DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10, 401, and 402

[Docket No. USCG–2022–0025]

RIN 1625–AC79

Great Lakes Pilotage Modernization

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending certain Great Lakes Pilotage regulatory requirements to align with current Coast Guard and U.S. pilot association operations and pilotage practices. This final rule clarifies the different phases of training and types of registrations for Pilots who work on the Great Lakes, eliminates outdated practices and redundant requirements, and adds much needed structure regarding the billing dispute process.

DATES: This final rule is effective October 17, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *www.regulations.gov,* type USCG–2022–0025 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

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I. Abbreviations

The Act The Great Lakes Pilotage Act of 1960
CFR Code of Federal Regulations
DHS Department of Homeland Security
Director Director, Great Lakes Pilotage
Form CG–4509 Application for Registration as a United States Registered Pilot
FR Federal Register
GLPAC Great Lakes Pilotage Advisory Committee
GLPMS Great Lakes Pilotage Management System
GT Gross tonnage
ID Identification
MMC Merchant Mariner Credential
MOU Memorandum of Understanding
NPRM Notice of proposed rulemaking
NAICS North American Industry Classification System
OMB Office of Management and Budget
REC Regional Exam Center
§ Section
SME Subject matter expert
STCW Standards of Training, Certification, and Watchkeeping for Seafarers
TWIC Transportation Workers Identification Credential
U.S.C. United States Code

II. Basis and Purpose

The legal basis of this rulemaking is Title 46 of the United States Code (U.S.C.), Chapter 93,[1] which requires each foreign vessel and each vessel of the United States operating ''on register,'' meaning United States vessels engaged in foreign trade, to use United States or Canadian Pilots while transiting the United States waters of the St. Lawrence Seaway and the Great Lakes system.[2] For U.S. Great Lakes Pilots, 46 U.S.C. 9303(a) requires the Secretary to prescribe, by regulation, standards of competency to be met by each applicant for registration as a Great Lakes Pilot. Additionally, sections 9303(c) and (d) authorize the Secretary to prescribe regulations establishing the validity period of Great Lakes Pilot's registration and other conditions for service respectively. The Secretary's duties and authority under 46 U.S.C. Chapter 93 have been delegated to the Coast Guard.[3]

The purpose of this final rule is to update the Great Lakes pilotage regulations in title 46 of the Code of Federal Regulations (CFR) parts 401 and 402 and part 10 of the Merchant Marine Officers and Seamen regulations to reflect the current pilotage terms and practices used by the Coast Guard and U.S. pilot association operations. We proposed these changes in a notice of proposed rulemaking (NPRM) for this final rule, published November 21, 2023 (88 FR 81294). While the regulations in the current CFR do not conflict with our current practices, they do not fully reflect the current Apprentice Pilot training requirements and titles for Pilot progression. Accordingly, the Coast Guard updates the current CFR as follows:

1. Redefines the different phases of Pilot registration, which generally follow this progression: ''Applicant,'' ''Applicant Trainee,'' ''Apprentice Pilot,'' ''Limited Registration,'' ''Full Registration,'' and ''Temporary Registered Pilot'';
2. Adds ''marine accident'' to the definitions section to clarify a Pilot's reporting requirements;
3. Clarifies training benchmarks to ensure registration of qualified mariners and to help retain experienced U.S. Registered Pilots;
4. Aligns medical requirements and Radar Observer training requirements for U.S. Registered Pilots with the Merchant Mariner Credential (MMC) and manning regulations in 46 CFR parts 10–15;
5. Clarifies the pilotage billing dispute process with respect to when a vessel is and is not liable for charges; and
6. Removes outdated provisions, including dates and terms, from the Transportation Workers Identification Credential (TWIC), the foreign language requirements for navigation, the 1-year time limit for applicants to complete training, and other regulations that were written when both the Department of Commerce and the Coast Guard had regulatory authority over U.S. pilotages services.

In addition, this final rule capitalizes endorsements for uniformity in the regulations and corrects some terminology for gender neutrality.

The Coast Guard believes that the updated registration process in this rule ensures that regulations reflect current training practices, while keeping within the statutory mandate to prescribe standards of competency in 46 U.S.C. 9303(a). The updates also align with the program's goals of promoting competent, safe, efficient, and reliable pilotage service throughout the Great Lakes and St. Lawrence Seaway, promoting commerce, and protecting the marine environment.

III. Background

Chapter 93 of Title 46 of the U.S.C. establishes a system of compulsory pilotage on the Great Lakes, requiring that each vessel of the United States operating ''on register,'' meaning United States vessels engaged in any commercial activity, and all foreign vessels, use a United States or Canadian Registered Pilot when operating on the Great Lakes.

Great Lakes Pilots use in-depth local knowledge, seasoned navigational and

[1] 46 U.S.C. 9301–9308.

