayou Des Allemands, mile 14, at Des Allemands, Louisiana has a vertical clearance of three feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft. The Burlington Northern Santa Fe Railroad requested a temporary deviation for the operation of the drawbridge to accommodate maintenance work, involving replacement of the steel truss members, stringers, floor beams and railroad ties and rails, an extensive but necessary maintenance operation. Presently, the draw opens on signal Monday through Friday from 7 a.m. until 3 p.m. At all other times the draw opens on signal if at least 4 hours notice is given. This work is essential for continued safe operation of the bridge.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the draw of the Burlington Northern Santa Fe Railroad swing span drawbridge to remain closed to navigation from 7 a.m. on July 12, 1999 through 6 p.m. on July 16, 1999 and from 7 a.m. on July 19, 1999 through 6 p.m. on July 23, 1999.

In event of an approaching tropical storm or hurricane, the draw will return to normal operation with 12 hours notice from the Coast Guard. Presently, the draw opens on signal Monday through Friday from 7 a.m. until 3 p.m. At all other times the draw opens on signal if at least 4 hours notice is given.

Dated: June 4, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 99-16010 Filed 6-22-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-084]

Drawbridge Operation Regulations: Hackensack River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Portal Bridge, mile 5.0, across the Hackensack River at Little Snake Hill, New Jersey. This deviation authorizes the bridge owner to keep the bridge in the closed position for six weekends beginning 10 p.m. on Friday evening through 5 a.m. on Monday morning each weekend. This action is necessary to facilitate timber and mitre rail rehabilitation at the bridge.

DATES: This deviation is effective from 10 p.m. on June 11 through 5 a.m. on June 14, 1999; 10 p.m. on June 18 through 5 a.m. on June 21, 1999; 10 p.m. on June 25 through 5 a.m. on June 28, 1999; 10 p.m. on July 9 through 5 a.m. on July 12, 1999; 10 p.m. on July 16 through 5 a.m. on July 19, 1999; 10 p.m. on July 23 through 5 a.m. on July 26, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Yee, First Coast Guard District, Bridge Branch, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Portal Bridge, mile 5.0, across the Hackensack River has vertical clearances of 23 feet at mean high water, and 28 feet at mean low water in the closed position. The current operating regulations listed at 33 CFR 117.723(c) require the bridge to open on signal; except that, from Monday through Friday, except federal holidays, the draw need not open from 7:20 a.m. to 9:20 a.m. and from 4:30 p.m. to 6:50 p.m. At all other times, an opening may not be delayed for more than ten minutes, unless the drawtender and the vessel operator agree to a longer delay.

The bridge owner, AMTRAK, requested a temporary deviation from the operating regulations for the Portal Bridge in order to conduct repairs to the bridge timber and mitre rails. This work will require the bridge to remain in the closed position and not open for vessel traffic during these repairs. Vessels that can pass under the bridge without an opening may do so at all times during the closed periods. This work is

essential for public safety and the continued operation of the bridge. In accordance with 33 CFR 117.25(c), this work will be performed with all due speed to return the bridge to normal operation as soon as possible.

This deviation to the operating regulations will allow the Portal Bridge, mile 5.0 across the Hackensack River in Little Snake Hill, New Jersey, to remain in the closed position as follows:

10 p.m. on June 11 through 5 a.m. on June 14, 1999.

10 p.m. on June 18 through 5 a.m. on June 21, 1999.

10 p.m. on June 25 through 5 a.m. on June 28, 1999.

10 p.m. on July 9 through 5 a.m. on July 12, 1999.

10 p.m. on July 16 through 5 a.m. on July 19, 1999.

10 p.m. on July 23 through 5 a.m. on July 26, 1999.

At all other times the draw shall operate as published at 33 CFR 117.723(c). This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 11, 1999.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 99-16011 Filed 6-22-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 160

[USCG-1998-4819]

RIN 2115-AF85

Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities

AGENCY: Coast Guard, DOT.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard establishes temporary regulations to require owners and operators of certain vessels and marine facilities to report Year 2000 (Y2K) preparedness information. These reporting requirements are based on vessel and marine facility-specific Y2K questionnaires issued by the International Maritime Organization (IMO) as IMO Circular Letter 2121. Responses to questionnaires will help Coast Guard Captains of the Port (COTPs) assess vessel and marine facility preparedness for potential Y2K-related malfunctions of equipment and systems. This preparedness information will help COTPs identify potentially

hazardous situations during peak Y2K risk periods, enabling them to take appropriate measures to promote port safety and environmental protection.

DATES: This temporary interim rule is effective on July 23, 1999 and expires on March 31, 2000. Comments must reach the Docket Management Facility on or before August 23, 1999. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before August 23, 1999.

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

- (1) By mail to the Docket Management Facility, [USCG-1998-4819], U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.
- (2) By hand to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.
- (3) By fax to Docket Management Facility at 202-493-2251.
- (4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and related material, 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 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You can also find this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this temporary interim rule, call Mr. John Hannon, Project Manager, Office of Compliance, Commandant (G-MOC-2), Coast Guard, telephone 202-267-1464. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [USCG-1998-4819], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they were received, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard encourages you to file any important comments as quickly as possible. We will consider all comments and material received during the comment period and may change this rule, even prior to the effective date, if necessary, in response to the comments.

Discussion of Regulatory Action

Due to the unique nature of the Year 2000 (Y2K) problem, this rule is being published as a temporary interim rule and is being made effective on July 23, 1999. It will have considerable positive impact on marine safety by establishing a reporting requirement for certain vessels and marine facilities on Y2K preparedness. The rule is temporary in nature—it runs for a defined period of time and is tailored to critical Y2K-related dates. This temporary interim rule is both time sensitive and time critical. The first peak risk period begins at midnight on September 7, 1999 and ends at midnight September 9, 1999, and the last peak risk period begins at midnight on February 27, 2000 and ends at midnight February 29, 2000. It is imperative that, on these dates, Captains of the Port (COTPs) have all information reasonably available to make informed decisions regarding the safety of vessels and marine facilities. To ensure timely data collection and analysis, this rule requires most vessel and marine facility representatives to submit Y2K preparedness information to the Coast Guard by August 1, 1999. In addition, although the last Y2K peak risk period ends at midnight on February 29, 2000, this rule is effective through March 31, 2000. This extra “period of vigilance” provides the Coast Guard with needed flexibility to quickly address potential

emerging Y2K problems. Any delay to this rule could result in a significant increase in avoidable risk.

The Coast Guard has been assessing Y2K-related risks, both internally and externally. On December 4, 1998, the Coast Guard published a request for comments in the **Federal Register** [63 FR 67166] seeking comments on how best to address the Y2K problem aboard vessels, at port facilities, and at marine terminals. In the request for comments, the Coast Guard stated that the focus was not on mandating new industry requirements. Rather, the goal was to use existing authority to address Y2K-related risks. The request for comments was summarized in the Marine Safety Newsletter and posted on the Coast Guard Internet site. Thirty-nine responses to this request were received. In January 1999, a meeting of Coast Guard COTPs was held in which they stressed the need for a Y2K risk assessment tool. Based on the substance of the comments and the COTPs’ need for a risk assessment tool, the Coast Guard has decided to issue this rule requiring the submission of information needed to use the risk assessment tool.

Further, the international nature of shipping presents additional challenges. At the behest of the U.S. Coast Guard and the United Kingdom Maritime and Coastguard Agency, a meeting was held at the International Maritime Organization (IMO) Headquarters to consider issues relating to the Y2K problem, promote international awareness and knowledge sharing, identify and refine preparedness actions, and promote contingency planning. On March 5, 1999, IMO issued Circular Letter No. 2121 which established, through unanimous agreement, the Year 2000 Code of Good Practice and Key Elements of Y2K contingency plans for ships, ports, and terminals. IMO Circular Letter No. 2121 is available in the docket at the addresses listed under **ADDRESSES**. Part of the Code of Good Practice is an assessment of vessel and facility Y2K preparedness. The forms contained in IMO Circular Letter No. 2121, which are used to determine the level of Year 2000 preparedness, are the questionnaires used in this rule.

Following the issuance of the IMO Circular, the Coast Guard began an effort to develop a risk assessment matrix, and to evaluate the need for supplemental information to that provided through the questionnaires contained in the Circular. This effort was completed in mid-May 1999. Since its issuance, the Circular has received worldwide acceptance, underscoring its applicability as the basis for Y2K

preparedness for the international maritime community. The Coast Guard is committed to promoting implementation of the IMO Circular to achieve consistency of approach between ships, ports, and facilities, as well as a serious focus on contingency planning, in the global marine transportation system.

Based on all available information and comments, the Coast Guard has determined that this temporary interim rule is necessary to require vessel and marine facility operators to respond to questionnaires regarding their level of preparedness for the Y2K problem. The responses will provide COTPs with information needed to evaluate the level of Y2K-related risk associated with vessel and marine facility operations. Based on these evaluations, COTPs can make informed decisions as to whether operations by particular vessels or facilities present undue risk, and take control actions as appropriate to minimize any risks. This course of action only requires the submission of information and does not require the regulated entities to alter their conduct to conform to a specific government standard. The reporting of the information causes no harm and the time requirements to report the information are minimal. On the other hand, if COTPs don't have the information necessary to evaluate the level of Y2K risk in their ports, significant harm to port safety, the environment, and commerce could occur. Without this information, the Coast Guard would be unable to fully and effectively ensure safety in a Y2K environment.

For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553(b)(B), that notice, and public procedure on the notice, before the effective date of this rule is impracticable and contrary to the public interest in marine safety. We still encourage public comments on this temporary interim rule, and we may amend the rule as necessary to respond to comments received during the comment period.

Background and Purpose

Our society's dependence on automation and computer technology is increasing exponentially. The maritime industry incorporates automation and computer technology into almost every aspect of its business operations. Automation is used for many shipboard systems such as main propulsion, boilers, auxiliary systems, power generation, position fixing navigation systems, communications, radar, steering systems, cargo systems, and

bilge/ballast controls. Automation is also used at marine facilities on cranes, on shore side equipment, and in loading and unloading operations. Despite current regulations for equipment and systems testing, the potential technological malfunctions associated with the Year 2000 (Y2K) problem could disrupt maritime operations.

What is the Y2K problem? The Y2K problem stems from the widespread computer industry practice of using 2 digits instead of 4 to represent the year in databases, software applications, and hardware microchips. Certain systems will face difficulty in the year 2000 when that year is represented as "00." Unable to differentiate "00" from the year 1900, computer programs and systems aboard ships and at port facilities could malfunction or completely shut down.

How might the Y2K problem affect the maritime industry? Computer programs for engine automation systems that send critical operating signals are good examples of the Y2K problem. If these programs misread "00" as the year 1900 instead of 2000, they may misinterpret that 100 years have passed and respond with an inappropriate action or a series of inappropriate actions, creating a domino effect, that could shut down systems. Temporary loss of main engine operation or steering at sea on a calm day with no other ships in sight may only prove inconvenient. However, the unexpected loss of a ship's propulsion in a narrow or crowded waterway could result in a serious casualty.

Marine facilities are also at risk from Y2K-related problems. Systems that use time as a function of measurement such as fire detection systems, cargo tracking software, process flow controls (oil, gas, and chemical), temperature controls and alarms are most vulnerable. For example, system sensors could cause an automatic shutdown response that could in turn trigger some other fail-safe response. In such a case, a release of hazardous materials could occur when overpressure safeguards react to the sudden closure of a valve against the flow of gas or liquid.

