



5350

November 29, 1991

U.S. COAST GUARD FISHERIES ENFORCEMENT FOR PERIOD  
September 01, 1991 through October 31, 1991

1. ACCOMPLISHMENTS.

a. Vessel Seizures:

(1) On October 11, USCGC SHERMAN seized the 186-foot fishing vessel ARICA for fishing in the closed area around Round Island in Bristol Bay. SHERMAN'S boarding team found several entries in the vessel's DCPL showing fishing in the closed area in June. The vessel arrived in Kodiak on October 14 and custody was transferred to the U.S. Marshal. On October 16, the vessel agreed to a \$650,000 bond.

(2) Note: The following vessels were seized this period, and were previously reported in detail in the "Coast Guard Fisheries Enforcement Report" dated September 20, 1991:

<u>NAME</u>	<u>Date Seized</u>	<u>Reason</u>
<i>Bristol Enterprise</i>	04 Sep	Fishing in Round Island closed area.
<i>Roseann Hess</i>	07 Sep	Halibut fishing after closure, non-continuous transit.
<i>Concepcion</i>	10 Sep	Fishing in Round Island closed area.
<i>Yukon</i>	18 Sep	Observer/record keeping/reporting violations.

b. High Seas Driftnet violations:

(1) On September 02, a Kodiak based C-130 aircraft sighted five unidentified foreign driftnet vessels conducting fishing operations about 300 nautical miles north of the authorized driftnet area in the vicinity of 51-20'N, 165-20'E (approximately 260 nautical miles west southwest of Attu). All five vessels had a white hull and white superstructure. One of the vessels had green decks and the second word of its name appeared to be "DONG". The sighting information was passed to the Soviet Maritime Border Guard by telex due to the vessels' proximity to the Soviet Union.

(2) On September 09, a Kodiak based C-130 aircraft sighted sixteen foreign driftnet vessels conducting fishing operations about 300 nautical miles north of the authorized driftnet area in the vicinity of 50-20'N, 164-40'E (approximately 300 nautical miles west southwest of Attu). Fifteen of the vessels were retrieving nets when sighted. All of the vessels had a white hull and white superstructure. None had any clear identifying data although one was flying a red flag with possible white star. The sighting information was passed to the Soviet Maritime Border Guard by telex due to the vessels' proximity to the Soviet Union.

(3) On September 18, a Kodiak based C-130 aircraft sighted four foreign driftnet vessels about 300 nautical miles north of the authorized driftnet area in the vicinity of 50-30'N, 164-00'E (approximately 350 nautical miles west southwest of Attu). Three of the vessels had no identifying data and were observed transiting. The fourth vessel was identified as the Chinese driftnetter No. 1 TAI HUI and was observed fishing. The sighting information was passed to the Soviet Maritime Border Guard by telex due to the vessels' proximity to the Soviet Union.

## 2. Monthly Patrol Statistics:

### SEPTEMBER:

- a. 2 High Endurance Cutters (HEC) patrolled for 19 days.
- b. 3 Medium Endurance Cutters (MEC) patrolled for 71 days.
- c. 5 Buoy Tenders patrolled for 18 days.
- d. 4 Patrol Boats patrolled for 26 days.
- e. C-130 aircraft conducted 62 long-range surveillance flights for 402.1 patrol hours.
- f. H-3 helicopters conducted 17 coastal surveillance flights for 79.1 patrol hours.

#### g. Foreign vessels:

Sightings:	36	(See below for list by nationality)
Boardings:	01	
Fisheries Violations:	00	(Does not include violations of driftnet agreements.)

#### h. Domestic vessels:

Sightings:	1309
Boardings:	167
Fisheries Violations:	19

OCTOBER:

- a. 1 High Endurance Cutter (HEC) patrolled for 31 days.
- b. 1 Medium Endurance Cutters (MEC) patrolled for 31 days.
- c. 4 Patrol Boats patrolled for 14.5 days.
- d. C-130 aircraft conducted 32 long-range surveillance flights for 249.8 patrol hours.
- e. H-3 helicopters conducted 1 coastal surveillance flight for 0.7 patrol hours.

f. Foreign vessels:

Sightings: 19 (See below for list by nationality)  
Boardings: 00  
Fisheries Violations: 0 (Does not include violations of driftnet agreements.)

g. Domestic vessels:

Sightings: 538  
Boardings: 38  
Fisheries Violations: 01

3. Results:

- a. Fishing vessel sightings by nationality:  
(May be multiple sightings of one vessel.)

