



CHEMICAL MANUFACTURERS ASSOCIATION

LANGLEY A. SPURLOCK, PH.D., CAE
VICE PRESIDENT
CHEMSTAR

May 28, 1996

Executive Secretary
Marine Safety Council (G-LRA, 3406)
U.S. Coast Guard
2100 Second Street SW
Washington, DC 20593-0001

Re: Qualifications for Tankermen and for Persons in Charge of Transfers of
Dangerous Liquids and Liquefied Gases, Docket No. CGD-79-116.

Dear Sir or Madam:

The Chemical Manufacturers Association's Vinyl Chloride Panel (the "Panel") respectfully submits these comments to the above referenced docket in response to the U.S. Coast Guard's reopening of the comment period in the interim rule in this docket.^{1/}

The Panel consists of the following manufacturers and distributors of vinyl chloride: Borden Packaging & Industrial; Dow Chemical Company; Formosa Plastics; The Geon Company; Georgia Gulf Corporation; JTS Enterprises, Inc.; Occidental Chemical Corporation; PPG Industries; Shintech, Inc.; and Vista Chemical Company.

I. Section 13.107(c) -- Defining "Direct Supervision"

The Panel agrees with and supports the Coast Guard's interpretation of the phrase "direct supervision" as used in Section 13.107(c). This section provides that a tankerman's assistant having the appropriate cargo classification(s) may perform duties relative to cargo transfer and cargo handling equipment assigned by the person-in-charge (PIC) of transfers provided he/she is under the "direct supervision of the PIC and maintains continuous two-way voice communications with the PIC." In this Notice, the

^{1/} 61 Fed. Reg. 13098 (March 26, 1996).



Coast Guard indicates that hand held radios will provide the necessary communications required by the regulations. The Panel supports the Coast Guard's decision to allow hand-held radios to satisfy the communication portion of this requirement.

The Panel also requests that the Coast Guard permit the use of video cameras as a means of providing a clear line of sight between the PIC and the tankerman's assistant, as long as the facility maintains a means of remote emergency shutoff. DOT already permits, by exemption, video cameras as a means of satisfying the attendance requirements for rail tank cars and cargo tank vehicles.^{1/} Allowing use of video cameras to satisfy the direct supervision requirement for cargo transfers, coupled with a means of direct communication, such as that provided by hand held radios, would maintain safety during cargo handling and transfer while recognizing technological innovations.

II. Section 13.111 -- Restricted Endorsement

This section permits an applicant to apply for a tankerman endorsement restricted to "specific cargoes or groups of cargoes, specific vessels, specific facilities, specific employers, or the like." The Coast Guard states that it "intended for this endorsement to benefit oil and chemical companies that handle only one or two cargoes or that employ a small number of tankermen who conduct transfers at a small number of sites." It further indicates that it did not intend for large oil or chemical companies to employ a large number of tankermen with restricted endorsements. Therefore, the Panel requests that the Coast Guard revise its interpretation of the term "restricted endorsement" to allow this endorsement to be obtained by companies of any size that employ tankermen handling a limited number of dangerous cargoes at a limited number of facilities.

The Panel believes that restricted endorsements serve an important safety function by allowing tankermen responsible for handling certain types of dangerous cargoes at specific facilities to concentrate their training in the relevant areas. In contrast, general endorsements are appropriate for tankermen who handle a wide

^{2/} The Research and Special Programs Administration is conducting a rulemaking that would permit, as a matter of regulation, the use of video cameras as a means of satisfying the attendance requirements. 57 Fed. Reg. 42466 (September 14, 1992). RSPA indicates in the latest Semi-Annual Regulatory Agenda that a final rule in this proceeding is due out October, 1996.

assortment of dangerous cargoes or who work at a number of work-sites and need to be prepared to handle a variety of situations.

Many large chemical companies only handle a limited number of commodities (5-10 different cargoes) that have similar handling characteristics and safety precautions. The tankermen in charge of transferring these commodities are well acquainted with the transfer sites and the cargo transfer and handling procedures for these types of cargoes. Therefore, their training should focus on the procedures for the specific cargoes they handle.