The risk period for Y2K-related equipment and system failures and malfunctions is not limited to January 1, 2000. Similar problems are associated with the dates September 9, 1999 and February 29, 2000.

Why are September 9, 1999 and February 29, 2000 dates of concern? September 9, 1999 is a date of concern because of the common programming practice of using 9999 or simply 99 to mark the end of a file or a record that should be archived or purged. Both sets of digits could also legitimately

represent September 9, 1999, or the year 1999. For instance, a maritime application might prompt someone to enter 99 as a year if they want to delete the corresponding file. Software programs may need revisions to facilitate deletion requests differently.

February 29, 2000 is a date of concern because of how leap years are determined. Our calendars reflect leap years occurring every four years; however, leap years do not adhere to a strict four-year cycle. As a result, century years generally are not leap years (i.e. year 1800 or 1900). However, exceptions apply to century years evenly divisible by 400, such as February 29, 2000. Problems could occur in computers not properly programmed to accept this date. If a microprocessor reads 00 as the year 1900, it will fail to accept the 29th of February because 1900, unlike 2000, was not a leap year. Leap years have already presented a problem. In 1996, the presence of a leap year created a complete loss of process control computers at a large aluminum smelter in New Zealand because the programs failed to accept the 366th day ("Ship 2000"; Lloyd's Register Articles; March 5, 1999).

What existing regulations and authorities address the Y2K problem? Existing Coast Guard regulations include requirements for commercial vessel operators to conduct periodic equipment and systems tests, as well as inspections of safety, navigation and pollution prevention equipment and systems. For example, Title 33 of the Code of Federal Regulations (CFR) part 164 requires certain vessels to conduct arrival and departure tests to ensure the proper operation of vital navigation equipment and systems. In addition, 33 CFR part 156.170(c)(5) requires similar testing for facilities to ensure all systems and equipment properly perform their intended functions. Such tests help detect malfunctions or failures of equipment and systems regardless of the cause; however, the general consensus is that these tests are ineffective at detecting Y2K-related problems.

Other existing regulations give the Coast Guard broad authority to control operations in the event of hazardous situations. For example, 33 CFR part 160, subpart B allows District Commanders and COTPs to control vessel and waterfront facility operations to ensure safety and environmental protection. Under this authority, COTPs can restrict or control vessels and waterfront facilities experiencing equipment or system malfunctions or failures posing safety or environmental hazards.

Did the Coast Guard consider input from the public when developing its Y2K policy and this temporary interim rule? Yes. The Coast Guard published a request for comments in the **Federal Register** on December 4, 1998 entitled "Vessel and Port Control Measures to Address Year 2000 (Y2K)-related Problems" [63 FR 67166]. The request for comments focused on possible actions and control measures the Coast Guard might take to minimize the occurrence and effect of potential Y2K-related equipment and system malfunctions aboard vessels and marine facilities. Measures discussed included rigorous equipment and systems testing on vessels and at facilities, Y2K assessments and certifications, and closing or restricting access to U.S. ports.

Summary of Comments. Thirty-nine comment letters were submitted to the docket in response to the request. Most of the respondents indicated that they have implemented or are implementing some type of project or plan to identify and correct Y2K-related problems in critical systems and various equipment and machinery.

Most of the respondents stated that existing regulations do not directly address Y2K issues. However, some stated that existing regulations broadly cover those systems and machinery potentially affected by Y2K, indicating that no additional regulations are necessary. Others stated that existing regulations are ineffective for Y2K because it is difficult to predict the effects of any potential Y2K-related problems. We agree that the Y2K problem is unique and that existing safety and testing requirements may not uncover a Y2K-related problem.

Most of the respondents indicated that they would prefer that the Coast Guard issue Y2K guidance instead of regulations. The guidance should be a national standard that is supplemented by limited local COTP or District Commander authority. Respondents stated that a national standard would minimize confusion for shipping companies that operate in multiple ports. We agree that it is important to have consistent standards. The Coast Guard does not intend to issue new regulations to control vessel movement or facility operations. This temporary interim rule establishes standard Y2K preparedness reporting requirements so COTPs can employ a consistent risk assessment methodology. In addition, we will soon publish Navigation and Vessel Inspection Circular (NVIC) 6-99. NVIC 6-99 sets forth a consistent, nationwide policy that industry and COTPs can use to help assess and

reduce Y2K-related risks. The NVIC will be available on the Internet at <http://www.uscg.mil/hq/g-m/nvic/>.

Most respondents indicated that manufacturers' "Y2K certifications" of products and systems are not an acceptable alternative to assessment, testing, and contingency planning. In addition, many respondents indicated that a third party, such as a classification society, would be a reliable Y2K "certifying entity"; however, no known reliable classification society will make a Y2K certification.

Respondents suggested that the Coast Guard coordinate with a variety of entities to address local Y2K issues and preparedness, including: port authorities; local disaster planning agencies; vessel and terminal operators; harbor communities; harbor safety committees; classification societies; industry associations; and members of the public. We agree. Captains of the Port are actively working with local port communities to address the Y2K problem.

Most respondents indicated that some port control measures might be appropriate with prior notice. However, most respondents stated that those vessels, facilities, and companies that demonstrate adequate Y2K preparedness should receive exemptions from port control measures. In addition, most respondents stated that a blanket suspension of all port operations is not an acceptable preventative measure for potential Y2K-related problems because it would be extremely costly.

We generally agree with these comments. Rather than implementing blanket control measures, the Coast Guard will use a risk assessment-based strategy to promote port safety. The Coast Guard has developed a standardized "Y2K Risk Assessment Matrix" that COTPs will use, in tandem with the information collected through questionnaires, as a tool to help assess vessel and marine facility preparedness for Y2K problems. The risk assessment matrix, however, is not meant to be a binding mechanism from which the COTP cannot deviate. It is simply one tool that is designed to assist the COTP in making decisions regarding maritime safety and the marine environment. The matrix assesses several elements, including environmental factors, potential consequences of accidents, and questionnaire responses. A vessel or marine facility that demonstrates some level of Y2K preparedness should receive a better overall risk factor score than a vessel or facility that is not prepared for Y2K. However,

preparedness is only one element of the risk assessment. It is not inconceivable that a vessel or facility that takes no Y2K preparedness actions might still be allowed to operate during peak Y2K risk periods because its operations pose little risk (favorable weather, current and tide conditions; low vessel traffic density; non-hazardous cargo; etc.). Of course, we strongly encourage all vessel and marine facility owners and operators to prepare for the Y2K problem.

Finally, some comments urged the Coast Guard to make industry Y2K preparedness information available to the public. Respondents were concerned that, without a central repository for Y2K preparedness information, companies may have to submit multiple Y2K preparedness reports to flag state administrations, local and State government agencies, and other companies. We agree that a central repository for Y2K preparedness information may be a useful tool. We understand that some commercial Internet sites may offer a similar service in the near future; we will provide links to these commercial sites from our Y2K Internet site (<http://www.uscg.mil/hq/g-m/y2k.htm>).

Why is this temporary interim rule necessary? The *Discussion of Regulatory Action* section of this document discusses in detail why the Coast Guard is issuing these temporary regulations. Responses to questionnaires will help COTPs assess vessel and marine facility preparedness for potential Y2K-related malfunctions of equipment and systems. This preparedness information will help COTPs identify potentially hazardous situations during peak Y2K risk periods so they can take appropriate measures to promote safety and environmental protection.

How will the Coast Guard collect Y2K preparedness information? We will use two separate questionnaires to collect Y2K preparedness information.

- The Vessel Questionnaire includes IMO Year 2000 questionnaire 2 and United States (U.S.) Supplement 1.
- The Marine Facility Questionnaire includes IMO Year 2000 questionnaire 3 and U.S. Supplement 2.

The questionnaires are based on the questionnaires found in the IMO's Year 2000 Code of Good Practice. They have U.S.-specific instructions and include U.S. supplements. More information on these questionnaires, including applicability and submission requirements, can be found in the *Discussion of Interim Rule* section of this document.

How will COTPs assess Y2K-related risks for vessels and marine facilities? With information collected from the

Vessel and Marine Facility Questionnaires, COTPs will use the "Y2K Risk Assessment Matrix" as a tool to help them assess potential Y2K risks associated with vessel and marine facility operations during peak risk periods. The risk assessment matrix, however, is not meant to be a binding mechanism from which the COTP cannot deviate. It is simply one tool that is designed to assist the COTP in making decisions regarding maritime safety and the marine environment. The risk assessment matrix is part of NVIC 6-99. NVIC 6-99 will be available in the docket at the addresses under **ADDRESSES** and on the Internet at <http://www.uscg.mil/hq/g-m/nvic/>.

COTPs will focus their risk assessments on three peak risk periods:

- Between midnight September 7, 1999 and midnight September 9, 1999 (48 hours);
- Between midnight December 30, 1999 and midnight January 1, 2000 (48 hours); and
- Between midnight February 27, 2000 and midnight February 29, 2000 (48 hours).

The risk assessment matrix has two sections, one for vessel movement and one for cargo transfer operations.

- **Vessel Movement.** The vessel movement section identifies vessel and cargo risk factors (inspection status, cargo, vessel history, etc.) and balances these factors with local environmental factors (time of day, weather, etc.) and the potential consequences of accidents (health and safety, environmental, etc.). The matrix considers these risk factors along with mitigating factor information obtained from the questionnaires (equipment testing, contingency planning, etc.) to calculate an overall risk factor.

- **Cargo Transfer.** The cargo transfer section considers cargo risk factors, facility history, and risk mitigating factor information obtained from questionnaires to calculate an overall risk factor.

The Y2K Risk Assessment Matrix is a tool designed to analyze information from a variety of sources. The questionnaires required by this temporary interim rule are only one component of the risk assessment process. It is conceivable, if unlikely, that a vessel or facility representative could reply "no" to every question on the applicable questionnaire (indicating that no Y2K preparedness actions have been taken) and the COTP, after conducting a risk assessment and classifying the vessel or facility as low risk, could allow the vessel or facility to operate without restriction during one or more peak risk periods. A vessel or

facility not prepared for Y2K could be classified as low risk based on a number of factors such as location, weather conditions, tide and current, type of cargo, vessel traffic density, etc. However, in most cases, a vessel or marine facility that demonstrates some level of Y2K preparedness should receive a better overall risk factor score than a vessel or marine facility that is not prepared for Y2K.

While the Coast Guard's Y2K risk assessment efforts will focus on the specific dates of concern, it is possible that date-sensitive or Y2K-related casualties could occur on dates other than the peak risk periods. Such incidents should be reported to the applicable COTP under existing casualty reporting requirements.

We encourage vessel and marine facility owners and operators to obtain copies NVIC 6-99 so they can use the risk assessment matrix to conduct Y2K preparedness self-assessments.

Why does the Coast Guard need to collect information before and after the peak risk periods? Although the first peak risk period begins at midnight on September 7, 1999, this rule requires most vessel and facility representatives to report Y2K preparedness information by August 1, 1999. There are over 42,000 vessels and 7,000 marine facilities affected by this rule; most of the affected vessels are U.S.-flag vessels. We believe most U.S.-flag vessels and marine facilities will operate during at least one of the Y2K peak risk periods. Given the large number of questionnaire respondents, we will need time to input questionnaire responses into our database, and COTPs will need time to conduct risk assessments, follow-up with vessel and facility representatives, as necessary, and implement appropriate control measures to promote safety and environmental protection. Based on feedback from COTPs, vessel and marine facility owners and operators may use the time after August 1, 1999 to take additional Y2K preparedness actions. Owners and operators who do take additional preparedness actions will be able to update their original questionnaire submissions.