[2] 46 U.S.C. 9302(a)(1).

[3] Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.4, paragraph II (92)(f). *See https://dhsconnect.dhs.gov/org/comp/mgmt/policies/Delegations/00170.1.pdf.*

ship handling expertise, and informed independent judgment to guide both U.S. and foreign oceangoing commercial vessels safely in and out of Great Lakes' ports and waterways. Congress made pilotage use compulsory in 1960, following the 1959 opening of the St. Lawrence Seaway that led to a surge in shipping traffic. To ensure navigational safety for this new class of ocean-going vessels operating on the Great Lakes, Congress enacted the Great Lakes Pilotage Act of 1960 (hereafter ''the Act'').[4]

The regulations for Pilot application and registration appear in 46 CFR parts 401 and 402. These regulations require that mariners applying for Pilot registration meet minimum requirements and qualifications and file an application form with the Director. While the Coast Guard is responsible for publishing an annual rule that sets pilotage rates, 46 CFR parts 401 and 402 have not been otherwise substantively updated since the early 1960s. As a result, these regulations are not in alignment with current practices by the Coast Guard and the pilotage industry operating on the Great Lakes.

In 2017, the Coast Guard asked the Great Lakes Pilotage Advisory Committee (GLPAC) to help the Coast Guard identify existing regulations, guidance, and collections of information (that fall within the scope of the Committee's charter) for possible repeal, replacement, or modernization.[5] In March 2018, GLPAC made several unanimous recommendations to update or remove outdated regulatory requirements from 46 CFR parts 401 and 402.[6] In a September 10, 2018, meeting, GLPAC also unanimously recommended that the Coast Guard explore deadlines for contesting pilotage service invoices in part 402.[7] The GLPAC recommendations are strongly supported by the Pilots who provide the pilotage services, ports and cargo agents who rely on the pilotage services, and the shippers who pay for the pilotage services.

In addition, the Coast Guard has identified several other areas for revision. Ambiguities in regulatory text have caused confusion for Pilots regarding training and registration instructions. In this rulemaking, the Coast Guard clarifies the different phases of training and types of registrations for Pilots who work on the Great Lakes. This includes clarifying the differences between Temporary and Limited Registration, and which Pilots are eligible for those registrations.

This rule affects approximately 51 United States Registered Pilots, 9 Apprentice Pilots, and 3 Temporary Registered Pilots on the Great Lakes, as well as 3 district pilot associations, and the owners and operators of approximately 293 vessels opting to use those Pilots or statutorily required to use those Pilots.

IV. Discussion of Comments and Changes

The Coast Guard received four relevant comments on the proposed rule and made three changes from the proposed regulatory text as a result.

The first of these changes is to 46 CFR 401.420(c). Originally, this section relieved the owner of a vessel for liability for charges incurred during an interruption or detention caused by ice or weather, when the vessel Master and Pilot agreed that the interruption was necessary. One commenter sought guidance on the required mutual determination between the vessel Master and Pilot. The Coast Guard agrees that this language creates a point of friction that may cause issues on board. For that reason, we are removing the proposed language ''as determined by the vessel Master and the United States Registered Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot authorized to provide pilotage services to the vessel.'' Pursuant to 46 U.S.C. 9302(a), in both designated and undesignated waters, the law provides that navigational decisions are always subject to the customary authority of the Master. As such, the decision to delay sailing should be made by the vessel Master with the advice of the United States Registered Pilot in consideration of all prevailing circumstances. We trust these experienced mariners to make the correct choice and do not want to insert ourselves in time-sensitive decisions on the bridge while a vessel is underway. As such, no joint agreement needs to be made or proved. This change thus also clarifies liability determinations under this paragraph, as the vessel Master's conclusion regarding the cause of the interruption is a critical factor for whether the exception to liability under 46 CFR 401.420(c) applies.

The second change from the proposed regulatory text is in 46 CFR 10.302(b). The existing language required that ''Medical examinations for Great Lakes Pilots must be conducted by a *licensed medical doctor* in accordance with the physical exam requirements in 46 CFR 402.210'' (emphasis added). The existing language of 46 CFR 402.210, in turn, reiterated the requirement that the examination be conducted by a licensed medical doctor. In the proposed rule, we discussed how only Great Lakes Pilots were limited to have their physical examinations performed by a licensed medical doctor (88 FR at 81305). We proposed to modify 46 CFR 402.210 to align the Great Lakes Pilots' medical requirements with the less burdensome merchant mariner requirements, which allowed medical examination to be performed, witnessed, or reviewed by a licensed medical doctor, licensed physician assistant, licensed nurse practitioner, or a designated medical examiner. We neglected, however, to also propose removing the licensed medical doctor requirement for Great Lakes Pilots contained in 46 CFR 10.302(b).