A tankerman that is skilled at transferring certain types of cargoes at certain facilities should have a narrower endorsement than a tankerman who has the expertise to handle any dangerous cargo under a variety of situations. Allowing tankermen working for companies that only handle a limited number of dangerous cargoes or cargo types to obtain restricted endorsements, regardless of company size, would help to ensure that tankermen are only called upon to perform within their area of expertise.

The Panel believes that the safety concerns that lead one to prefer the restricted endorsement over the general endorsement are the same regardless of the company size. As such, the Panel urges the Coast Guard to modify its current interpretation of the term "restricted endorsement" to make this endorsement available to any company handling a limited number of cargoes or cargo types. The decision as to what type of endorsement is appropriate for a given individual should be the responsibility of the tankerman's employer.

Furthermore, the Panel requests that the restricted endorsement provision be modified to provide a means of exempting a tankerman who is involved in transfer operation while the barge is moored to the facility from the firefighting instruction under certain conditions. Many companies involved in the vessel transportation of dangerous cargoes have their own on-sight dedicated fire personnel who are fully trained and responsible for handling chemical fires. At such companies, tankermen, as a matter of company policy, are often instructed not to fight a fire, but to notify fire personnel immediately in the event of a fire emergency. Such policies are designed to protect the health and safety of tankermen.

In light of these comments, the Panel requests that the Coast Guard amend Section 13.121(e) by adding number (3) to include the following language:

Proposed Section 13.121(e)(3):

A tankerman obtaining a restricted endorsement is exempt from the requirement to obtain firefighting instruction provided:

- (i) the tankerman is properly trained in the hazards of the material and in using the firefighting equipment available on the barge;*
- (ii) the tankerman's employer maintains an on-site team capable of responding to a fire emergency;*
- (iii) the on-site response team must be fully trained in accordance with the provisions of Section 13.121(g) to meet a fire emergency;*
- (iv) the on-site response team is available 24 hours a day and available immediately upon notice of a fire emergency; and*
- (v) the means of communication are established to allow the tankerman to immediately notify the response team of an emergency and the tankerman has been fully trained in his notification responsibilities in the event of an emergency.*

III. Conclusion

In conclusion, the Vinyl Chloride Panel requests that the U.S. Coast Guard permit the use of video cameras to satisfy the direct supervision requirement and modify its interpretation of the term "restricted endorsement" to allow this endorsement to be used by any size company. Additionally the Panel requests that the Coast Guard permit tankermen operating under a restricted endorsement to be exempt from the firefighting instruction requirement provided certain conditions are satisfied.

If you have any questions regarding these comments or need any additional information, please call Hasmukh Shah of my staff at 703-741-5637.

Sincerely,

Langley A. Spurlock, Ph.D.
Vice-President, CHEMSTAR

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117****[CGD07-96-010]****Drawbridge Operation Regulations:
Atlantic Intracoastal Waterway, FL****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of deviation from regulations and request for comments.

SUMMARY: Notice is hereby given that the Coast Guard issuing a temporary deviation to the regulations governing the J.D. Butler (Hillsboro Boulevard, State Road 810) drawbridge, mile 1050.0, at Deerfield Beach, from March 1, 1996 through May 30, 1996. This deviation authorizes the bridge owner to open the draw on signal, except that, from 7 a.m. to 6 p.m., Monday through Thursday, the draw need open only on the hour, 20 minutes after the hour, and forty minutes after the hour; and from 7 a.m. to 6 p.m., Friday through Sunday and federal holidays, the draw need open only on the hour and half-hour. The purpose of this temporary change in opening schedule from Friday through Sunday and federal holidays is to test the feasibility of establishing a permanent change to the seasonal opening restrictions to reduce severe vehicular traffic congestion without unreasonably impacting navigation.

DATES: This deviation is effective from March 1, 1996 through May 30, 1996, unless sooner terminated. Comments on the alternate schedule must be received on or before May 30, 1996.