The major exception to the August 1, 1999 questionnaire submission deadline is foreign vessels. Vessel Questionnaires for foreign vessels operating in U.S. waters from August 1, 1999, through March 31, 2000 are not due until at least 24 hours prior to a vessel's first arrival in U.S. waters after August 1, 1999. We do, however, encourage vessel representatives to submit the required information to the Coast Guard as soon as possible after July 1, 1999. We are

interested in Y2K preparedness information only for those foreign flag vessels operating in U.S. waters between August 1, 1999 and March 31, 2000.

Although the last peak risk period ends at midnight on February 29, 2000, this rule is effective through March 31, 2000. We believe it is very important to provide an extra "period of vigilance" because of the remaining uncertainty about the Y2K problem. It is possible that some Y2K-related problems may be dormant for a period of time before they are discovered. It is also possible that new Y2K-related dates of concern may be identified. Having an effective rule in place gives us the needed flexibility to quickly address emerging Y2K issues.

Discussion of Interim Rule

This rulemaking will prescribe temporary Y2K preparedness reporting requirements by adding a temporary new subpart D to 33 CFR part 160—Year 2000 (Y2K) Preparedness Reporting for Certain Vessels and Marine Facilities. The new subpart D contains—

- applicability for certain vessels and marine facilities;
- new definitions for various terms used throughout the subpart; and
- instructions for submitting the appropriate Y2K preparedness information.

These temporary reporting requirements will help COTPs assess potential Y2K risks associated with vessel movement and cargo transfer during the peak risk periods.

Applicability and exemptions. The Y2K reporting requirements will apply to:

- Vessels owned in the U.S. and foreign flag vessels operating on waters subject to the jurisdiction of the U.S., bound for a U.S. port or place of destination between August 1, 1999 and March 31, 2000;
- Vessels owned in the United States and foreign flag vessels engaged in lightering operations under part 156 of this title on the navigable waters of the United States or in the marine environment;
- Vessels inspected under Chapter 33 of Title 46 United States Code; and
- Marine facilities.

Recreational vessels, public vessels, uninspected commercial fishing vessels, uninspected barges, foreign flag vessels engaged in innocent passage, and facilities directly operated by the Department of Defense or under the authority of the Department of the Interior are exempt from this rule.

Definitions. Subpart D contains several definitions that are related to Y2K and these temporary reporting requirements. Some definitions are self-

explanatory and are used in other Coast Guard regulations. The following is a discussion of a few key definitions developed specifically for the Y2K preparedness reporting requirements.

The term *facility representative* is defined to clarify who may complete and submit a Facility Questionnaire on behalf of a marine facility. A facility representative could be the facility owner, operator, person in charge, or other employee of a marine facility who is responsible for the facility's Y2K preparedness.

The term *midnight* is defined to clarify when the peak risk periods begin and end. As used in this rule, midnight means the last moment or end of a calendar day, i.e., 2400 hours local time on a 24-hour clock.

The term *operating* is defined to clarify what vessels and marine facilities must comply with the Y2K preparedness reporting requirements of this rule. Operating vessels include vessels underway, conducting cargo loading/transfer operations, or carrying passengers. Operating marine facilities include facilities conducting cargo loading/transfer operations with vessels. Vessels and marine facilities not operating between August 1, 1999 and March 31, 2000 do not need to meet the Y2K preparedness reporting requirements of this rule.

The term *vessel representative* is defined to clarify who may complete and submit a Vessel Questionnaire on behalf of a vessel or fleet of vessels. A vessel representative could be the vessel owner, agent, master, operator, person in charge, or other person who is responsible for a vessel's or fleet's Y2K preparedness.

Vessel and Marine Facility Questionnaires. As previously discussed, we have developed a Vessel Questionnaire and a Marine Facility Questionnaire to collect information concerning Y2K preparedness. Copies of the questionnaires will be available from Coast Guard Marine Safety Offices or on the Internet at <http://www.uscg.mil/hq/g-m/y2k.htm>. You can submit questionnaires via mail, fax or an Internet-based form. We recommend that you submit questionnaires via the Internet if possible. Questionnaires submitted on the Internet will be password protected so only you and the Coast Guard can access your vessel's or facility's information. If the status of your Y2K preparedness changes or your operational plans change, you will be able to enter your password and access your original submission, making updates relatively easy.

Vessel Questionnaire. The Vessel Questionnaire consists of four pages.

- Page 1 includes instructions for completing the Vessel Questionnaire. The instructions provide very specific and detailed information on how to use the questionnaire, where to send it, when and how to update information, etc.

- Page 2 is the IMO Year 2000 Questionnaire 2. This questionnaire is designed to collect specific Y2K preparedness information for a vessel or fleet of vessels. (Under IMO Circular 2121, marine facilities may request this information from visiting vessels.)

- Page 3 is the U.S. Supplement 1. The Coast Guard developed U.S. Supplement 1 to collect vessel specific information such as vessel type and cargo. U.S. Supplement 1 also helps identify which Captain of the Port zone(s) a vessel may be operating in between August 1, 1999 and March 31, 2000, as well as which zone(s) the vessel may be operating in during the peak risk periods. It also asks one additional risk assessment-related question concerning Y2K contingency planning.

- Page 4 is a list of Marine Safety Offices/Captains of the Port. It provides contact addresses and fax numbers.

Marine Facility Questionnaire. The Marine Facility Questionnaire consists of four pages.

- Page 1 includes instructions for completing the Marine Facility questionnaire. The instructions provide very specific and detailed information on how to use the questionnaire, where to send it, when and how to update information, etc.

- Page 2 is the IMO Year 2000 Questionnaire 3. It is designed to collect specific Y2K preparedness information for marine facilities. (Under IMO Circular 2121, visiting vessels may request this information from marine facilities.)

- Page 3 is the U.S. Supplement 2. The Coast Guard developed U.S. Supplement 2 to collect facility-specific information such as name and type of facility. It also asks one additional risk assessment-related question concerning Y2K remedial actions.

- Page 4 is a list of Marine Safety Offices/Captains of the Port. It provides contact addresses and fax numbers.

Y2K reporting requirements for vessels owned in the United States. If you are the vessel representative of a vessel owned in the U.S. that will operate during any of the peak risk periods, you must submit a Vessel Questionnaire so it is received by the Coast Guard no later than August 1, 1999.

If you are the vessel representative of a vessel owned in the U.S. that will not operate during any of the peak risk periods, but will operate during the period August 1, 1999, through March 31, 2000, you must submit a U.S. Supplement 1 (page 3 of the Vessel Questionnaire) so it is received by the Coast Guard no later than August 1, 1999. You do not need to submit an IMO Year 2000 Questionnaire 2 (page 2 of the Vessel Questionnaire).

You may submit one copy of the IMO Year 2000 Questionnaire 2 on behalf of an entire fleet of vessels if the same Y2K preparedness information applies to all vessels within the fleet. However, you must submit a U.S. Supplement 1 (page 3 of the Vessel Questionnaire) for each vessel in the fleet. If any vessel(s) in your fleet has a different level of Y2K preparedness, you must submit a separate Vessel Questionnaire for that vessel(s).

If the Y2K preparedness status of your vessel(s) changes, or your operational plans change, you must submit a new or updated Vessel Questionnaire or updated U.S. Supplement 1 as soon as possible. If you submit updated information during any of the peak risk periods, you must instead submit it to the applicable COTP. This process will ensure that the COTP has the most up-to-date information available for your vessel(s).

The Coast Guard is currently putting the final touches on its Y2K questionnaire data processing system and should have the system up and running by July 1, 1999. Please do not submit Vessel Questionnaires or U.S. Supplement 1's to the Coast Guard prior to July 1, 1999.

Y2K reporting requirements for foreign flag vessels. If you are a representative of a foreign flag vessel that will operate on waters subject to the jurisdiction of the U.S. during any of the peak risk periods, you must submit a Vessel Questionnaire so it is received by the Coast Guard no later than 24 hours prior to the vessel's first arrival in a U.S. port or place of destination on or after August 1, 1999.

If you are a representative of a foreign flag vessel that will not operate on waters subject to the jurisdiction of the U.S. during any of the peak risk periods, but will operate on these waters during the period August 1, 1999, through March 31, 2000, you must submit a U.S. Supplement 1 (page 3 of the Vessel Questionnaire) so it is received by the Coast Guard no later than 24 hours prior to the vessel's first arrival in a U.S. port or place of destination on or after August 1, 1999. You do not need to

submit an IMO Year 2000 Questionnaire 2 (page 2 of the Vessel Questionnaire).

You may submit one copy of the IMO Year 2000 Questionnaire 2 on behalf of an entire fleet of vessels if the same Y2K preparedness information applies to all vessels within the fleet. However, you must submit a U.S. Supplement 1 (page 3 of the Vessel Questionnaire) for each vessel in the fleet. If any vessel(s) in your fleet has a different level of Y2K preparedness, you must submit a separate Vessel Questionnaire for that vessel(s).

If the Y2K preparedness status of your vessel(s) changes, or your operational plans change, you must submit a new or updated Vessel Questionnaire or updated U.S. Supplement 1 as soon as possible. If you submit updated information during any of the peak risk periods, you must instead submit it to the applicable COTP. This process will ensure that the COTP has the most up-to-date information available for your vessel(s).

Though these regulations require submission of information at least 24 hours prior to your vessel's arrival in the U.S., you are encouraged to submit information as soon as practicable in case corrective actions become necessary. You do not need to provide Y2K preparedness information for a vessel that will not operate in U.S. waters between August 1, 1999 and March 31, 2000.

The Coast Guard is currently putting the final touches on its Y2K questionnaire data processing system and should have the system up and running by July 1, 1999. Please do not submit Vessel Questionnaires or U.S. Supplement 1's to the Coast Guard prior to July 1, 1999.

Y2K reporting requirements for marine facilities. If you are a representative of a marine facility that will operate during any of the peak risk periods, you must submit a Marine Facility Questionnaire so that it is received by the Coast Guard no later than August 1, 1999.

If you are a representative of a marine facility that will not operate during any of the peak risk periods, but will operate during the period August 1, 1999, through March 31, 2000, you must submit a U.S. Supplement 2 (page 3 of the Marine Facility Questionnaire) so that it is received by the Coast Guard no later than August 1, 1999. You do not need to submit an IMO Year 2000 Questionnaire 3 (page 2 of the Marine Facility Questionnaire).

If your facility's Y2K preparedness or operational plans change, you must submit a new or updated Marine Facility Questionnaire or updated U.S.

Supplement 2 as soon possible. If your facility's Y2K status or operational plans change during any of the peak risk periods, you must instead submit the updated information to the applicable COTP. This process will ensure that the COTP has the most up-to-date information available for your facility.

The Coast Guard is currently putting the final touches on its Y2K questionnaire data processing system and should have the system up and running by July 1, 1999. Please do not submit Marine Facility Questionnaires or U.S. Supplement 2's to the Coast Guard prior to July 1, 1999.

Regulatory Evaluation

This temporary interim 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).

We expect the economic impact of this temporary interim rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Costs

The costs of the rule are the labor costs and Internet, fax, and mail costs required by industry to complete and submit the questionnaires, plus costs to the government. The total cost of the rule to industry and government is \$385,262 (\$282,262 industry costs plus \$103,000 government costs).