Two commenters, who represent nurse practitioners and physician assistants, requested that we modify 46 CFR 10.302(b) to remove the requirement that the exam be conducted by a licensed medical doctor for Great Lakes Pilots. We agree. In the proposed rule, we overlooked the mention of Great Lakes pilotage medical requirements in 10.302(b). With this final rule, we remove the language specific to Great Lakes Pilots medical examination from 10.302(b). This additional change ensures Great Lakes Pilots will follow the same medical examination requirements that apply to other mariners in 10.302(b) (''Any required test, exam, or demonstration must have been performed, witnessed, or reviewed by a licensed medical doctor, licensed physician assistant, licensed nurse practitioner, or a designated medical examiner''). Updating this regulatory text fully implements the change we proposed in the proposed rule for medical examination requirements in 402.210. Nurse practitioners and physician assistants both possess the requisite skill needed to conduct this kind of physical exam. Allowing them to provide Pilots with this service makes the application process more efficient and fully aligns with the Coast Guard medical regulations for all other credentialed mariners. To accommodate this change, the Coast Guard will make corresponding edits to 46 CFR 402.210 to remove the requirement that Great Lakes Pilots can only use a licensed medical doctor.

[4] *See* The Great Lakes Pilotage Act of 1960, Public Law 86–555, June 30, 1960, as amended (codified at 46 U.S.C. 9301 *et seq.*).

[5] 82 FR 34909, July 27, 2017.

[6] Reg Reform Sub-Committee Teleconference Minutes (Mar. 5, 2018) (available at *https://www.regulations.gov/document/USCG-2022-0025-0002*).

[7] GLPAC 2018 Annual Meeting Transcript at p. 171 (Sept. 10, 2018) (available at *https://www.regulations.gov/document/USCG-2022-0025-0003*).

In addition to the above, we are changing the proposed definition of ''Temporary Registered Pilot'' to remove the requirement that a pilot association must first request a retired Pilot's services before the Pilot can begin the process of acquiring a Temporary Pilot Identification (ID) Card. This change is administrative in nature and is intended to allow retired Pilots to become certified as Temporary Registered Pilots before a District requests their services. This is intended to enhance safety and create a system where Temporary Registered Pilots are immediately available when unexpected demand requires an extra Pilot. This aligns with the Director's responsibility and authority in 46 CFR 401.720 to maintain safety and to ensure sufficient Pilot capacity to facilitate maritime commerce, to protect the marine environment, and to comply with National Transportation Safety Board recommendations regarding staffing and fatigue mitigation.

In addition to those comments that precipitated changes from what we proposed in the NPRM, commenters raised a number of questions that required responses, but have not led to the Coast Guard making further changes from the proposed rule.

One commenter, a pilotage district, asked if they can continue to use Canadian Pilots for training and, if so, does the proposed § 401.211(d) apply to them. Our answer is yes, a Canadian Pilot can train the Apprentice Pilot with the Director's prior approval. Canadian Pilots, like United States Pilots, must be approved by the Director to be eligible to provide training. The use of Canadian Pilots for training is a past and current practice, and the Director will continue to approve these Pilots if necessary. We expect this to be a rare occurrence; especially with the Western Great Lakes Pilots Association, because this association is responsible for all the dispatching in its area of responsibility.

The same commenter asked us to change the reporting deadlines from August and January 15th to the end of each month. We disagree with adjusting the dates. Particularly when it comes to January, we believe that the closer the deadline is to date when the Seaway Locks close, the easier it is for the districts to comply. All United States Registered Pilots are required to be available; the association employees should be available and on site, and the cost to obtain the required information is less than recalling someone after the office has been closed/modified for winter navigation.

This commenter also asked the Coast Guard to further define the term ''weather,'' within the context of the proposed § 401.420. We defer to the plain meaning of the word. We trust the Master and the Pilot to use their respective expertise to determine whether it is safe to proceed. We will determine if the costs are allowed on a case-by-case basis.

Another issue the commenter raised was whether, under the new § 401.420, a Pilot must be paid for time spent on an anchored vessel during a delay caused by ice or weather. The answer depends on the time of year when the delay occurs. From May 1 to November 30, vessels are not liable for charges for weather-related interruptions or delays. In the colder months, from December 1 to April 30, Pilots may bill for time lost during delays. This distribution of liability is designed to spread the risk of liability among Great Lakes stakeholders and to encourage decisionmakers to make a determination based on safety prior to the Pilot departing for the vessel. We can add this topic to a future Great Lakes Pilotage Advisory Committee Meeting Agenda to determine the merits of changing the status quo.

None of the public comments prompted changes to the methodology used for the regulatory analysis. Further, there are no more recent wages available at the time of the final analysis. Therefore, the regulatory analysis for this final rule is as published in the NPRM with no changes.