	<u>SEP</u>	<u>OCT</u>	<u>TOTAL</u>
JA	12	7	19
KS	00	4	4
UR	3	2	5
PL	17	0	17
CH	2	0	2
TW	0	0	0
CA	0	0	0
US	1309	538	1847
<u>OTHER/UN-IDENTIFIED</u>	<u>244</u>	<u>238</u>	<u>482</u>
<b>Total</b>	<b>1587</b>	<b>789</b>	<b>2376</b>

- b. See enclosure (1) for detailed list of fishery violations.
- c. See enclosure (2) for detailed list of vessels boarded with no fishery violations.
- d. See enclosure (3) for plot of donut hole sightings.

- Encl:
- (1) List of violations.
  - (2) List of fishing vessels boarded with no fishery violations.
  - (3) Donut Hole sightings.

LIST OF VIOLATIONS

The following vessels had fisheries violations during the period September 1, 1991 to October 31, 1991. Note: Does not include violations of the Fishing Vessel Safety Act.

<u>NAME</u>	<u>DATE</u>	<u>UNIT</u>	<u>SUMMARY</u>
F/V NORDBY	02SEP91	VENTUROUS	1-Failure to properly maintain DFL.
F/V ALASKA LADY	04SEP91	SWEETBRIER	1-13 undersized halibut fillets.
BRISTOL ENTERPRISE	04SEP91	YOCONA	SEIZED, see summary.
F/V GYPSY LADY	04SEP91	SEDGE	1-Filletted/mutilated halibut such that size could not be determined. 2-Conducting halibut fishing during closed period.
F/V JULIE K	04SEP91	WOODRUSH	1-Failure to properly maintain IPHC logs prior to off-load.
OCEAN HARVESTER	04SEP91	IRONWOOD	1-Non-continuous transit. 2-Retained 4 undersized halibut.
F/V SEA HUNTER	04SEP91	SWEETBRIER	1-2 undersized halibut fillets. 2-1 undersized halibut.
F/V CAROL II	05SEP91	WOODRUSH	1-Failure to have IPHC license in possession.
F/V DONNA MARIE	05SEP91	SEDGE	1-Filletted/mutilated halibut such that size could not be determined.
F/V GUNGA DIN	05SEP91	STATION JUNEAU	1-No IPHC license or number onboard
F/V NICKELODEON	05SEP91	SEDGE	1-Conducting halibut fishing during closed period. 2-Possession of undersized halibut. 3-Failure to properly mark halibut gear.
F/V RENEGADE	05SEP91	STATION KETCHIKAN	1-Possession of 6 undersized halibut.
F/V ROSEANN HESS	05SEP91	VENTUROUS	SEIZED, see summary.

F/V ROULETTE	05SEP91 SEDGE	1-Possession of undersized halibut. 2-Failure to maintain IPHC log.
F/V SUNDANCER	05SEP91 IRONWOOD	1-Failure to mark longline floats.
TRISTIN MICHAEL	05SEP91 STATION KETCHIKAN	1-Possession of 22 undersized halibut and 40 mutilated filets. 2-Failure to maintain IPHC log. Catch seized.
F/V RESPONSE	08SEP91 YOCONA	1-Failure to comply with NMFS observer coverage requirements. 2-Failure to comply with provisions of Federal Fisheries permit (i.e. vsl permitted for harvesting only but was engaged in processing). 3-Failure to properly maintain CVDFL. 4-Failure to provide safe boarding ladder.
F/V CONCEPCION	10SEP91 YOCONA	SEIZED, see summary.
F/V YUKON	17SEP91 YOCONA	SEIZED, see summary.
F/V ARICA	10OCT91 SHERMAN	SEIZED, see summary.