Benefits

This rule will provide Coast Guard COTPs with critical Y2K preparedness information on vessels and marine facilities. COTPs will use this information to identify potentially high risk operations during peak risk periods so appropriate measures can be taken to promote safety and environmental protection.

Small Entities

Since we did not publish a notice of proposed rulemaking, this action is not covered by the Regulatory Flexibility Act (5 U.S.C. 601-612). However, we have considered whether this temporary interim rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises 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.

Small entities that own or operate marine facilities, certain U.S. vessels, or foreign flag vessels that operate on U.S. waters from August 1, 1999, through March 31, 2000 are affected by this rule. Small entities that own or operate uninspected commercial fishing vessels, uninspected passenger vessels, uninspected barges, recreational vessels, and public vessels are exempted from this rule.

The Marine Facility Questionnaire will take each marine facility representative, on average, 8 minutes to complete and submit. At an average unit labor cost of \$45 per hour, we estimate the average labor cost to complete and submit the Marine Facility Questionnaire is \$5.85 per facility. Each facility representative can submit the completed questionnaire either by Internet, fax, or mail. Delivery costs range from \$0 (Internet) to \$1.30 (fax). Thus, the total cost to a marine facility, on average, is expected to range from \$5.85 to \$7.15.

It is expected to take a vessel representative, on average, 13 minutes to complete a Vessel Questionnaire (includes 8 minutes to complete IMO Year 2000 Questionnaire 2 and 5 minutes to complete U.S. Supplement 1). The total cost for a single vessel, on average, is expected to range from \$9.45 to \$10.75 (depending on delivery costs). For each additional vessel in a fleet, total labor cost increases by \$3.60 per vessel, and total delivery cost increases by \$0 to \$0.65, depending upon method of delivery.

The smaller a company's fleet, the smaller the hour burden and labor cost to complete and submit the Vessel Questionnaire. Because fleet size is a reasonable measure of entity size, we expect small entities to have relatively small fleets. According to the Coast Guard's database, a U.S. vessel company, on average, has 4 vessels. Thus, the total hour burden and total cost of this rule to an entity with an average fleet is 0.47 hours and from \$21.15 to \$24.58, respectively. We expect the hour burden and cost of this rule to small entities to be less than this average.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary interim rule would not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this temporary interim rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Mr. John Hannon at (202) 267-1464.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This temporary interim rule calls for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). As defined in 5 CFR 1320.3(c), "collection of information" comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Year 2000 (Y2K) Reporting Requirements for Vessels and Marine Facilities

Summary of the Collection of Information: Approximately 7,821 marine facilities, 42,819 vessels (and 22,151 vessel owners/operators) are affected by this temporary interim rule. We expect 50,640 U.S. Supplements and 19,327 IMO Year 2000 Questionnaires will be submitted by vessel and marine facility representatives. The total hour burden of this rule to respondents is 5,939 hours. The total labor cost of this rule to respondents is estimated to be \$267,255. The total delivery/submission cost is estimated to be \$15,007. Thus, the total cost to respondents is estimated to be \$282,262.

Need for Information: At present, there are no regulations that require either vessels or marine facilities to disclose their Y2K preparedness. The Y2K preparedness information required

by this rule will help COTPs assess vessel and marine facility preparedness for potential Y2K-related malfunctions of equipment and systems. This preparedness information will help COTPs identify potentially hazardous situations during peak Y2K risk periods, enabling them to take appropriate measures to promote port safety and environmental protection.

Proposed Use of Information: To help COTPs conduct Y2K risk assessments for their ports. Risk assessments will identify potentially hazardous situations during peak risk periods so appropriate measures can be taken to help ensure port safety and environmental protection.

Description of the Respondents: Marine facilities and vessels that arrive in, operate in, and reside in U.S. ports from August 1, 1999, through March 31, 2000.

Number of Respondents: 7,821 marine facilities and 42,819 vessels (22,151 owners/operators)

Frequency of Response: One questionnaire per marine facility and one questionnaire per vessel (or owner/operator), or as needed.

Burden of Response: According to the Coast Guard's MSMS database, there are 7,821 marine facilities and 42,819 certain U.S. and foreign vessels that arrive in, operate in, and reside at U.S. ports during an eight-month time frame.

A Marine Facility Questionnaire (includes an IMO Year 2000 Questionnaire 3 and U.S. Supplement 2) must be submitted for each marine facility by August 1, 1999. The Coast Guard estimates it will take a facility representative, on average, 8 minutes (0.13 hours) to complete and submit the Marine Facility Questionnaire. The total hour burden to marine facilities is 1,017 hours. At an average unit labor cost of \$45 per hour, the total labor cost of this rule to marine facilities is \$45,765.

A marine facility representative can submit the required information by Internet, fax, or mail. The Coast Guard estimates the average delivery cost to be \$0 if sent by Internet, \$1.30 if sent by fax, and \$0.33 by U.S. mail. Most marine facilities are connected to the Internet, so the Coast Guard expects 75% of facility representatives to submit the required information by Internet, 20% by fax, and the remaining 5% by mail. The total delivery cost to marine facilities is estimated to be \$2,162. Thus, the total cost of this information collection to marine facilities is expected to be \$47,927.

According to the Coast Guard's MSMS database, 37,171 U.S. vessels and 8,682 U.S. vessel owning or operating companies are affected by this rule. A

U.S. vessel owning or operating company owns, on average, 4 vessels.

Each U.S. company will be required to complete U.S. Supplement 1 (part of the Vessel Questionnaire) for every vessel in its fleet that arrives in, operates in, or resides in U.S. ports from August 1, 1999, through March 31, 2000. We expect that 37,171 U.S. Supplement 1's will be submitted for U.S. vessels. Each company that has a vessel arriving in, operating in, or residing at U.S. waters during any of the three peak risk periods must submit IMO Year 2000 Questionnaire 2. We expect all U.S. vessels will operate in U.S. waters during at least one of the peak risk periods; therefore, we expect that 8,682 Questionnaire 2's will be submitted for U.S. vessels. The Coast Guard estimates it will take, on average, 5 minutes (0.08 hours) to complete and submit U.S. Supplement 1 for every vessel and, on average, 8 minutes (0.13 hours) to complete and submit IMO Year 2000 Questionnaire 2. Thus, the total hour burden to U.S. vessel companies is 4,103 hours (2,974 + 1,129). With an average unit labor cost of \$45 per hour, we expect the total labor cost to owners/operators of U.S. vessels is \$184,635.

The Coast Guard estimates the average delivery cost for the required vessel information is \$0 for Internet submission, \$0.65 per page by fax, or \$0.53 for 5 pages by U.S. mail. Furthermore, the Coast Guard estimates that a third of the vessel representatives will deliver the required information by Internet, a third by fax, and the remaining third by mail. U.S. vessel representatives will submit a total of 45,853 submissions (37,171 U.S. Supplement 1's and 8,682 IMO Year 2000 Questionnaire 2's). Thus, the total delivery cost for Internet submission is \$0; to fax is \$9,934, and to mail is \$1,534. The total delivery cost to owners/agents of U.S. vessels is \$11,468.

The total cost of this rule to U.S. vessels is \$196,103.

According to the Coast Guard's MSMS database, 8,475 foreign vessels arrived in U.S. ports in 1998. Given that number, we assume an average of 706 foreign flag vessels per month are affected by this rule. Thus, we expect 5,648 foreign vessels to arrive in U.S. ports from August 1, 1999, through March 31, 2000. Thus, we expect that 5,648 U.S. Supplement 1's will be submitted by foreign flag vessel representatives. (5,509 Supplement 1's will be submitted to Coast Guard Headquarters and 139 Supplement 1's will be submitted to Captains of the Port).

The Coast Guard estimates that 50% of the 5,648 foreign flag vessels will operate in U.S. waters during the peak Y2K risk periods. Thus, we expect that a total of 2,824 IMO Year 2000 Questionnaire 2's will be submitted by foreign flag vessel representatives. (69 will be submitted to Captains of the Port, while 2,755 will be submitted to Coast Guard Headquarters).

The Coast Guard estimates it will take, on average, 5 minutes (0.08 hours) to complete and submit U.S. Supplement 1, and 8 minutes (0.13 hours) to complete and submit IMO Year 2000 Questionnaire 2.

Consequently, the total hour burden to foreign flag vessels is 819 hours (452 + 367). At a unit labor cost of \$45 per hour, the total labor cost is \$36,855.

We expect foreign flag vessel representatives to submit a total of 8,472 submissions (2,824 IMO Year 2000 Questionnaires and 5,648 U.S. Supplement 1's). The Coast Guard estimates that 75% (6,354 pages) will be submitted by Internet, and the remaining 25% (2,118 pages) by fax. At a cost of \$0 per page to Internet, and \$0.65 per page to fax, we estimate the total delivery cost to foreign flag vessels is \$1,377.

The total cost of this rule to foreign flag vessels is \$38,232 (\$36,855 + \$1,377). The total cost of this rule to industry is \$282,262 [\$47,927 (marine facilities) plus \$196,103 (U.S. vessels) plus \$38,232 (foreign vessels)].

Estimate of Total Annual Burden: The temporary interim rule implementing this collection will be effective from July 23, 1999 through March 31, 2000.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this temporary interim rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You need not respond to a collection of information unless it displays a

currently valid control number from OMB. The Coast Guard has received emergency approval from OMB on the collection of information requirements (OMB approval number 2115-0639). This emergency OMB approval is effective for six months. Prior to the expiration of the emergency approval, the Coast Guard will submit the requirements to OMB for renewal.

Federalism

We have analyzed this temporary interim rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This temporary interim rule would not impose an unfunded mandate.

Taking of Private Property

This temporary interim rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This temporary interim rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this temporary interim rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this temporary interim rule and concluded that, under figure 2-1, paragraph (34)(i), of Commandant Instruction M16475.IC, this rule is

categorically excluded from further environmental documentation. This rule establishes temporary reporting requirements that will assist the Coast Guard in assessing Y2K-related risks. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects 33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous material transportation, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 160 as set forth below:

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

1. The authority citation for part 160 is amended to read as follows:

Authority: 33 U.S.C. 1223, 1231; 49 CFR 1.46. Subpart D is also issued under the authority of 33 U.S.C. 1225 and 46 U.S.C. 3715.

2. Subpart D is added to part 160 effective July 23, 1999 through March 31, 2000, to read as follows:

Subpart D—Year 2000 (Y2K) Preparedness Reporting for Certain Vessels and Marine Facilities

Sec.

- 160.301 What is the purpose of this subpart?
- 160.303 When is this subpart effective?
- 160.305 To which vessels and facilities does this subpart apply?
- 160.307 Which vessels and facilities are exempt from this subpart?
- 160.309 What definitions apply to this subpart?
- 160.311 What are the Year 2000 (Y2K) peak risk periods?
- 160.313 What are the Year 2000 (Y2K) reporting requirements for vessels owned in the United States?
- 160.315 What are the Year 2000 (Y2K) reporting requirements for foreign flag vessels?
- 160.317 What are the Year 2000 (Y2K) reporting requirements for marine facilities?
- Appendix A to Subpart D of Part 160—United States Coast Guard Vessel Questionnaire
- Appendix B to Subpart D of Part 160—United States Coast Guard Marine Facility Questionnaire

Subpart D—Year 2000 (Y2K) Preparedness Reporting for Certain Vessels and Marine Facilities

Authority: 33 U.S.C. 1223, 1231; 49 CFR 1.46. Subpart D is also issued under the authority of 33 U.S.C. 1225 and 46 U.S.C. 3715.