ADDRESSES: Comments may be mailed to Commander (oan), Seventh Coast Guard District, Brickell Plaza Federal Building, Room 406, 909 SE. 1st Avenue, Miami, Florida 33131-3050. The comments and other materials referenced in this notice will be available for inspection and copying at the above address. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Bridge Management Specialist, Seventh Coast Guard District, at 305-536-5117.

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages interested persons to participate in this evaluation of possible changes to the regulations governing the J.D. Butler Drawbridge over the Atlantic Intracoastal Waterway by submitting

written data, or arguments for or against this deviation. Persons submitting comments should include their name, address, identify this rulemaking (CGD07-96-010) and give the reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and determine whether to initiate a rulemaking to propose a permanent change to the drawbridge operation schedule. Persons may submit comments by writing to the Commander (oan), Seventh Coast Guard District listed under **ADDRESSES**.

Background and Purpose

The City of Deerfield Beach has requested a change from the current seasonal operating schedule in Title 33 CFR 117.261(bb) to a year-round hour and half-hour opening schedule. A Coast Guard analysis of highway traffic and bridge opening data provided by the Florida Department of Transportation which was completed on May 8, 1995, indicated the heavy traffic congestion is limited to weekends during the winter tourist season. This deviation will allow a test of the proposed hour and half-hour opening schedule during the heaviest highway and waterway traffic periods. If the test reduces highway traffic congestion without unreasonably impacting navigation, the Coast Guard plans to publish a Notice of Proposed Rulemaking which will request comments on a permanent change to the regulations.

Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed through the draw at any time.

This deviation from normal operating regulations (33 CFR 117.5) is authorized in accordance with the provisions of title 33 of the Code of Federal Regulations, § 117.43.

Dated: March 7, 1996.

P.J. Cardaci,

Captain U.S. Coast Guard, Commander,
Seventh Coast Guard District, Acting.

[FR Doc. 96-7171 Filed 3-25-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 154 and 155

46 CFR Parts 12, 13, 15, 30, 31, 35, 78, 90, 97, 98, 105, 151, 153, and 154

[Docket No. CGD-79-116]

RIN 2115-AA03

Qualifications for Tankermen, and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases

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 on the Qualifications for Tankermen, and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases. It would like public help in treating certain issues.

DATES: The effective date remains March 31, 1996. Written comments must be received not later than May 28, 1996.

ADDRESSES: Written comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA, 3406), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, 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. Comments will become part of this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Mark C. Gould, Project Manager, Marine Safety and Environmental Protection Directorate, Office of Maritime Personnel Qualifications (G-MOS-1), (202) 267-6890. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION: On Tuesday, April 4, 1995 [60 FR 17134], the Coast Guard issued an Interim Rule on the Qualifications for Tankermen, and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases. The deadline for written comments was June 30, 1995.

Comments submitted during the comment period by the public and further evaluation of the Interim Rule by the Coast Guard revealed certain issues that require further evaluation, clarification, or correction. The Coast Guard has, therefore, decided to reopen the comment period. There is no need to refile comments already submitted. The effective date of the Interim Rule remains March 31, 1996.

Although the Coast Guard invites comments on any feature of the Interim Rule, it specifically invites comments on the following:

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Section 155.710 Qualifications of person in charge.

Paragraphs (a)(2)(ii), (b)(2), and (g) allow the PIC of cargo-tank cleaning on a vessel at a tank-cleaning facility or shipyard to hold a marine chemist's certificate issued by the National Fire Protection Association instead of the appropriate Tankerman-PIC endorsement. Numerous comments on the Interim Rule objected to this alternative. They stated that no marine chemist is qualified to act as a Tankerman-PIC. The Coast Guard will compare the qualifications for marine chemists with those for Tankerman-PICs. It invites comments.

TITLE 46—SHIPPING

Section 13.107 Tankerman endorsement: General.

Section 15.860 Tankerman.