V. Discussion of the Rule

A. Summary of Changes

This rule makes several changes to 46 CFR parts 401 and 402 to clarify nomenclature, and to align these regulations with current practice and with other relevant regulations and plain language guidelines. The changes are summarized here and discussed in detail, section-by-section, below.[8]

The most substantial change is updating the definitions section in part 401, subpart A. This clarifies the phases of transition through the registration process and adds definitions for miscellaneous terms to clarify their application in other subparts.

The Coast Guard also updates each instance of the affected terms, based on the new definitions that appear elsewhere in parts 401 and 402. Additionally, the Coast Guard changes the application and training requirements for the different phases of pilotage registration in part 401, subpart B, that follow this progression: ''Applicant,'' ''Applicant Trainee,'' ''Apprentice Pilot,'' ''Limited Registration,'' ''Full Registration,'' and ''Temporary Registered Pilot.''

The Coast Guard aligns these regulations with current Pilot training practices and clarifies the obligations that mariner applicants must fulfill before advancing to the next phase of registration.

The Coast Guard is changing the regulations covering the administration of Registered Pilots located in subparts B, C, D, E, and G and bringing the regulations into conformity with modern Pilot administrative practices. Many of the specific requirements reference outdated locations, contact information, and procedures. Those antiquated references make the regulations difficult to understand, and these changes bring much needed clarity to the regulations imposed on Registered Pilots.

The last category of changes is a series of technical amendments that bring the regulations into conformity with the Federal Plain Language Guidelines (available at *https://www.plainlanguage.gov/guidelines/*).

A section-by-section description of the changes follows. Some sections—§§ 401.100, 401.120, 401.300 through 401.340, 401.400, 401.427, 401.430, 401.451, 401.500, 401.615 through 650, 401.700—are not included in these descriptions. This is because the changes to these sections are technical amendments, like capitalizing ''U.S. Registered Pilots'', or changing the word ''pool'' to ''pilotage pool'' to be more precise.

B. Definitions

The Coast Guard makes several changes to § 401.110 to update the phases of Pilot registration; to add definitions to terms that are commonly used by industry members, but not reflected in the CFR; to revise definitions for terms whose meaning has changed since the last update to these regulations; and to remove definitions for terms that are no longer used or applicable to these regulations.

Updated Phases of Pilot Registration

In § 401.110, the Coast Guard redefines the different stages of Pilot registration to clarify the transitions through the registration process. At present, there are training phases that are commonly used by Pilots in practice but lack precise legal definitions. This can lead to confusion for Pilot applicants as to what is required of them before advancing to the next phase.

The Coast Guard adds the following terms and their definitions, currently

[8] As discussed earlier, this rule also makes one change to 46 CFR part 10.

used in practice, to the CFR: ''Applicant'' and ''Temporary Registered Pilot''. The Coast Guard redefines the following terms already existing in the CFR: ''Apprentice Pilot,'' ''Limited Registration'', and ''Applicant Trainee''. The general progression is as follows: Applicant, Applicant Trainee, Apprentice Pilot, Limited Registration, Full Registration (which we also refer to as a United States Registered Pilot or U.S. Registered Pilot in the regulations), and Temporary Registered Pilot. This clarifies the differences between the terms and phases. We describe these updates, in turn, below.

Applicant

The Coast Guard adds the term Applicant and its definition to the CFR. Applicant means a person who has submitted an Application for Registration as a United States Registered Pilot (Form CG–4509 or ''application'') to the Director for consideration for placement in an approved United States Great Lakes Pilot training and qualification program at an association. The Director reviews the application to see if the Applicant meets the minimum requirements, per § 401.210.

Applicant Trainee

The Coast Guard redefines the term Applicant Trainee that currently appears in the CFR. Redefined, Applicant Trainee means a person who is approved by the Director and is participating in an approved U.S. Great Lakes Pilot training and qualification program, and who meets the minimum requirements of the pilotage regulations in the new § 401.214 for Applicant Trainees. These requirements are spelled out in further detail in part C of this section, *Updates to Training Requirements for Pilots.* The Applicant Trainee does not have the necessary 6 months of service or experience on the Great Lakes or an endorsement on their MMC to qualify as an Apprentice Pilot. The Director issues the Applicant Trainee a U.S. Coast Guard Applicant Trainee ID Card.

In practice, the Applicant Trainee spends at least 6 months at the district by closely observing Registered Pilots while underway on all waters of the district. During this period, the Applicant Trainee will gain experience on the district's waters and ports, develop a professional rapport with the Association Pilots and see how a Pilot coordinates service with a vessel's Master and crew, escort tugs and lock operators. These trips, conducted as an Applicant Trainee, do not count toward the minimum number of round trips required for Full Registration. Once the Applicant Trainee completes the familiarization in the district waters, the association can request the Applicant Trainee become an Apprentice Pilot in the district's training and qualification program. The Applicant Trainee is not eligible for a Limited or Temporary Registration.