§ 160.301 What is the purpose of this subpart?

This subpart contains temporary regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*) and related statutes. The information collected as a result of these temporary regulations will help Captains of the Port assess vessel and marine facility preparedness for potential Year 2000-related malfunctions.

§ 160.303 When is this subpart effective?

This subpart is effective from July 23, 1999 through March 31, 2000.

§ 160.305 To which vessels and facilities does this subpart apply?

This subpart applies to:

(a) Vessels owned in the United States and foreign flag vessels operating on waters subject to the jurisdiction of the U.S. between August 1, 1999, and March 31, 2000;

(b) Vessels owned in the United States and foreign flag vessels engaged in lightering operations under part 156 of this title on the navigable waters of the United States or in the marine environment;

(c) Vessels inspected under Chapter 33 of Title 46 United States Code; and

(d) Marine facilities as defined in § 160.309.

§ 160.307 Which vessels and facilities are exempt from this subpart?

The following vessels and facilities are exempt from this subpart:

(a) Recreational vessels under 46 U.S.C. 4301 *et seq.*;

(b) Public vessels;

(c) Uninspected commercial fishing vessels;

(d) Uninspected barges;

(e) Foreign flag vessels engaged in innocent passage;

(f) Uninspected passenger vessels; and

(g) Facilities directly operated by the Department of Defense or under the authority of the Department of the Interior.

§ 160.309 What definitions apply to this subpart?

As used in this subpart:

Agent means any person, partnership, firm, company, or corporation engaged by the owner or charterer of the vessel to act in their behalf in matters concerning the vessel.

Facility Representative means the owner, operator, person in charge, or employee of a marine facility who is responsible for the facility's Y2K preparedness.

Marine facility means any facility designated by the following:

(1) 33 CFR 125.07 or 126.01 as a Waterfront Facility;

(2) 33 CFR 126.05 as a Designated Waterfront Facility;

(3) 33 CFR 127.005 as a Waterfront Facility Handling Liquefied Hazardous Gas (LNG) or Liquefied Natural Gas (LNG);

(4) 33 CFR 148.3 as a Deepwater Port;

(5) 33 CFR 154.105 as a Facility, Mobile Facility, or Offshore Facility; or

(6) 33 CFR 154.1020 as a Marine Transportation-related Facility.

Marine Facility Questionnaire means "IMO Year 2000 Questionnaire 3 (IMO circular letter 2121, Appendix 3) and U.S. Supplement 2" for marine facilities.

Midnight means the last moment or end of a calendar day, i.e., 2400 hours local time on a 24-hour clock.

Operating means vessels underway, conducting cargo loading/transfer operations, or carrying passengers, or facilities conducting cargo loading/transfer operations with vessels.

Operator means any person including, but not limited to, an owner, a demise or bareboat charterer, or a contractor who conducts, or is responsible for, the operation of a vessel.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place to which a vessel is bound to anchor or moor.

Recreational vessel means a vessel being used only for pleasure as defined in 46 U.S.C. 2101(25).

Vessel includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Vessel owned in the United States means any vessel documented or numbered under the laws of the United States; and, any vessel owned by a citizen of the United States that is not documented or numbered by any nation.

Vessel Questionnaire means "IMO Year 2000 Questionnaire 2 (IMO circular letter 2121, Appendix 2) and U.S. Supplement 1" for vessels.

Vessel Representative means the owner, agent, master, operator, person in charge, or other person responsible for a vessel's or fleet's Y2K preparedness.

Year 2000 (Y2K) preparedness means checking for the proper operation of systems that include, but are not limited to, power generation equipment, steering and propulsion, loading and unloading equipment, and alarms into the next century on all potential risk dates; preparing for the Y2K risk dates which may require updating software and hardware and replacing systems, subsystems, or components; and

determining that other computer-based systems' data exchanges internal or external to the company's, vessel's, or marine facility's will also correctly function before, into, and during the Year 2000.

§ 160.311 What are the Year 2000 (Y2K) peak risk periods?

The Y2K peak risk periods are:

(a) Between midnight September 7, 1999, and midnight September 9, 1999;

(b) Between midnight December 30, 1999, and midnight January 1, 2000; and

(c) Between midnight February 27, 2000, and midnight February 29, 2000.

§ 160.313 What are the Year 2000 (Y2K) reporting requirements for vessels owned in the United States?

(a) The vessel representative of a vessel owned in the United States must submit the following information—

(1) If your vessel will operate during any of the peak risk periods identified in § 160.311, you must submit a Vessel Questionnaire, as contained in Appendix A to this subpart, so that it is received by the U.S. Coast Guard no later than August 1, 1999.

(2) If your vessel will not operate during any of the peak risk periods identified in § 160.311, but will operate during the period August 1, 1999, through March 31, 2000, you must submit U.S. Supplement 1 (page 3 of the Vessel Questionnaire as contained in Appendix A to this subpart) so that it is received by the U.S. Coast Guard no later than August 1, 1999.

(b) You must submit the information required by paragraph (a) of this section to the U.S. Coast Guard by one of the following means.

(1) By mail to: United States Coast Guard (MOC/Y2K), c/o The Centech Group, 2000 N. 14th Street, Suite 700, Arlington, VA 22201;

(2) By fax to: 1-800-825-4357; or

(3) Electronically via the Internet at: <http://www.ucsg.mil/hq/g-m/y2k.htm>.

(c) You may submit one copy of the IMO Year 2000 Questionnaire 2 (page 2 of the Vessel Questionnaire contained in Appendix A to this subpart) on behalf of your entire fleet if the same information provided in the IMO Year 2000 Questionnaire 2 applies to all vessels within the fleet, unless circumstances as described in paragraphs (f) or (g) of this section apply. You must still complete a U.S. Supplement 1 for each vessel operating between August 1, 1999, and March 31, 2000.

(d) For vessels described in paragraph (a)(1) of this section, you must notify the U.S. Coast Guard, through the completion of a Vessel Questionnaire

contained in Appendix A to this subpart. The information required to complete the questionnaire includes:

(1) Name of person completing the questionnaire;

(2) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available);

(3) Vessel's name;

(4) Vessel's type;

(5) Cargo type;

(6) Vessel's gross tonnage;

(7) Vessel's Flag State;

(8) Vessel's IMO or Official Number;

(9) Captain of the Port zone(s) the vessel may be operating in from August 1, 1999, through March 31, 2000.

(10) Status of Y2K preparedness.

(e) For vessels described in paragraph (a)(2) of this section, you must notify the U.S. Coast Guard, through the completion of a U.S. Supplement 1 (page 3 of the Vessel Questionnaire contained in Appendix A to this subpart). The information required to complete the supplement includes:

(1) Name of person completing the questionnaire;

(2) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available);

(3) Vessel's name;

(4) Vessel's type;

(5) Cargo type;

(6) Vessel's gross tonnage;

(7) Vessel's Flag State;

(8) Vessel's IMO or Official Number;

(9) Captain of the Port zone(s) the vessel may be operating in from August 1, 1999, through March 31, 2000.

(f) If the Y2K preparedness or operational plans of your vessel(s) changes after the initial submission of a Vessel Questionnaire or U.S. Supplement 1, you must submit an

updated or new Vessel Questionnaire or updated U.S. Supplement 1 by the means described in paragraph (b) of this section.

(g) If you submit a new or updated Vessel Questionnaire, as contained in Appendix A to this subpart, during any of the peak risk periods identified in § 160.311, you must submit the information to the Captain of the Port for each port or place of destination the vessel will operate in instead of by one of the means described in paragraph (b) of this section.

§ 160.315 What are the Year 2000 (Y2K) reporting requirements for foreign flag vessels?

(a) The vessel representative of a foreign flag vessel must submit the following information—

(1) If your vessel will operate on waters subject to the jurisdiction of the

U.S. during any of the peak risk periods identified § 160.311, you must submit a Vessel Questionnaire, as contained in Appendix A to this subpart, so that it is received by the U.S. Coast Guard no later than 24 hours prior to arrival in a U.S. port or U.S. place of destination.

(2) If your vessel will not operate on waters subject to the jurisdiction of the U.S. during any of the peak risk periods identified in § 160.311, but will operate on waters subject to the jurisdiction of the U.S. during the period August 1, 1999, through March 31, 2000, you must submit U.S. Supplement 1 (page 3 of the Vessel Questionnaire as contained in Appendix A to this subpart) so that it is received by the U.S. Coast Guard no later than 24 hours prior to arrival in a U.S. port or U.S. place of destination.

(b) You must submit the information required by paragraph (a) of this section to the U.S. Coast Guard by one of the following means:

(1) By mail to: United States Coast Guard (MOC/Y2K), c/o The Centech Group 2000 N. 14th Street, Suite 700, Arlington, VA 22201;

(2) By fax to: 1-800-825-4357; or

(3) Electronically via the Internet at: <http://www.ucsg.mil/hq/g-m/y2k.htm>.

(c) You may submit one copy of the IMO Year 2000 Questionnaire 2 (page 2 of the Vessel Questionnaire contained in Appendix A to this subpart) on behalf of your entire fleet if the same information provided in the IMO Year 2000 Questionnaire 2 applies to all vessels within the fleet, unless circumstances as described in paragraphs (f) or (g) of this section apply. You must still complete a U.S. Supplement 1 for each vessel operating on waters subject to the jurisdiction of the U.S. between August 1, 1999, and March 31, 2000.

(d) For vessels described in paragraph (a)(1) of this section, you must notify the U.S. Coast Guard, through the completion of a Vessel Questionnaire contained in Appendix A to this subpart. The information required to complete the questionnaire includes:

(1) Name of person completing the questionnaire;

(2) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available);

(3) Vessel's name;

(4) Vessel's type;

(5) Cargo type;

(6) Vessel's gross tonnage;

(7) Vessel's Flag State;

(8) Vessel's IMO or Official Number;

(9) Captain of the Port zone(s) the vessel may be operating in from August 1, 1999, through March 31, 2000.

(10) Status of Y2K preparedness.

(e) For vessels described in paragraph (a)(2) of this section, you must notify the U.S. Coast Guard, through the completion of a U.S. Supplement 1 (page 3 of the Vessel Questionnaire contained in Appendix A to this subpart). The information required to complete the supplement includes:

(1) Name of person completing the questionnaire;

(2) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available);

(3) Vessel's name;

(4) Vessel's type;

(5) Cargo type;

(6) Vessel's gross tonnage;

(7) Vessel's Flag State;

(8) Vessel's IMO or Official Number;

(9) Captain of the Port zone(s) the vessel may be operating in from August 1, 1999, through March 31, 2000.

(f) If the Y2K preparedness or operational plans of your vessel(s) changes after the initial submission of a Vessel Questionnaire or U.S. Supplement 1, you must submit an

updated or new Vessel Questionnaire or updated U.S. Supplement 1 by the means described in paragraph (b) of this section.

(g) If you submit a new or updated Vessel Questionnaire, as contained in Appendix A to this subpart, during any of the peak risk periods identified in § 160.311, you must submit the information to the Captain of the Port for each port or place of destination the vessel will operate in instead of by one of the means described in paragraph (b) of this section.

§ 160.317 What are the Year 2000 (Y2K) reporting requirements for marine facilities?

(a) The facility representative of a marine facility must submit the following information—

(1) If your marine facility will operate during any of the peak risk periods identified § 160.311, you must submit a Marine Facility Questionnaire, as contained in Appendix B to this subpart, so that it is received by the U.S. Coast Guard no later than August 1, 1999.