VSL NAME.....	DATE.....	VSL NAME.....	DATE.....
ACCOMPLICE	10/08/91	CONQUISTADOR	09/02/91
ADELINE	09/06/91	CONSTITUTION	09/06/91
ADELYN L	09/05/91	CRYSTAL VIKING	09/03/91
ADVANCER	09/03/91	DANCING LIZZY	09/05/91
ALASKA DAWN	09/05/91	DAY BREAK	09/03/91
ALASKAN KING	09/02/91	DEEP SEA	09/05/91
ALASKA PACKER	10/02/91	DEEP SEA	09/19/91
ALASKA TRADER	10/23/91	DENNY M	09/02/91
ALASKA VOYAGER	10/09/91	DESERIE LYNNE	09/02/91
ALL HANDS	09/05/91	DESTINY	10/03/91
ALBUT PRINCESS	09/05/91	DUMAMISH	09/04/91
ALBUTIAN SPRAY	10/24/91	E H	09/05/91
AMERICAN NO. 1	09/23/91	EL TIBURON	09/05/91
AMERICAN TRIUMPH	10/21/91	EQUALIZER	09/02/91
ANDREEV	09/04/91	ESTELA	09/03/91
ANNA	09/30/91	EXCALIBUR II	10/23/91
APOGEE	09/02/91	EXCELLENCE	10/26/91
AQUILA	09/05/91	FORUM STAR	10/23/91
ARMINTA	09/05/91	GAFF ROCK	09/05/91
ARTEMIS	09/05/91	GALGAL II	09/30/91
ATRIA	09/20/91	GARNET	09/04/91
AZUMA SEA RAY	10/22/91	HEATHER SEA	09/16/91
BALAYNA	09/02/91	HEATHER SEA	10/22/91
BELINDA V	09/05/91	HELL-N-1	09/03/91
BERSERKER	09/05/91	HEMLOCK	09/19/91
BIG BLUE	10/09/91	HIGHLAND LIGHT	10/24/91
BLOSSOM D	09/05/91	HOPE	09/03/91
BLUE HERON	10/22/91	HUNTRESS	09/05/91
BORN AGAIN	09/04/91	ICELANDER	09/03/91
BRACOR BAY	09/05/91	ILLAHEE	09/01/91
BRANT	09/01/91	INDIANA	09/02/91
BUMBLE BAY	10/09/91	INLET VENTURE	09/05/91
BUCCANER	10/03/91	IRENA	09/06/91
CAMELOT	09/05/91	IRISH INDIAN	09/03/91
CAMEO	09/06/91	JANIE C	09/05/91
CAPER	09/05/91	JAW POINT	10/15/91
CAPE HORN	10/12/91	JENNY LYNN	09/05/91
CAPE OMANEY	09/05/91	JENNY-S	09/02/91
CAREFREE	09/04/91	JULIE	09/05/91
CARRIE C	09/05/91	JUANITA C	09/02/91
CHANCY	09/02/91	JUDITH ANN	09/06/91
CHARLEEN	09/06/91	JULIE K	09/05/91
CHIRIKOF	09/02/91	KIMBERLI A	10/08/91
CLARENA	09/06/91	KIVICK	09/05/91
CMJ-N-1	09/03/91	KRAKEN	09/02/91
COLETTE	09/06/91	KRISTIN ANN	09/05/91
COMMANDER	09/03/91	KYLE R	09/05/91

The following vessels were boarded by Coast Guard personnel on the date indicated from September 01, 1991 through October 31, 1991 and had no fisheries (MFCMA) violations detected.