Apprentice Pilot

The Coast Guard redefines the term Apprentice Pilot that currently appears in the CFR. Redefined, Apprentice Pilot means a person who has been approved by the Director and is participating in an approved U.S. Great Lakes Pilot training and qualification program. The mariner meets the minimum requirements in revised § 401.211. The Director issues the Apprentice Pilot a U.S. Coast Guard Apprentice Pilot ID Card. The requirements for an Apprentice Pilot are discussed further in the preamble with the changes to § 401.211.

Apprentice Pilots possess a minimum of 6 months of pilotage experience on the Great Lakes and typically have a First-Class Pilot endorsement on their MMC for the waters in which Full Registration is sought. The Apprentice Pilot is required to complete round trips until the Apprentice Pilot demonstrates proficiency, accompanying a U.S. Registered Pilot or Temporary Registered Pilot, upbound and downbound in the district's waters, and inbound to and outbound from ports, in accordance with their individual training plan.

Limited Registration

The Coast Guard redefines the term Limited Registration that currently appears in the CFR. Limited Registration means an authorization issued by the Director via letter to an Apprentice Pilot, upon the request of the pilot association, that allows the Apprentice Pilot to provide pilotage service without direct supervision from a U.S. Registered Pilot or Temporary Registered Pilot in a specific area or waterway to facilitate the Apprentice Pilot's training. The requirements for a Limited Registration are discussed with the changes to § 401.211 in new paragraph (k).

Full Registration

The Coast Guard adds the term Full Registration and its definition to the CFR. Full Registration means the issuance of a Certificate of Registration ID card, by the Director, to an Apprentice Pilot, who meets and completes the Coast Guard's registration requirements in the new §§ 401.210, 401.211, 402.210, and 402.220. These requirements are discussed further in part C of this section, *Updates to Training Requirements for Pilots.*

Generally, if the Apprentice Pilot satisfies all the Coast Guard's registration requirements and the pilot association's requirements and has maintained favorable performance evaluations during the training program, the Apprentice Pilot advances to Full Registration. The pilot association can request that the Director consider an Apprentice Pilot for Full Registration as a United States Registered Pilot. The Director can approve or deny the request. If approved, the Director issues the Apprentice Pilot a Certificate of Registration, making them a fully Registered Pilot. Full Registration makes the Apprentice Pilot a United States Registered Pilot, who may provide pilotage services for the relevant pilot association, in accordance with the pilotage regulations.

Temporary Registered Pilot

The Coast Guard adds the term Temporary Registered Pilot and its definition to the CFR. A Temporary Registered Pilot means a person who is issued a Temporary Registration by the Director, in accordance with the new § 401.222. A Temporary Registration applies to Pilots who desire to provide pilotage services, but who have either reached the age of 70 or have previously retired from pilotage service. The Coast Guard requires that a Temporary Registered Pilot holds a valid MMC, has previously held a Full Registration, meets the requirements of § 401.222, and has received approval by the Director to provide pilotage services. The new requirements in § 401.222 are discussed further below in part C. of this section, *Updates to Training Requirements for Pilots.* The Director may make the Temporary Registration valid for a certain period of time, not to exceed 1 year from the date of issuance.

New Definitions

In addition to the updated phases of Pilot registration, the Coast Guard also adds definitions to part 401 for the following terms that appear elsewhere in 46 CFR chapter III to better clarify their meanings as they relate to Great Lakes Pilots: ''chemical test'', ''gross tonnage'', ''individual training plan'', ''marine accident'', ''minimum number of round trips'', ''officer endorsement'', ''round trip'', and ''semi-annual performance evaluation report''. These terms are explained in the following paragraphs.

Chemical Test

The Coast Guard adds the definition of ''chemical test'' to the definitions in § 401.110 to clarify the kind of test that will comply with the new reporting requirements. Chemical test means a scientifically recognized test that analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug, alcohol use, or any illegal substance, in alignment with the existing definition in 46 CFR 4.03–7. The definition of chemical test applies to the new requirements in parts 401 and 402 for mariners to submit chemical tests to the Coast Guard, either at the Applicant phase of their application to be a Pilot, or for marine accident reporting.

Gross Tonnage or GT

This rule adds a definition for ''gross tonnage or GT'' to align with the gross tonnage measurement of the vessel under 46 U.S.C. chapter 143, Convention Measurement. Parts 401 and 402 use gross tonnage in the context of determining whether Applicants or Apprentice Pilots (referred to as ''applicant pilots'' in the current CFR) have had comparable experience on other vessels or integrated tugs and tows on the Great Lakes or oceans to that of Registered Pilots on the Great Lakes. Though compliance with 46 U.S.C. chapter 143 is not mandatory for United States or Canadian vessels operating only in the Great Lakes, the Coast Guard adopts the Convention Measurement's definition of gross tonnage to clarify which tonnage scheme the Great Lakes Pilotage regulations use. This is the same definition used in 46 CFR 10.107 for MMCs.

