instance, the recording date and time would relate back to the date and time that the "duplicate instruments" were filed subject to termination. A letter from the person who submitted the instrument by facsimile for filing explaining that the instrument submitted by facsimile has been superseded by the duplicate instruments would be sufficient.

Paragraph (a) of § 67.500 would be revised to clarify the Coast Guard's current practice to not perform any vessel documentation service which is subject to a fee until the required fee is paid. As is current practice, the person requesting the documentation service would submit the fee at the time the service is requested. As applied to the submission by facsimile of instruments for filing, the payment of the fee would accompany the submission of the duplicate instruments submitted in accordance with paragraph (b) of this section.

A new § 67.540 would be added to clearly state that a handling fee would be charged for processing an instrument submitted by facsimile for filing. This fee would not alter the current per page fee charged for filing and recording services, but would be an additional per

page fee.

An appropriate entry in Table 67.550—FEES in § 67.550 would be added to reflect the amount of the fee added to address the handling fee. This additional fee is justified because of the additional time Coast Guard personnel would have to expend in processing the facsimile submission, and to cover the added expense of facsimile machines. For example, Coast Guard personnel would have to receive and sort the facsimile submission, review it to ensure that it met minimal filing requirements, assign a filing date and time, store the facsimile submission, retrieve it when the duplicate instruments were received, and compare the facsimile with the duplicate instruments. Based on the additional personnel handling required for an instrument submitted by facsimile for filing, and additional equipment costs, a fee of \$2.00 per page is proposed.

Regulatory Evaluation

This proposal 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). The

Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard anticipates that optional filing by facsimile will be used only in a limited number of cases. For example, when additional financing is being negotiated; when an assignment or assumption of an existing mortgage is pending; when financing at favorable rates is time critical; or when a vessel owner desires to meet a specific sailing date and filing an instrument is critical to that date, are situations when filing by facsimile could be advantageous. Nevertheless, submission by facsimile is proposed as an optional method of presenting documents for filing. A party may always use regular mail or personal delivery if desired. Therefore, any additional costs to the public associated with this proposal would be due to an election to use the optional method.

In order to more fully anticipate the costs and benefits associated with this proposal, the Coast Guard specifically solicits information from the public concerning potential use of the option of filing by facsimile.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

As explained earlier in this preamble, this proposal, if adopted, would merely add an optional method of submitting certain forms and instruments to the Coast Guard for filing. Since filing by facsimile would be optional, any additional costs borne by any users would be at their election. Current methods of submitting instruments for filing, at no increase in costs, would remain available. In addition, it is anticipated that the option of filing by facsimile would be used only in limited situations where time is of the essence. Therefore, the Coast Guard expects the impact of this proposal to be minimal.

Because it expects the impact of this proposal to be minimal, 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 collectionof-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This proposal merely describes an optional method of submitting instruments for filing and recording.

Federalism

The Coast Guard has analyzed this proposal under 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 considered the environmental impact of this proposal and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This proposal has been determined to be categorically excluded because the changes proposed are administrative and procedural in nature, relate solely to the documentation of vessels, and clearly have no environmental impact. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 67

Fees, Incorporation by reference, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR part 67 as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. app. 841a, 876; 49 CFR 1.46.

2. Section 67.219 is added to read as follows:

§ 67.219 Optional filing of instruments by facsimile.

(a) Any instrument identified as eligible for filing and recording under § 67.200 may be submitted by facsimile for filing to the National Vessel Documentation Command at [telephone number to be inserted in final rule]. If the instrument submitted by facsimile for filing pertains to a vessel that is not a currently documented vessel, a properly completed Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) or an