**VESSELS BOARDED WITH NO FISHERY VIOLATIONS**

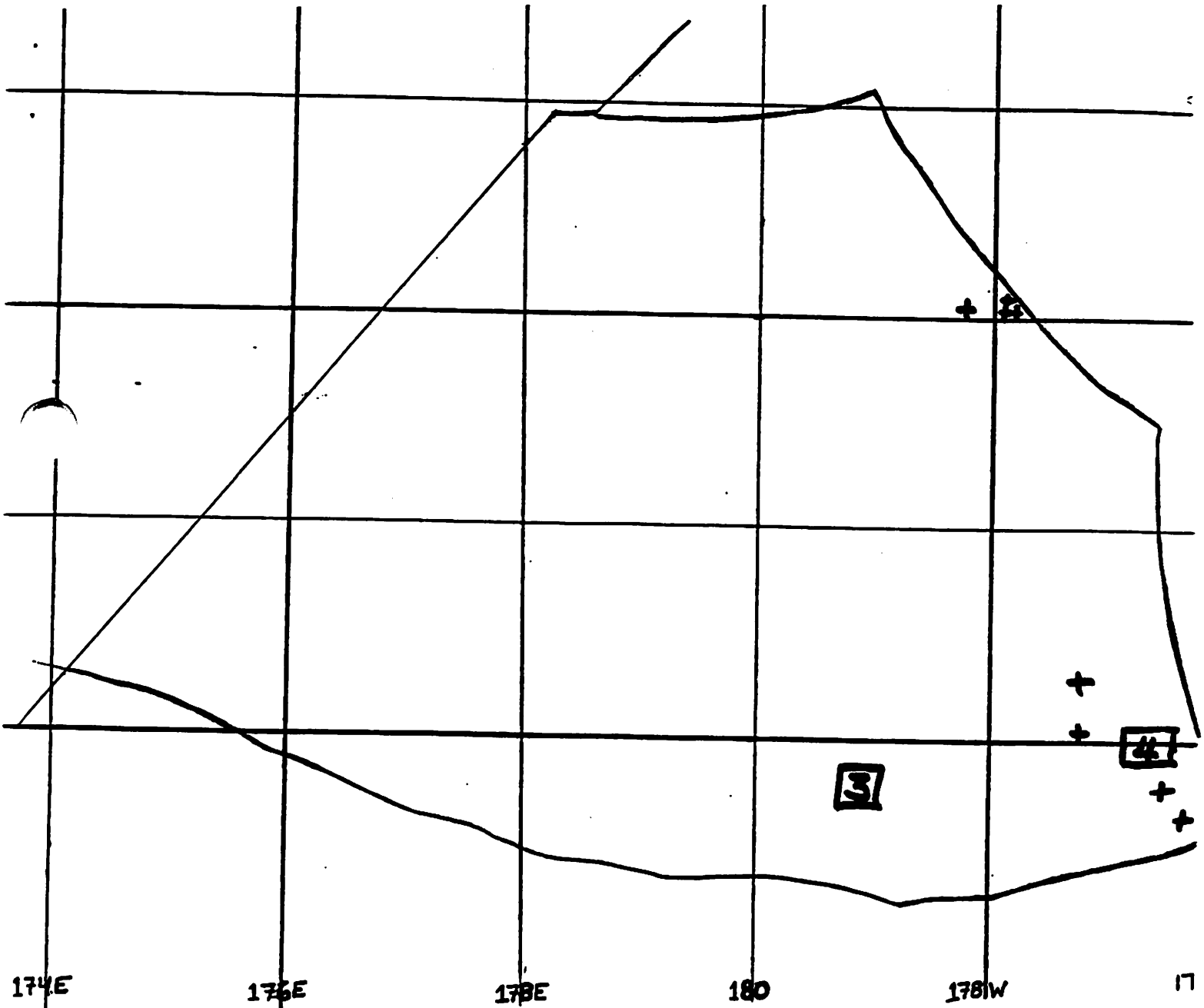
09/02/91	SEA HAVEN	09/04/91	LADY HAWK
09/01/91	SEA QUEST	09/04/91	LADY LOGGER
09/01/91	SEA SPRAY	09/03/91	LANUS
10/23/91	SEATTLE ENTERPRISE	09/03/91	LINDA LOU
10/07/91	SHANNON MARIE	09/01/91	LISA D
10/18/91	SHARON LORRAINE	09/05/91	LITTLE SIOUX
10/21/91	SILVER BEACH	09/05/91	LORETTA C
09/02/91	SILVER STAR	09/05/91	MAIJA LISA
09/06/91	SITKIN ISLAND	09/01/91	MAJESTIC
09/30/91	SPANISH DANCER	09/04/91	MALCO
10/16/91	STRANGER	09/04/91	MARATHON
09/01/91	SU-SPENSE	09/05/91	MARBELLE
09/05/91	SUMMER BREEZE	10/24/91	MARY J
09/06/91	SUNRISE	09/06/91	MAVERICK
09/02/91	SUNSEEKER	10/24/91	MELODI JEAN
09/05/91	SUNWARD	09/01/91	MISS BLU
09/02/91	SURVIVOR	09/08/91	MONARCH
09/01/91	SVEET	09/05/91	MOONSHADOW
09/05/91	TAI PAN	09/05/91	NANCY C
09/06/91	TANIA DEE	09/05/91	NAUTILUS
09/18/91	TANQUERAY	09/05/91	NAZAREEN
09/02/91	TERMINATOR	09/02/91	NESTOR
09/01/91	TREVA II	09/05/91	NEW WE
09/17/91	TRIDENT SEAFOODS INC	09/05/91	NIGHT HAWK
09/01/91	TROIKA	09/18/91	NIKI-M
09/06/91	TWO CRACK	09/03/91	NIKKA
09/04/91	VALLE LEE	09/01/91	NO QUARTER
09/06/91	VELVET	10/03/91	NORDIC FURY
09/05/91	VULCAN	09/02/91	NORTHERN DAWN
09/01/91	WAMINDA	09/04/91	NORTHERN SPIRIT
09/05/91	WAVERYDER	09/02/91	NU-C
09/17/91	WESTWARD SEAFOODS INC	09/06/91	OAXACA
09/02/91	WILSON	09/05/91	OCEAN HARVESTER
09/02/91	WINDWARD	10/07/91	OLYMPIC
10/22/91	WINONA J	09/06/91	OSLO
10/03/91	WOLFKILL	10/08/91	OUR SPIRIT
09/02/91	YENDUCER	09/01/91	PACIFIC BELLE
09/02/91	ZIG ZAG	09/09/91	PACIFIC EMPIRE
		09/02/91	PACIFIC SEA
		09/03/91	PARKS NO.19
		10/12/91	PATY ANN
		10/12/91	PEGGY SUE
		09/01/91	PROVIDER
		09/03/91	QUIVER
		10/26/91	REBECCA IRENE
		09/17/91	RESOLUTE
		09/04/91	RETRIEVER
		09/04/91	RHONDA RENE
		10/10/91	ROAD RUNNER
		10/24/91	ROYAL PRINCE
		09/05/91	SAFARI
		09/06/91	SARA K
		09/03/91	SASSY
		09/07/91	SEA HAWK