Individual Training Plan

The Coast Guard adds the term ''individual training plan'' and its definition to the CFR. This term and its definition are consistent with its use in current pilot association training programs. The individual training plan outlines the specific requirements of the association for an Apprentice Pilot, including the length of time to complete the training, and the minimum number of round trips required to demonstrate proficiency. The individual training plan communicates the qualifications and demonstrated skills that the Apprentice Pilot are required to complete to meet the proficiency requirements for the training. The association submits the individual training plan to the Director for review and approval, and the Director tracks the Apprentice Pilot's development through the training period. This is consistent with current practice. The association establishes an individual training plan's training requirements based on the association's determination of proficiency, the officer endorsement on the MMC, and the Apprentice Pilot's pilotage experience on the Great Lakes.

Marine Accident

The Coast Guard adds a definition for the term ''marine accident'' that currently appears elsewhere in the CFR. A marine accident includes any of the following incidents that occur while a United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot is providing pilotage services in United States or Canadian waters:

(i) Any allision or collision;

(ii) Any grounding;

(iii) A loss of main propulsion, primary steering, or any associated component or control system that, due to its duration or other circumstance, significantly impacts the maneuverability of the vessel;

(iv) An occurrence, directly related to the provision of pilotage services, involving significant harm to the environment, as currently defined in 46 CFR 4.03–65; or

(v) Any other incident, directly related to the provision of pilotage services, causing property damage more than $75,000 U.S. dollars (including the cost of labor and material to restore the property to its condition before the incident, but excluding the cost of such things as salvage, cleaning, gas-freeing, drydocking, or demurrage).

The outlined instances in this definition are based on the notice of marine casualty reporting requirements in 46 CFR 4.05–1, and tailored for reporting marine accidents related to the Great Lakes pilotage program.

The definition of ''marine accident'' is used to identify events or occurrences where Pilots must submit a marine accident report to the Director under the revised § 401.260. Clearly defining a marine accident ensures that certain marine accidents are reported to the Director in support of the Director's oversight. The reporting requirement clarifies that this obligation to report marine accidents to the Director does not alleviate any other marine casualty reporting requirements elsewhere in Coast Guard or other agency regulations. We add the marine accident definition and reporting requirement to alleviate concerns about accidents related to Great Lakes pilotage not being reported to the Director.

Minimum Number of Round Trips

The Coast Guard adds a definition for ''minimum number of round trips'' to have one term to define the least number of successful round trips an Apprentice Pilot must complete to become eligible for Full Registration. Mere completion of this number of trips does not qualify an Apprentice Pilot for Full Registration. Instead, the phrase, minimum number of round trips, means the fewest successful round trips that the Apprentice Pilot is required to perform under the direct supervision of a U.S. Registered Pilot or Temporary Registered Pilot to demonstrate proficiency prior to advancing and completing training. The minimum number of round trips required is prescribed in the Apprentice Pilot's approved individual training plan, discussed in the revised § 401.211. Section 402.220 contains the minimum number of round trips for certain officer endorsements.

Each round trip is evaluated, and the evaluation form retained in the mariner's training record. If, after evaluation, the Apprentice Pilot does not satisfy the Director's or association's proficiency requirements, additional trips in that area or port will be required.

Officer Endorsement

The term ''officer endorsement'' is defined in the regulations governing MMCs in 46 CFR part 10 to mean an annotation on an MMC that allows a mariner to serve in the capacities listed in 46 CFR 10.109. We are adding a definition for officer endorsement that matches the definition in 46 CFR part 10 to help ensure that the term is interpreted consistently.

Round Trip

The Coast Guard adds a definition for ''round trip'' to clarify what is expected of the Apprentice Pilot, as outlined in their individual training plan. We define round trip as providing pilotage service, in both directions, from one change point to another change point, or inbound and outbound in a port designated by an authorized pilotage pool. This definition also applies to the round trip in the context of ''minimum number of round trips''. Defining round trip clarifies the minimum requirements for Apprentice Pilots in their training.

Semi-Annual Performance Evaluation Report

The Coast Guard adds a definition for ''Semi-annual Performance Evaluation Report.'' Twice per year, the association is required to submit to the Director a progress report of how the Apprentice

Pilot is progressing through their training. The report assesses an Apprentice Pilot's progress in the pilot association's training and qualification program, and the Apprentice Pilot's performance in completing their individual training plan.

