

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

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Richard W. Krimm,

Acting Associate Director, Mitigation Directorate.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Parts 10 and 15

CGD 94-041]

RIN 2115-92

#### Radar-Observer Endorsement for Operators of Uninspected Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Reopening of comment period on interim rule.

**SUMMARY:** The Coast Guard is reopening the period for public comment on its interim rule requiring a radar-observer endorsement for operators of uninspected towing vessels. It would like public help in clarifying certain issues.

**DATES:** Comments must be received on or before July 2, 1996.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) [CGD 94-041], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-09001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Don Darcy, Project Manager, Marine Safety and Environmental Protection, Office of Maritime Personnel Qualifications (G-MOS-1) (202) 267-0221.

**SUPPLEMENTARY INFORMATION:** On October 26, 1994, the Coast Guard published an interim rule requiring a radar-observer endorsement, with appropriate training, for licensed masters, mates, and operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more

in length [59 FR 53754]. This rule requires every licensed person to hold either an endorsement as a radar-observer or, if he or she holds a valid license issued before February 15, 1995, a certificate from a radar-operation course. In response to comments from members of the regulated public, the Coast Guard published an amendment to the interim rule on February 14, 1995 [60 FR 8308], which changed the date by which the radar-observer endorsement or the radar-operation course certificate would be required: from February 15, 1995, to June 1, 1995. The effective date of the interim rule remained and remains June 1, 1995.

Further evaluation of the interim rule by the Coast Guard revealed certain issues that require clarification. Therefore, the Coast Guard has decided to reopen the comment period.

#### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. There is no need to refile comments already submitted. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 94-041] and the specific section of the interim rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change the interim rule in view of the comments.

Although the Coast Guard invites comments on any feature of the interim rule, it specifically invites comments on the following:

*Section 10.305(c)(2)(iii)(C).* Should the Coast Guard require the determination of the course and speed of another vessel for inland routes?

*Section 10.305(c)(2)(iii)(D).* Should the Coast Guard require the determination of the time and distance of closest point of approach of a crossing, meeting, overtaking, or overtaken vessel for inland routes? On most inland routes, towing vessels have a one-person watch in the wheelhouse and may compromise the safety of the tow if they were required to do this.

*Section 10.480(f).* Currently an endorsement as radar observer issued under this section is valid for five years after the month of issuance of the

certificate of training from a course approved by the Coast Guard. Should there be a 2 year window of acceptability to the renewal date of the license to bring the two dates together and eliminate an expensive license transaction? This would make the normal validity of the endorsement 5 years, but not to exceed 7 years.

Dated: April 25, 1996.

Joseph J. Angelo,

Director for Standards, Marine Safety and Environmental Protection.

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## Surface Transportation Board

### 49 CFR Parts 1051, 1053 and 1312

[Ex Parte No. MC-180 (Sub-No. 3)]

#### Regulations Implementing Section 7 of the Negotiated Rates Act of 1993

AGENCY: Surface Transportation Board (Board).<sup>1</sup>

ACTION: Final Rule; Termination of Proceeding.

**SUMMARY:** The Board is rescinding the rules previously issued by the Interstate Commerce Commission (ICC) in this proceeding concerning the off-bill discounting provisions of section 7 of the Negotiated Rates Act of 1993 (NRA), and terminating the proceeding. The ICC Termination Act of 1995 repealed and did not reenact the requirement that the ICC, or any agency, issue or maintain regulations to carry out the remaining requirements of section 7.

**EFFECTIVE DATE:** The action is effective on May 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Martin, (202) 927-6033 [TDD for the hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:** In accord with section 7 of the NRA, Public Law No. 103-180, the ICC adopted regulations relating to off-bill discounting. *Regs. Implementing § 7 of the Negotiated Rates Act 1993*, 9 I.C.C.2d 1263 (1993). The rules, which were published at 59 FR 2303 (Jan. 14, 1994), prohibited, except as to certain services, motor common and contract carriers of property from providing "off-bill discounting." Off-bill discounting is a practice by which a carrier provides a reduction in a tariff rate or contract rate

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions and proceedings to the Board.