(2) If your marine facility will not operate during any of the peak risk periods identified in § 160.311, but will operate during the period August 1, 1999, through March 31, 2000, you must submit U.S. Supplement 2 (page 3 of the Marine Facility Questionnaire as contained in Appendix B to this subpart) so that it is received by the U.S. Coast Guard no later than August 1, 1999.

(b) You must submit the information required by paragraph (a) of this section

to the U.S. Coast Guard by one of the following means:

(1) By mail to: United States Coast Guard (MOC/Y2K), c/o The Centech Group, 2000 N. 14th Street, Suite 700, Arlington, VA 22201;

(2) By fax to: 1-800-825-4357; or

(3) Electronically via the Internet at: <http://www.ucsg.mil/hq/g-m/y2k.htm>.

(c) For marine facilities described in paragraph (a)(1) of this section, you must notify the U.S. Coast Guard, through the completion of a Marine Facility Questionnaire contained in Appendix B to this subpart. The information required to complete the questionnaire includes:

(1) Captain of the Port zone the facility is located in;

(2) Name of facility;

(3) Type(s) of facility;

(4) Name of company;

(5) Name and title of person providing Y2K preparedness information;

(6) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available); and

(7) Status of Y2K preparedness.

(d) For marine facilities described in paragraph (a)(2) of this section, you must notify the U.S. Coast Guard, through the completion of a U.S. Supplement 2 (page 3 of the Marine Facility Questionnaire contained in Appendix B to this subpart). The information required to complete the supplement includes:

(1) Captain of the Port zone the facility is located in;

(2) Name of facility;

(3) Type(s) of facility;

(4) Name of company;

(5) Name and title of person providing Y2K preparedness information; and

(6) Company contact personnel and address, phone number, facsimile number (if available), and electronic mail address (if available).

(f) If the Y2K preparedness or operational plans of your marine facility changes after the initial submission of a Marine Facility Questionnaire or U.S. Supplement 2, you must submit an updated or new Marine Facility Questionnaire or updated U.S. Supplement 2 by the means described in paragraph (b) of this section.

(g) If you submit a new or updated Marine Facility Questionnaire, as contained in Appendix B to this subpart, during any of the peak risk periods identified in § 160.311, you must submit the information to the Captain of the Port for the place the facility operates in instead of by one of the means described in paragraph (b) of this section.

BILLING CODE 4910-15-P

Appendix A to Subpart D of Part 160—United States Coast Guard Vessel Questionnaire

OMB Approval No. 2115-0639

United States Coast Guard Vessel Questionnaire**[IMO Year 2000 Questionnaire 2 and United States Supplement 1]****Instructions**

- Please complete this vessel questionnaire as fully as possible and submit to the U.S. Coast Guard via:

Mail: U. S. Coast Guard (G-MOC/Y2K)
c/o The Centech Group
2000 N. 14th Street
Suite 700
Arlington, VA 22201

OR

Fax: 1-800-825-4357

OR

Complete the questionnaire and
supplement on the Coast Guard's
Internet web site at:

<http://www.uscg.mil/hq/g-m/y2k.htm>

- You must submit this vessel questionnaire such that it is received by:

U.S. Vessels:	Foreign Vessels arriving in U.S. Waters:
August 1, 1999	24 hours prior to 1 st arrival after August 1, 1999

- The peak risk periods are: Midnight (2400) Sept 7, 1999, through midnight (2400) Sept 9, 1999, **AND** Midnight Dec 30, 1999, through midnight Jan 1, 2000 **AND** Midnight Feb 27, 2000 through midnight February 29, 2000.
- If your vessel or fleet of vessels **will** be operating in U.S. waters during any of the peak risk periods, you must submit at least one vessel questionnaire. If you operate a fleet of vessels which all have the same Y2K preparedness status, you may submit one IMO Questionnaire 2 for all vessels in that fleet. However, you must complete a U.S. Supplement 1 for each individual vessel in your fleet. The following examples are provided:
 - Company A has 5 vessels and the same answers to the questions in IMO Questionnaire 2 apply to all 5 vessels. Company A must submit 5 U.S. Supplements (1 for each vessel) but may submit one IMO questionnaire 2 that covers all 5 vessels.
 - Company B also has 5 vessels; however, each vessel has different answers to the questions in the IMO questionnaire. Company B must submit 5 U.S. Supplements (1 for each vessel) and 5 IMO Questionnaire 2s (1 for each vessel).
- If your vessel **will not** be operating in U.S. waters during any of the peak risk periods, but **will** be operating in U.S. waters from August 1, 1999, through March 31, 2000, you need only complete the U.S. Supplement 1 and submit it to the Coast Guard via one of the methods outlined above by the appropriate date. You do not have to complete the IMO Year 2000 Questionnaire 2.
- If a vessel's Y2K preparedness or its operational plans change, please submit an updated questionnaire and supplement via mail/fax or update the information via the Internet. **Any new or updated vessel questionnaires submitted during the peak risk periods must be submitted directly to the Captain of the Port (COTP) in whose zone the vessel is operating instead of the locations specified above.** A list of COTP addresses and fax numbers is on page 4.
- Data items on the IMO Questionnaire 2 marked with an asterisk (*) do not need to be filled in if the questionnaire is being submitted to the U.S. Coast Guard since the U.S. Supplement addresses similar information.**
- For the purpose of this questionnaire, operating means a vessel is underway, conducting cargo loading/transfer operations, or carrying passengers.
- Please **DO NOT** SUBSTITUTE Y2K-related contingency plans, brochures, policy statements or similar documents for this questionnaire and supplement. If you have questions about the questionnaire and/or supplement, contact the Coast Guard Office of Compliance at: Commandant (G-MOC), 2100 2nd Street SW, Washington DC 20593-0001; tel: 202-267-2978; fax: 202-267-4349.

An agency may not conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection is: 2115-0639.

The Coast Guard estimates it will take averages of 8 minutes to complete and submit Questionnaire 2, and 5 minutes to complete and submit Supplement 1. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-001.

IMO YEAR 2000 QUESTIONNAIRE 2

From: (Port Authority/Terminal Operator) United States Coast Guard

To: (Name of Ships) _____

Please answer the following as fully as you can. Your response to this questionnaire will assist the Port Authority/Terminal Operator in deciding whether due care has been exercised in avoiding possible equipment failure caused by Year 2000 electronic date recognition problems, and in putting in place contingency plans to cope with unforeseen failures.

Company: _____

Ship's IMO Number *: _____

Flag *: _____

Tonnage (gross) *: _____

Ship Type (e.g. ro-ro, cargo) *: _____

Date/time of expected arrival/departure *: _____

	Circle as appropriate	
1) Does your company have a documented Year 2000 policy in place?	YES	NO
2) Has an inventory check to identify and categorize potentially non-compliant equipment been carried out?	YES	NO
3) Has equipment critical to the operational safety of the ship(s) been investigated, and have appropriate remedial actions been carried out with regard to:		
- Navigational Systems?	YES	NO
- Propulsion and Power Generation Systems?	YES	NO
- Cargo Handling Equipment?	YES	NO
- Other Safety Equipment?	YES	NO
4) Are records of Year 2000 compliance, and/or the results of equipment tests/investigations documented?	YES	NO
5) Are the above documents available onboard the ships for inspection by the port authority/terminal operator?	YES	NO
6) Do the ships have a documented Year 2000 specific contingency plan, including competent personnel to implement it?	YES	NO
7) Has the ships' Year 2000 contingency plan been tested and reviewed to confirm its effectiveness?	YES	NO
8) Has the ships' equipment not currently in use, but critical to safe operation of the ship, been checked to establish that its functionality has not been affected?	YES	NO
9) Has all necessary information been exchanged and agreed with the above named port/terminal on any additional Year 2000 specific requirements applicable to ship operations in the port?	YES	NO

Name of the Master *: _____

Signature of the Master *: _____

Date: _____

UNITED STATES SUPPLEMENT 1 TO IMO YEAR 2000 QUESTIONNAIRE 2

In addition to the IMO Year 2000 Questionnaire 2, please answer the following as fully as you can for each individual vessel arriving in, operating in, or residing at U.S. ports from August 1, 1999 through March 31, 2000.

Name of the Person Completing Questionnaire: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Vessel Name: _____

Vessel Type (check one):

☐ Oil Tanker (single hull) ☐ Oil Tanker (double hull) ☐ Ore/Bulk/Oil (OBO) ☐ LPG Carrier ☐ LNG Carrier ☐ Chemical Tanker
☐ Bulk Carrier ☐ Containership ☐ Ro-Ro Cargo ☐ General Cargo ☐ Passenger ☐ Offshore Supply
☐ MODU Other: _____

Cargo (check one):

☐ Cargo of Particular Hazard (33 CFR 126) ☐ Liquefied Hazardous Gas (LHG) ☐ Bulk HAZMAT (liquid or solid) ☐ Bulk Oil
☐ 150 or more passengers ☐ 7 to 149 passengers ☐ 1 to 6 passengers ☐ Other

Gross Tonnage: _____ Flag: _____ IMO or Official Number: _____

Captain of the Port zone you may be operating in (check "yes" for the dates that the vessel may be in each COTP zone. If needed, attach a separate sheet to list additional COTP zones. Refer to page 4 for a list of COTP zones):

Captain of the Port Zone:	Sept 7, 1999 – Sept 9, 1999	Dec 30, 1999 – Jan 1, 2000	Feb 27, 2000 – Feb 29, 2000	Any other dates Aug 1, 1999 - Mar 31, 2000
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

Please answer the following question	Circle as appropriate	
1) If you were required to complete IMO Questionnaire 2 and answered yes to question #6 of that questionnaire, does the contingency plan call for the following when the vessel is underway:	YES	NO
• Two or more additional trained crew on board during the risk periods?	YES	NO
• Anchor detail set and anchor ready for letting go during the risk periods?	YES	NO
• Manning the engine room with engine and generator alarm systems in manual override mode during the risk periods?	YES	NO
• Setting the steering in manual mode (disengaging automatic pilot) during the risk periods?	YES	NO
• Enabling the ship for mechanical steering at rudder post and manning the steering compartment during the risk periods?	YES	NO

