

33 CFR Part 164**[CGD 93-022]****RIN 2115-AE41****Automated Dependent Surveillance Shipborne Equipment: Incorporation by Reference****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: The Coast amends the incorporation by reference provisions for the Automated Dependent Surveillance (ADS) Shipborne Equipment. Due to the development of new Differential Global Positioning System (DGPS) standards, the existing standard incorporated by reference, Radio Technical Commission for Maritime Services' (RTCM) Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 contained in 33 CFR 164.03, has been superseded by new standards contained in Version 2.1. The Coast Guard is replacing Version 2.0 by incorporating the new standards contained in Version 2.1.

Additionally, Digital Selective Calling (DSC) standards for use with Vessel Traffic Services (VTS) and Maritime Mobile Services recently developed by the International Telecommunication Union Radiocommunication Bureau (ITU-R), are the new incorporation by reference.

The new DGPS standards will ensure that ADS is compatible with the Coast Guard national DGPS network. The standards will also provide additional user safety information such as differential station health indicators.

The new DSC standards will ensure that the Automated Dependent Surveillance Shipborne Equipment (ADSSE), built by various manufacturers, will provide the same message in an internationally accepted format.

DATES: *Effective Date:* November 2, 1995.

Incorporation by reference: The Director of the Federal Register approves as of November 2, 1995, the incorporation by reference of certain publications listed in the regulations.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Irene Hoffman, Project Manager, Vessel Traffic Services Division. The telephone number is 202-267-6277.

SUPPLEMENTARY INFORMATION:**Regulatory History**

On April 20, 1995, the Coast Guard published a notice of proposed rulemaking entitled Automated Dependent Surveillance Shipborne Equipment: Incorporation by Reference in the Federal Register (60 FR 19699). The Coast Guard received no letters on the proposal. No public meeting was requested, and none was held.

Background and Purpose

Section 5004 of the Oil Pollution Act of 1990, as codified in 33 U.S.C. 2734, directed the Coast Guard to acquire, install, and operate additional equipment, as necessary, to provide surveillance of tank vessels carrying oil from the Trans-Alaskan Pipeline through Prince William Sound.

While endeavoring to meet the requirements of the Act, the Coast Guard investigated various types of surveillance systems, including radar and dependent surveillance systems. The Coast Guard determined an ADS system that uses DGPS would meet the Coast Guard's requirements without being cost prohibitive to the Government and the user. The shipboard portion of the system, ADSSE, includes a 12 channel all-in-view DGPS receiver, a marine radiobeacon band receiver capable of receiving DGPS error correction messages, a VHF/FM transceiver using DSC, and a control unit.

On July 17, 1992, the Coast Guard published a final rule, Prince William Sound Automated Dependent Surveillance System, in the Federal Register (57 FR 31660). This final rule amended the Prince William Sound VTS regulations by incorporating the use of ADS using DGPS. The regulation requires tank vessels of 20,000 DWT or more, transiting Prince William Sound, to carry operating ADSSE.

Since the publication of this regulation, the Coast Guard has determined that the use of ADS may expand beyond Prince William Sound. In order to facilitate future expansion into other areas of the U.S., the final rule amending the National VTS Regulations (59 FR 36316), divided the Prince William Sound Automated Dependent Surveillance System rule into two sections: (a) a navigation equipment rule (§ 164.43); and (b) a vessel operating rule for Prince William Sound (§ 165.1704). VTS Reporting

Exemptions for vessels equipped with an operating ADSSE are set forth in § 161.23(c). The "Incorporation by Reference" section (§ 161.109) associated with this rule has been redesignated as § 164.03(b)(2).

Discussion of Changes

Due to the development of new DGPS standards, the existing standard incorporated by reference, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.0 RTCM Paper 134-89/SC 104-68 incorporated in 33 CFR 164.03, has been superseded. Differential NAVSTAR GPS Service, Version 2.0, will be replaced with the new standards, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1 RTCM Paper 194-93/SC 104-STD, which have been developed with industry input and approved by RTCM.

Additionally, DSC standards for use with VTS and Maritime Mobile Service, Optional Expansion of the DSC System for use in the Maritime Mobile Service, ITU-R Recommendation M.821 and Characteristics of a Transponder System using DSC Techniques for use with VTS and Ship-to-Ship Identification, ITU-R Recommendation M.825, have been developed by the ITU-R with industry input and will also be incorporated by reference.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 164.03 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Regulatory Evaluation

This 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).

The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The upgrade of DGPS receivers from Version 2.0 RTCM Paper 134-89/SC 104-68, to Version 2.1 RTCM Paper 194-93/SC 104-STD requires only a firmware upgrade. At least one manufacturer has indicated that this upgrade is available at no cost