There appears to be some confusion and disagreement regarding the term *direct supervision* as used in these sections. The Coast Guard defines being under *direct supervision* to mean being within the unobstructed view of the supervisor. If the PIC assigns a person to turn a particular valve, and if this person bends down so that either the hands or the valve is not visible to the PIC, this person is not under direct supervision of the PIC. A fair equivalent might be being in "direct line of sight of the supervisor, or in close proximity to the transfer and maintaining direct, continuous communications by a convenient, reliable means, such as a hand-held radio." The Coast Guard invites comments.

Section 13.111 Restricted endorsement.

This section lets an applicant apply for a tankerman endorsement restricted to specific cargoes or groups of cargoes, specific vessels, specific facilities, specific employers, or the like. The Coast Guard intended for this endorsement to benefit oil and chemical companies that handle only one or two cargoes or that employ a small number of tankerman, who conduct transfers at a small number of sites. This endorsement would relieve its holders of having to take the DL or LG course because those holders would have frequent opportunity to observe and participate in local transfers and would have no need to observe or participate

in others. The Coast Guard did not intend that a large oil or chemical company could employ a large number of tankermen with restricted endorsements. It invites comments.

Section 13.113 Tankerman certified under prior regulations.

Paragraph (a) allows certain persons who have acted as Tankermen-PICs before March 31, 1996, to continue in that capacity. However, paragraph (d)(1)(iii)(A)(1) does not require any particular period of sea service, and paragraphs (d)(1)(iii)(A)(2) and (d)(1)(iii)(B) require only 30 days of sea service. None of these sections comply with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended in 1994, which requires 90 days of sea service on tankers. Since the United States is signatory to STCW, the Coast Guard considers itself bound to amend paragraphs (d)(1)(iii)(A)(1), (d)(1)(iii)(A)(2), and (d)(1)(iii)(B) to require 90 days of sea service on tankers. It invites comments.

Section 13.115 Licensed engineer: Endorsement as Tankerman-Engineer based on service on tankships before March 31, 1996.

This section requires that a licensed person with service as chief, first assistant, or cargo engineer before March 31, 1996, obtain a Tankerman-Engineer endorsement to his or her MMD no later than the first renewal of the MMD after March 31, 1997, if he or she intends to continue in any of those capacities. The Coast Guard intends that the final rule will allow service by one carrying temporary proof of the tankerman's qualifications as § 13.113 did for Tankerman-PIC or Tankerman-PIC (Barge). But, as we have just seen, § 13.113 itself comes up short—60 days short—measured against STCW, as amended in 1994. Therefore, to provide for an orderly transition to a regime governed by STCW, as amended in 1994, as well as to square § 13.115 with § 13.113 in its STCW-compatible form, the Coast Guard considers itself bound to amend paragraphs (a) and (b) to require 90 days of sea service on tankers. It invites comments.

In addition, STCW, as amended in 1994, requires that an applicant for this endorsement satisfactorily complete the appropriate DL or LG course. The Coast Guard is inclined to amend this section to require satisfactory completion of a DL or LG course. However, the Coast Guard is willing to consider deferring the course requirement for a limited period of time, to give mariners a

reasonable period of time to satisfactorily complete the course. It invites comments.

Section 13.117 Any person: Endorsement as Tankerman-Assistant based on unlicensed deck service before March 31, 1996.

This section requires that a person with unlicensed deck service before March 31, 1996, obtain a Tankerman-Assistant endorsement to his or her MMD no later than the first renewal of the MMD after March 31, 1997, if he or she intends to continue in that capacity. The Coast Guard intends that the final rule will allow service by one carrying temporary proof of the tankerman's qualifications as § 13.113 did for Tankerman-PIC or Tankerman-PIC (Barge). But, again as we have just seen, § 13.113 itself comes up short—60 days short—measured against STCW, as amended in 1994. Therefore, to provide for an orderly transition to a regime governed by STCW, as amended in 1994, as well as to square § 13.117 with § 13.113 in its STCW-compatible form, the Coast Guard considers itself bound to amend paragraphs (a) and (b) to require 90 days of sea service on tankers. It invites comments.

Further, STCW, as amended in 1994, allows an applicant for this endorsement to satisfactorily complete a tanker-familiarization course rather than satisfy paragraph (a) or (b). Therefore, the Coast Guard is inclined to amend this section to allow satisfactory completion of this course, too. It invites comments.

