

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 1**

[OST Docket No. 1]

Organization and Delegation of Powers and Duties; Transfer of Delegation From Coast Guard to Saint Lawrence Seaway Development Corporation**AGENCY:** Office of the Secretary, DOT.**ACTION:** Interim final rule; request for comments.

SUMMARY: The Coast Guard's responsibility for administering the Secretary's functions under the Great Lakes Pilotage Act of 1960, as amended, and the Secretary's authority to enter into, revise, or amend arrangements with Canada, are being transferred to the Saint Lawrence Seaway Development Corporation. This rule amends the delegations to be in accordance with the changed responsibilities. The rule is necessary to reflect the delegations in the Code of Federal Regulations.

DATES: This rule becomes effective October 30, 1995; comments must be received on or before September 29, 1995. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: All signed, written comments should be sent, preferably in triplicate, to the Docket Clerk, OST Docket No. 1, United States Department of Transportation, 400 7th Street SW., Room PL-401, Washington, DC 20590. Comments will be available for inspection at this address from 9 a.m. to 5:30 p.m., Monday through Friday. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Coast Guard's responsibility for administering the Secretary's functions under the Great Lakes Pilotage Act of 1960, as amended, (the Act) is being transferred to the Saint Lawrence Seaway

Development Corporation (SLSDC). This rule amends the delegations to be in accordance with the changed responsibilities. The functions that are being transferred are considered to have economic effects and include the following: (1) Investigation and prosecution of violations of the Act; (2) registration, qualification, and training of registered pilots; (3) association working rules and dispatching procedures; (4) pilot working conditions; (5) selection of pilots; (6) number of pilots; (7) availability of pilots; (8) number of pilotage pools; (9) articles of association; (10) auditing; and (11) ratemaking. The licensing of pilots and the investigation and prosecution of marine accidents and incidents are essential Coast Guard safety functions that are separate from the Act and Great Lakes Pilotage regulations. These functions will remain with the Coast Guard.

In response to pilot concerns, transfer of economic pilotage responsibilities to the SLSDC will place pilotage under permanent civilian authority, and placing pilotage in a smaller organization with an established presence on the Great Lakes will give pilotage issues greater visibility and more timely attention. In addition, SLSDC is being given authority to negotiate directly with Canada, which will allow timely adjustments to pilotage rates. The lack of timely adjustments has been a subject of past pilot criticism.

The Secretary's authority to enter into, revise, or amend arrangements with Canada is being delegated to SLSDC Administrator in coordination with the General Counsel of the Department of Transportation. A Memorandum of Arrangements between the United States and Canada, last renegotiated in 1977, states that the Secretary and the Minister of Transport of Canada "will arrange for the establishment of regulations imposing identical rates, charges, and any other conditions or terms for services of pilots in the waters of the Great Lakes. * * *". In 1983, the Act was amended to provide that the "Secretary, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to * * * prescribe joint or identical rates and charges * * *".

Since this rule relates to departmental management, organization, procedure,

and practice, notice and public comment are unnecessary. Nevertheless, because of Congressional and public interest in Great Lakes Pilotage, the Department is opening a public docket for this rule and providing 60 days for the receipt of public comment. We will consider any new matters presented to us during the 60-day comment period. We will make revisions to this rule if we believe they are warranted. Unless rescinded by a subsequent publication in the **Federal Register**, the interim final rule will go into effect on October 30, 1995. If the delegation to SLSDC becomes effective, we will publish a final rule that will redesignate those portions of the Coast Guard's Great Lakes Pilotage regulations that are necessary for SLSDC to carry out its responsibilities under the Act.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.46 [Amended]

2. Section 1.46(a) is removed and reserved.

3. Section 1.52 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.

* * * * *

(d) Carry out the Great Lakes Pilotage Act of 1960, as amended, (46 U.S.C. 9301 *et seq.*).

(e) Under the 1977 Memorandum of Arrangements with Canada and the Great Lakes Pilotage Act of 1960, as amended in 1983 (46 U.S.C. 9305), enter into, revise, or amend arrangements with Canada in coordination with the General Counsel.

Issued at Washington, DC this 20th day of July, 1995.

Federico Peña,

Secretary of Transportation.

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