Marine Safety Offices (MSOs)/Captains of the Port

MSO Portland 103 Commercial Street Portland, ME 04101-4726 PHONE: (207) 780-3681 FAX: (207) 780-3567	MSO Boston 455 Commercial Street Boston, MA 02109-1045 PHONE: (617) 223-3435 FAX: (617) 223-3032	MSO Providence 20 Risho Avenue East Providence, RI 02914-1208 PHONE: (401) 435-2350 FAX: (401) 435-2382	Group/MSO Long Island Sound 120 Woodward Avenue New Haven, CT 06512-3698 PHONE: (203) 468-4401 FAX: (203) 468-4445
USCG Activities New York Prevention/Compliance Division 212 Coast Guard Drive Staten Island, NY 10305 PHONE: (718) 354-4207 FAX: (718) 354-4301	Coast Guard Activities Baltimore 2401 Hawkins Point Road Baltimore, MD 21226-1791 PHONE: (410) 576-2693 FAX: (410) 962-0930	MSO Hampton Roads Norfolk Federal Building, 200 Granby Street Norfolk, VA 23510-1888 PHONE: (757) 441-3300 FAX: (757) 441-3262	MSO Wilmington 272 N. Front Street, Suite 500 Wilmington, NC 28401-3907 PHONE: (910) 815-4895 ext. 107 FAX: (910) 815-4523
MSO/Group Philadelphia 1 Washington Avenue Philadelphia, PA 19147-4395 PHONE: (215) 271-4806 FAX: (215) 271-4833	MSO Miami P.O. Box 01-6940 Miami, FL 33101-6940 PHONE: (305) 535-8705 FAX: (305) 535-8742	MSO Jacksonville 7820 Arlington Expressway, Suite 400 Jacksonville, FL 32211-7445 PHONE: (904) 232-2640 ext. 106 FAX: (904) 232-2664	MSO Tampa 155 Columbia Drive Tampa, FL 33606-3598 PHONE: (813) 228-2189 FAX: (813) 228-2399
MSO Savannah 222 W. Ogelthorpe Avenue, Suite 402 Savannah, GA 31401-3606 PHONE: (912) 652-4353 FAX: (912) 652-4180	MSO Charleston 196 Tradd Street Charleston, SC 29401-1899 PHONE: (843) 724-7684 FAX: (843) 720-7750	MSO San Juan P.O. Box 9023666 San Juan, PR 00902-3666 PHONE: (787) 729-6800 ext.303 FAX: (787) 729-6648	MSO New Orleans 1615 Poydras Street New Orleans, LA 70112-1254 PHONE: (504) 589-4256 FAX: (504) 589-7470
MSO Morgan City 800 David Drive Morgan City, LA 70380-1304 PHONE: (504) 380-5312 FAX: (504) 385-1687	MSO Corpus Christi 400 Mann Street, Suite 210 Corpus Christi, TX 78401-2046 PHONE: (512) 888-3162 FAX: (512) 888-3115	MSO Houston-Galveston P.O. Box 446 Galena Park, TX 77547-0446 PHONE: (713) 671-5100 ext. 0 FAX: (713) 671-5177	MSO Mobile P.O. Box 2924 150 N. Royal Street Mobile, AL 36652-2924 PHONE: (334) 441-5121 FAX: (334) 441-6169
MSO Port Arthur Federal Building 2875 Jimmy Johnson Boulevard Port Arthur, TX 77640-2099 PHONE: (409) 723-6509 ext. 251 FAX: (409) 723-6534	MSO St. Louis 1222 Spruce Street, Suite 8.104E St. Louis, MO 63103-2835 PHONE: (314) 539-3091 ext. 281 FAX: (314) 539-2659	MSO Huntington 1415 6 th Avenue Huntington, WV 25701-2420 PHONE: (304) 529-5432 FAX: (304) 529-5051	MSO Louisville 600 Martin Luther King, Jr. Pl., Room 360 Louisville, KY 40202-2230 PHONE: (502) 582-5194 ext. 39 FAX: (502) 582-6825
MSO Memphis 200 Jefferson Avenue, Suite 1301 Memphis, TN 38103-2300 PHONE: (901) 544-3941 ext. 226 FAX: (901) 544-3886	MSO Paducah 225 Tully Street Paducah, KY 42003-1582 PHONE: (502) 442-1621 FAX: (502) 442-1633	MSO Pittsburgh Kossman Building, Suite 1150 100 Forbes Avenue Pittsburgh, PA 15222-1371 PHONE: (412) 644-5808 ext. 115 FAX: (412) 644-3479	MSO Buffalo 1 Fuhrman Boulevard Buffalo, NY 14230 PHONE: (716) 843-9570 FAX: (716) 843-9571
MSO Chicago 215 W. 83 rd Street, Suite D Burr Ridge, IL 60521 PHONE: (630) 986-2155 FAX: (630) 986-2120/2174	MSO Cleveland 1055 E. 9 th Street Cleveland, OH 44114 PHONE: (216) 522-4405 FAX: (216) 522-3290	MSO Detroit 110 Mt. Elliot Avenue Detroit, MI 48207 PHONE: (313) 568-9580 FAX: (313) 568-9581	MSO Duluth 600 S. Lake Avenue, Canal Park Duluth, MN 55802-2352 PHONE: (218) 720-5286 FAX: (218) 720-5258
MSO Milwaukee 2420 S. Lincoln Memorial Drive Milwaukee, WI 53207-1997 PHONE: (414) 747-7155 FAX: (414) 747-7890	MSO Toledo Federal Building 234 Summit Street, Room 501 Toledo, OH 43604 PHONE: (419) 259-6372 FAX: (419) 259-6374	MSO Sault Ste. Marie 337 Water Street Sault Ste. Marie, MI 49783 PHONE: (906) 635-3223 FAX: (906) 635-3321	MSO Long Beach 165 N. Pico Avenue Long Beach, CA 90802-1096 PHONE: (562) 980-4447 FAX: (562) 980-4413
MSO San Diego 2716 N. Harbor Drive San Diego, CA 92101-1064 PHONE: (619) 683-6477 FAX: (619) 683-6504	MSO San Francisco Building 14, Coast Guard Island Alameda, CA 94501-5100 PHONE: (510) 437-3082 FAX: (510) 437-3072	MSO Puget Sound 1519 Alaskan Way South, Building 1 Seattle, WA 98134-1192 PHONE: (206) 217-6232 FAX: (206) 217-6345	MSO Portland 6767 N. Basin Avenue Portland, OR 97217-3992 PHONE: (503) 240-9301 FAX: (503) 240-9302
MSO Honolulu 433 Ala Moana Boulevard Honolulu, HI 96813-4909 PHONE: (808) 522-8252 FAX: (808) 522-8271	MARSEC/MSO Guam PSC 455, Box 176 FPO AP, 95-6540-1056 PHONE: (671) 339-2001 ext.164 FAX: (671) 339-2005	MSO Juneau 2760 Sherwood Lane, Suite 2A Juneau, AK 99801-8545 PHONE: (907) 463-2464 FAX: (907) 463-2445	MSO Anchorage 510 L Street, Suite 100 Anchorage, AK 99501-1946 PHONE: (907) 271-6724 FAX: (907) 271-6751
MSO Valdez P.O. Box 486 105 South Clifton Valdez, AK 99686-0486 PHONE: (907) 835-7205 FAX: (907) 835-7207	The geographic boundaries for all Captain of the Port Zones are contained in 33 CFR part 3.		

Appendix B to Subpart D of Part 160—United States Coast Guard Marine Facility Questionnaire

OMB Approval No. 2115-0639

United States Coast Guard Marine Facilities Questionnaire**[IMO Year 2000 Questionnaire 3 and United States Supplement 2]****Instructions**

- Please complete this marine facility questionnaire as fully as possible and submit to the U.S. Coast Guard via:

Mail: U. S. Coast Guard (G-MOC/Y2K)
c/o The Centech Group
2000 N. 14th Street
Suite 700
Arlington, VA 22201

OR

Fax: 1-800-825-4357

OR

Complete the questionnaire and
supplement on the Coast Guard's
Internet web site at:
<http://www.uscg.mil/hq/g-m/y2k.htm>

- You must submit all portions of this questionnaire required for your facility so that they are received by **August 1, 1999**. If your facility **will not** conduct cargo loading/transfer operations on any of the peak risk periods, but will be operating at any time between August 1, 1999, and March 31, 2000, you need only complete the U.S. Supplement 2 and submit it to the Coast Guard via one of the methods outlined above. You **do not** have to complete the IMO Year 2000 Questionnaire 3.
- If your facility will not be operating at any time between August 1, 1999, and March 31, 2000, you need not submit any portion of this questionnaire.
- The peak risk periods are:
Midnight (2400) September 7, 1999, through midnight (2400) September 9, 1999; and
Midnight (2400) December 30, 1999, through midnight (2400) January 1, 2000; and
Midnight (2400) February 27, 2000, through midnight (2400) February 29, 2000.
- If your Y2K preparedness changes or your operational plans change, you must submit an updated questionnaire(s) as soon as possible.
- Any updated or new questionnaires submitted during the peak risk periods must be submitted to the Captain of the Port of the zone in which the facility is operating instead of the locations specified above. A list of Captain of the Port addresses and fax numbers is provided on page 4.
- **Data items on the IMO Questionnaire 3 marked with an asterisk (*) do not need to be filled in if the questionnaire is being submitted to the U.S. Coast Guard since the U.S. Supplement addresses similar information.**
- Please **DO NOT SUBSTITUTE** Y2K-related contingency plans, brochures, policy statements or similar documents for this questionnaire and supplement.
- If you have questions about this questionnaire, contact the Coast Guard Office of Compliance at Commandant (G-MOC), 2100 2nd Street, SW, Washington, D.C. 20593-0001; tel: 202-267-2978; fax: 202-267-4394.

An agency may not conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection is 2115-0639. The Coast Guard estimates it will take, on average, 8 minutes to complete and submit both Questionnaire 3 and Supplement 2. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-001.

IMO YEAR 2000 QUESTIONNAIRE 3

From: United States Coast Guard

To: (Marine Facility/Terminal Operator) _____

Date/time of expected arrival/departure *: _____

It is anticipated that the above ship will/may require to navigate or handle cargo within your port on or around the above dates. Please complete the following questions concerning the Year 2000 preparations made by the Port Authority/Terminal Operator.

	Circle as appropriate	
1) Does the facility have a documented Year 2000 policy in place?	YES	NO
2) Has an inventory check to identify and categorize non-compliant equipment been carried out?	YES	NO
3) Has all equipment critical to the safety of navigation/cargo handling been assessed for Year 2000 compliance?	YES	NO
4) Has facility personnel investigated potential problems and solutions?	YES	NO
5) Where non-compliant equipment has not been replaced or upgraded, have alternative systems or manual operations been established?	YES	NO
6) Has the facility sought to establish whether its critical suppliers, utilities and external services are Year 2000 compliant?	YES	NO
7) Is there serious doubt as to the availability of any supply, utility or service which is critical to safety?	YES	NO
8) Does the facility have operational contingency plans in place to cope with unforeseen Year 2000 equipment malfunctions?	YES	NO
9) Have these contingency plans been tested and reviewed to confirm their effectiveness?	YES	NO
10) Has all necessary information been exchanged and agreed with ships/shipping company on any additional Year 2000 specific requirements applicable to port/terminal/facility operations?	YES	NO

Name: _____

Position*: _____

Contact Address*: _____

Signature*: _____

Date: _____

UNITED STATES SUPPLEMENT 2 TO IMO YEAR 2000 QUESTIONNAIRE 3

In addition to the IMO Year 2000 Questionnaire3, please answer the following as fully as you can for each Marine Facility operating from August 1, 1999 through March 31, 2000.