Further yet, STCW, as amended in 1994, requires that an application for this endorsement satisfactorily complete a firefighting course. The Coast Guard is included to amend this section to require satisfactory completion of this course, too. It invites comments.

For the Tankerman-Assistant endorsement, the Coast Guard will accept pumpman service as well as the deck service described in §§ 13.117 and 13.403. It invites comments.

Section 13.409 Eligibility requirements: Cargo course.

This section allows an applicant for an endorsement as Tankerman-Assistant to substitute sea service for satisfactory completion of a course in DL or LG. But STCW, as amended in 1994, requires the same applicants to either (1) satisfactorily complete a tanker-familiarization course or (2) prove 90 days of sea service on tankers. Therefore, the Coast Guard considers itself bound to amend this section to require either (1) satisfactory completion of a tanker-familiarization

course, rather than of a course in DL or LG, or (2) 90 days of sea service on tankers, rather than an unspecified amount of sea service of an unspecified kind. It invites comments.

Section 13.503 Eligibility requirements: Experience.

This section allows an applicant for an endorsement as Tankerman-Engineer to combine sea service and satisfactory completion of a DL or LG course for the requisite experience. But STCW, as amended in 1994, requires that the same applicant both satisfactorily complete the appropriate DL or LG course and prove 90 days of sea service on tankers. Therefore, the Coast Guard is inclined to amend this section to require both, rather than some blend of them. It invites comments.

Section 13.509 Eligibility requirements: Cargo course.

This section allows an applicant for an endorsement as Tankerman-Engineer to substitute sea service for satisfactory completion of a course in DL or LG. But STCW, as amended in 1994, requires that the same applicant both satisfactorily complete the appropriate DL or LG course and prove 90 days of sea service on tankers. Therefore, the Coast Guard is inclined to amend this section to require both, rather than some blend of them. It invites comments.

Dated: March 15, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 96-7169 Filed 3-25-96; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD02-96-078]

RIN 2115-AA97

Safety Zone; Lower Mississippi River, Mile 631.0 to Mile 635.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Lower Mississippi River between mile 631.0 and mile 635.0. This regulation is needed to restrict vessel traffic in the regulated area to prevent a collision with a sunken barge, surveying and salvage equipment and to provide a safe work area for survey and salvage personnel.

DATES: This regulation is effective from 11 p.m. on March 12, 1996, and

terminates at 8 a.m. on September 31, 1996.

FOR FURTHER INFORMATION CONTACT:

LT Byron Black, Chief, Port Operations, Captain of the Port, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544-3941.

SUPPLEMENTARY INFORMATION:

Background and Purpose

At approximately 10:10 p.m. on March 12, 1996, the M/V ROBERT A KYLE reported that one iron barge had sunk at approximate mile 633.0 on the Lower Mississippi River. The sunken barge's exact location remains unknown and survey operations at Lower Mississippi River mile 633.0 will commence shortly. The navigable channel will be blocked during survey and salvage operations. A safety zone has been established on the Lower Mississippi River from mile 631.0 to mile 635.0 in order to facilitate safe vessel passage. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, immediate action is necessary to facilitate the survey for the sunken barge's exact location. Harm to the public or environment may result if vessel traffic is not controlled during the operations. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require and 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.

Collection of information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T02-078 is added to read as follows:

§ 165.T02-078 Safety Zone; Lower Mississippi River.

(a) **Location.** The following area is a Safety Zone: Lower Mississippi River mile 631.0 to mile 635.0.

(b) **Effective dates.** This section is effective from 11 p.m. on March 12, 1996, and terminates at 8 a.m. on September 31, 1996.

(c) **Regulations.** In accordance with the general regulations in § 165.23, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: March 12, 1996.

P.L. Mountcastle,

Lieutenant Commander, USCG, Acting Captain of the Port.

[FR Doc. 96-7305 Filed 3-25-96; 8:45 am]

BILLING CODE 4910-14-M