# FV Sightings by U.S.C.G. In Bering Sea "DONUT HOLE"

September 01, 1991 - October 31, 1991

15 Total Sightings



U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
Coast Guard Headquarters

2100 Second Street S.W.  
Washington, DC 20593  
Staff Symbol: (G-MS)  
Phone: (202) 267-6827

NOV 14 1991

16465

From: Commandant  
To: Commander, Seventeenth Coast Guard District (m) (o)

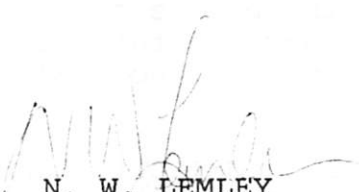
Subj: DISTRIBUTION AND REVIEW OF VESSEL COMMUNICATIONS EQUIPMENT  
NOTICE OF PROPOSED RULEMAKING

1. Enclosed for your information and comment is the Notice of Proposed Rulemaking (NPRM) implementing section 4118 of the Oil Pollution Act of 1990 (OPA 90). This proposed rule will require all vessels subject to the Bridge to Bridge Radiotelephone Act to carry VHF-FM channel 22A. Those vessels in the lower Mississippi will also be required to carry channel 67 for navigational communications. The NPRM was sent to the Federal Register on 13 Nov 91 and should be published on 18 Nov 91.

2. A copy of this NPRM has been mailed directly to each MSO or COTP within your district. Please ensure that each unit takes every opportunity to notify the potentially affected marine community of the existence of the NPRM and encourage formal comments. Reprints of the Federal Register will be mailed to approximately 1000 entities potentially affected, but this list is not all inclusive. A limited number of additional copies will also be available through this office.

3. This proposed regulation applies to all vessels subject to the Bridge to Bridge Radiotelephone Act but only about half of the foreign fleet will need to take any action to comply with this regulation. OPA 90 mandates that vessels be able to receive navigation safety warnings and converse with the Coast Guard. The available options to implement this regulation are strictly limited.

4. USCG comments on this NPRM should be submitted directly to the project manager, LCDR Jewell in G-MS-1. Please contact him at FTS 267-6746 if you have any questions or need additional information.