Revised Definitions

We are revising the definitions of ''association'', ''Commandant'', ''comparable experience'', ''Director'', ''person'', ''pilotage pool'', ''Rate computation definitions to determine Weighting Factors'', ''Secretary'', and ''United States Registered Pilot or U.S. Registered Pilot'' to align the regulatory definitions with industry usage and understanding. These revisions are detailed below.

Association

The Coast Guard removes the words ''or held'' from the definition of association. This clarifies that if the Coast Guard revokes an association's Certificate of Authorization, they are no longer an association under the Act or under Coast Guard regulations. In addition, the Coast Guard specifies in the definition of association that the Director, instead of the Great Lakes Pilotage Branch, issues the Certificate of Authorization to the association.

Commandant

In the definition of ''Commandant,'' our only change is to replace the outdated office symbol, CG–00, with the current office designation, CCG.

Comparable Experience

The Coast Guard is changing the first sentence in the definition of ''comparable experience'' to better define the requirements. Currently, the definition is that comparable experience is similar experience obtained by serving as an officer of a vessel. The changes state that comparable experience means knowledge and previous performance that is equivalent to the knowledge and technical skills obtained by serving as an officer on vessels of at least 4,000 GT. We add that comparable experience must be obtained on vessels of at least 4,000 GT, throughout the regulations, to be consistent regarding comparable experience and the requirements to be a Registered Pilot in 46 U.S.C. 9303(a)(2). The existing regulations for qualifying for registration in 46 CFR 401.210(a)(1) require service to be accrued on vessels of 4,000 GT or over on the Great Lakes or oceans. This experience, on vessels of 4,000 GT or over, also applies to Apprentice Pilots (currently referred to as ''applicant pilots'' in the CFR) in existing § 401.211(a)(1).

Director

In the definition, this rule removes an outdated reference to ''Commandant (CG–WWW–2)'' and replaces it with ''Director, Great Lakes Pilotage''. We also update the mailing address for the Director within the definition.

Person

In this definition, we change the term ''pool'' to ''pilotage pool,'' to align with the new definition of ''pilotage pool'' discussed below.

Pilotage Pool

The Coast Guard revises the current term and definition of ''pool'' by revising the term and amending the definition. First, we revise the term pool by adding ''pilotage'' to identify it more clearly. Throughout parts 401 and 402, this rule updates all references to ''pool'' to ''pilotage pool.'' In current practice, the Director provides the pilotage pool a Certificate of Authorization to operate as an association.

Second, the definition of pool in the current CFR text is an organization authorized to provide pilotage services. We revise the definition to account for the requirement that an organization must hold a Certificate of Authorization issued by the Director to provide pilotage services. The new definition clearly indicates what is required for a pilotage pool authorization.

Rate Computation Definitions To Determine Weighting Factors

The Coast Guard adds the words, ''to determine Weighting Factors'' to the existing phrase, ''Rate computation definitions,'' at § 401.110(a)(10) to indicate the purpose for these rate computation definitions to the public. The definitions of ''length'', ''breadth'', and ''depth'' at § 401.110(a)(10)(i)–(iii) remain unchanged. Weighting factors are used in the calculation of a vessel's pilotage rate to determine the appropriate fee for a vessel's pilotage services and are based on the size of the vessel.

Secretary

This rule revises the definition of ''Secretary'' to align with the definition used in 46 U.S.C. 2101. The revised definition points to the Secretary of the department in which the Coast Guard is operating, instead of the Secretary of Homeland Security. This change promotes consistency between definitions used throughout statutes and Coast Guard implementing regulations.

United States Registered Pilot or U.S. Registered Pilot

This rule makes non-substantive changes to the definition of ''United States Registered Pilot or U.S. Registered Pilot.'' First, we remove an outdated reference to ''license'' and revise the discussion of the authorization document to read ''an MMC with an officer endorsement.'' We add the word ''areas'' to capture that the endorsements for pilotage on the Great Lakes can be for routes or areas. We also make an edit that, under the new training stage nomenclature, a United States Registered Pilot currently holds a Certificate of Registration.

We also update the outdated references to Title 52 of the Revised Statutes of the United States with references to Title 46 of the United States Code, which is where the Coast Guard's statutory authority exists for Great Lakes pilotage regulations.

Removed Definitions

The Coast Guard removes the definition of ''movage'', because the ratemaking methodology no longer supports this action. Under the ratemaking methodology before 2016, pilot districts charged the vessel owners a defined movage fee to move a vessel from one place to another: for example, from an anchorage to inside the harbor, or dock to dock. Since the ratemaking methodology was updated in 2016, vessel owners are charged an hourly rate for any vessel movement by a United States Registered Pilot, rounded up or down to the nearest 15 minutes.