Marine Safety Office/Captain of the Port zone located in: _____

Name of Facility: _____

Type(s) of Facility: _____

Name of Company: _____

Name of Person completing questionnaire: _____

Your Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ FAX: _____ E-mail: _____

Please indicate (by circling) if this is an: Initial/Original Questionnaire Updated Questionnaire

Please answer the following questions.	Circle as appropriate
<p>1) Will the facility conduct cargo loading/transfer operations on the following dates of concern?</p> <ul style="list-style-type: none"> • Midnight September 7 – midnight September 9, 1999 • Midnight December 30, 1999 – midnight January 1, 2000 • Midnight February 27 – midnight February 29, 2000 <p>If you answer “yes” or “maybe” for any date, please complete IMO Year 2000 Questionnaire 3. If you answer “no” for all dates, stop here, you are not required to complete the IMO questionnaire, but you must still submit this supplement to the United States Coast Guard per the instructions on page 1. If, in the future, one of your answers changes from “no” to “yes” or “maybe,” submit an updated questionnaire.</p>	<p>YES MAYBE NO</p> <p>YES MAYBE NO</p> <p>YES MAYBE NO</p>
<p>2) Where potential problems and solutions have been identified, has the facility carried out appropriate remedial actions?</p>	<p>YES NO</p>

Marine Safety Offices (MSOs)/Captains of the Port

MSO Portland 103 Commercial Street Portland, ME 04101-4726 PHONE: (207) 780-3681 FAX: (207) 780-3567	MSO Boston 455 Commercial Street Boston, MA 02109-1045 PHONE: (617) 223-3435 FAX: (617) 223-3032	MSO Providence 20 Risho Avenue East Providence, RI 02914-1208 PHONE: (401) 435-2350 FAX: (401) 435-2382	Group/MSO Long Island Sound 120 Woodward Avenue New Haven, CT 06512-3698 PHONE: (203) 468-4401 FAX: (203) 468-4445
USCG Activities New York Prevention/Compliance Division 212 Coast Guard Drive Staten Island, NY 10305 PHONE: (718) 354-4207 FAX: (718) 354-4301	Coast Guard Activities Baltimore 2401 Hawkins Point Road Baltimore, MD 21226-1791 PHONE: (410) 576-2693 FAX: (410) 962-0930	MSO Hampton Roads Norfolk Federal Building, 200 Granby Street Norfolk, VA 23510-1888 PHONE: (757) 441-3300 FAX: (757) 441-3262	MSO Wilmington 272 N. Front Street, Suite 500 Wilmington, NC 28401-3907 PHONE: (910) 815-4895 ext. 107 FAX: (910) 815-4523
MSO/Group Philadelphia 1 Washington Avenue Philadelphia, PA 19147-4395 PHONE: (215) 271-4806 FAX: (215) 271-4833	MSO Miami P.O. Box 01-6940 Miami, FL 33101-6940 PHONE: (305) 535-8705 FAX: (305) 535-8742	MSO Jacksonville 7820 Arlington Expressway, Suite 400 Jacksonville, FL 32211-7445 PHONE: (904) 232-2640 ext. 106 FAX: (904) 232-2664	MSO Tampa 155 Columbia Drive Tampa, FL 33606-3598 PHONE: (813) 228-2189 FAX: (813) 228-2399
MSO Savannah 222 W. Ogelthorpe Avenue, Suite 402 Savannah, GA 31401-3606 PHONE: (912) 652-4353 FAX: (912) 652-4180	MSO Charleston 196 Tradd Street Charleston, SC 29401-1899 PHONE: (843) 724-7684 FAX: (843) 720-7750	MSO San Juan P.O. Box 9023666 San Juan, PR 00902-3666 PHONE: (787) 729-6800 ext.303 FAX: (787) 729-6648	MSO New Orleans 1615 Poydras Street New Orleans, LA 70112-1254 PHONE: (504) 589-4256 FAX: (504) 589-7470
MSO Morgan City 800 David Drive Morgan City, LA 70380-1304 PHONE: (504) 380-5312 FAX: (504) 385-1687	MSO Corpus Christi 400 Mann Street, Suite 210 Corpus Christi, TX 78401-2046 PHONE: (512) 888-3162 FAX: (512) 888-3115	MSO Houston-Galveston P.O. Box 446 Galena Park, TX 77547-0446 PHONE: (713) 671-5100 ext. 0 FAX: (713) 671-5177	MSO Mobile P.O. Box 2924 150 N. Royal Street Mobile, AL 36652-2924 PHONE: (334) 441-5121 FAX: (334) 441-6169
MSO Port Arthur Federal Building 2875 Jimmy Johnson Boulevard Port Arthur, TX 77640-2099 PHONE: (409) 723-6509 ext. 251 FAX: (409) 723-6534	MSO St. Louis 1222 Spruce Street, Suite 8.104E St. Louis, MO 63103-2835 PHONE: (314) 539-3091 ext. 281 FAX: (314) 539-2659	MSO Huntington 1415 6 th Avenue Huntington, WV 25701-2420 PHONE: (304) 529-5432 FAX: (304) 529-5051	MSO Louisville 600 Martin Luther King, Jr. Pl., Room 360 Louisville, KY 40202-2230 PHONE: (502) 582-5194 ext. 39 FAX: (502) 582-6825
MSO Memphis 200 Jefferson Avenue, Suite 1301 Memphis, TN 38103-2300 PHONE: (901) 544-3941 ext. 226 FAX: (901) 544-3886	MSO Paducah 225 Tully Street Paducah, KY 42003-1582 PHONE: (502) 442-1621 FAX: (502) 442-1633	MSO Pittsburgh Kossmann Building, Suite 1150 100 Forbes Avenue Pittsburgh, PA 15222-1371 PHONE: (412) 644-5808 ext. 115 FAX: (412) 644-3479	MSO Buffalo 1 Fuhrman Boulevard Buffalo, NY 14230 PHONE: (716) 843-9570 FAX: (716) 843-9571
MSO Chicago 215 W. 83 rd Street, Suite D Burr Ridge, IL 60521 PHONE: (630) 986-2155 FAX: (630) 986-2120/2174	MSO Cleveland 1055 E. 9 th Street Cleveland, OH 44114 PHONE: (216) 522-4405 FAX: (216) 522-3290	MSO Detroit 110 Mt. Elliot Avenue Detroit, MI 48207 PHONE: (313) 568-9580 FAX: (313) 568-9581	MSO Duluth 600 S. Lake Avenue, Canal Park Duluth, MN 55802-2352 PHONE: (218) 720-5286 FAX: (218) 720-5258
MSO Milwaukee 2420 S. Lincoln Memorial Drive Milwaukee, WI 53207-1997 PHONE: (414) 747-7155 FAX: (414) 747-7890	MSO Toledo Federal Building 234 Summit Street, Room 501 Toledo, OH 43604 PHONE: (419) 259-6372 FAX: (419) 259-6374	MSO Sault Ste. Marie 337 Water Street Sault Ste. Marie, MI 49783 PHONE: (906) 635-3223 FAX: (906) 635-3321	MSO Long Beach 165 N. Pico Avenue Long Beach, CA 90802-1096 PHONE: (562) 980-4447 FAX: (562) 980-4413
MSO San Diego 2716 N. Harbor Drive San Diego, CA 92101-1064 PHONE: (619) 683-6477 FAX: (619) 683-6504	MSO San Francisco Building 14, Coast Guard Island Alameda, CA 94501-5100 PHONE: (510) 437-3082 FAX: (510) 437-3072	MSO Puget Sound 1519 Alaskan Way South, Building 1 Seattle, WA 98134-1192 PHONE: (206) 217-6232 FAX: (206) 217-6345	MSO Portland 6767 N. Basin Avenue Portland, OR 97217-3992 PHONE: (503) 240-9301 FAX: (503) 240-9302
MSO Honolulu 433 Ala Moana Boulevard Honolulu, HI 96813-4909 PHONE: (808) 522-8252 FAX: (808) 522-8271	MARSEC/MSO Guam PSC 455, Box 176 FPO AP, 95-6540-1056 PHONE: (671) 339-2001 ext.164 FAX: (671) 339-2005	MSO Juneau 2760 Sherwood Lane, Suite 2A Juneau, AK 99801-8545 PHONE: (907) 463-2464 FAX: (907) 463-2445	MSO Anchorage 510 L Street, Suite 100 Anchorage, AK 99501-1946 PHONE: (907) 271-6724 FAX: (907) 271-6751
MSO Valdez P.O. Box 486 105 South Clifton Valdez, AK 99686-0486 PHONE: (907) 835-7205 FAX: (907) 835-7207	<p>The geographic boundaries for all Captain of the Port Zones are contained in 33 CFR part 3.</p>		

Dated: June 15, 1999.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99-15985 Filed 6-18-99; 3:21 pm]

BILLING CODE 4910-15-C

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[DA 99-1133]

Closed Captioning and Video Description of Video Programming

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document contains an editorial amendment to the Commission's regulations concerning closed captioning. The amendment eliminates an inadvertent reference to a term used as a trademark.

DATES: Effective June 23, 1999.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 418-1720.

SUPPLEMENTARY INFORMATION: This is the full text of the Order of the Commission's Managing Director, DA 99-1133, adopted on June 8, 1999, and released June 10, 1999.

1. By this order, we correct the language of 47 CFR 79.1, the Commission's closed captioning rule. Paragraph 79.1(e)(3) deals with the acceptability of using a method of captioning referred to in the rule as the: "so-called 'electronic newsroom' or ENR technique." The Commission intended by this term to refer to a generic captioning methodology that generates captions using the output of news script computer or teleprompter systems. See Closed Captioning and Video Description of Video Programming, 13 FCC Rcd 19973, 19989 ¶ 32 (1998), 63 FR 55959 (October 20, 1998). While it appears that the terms "electronic newsroom" and "electronic newsroom captioning" are indeed generic terms, it has come to our attention that the rule's reference to "ENR" may be confused with the term "ENR" used by Comprompter, Inc. of La Crosse, Wisconsin as the trademark for one of its products. To eliminate any possible confusion, we will amend the rule accordingly.

2. Accordingly, it is Ordered, Pursuant to the authority delegated under 47 CFR 0.231(b), 47 CFR Part 79 is amended effective June 23, 1999.

List of Subjects in 47 CFR Part 79

Cable television, Closed captioning, Television.

Federal Communications Commission

Mary Beth Richards

Deputy Managing Director

Rule Change

For the reasons discussed in the preamble, Part 79 of the Code of Federal Regulations is amended as follows:

PART 79—CLOSED CAPTIONING OF VIDEO PROGRAMMING

1. The authority citation for Part 79 continues to read as follows:

Authority: 47 U.S.C. 613.

2. Section 79.1(e)(3) is revised to read as follows:

§ 79.1 Closed captioning of video programming.

* * * * *

(e)***

(3) Live programming or repeats of programming originally transmitted live that are captioned using the so-called "electronic newsroom technique" will be considered captioned, except that effective January 1, 2000, and thereafter, the major national broadcast television networks (i.e., ABC, CBS, Fox and NBC), affiliates of these networks in the top 25 television markets as defined by Nielsen's Designated Market Areas (DMAs) and national nonbroadcast networks serving at least 50% of all homes subscribing to multichannel video programming services shall not count electronic newsroom captioned programming towards compliance with these rules. The live portions of noncommercial broadcasters' fundraising activities that use automated software to create a continuous captioned message will be considered captioned;

* * * * *

[FR Doc. 99-15958 Filed 6-22-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 981014259-8312-02; I.D. 061699C]

Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Commercial quota harvest for Summer period.

SUMMARY: NMFS announces that the scup commercial quota available in the Summer period to the coastal states from Maine to North Carolina has been harvested. Commercial vessels may not land scup in the northeast region for the remainder of the 1999 Summer quota period (through October 31, 1999). Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing scup in these states.

DATES: Effective 0001 hours June 28, 1999, through October 31, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

SUPPLEMENTARY INFORMATION:

Regulations governing the scup fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into three quota periods, based upon percentages of the annual quota. The Summer commercial quota (May through October) is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.120.

The initial total commercial quota for scup for the 1999 calendar year was set equal to 2,534,000 lb (1,149,403 kg) (63 FR 72203, December 31, 1998). The Summer period quota, which is equal to 38.95 percent of the annual commercial quota (minus a discard estimate), was set at 986,993 lb (447,692 kg).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period, and based upon dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Summer period. The Regional Administrator has determined, based upon dealer reports