  
N. W. LEMLEY  
By direction

Encl: (1) Vessel Communications NPRM

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 26

CGD 91-046

RIN 2115-AE07

VESSEL COMMUNICATIONS EQUIPMENT:

REQUIREMENT FOR VESSELS SUBJECT TO BRIDGE TO BRIDGE

RADIOTELEPHONE ACT TO CARRY VHF FM CHANNELS 22A AND 67

AGENCY: Coast Guard, DOT.

Action: Notice of proposed rulemaking.

---

SUMMARY: Under section 4118 of the Oil Pollution Act of 1990 (OPA 90) the Coast Guard proposes to require all vessels subject to the Vessel Bridge to Bridge Radiotelephone Act of 1971 (Bridge to Bridge Act) to be capable of transmitting and receiving on VHF FM channel 22A (157.1 MHz) while in U.S. navigable waters and on VHF FM channel 67 (156.375 MHz) while on certain portions of the lower Mississippi River. This action will enable both domestic and foreign-flagged vessels to receive critical and timely navigation safety warnings and to communicate with the Coast Guard while in U.S. waters. This communications capability is essential to ensure safe navigation in U.S. waters and will help reduce the number of marine accidents in those waters.

DATES: Comments must be received [Insert date 60 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3406) (CGD 91-046), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above 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.

FOR FURTHER INFORMATION CONTACT: LCDR Paul Jewell, Oil Pollution Act Staff (G-MS-1), United States Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-6746.

## SUPPLEMENTARY INFORMATION:

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 91-046), the specific section of this proposal to which each comment applies, and give the reason for each comment. Each person who wants the Coast Guard to acknowledge receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. The Coast Guard plans no public hearing. However, persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." If it determines that the opportunity to make oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the FEDERAL REGISTER.

### Drafting Information

The drafters of this regulation are LCDR Paul Jewell, Project Manager, and Joan Tilghman, Project Counsel.

### Background and Purpose

Section 4118 of OPA 90 requires the Secretary of Transportation to issue regulations to ensure that all vessels subject to the Bridge to Bridge Act be equipped to "(1) receive radio marine navigation safety warnings; and (2) engage in radio communications on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified by the Secretary."

Currently, VHF FM channel 22A simplex (transmit and receive on 157.1 MHz) is designated for Coast Guard liaison purposes and is used by that agency to broadcast marine navigational safety warnings. A number of foreign vessels equipped with radiotelephones operating on channels specified under the provisions of Appendix 18 of the International Telecommunications Union (ITU) Radio Regulations, are not able to receive these warnings, nor converse with the U.S. Coast Guard on VHF FM channel 22A, because internationally channel 22 is configured as a duplex channel (ship station transmits on 157.1 MHz, shore station transmits on 161.7 MHz).

The Coast Guard's VHF transmitting system, used for both command and control as well as distress communications, is limited to six specific channels. Moving the broadcasts to another VHF FM channel (if one were available) will require eliminating a radio channel needed by the Coast Guard for other

purposes, or conducting a major overhaul of the Coast Guard's VHF FM transmitting equipment. A complete refurbishment of this system is scheduled for 1993-96, and any interim change will be costly and short-lived. The Coast Guard has determined that modifying its transmission system to accommodate foreign vessels not equipped to receive channel 22A is a high cost undertaking for very little net benefit. A 1987 study by the Coast Guard and Baltimore Pilots Association found that about 50 percent of the foreign vessels entering our waters were equipped with channel 22A. Domestic vessels subject to the Bridge to Bridge Act have already invested in radios with channel 22A.

The Safety of Life at Sea Convention (SOLAS), has recognized a system known as "NAVTEX" as a solution to most marine safety broadcast problems. Although this system enables vessels to receive navigational safety information through telegraphy, it does not meet the requirements specified in section 4118 of OPA 90. That section mandates that vessels be able to engage in radio communication on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified. For communications with the Coast Guard, the quality and reliability of radio communications on the VHF band in near shore areas is far superior to that of NAVTEX or other radio bands close to shore. Consequently, using NAVTEX or other bands has been determined impractical. The Coast Guard also recognizes the relatively low cost of a VHF FM radio equipped with VHF FM 22A (157.1 MHz).

For communicating with other vessels, this rulemaking also proposes to require vessels transiting a certain portion of the lower Mississippi River to be equipped to communicate with each other on channel 67 (156.375 MHz). This additional requirement is necessary because channel 13 (156.650 MHz), designated for bridge-to-bridge intership navigational communications in other U.S. navigable waters, is unavailable for that purpose in the lower Mississippi River. There, the Federal Communications Commission (FCC) has designated channel 67 (156.375 MHz) for intership navigational communications.

#### Discussion of Proposed Amendments

To ensure that all vessels subject to the Bridge to Bridge Act are able to receive navigational safety warnings and communicate with the Coast Guard as necessary, the Coast Guard proposes to require these vessels to be equipped to transmit and receive on VHF FM channel 22A (157.1 MHz). To ensure that these same vessels can communicate with each other when they transit certain portions of the lower Mississippi River, it is proposed that they also be required to have equipment to transmit and receive on channel 67 (156.375 MHz).

These proposed amendments to 33 CFR 26.03 will resolve long-standing problems in U.S. maritime communications. These problems stem from a difference between domestic and international frequency designations. Although requiring simplex (transmit and receive on the same frequency) operation on channel 22A is contrary to the ITU regulations, the U.S. has reserved the right to deviate from those regulations when doing so would not interfere with, or cause harm to, the international scheme. The existing VTS communications requirements imposed on foreign flag vessels are examples of such deviations.

In the U.S., certain ITU designated frequencies have been assigned for use by domestic agencies other than the Coast Guard. Therefore, redesignating these channels to comply with international accords is not an option. Requiring foreign vessels to procure the equipment necessary to transmit and receive on these uniquely U.S. channels is the least expensive option affecting the smallest number of entities. Implementing any other resolution to the problem will involve substantial costs or cause a major disruption to some portion of the U.S. VHF FM communications system.

#### Regulatory Evaluation

This proposal is non major under Executive Order 12291 and not significant under Department of Transportation Order 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. This regulation will affect foreign flag vessels only, because U.S. vessels already must have equipment capable of transmitting and receiving VHF FM channels 22A and 67.

The estimated total maximum cost of compliance with this regulation by the foreign fleet is about \$1.2 million. This estimate conservatively assumes that each foreign vessel subject to the Bridge to Bridge Act (Coast Guard estimates approximately 6,000 foreign vessels visit U.S. ports annually) purchases a new VHF FM radiotelephone outfitted with U.S. channels (at a cost of \$200). The actual cost will be substantially less since about half these vessels already carry a VHF radio equipped with U.S. channels. Foreign vessels will be in compliance with this regulation if, prior to entering U.S. pilotage waters, pilots are embarked who carry radios equipped with these channels.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). "Small entities" also include small not-for-profit organizations and small governmental jurisdictions. In view of the minimal cost of

compliance for individual vessels, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This proposal is a procedural regulation which does not have any environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES".

List of Subjects in 33 CFR Part 26

Telecommunications

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 26 as follows:

1. The authority citation for Part 26 will be revised to read as follows:

Authority: 85 Stat. 164; 33 U.S.C. 1201-1208; P.L. 101-380 Section 4118, Aug. 18, 1990; 49 CFR 1.46(o)(2).

2. Section 26.03 would be amended by adding new paragraphs (c) and (d) and section 26.04 would be amended by removing the note at the end of the section to read as follows:

§26.03 Radiotelephone required.

\* \* \* \* \*

(c) Each vessel subject to paragraph (a) of this section, shall have on board a radiotelephone capable of transmitting and receiving on VHF FM channel 22A (157.1 MHz).

(d) Each vessel subject to paragraph (a) of this section shall have on board a radiotelephone capable of transmitting and receiving on VHF FM channel 67 (156.375 MHz) while transiting any of the following waters: (1) that portion of the Lower Mississippi River from South Pass Lighted Bell Buoy "2" (LLNR 400) and Southwest Pass Entrance Lighted Buoy "SW" (LLNR 435) to mile 242.4 above Head of Passes (near Baton Rouge), (2) the Mississippi River-Gulf Outlet from the entrance to its junction with the Inner Harbor Navigation Canal, and (3) the full length of the Inner Harbor Navigation Canal from its junction with the Mississippi River to its entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

§26.04 Use of the designated frequency.

\* \* \* \* \*

Note [removed]

R. M. POLANT  
Rear Admiral, U.S. Coast Guard  
Chief, Office of Command, Control and Communications