The Coast Guard also deletes the definition of ''other officer'' from the definition section, because we are deleting the only reference to the term in § 401.510(b)(3). The definition is no longer necessary, because the term is no longer used in parts 401 through 404.

Organizational Changes

The Coast Guard revises § 401.110 to list the existing and new definitions in alphabetical order to make it easier for the reader to find definitions.

The Coast Guard is also updating each instance of affected terms in parts 401 and 402 to align with the new definitions.

C. Updates to Training Requirements for Pilots

The Coast Guard is updating the regulations that govern the application and training requirements to bring the CFR into conformity with industry practice. These regulations, located in part 401, instruct a candidate as to what specifically they must do to apply and progress through the newly clarified

phases of Pilot registration. Following is a section-by-section description of the updates to the Great Lakes Pilotage application and training requirements. These changes include formatting changes that will improve the usability and readability of the CFR.

§ 401.200 Application for Registration

In § 401.200, the Coast Guard adds the email address, *GreatLakesPilotage@uscg.mil,* and the physical mailing address, Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509, to which Applicants for pilotage on the Great Lakes must submit their Application for Registration as a United States Registered Pilot (Form CG–4509). We allow either physical mail or electronic submission of Form CG–4509 to the Director to provide flexibility to the mariners. This change also provides clear guidance for where to submit the form.

In this section, the Coast Guard removes the requirement to submit two full-face photographs when submitting Form CG–4509. The passport photos are not needed at this stage of the process. Following the submission of an application and an interview process, passport-style photos will be requested from the Applicant if they are approved for a U.S. Great Lakes pilot training and qualification program. The requirement to submit the photos upon the request of the Director are in § 401.211(e) for Apprentice Pilots, and in the new § 401.214(e) for Applicant Trainees.

In practice, if the Applicant does not submit the required application materials, the Coast Guard Great Lakes Pilotage Office works with the Applicant to obtain the required documentation to meet the minimum requirements. Once the Applicant provides additional information and meets the minimum requirements, the approved application is forwarded to the pilot district(s) requested by the applicant for consideration. The pilot associations maintain a list of Applicants who meet the minimum requirements, and they conduct interviews based on the need for more Pilots and on the applications provided by the Great Lakes Pilotage Office. If the Applicant is selected by the association, the association submits a letter to the Director requesting that the Applicant be placed in that district's approved training and qualification program.

We are also making a formatting change to this section to remove paragraph (a)'s designation. All the text within this section is undesignated. Removing the paragraph (a) designation removes the need for the unused reserved paragraph (b) within this section. There is no need for multiple paragraph designations within § 401.200.

§ 401.210 Requirements and Qualifications for Full Registration

In paragraph (a)(1), the Coast Guard clarifies that the mariner must have an MMC with an officer endorsement issued in accordance with 46 CFR subchapter B, part 11. We delete the outdated references to Title 52 of the Revised Statutes of the United States. We also change applicants qualifying with ''ocean service'' to applicants qualifying with ''other than Great Lakes service,'' because mariners may have different endorsements on their MMC, such as Master-Ocean or Master-Inland Waters. This change clarifies that applicants qualifying with an endorsement on their MMC other than Great Lakes service must obtain at least 6 months of service as a deck officer, or comparable experience, on the Great Lakes.[9] We also clarify that the officer experience must be ''deck'' officer experience. Deck officer experience means that the mariner is working under the authority of a deck officer endorsement, in accordance with 46 CFR part 11, subpart D.

Paragraph (a) of this section contains several requirements that a Pilot must meet to be eligible for Full Registration. We make the following changes to the paragraphs and redesignate the requirements in paragraphs (a)(1)–(8).

In paragraph (a)(4), the Coast Guard adds a reference to 46 CFR part 10, subpart C, for the mariners to find the applicable medical requirements and standards prescribed by the Commandant.

In paragraph (a)(6), the Coast Guard removes the requirement for a U.S. Registered Pilot to have a valid TWIC, because this requirement is duplicative of the TWIC requirement prescribed in 46 CFR 10.203 for obtaining an MMC. A mariner cannot be a U.S. Registered Pilot without holding an MMC. This non-substantive change is in accordance with GLPAC recommendation 1 from the ''GLPAC Subcommittee Teleconference Meeting Minutes'' from March 5, 2018. Because we remove the text from paragraph (a)(6), we redesignate the subsequent lower-level paragraphs in paragraph (a). We move the existing requirement, that the mariner agrees to be available for service, from paragraph (a)(7) into paragraph (a)(6), without change.

In redesignated paragraph (a)(7), the Coast Guard changes ''Applicant Pilot'' to ''Apprentice Pilot'' to conform to the new definitions. Revised paragraph (a)(7) requires mariners seeking Full Registration to complete the requirements for an Apprentice Pilot in § 401.220(b). We are also deleting the text ''if applying for registration for waters in which a pilotage pool is authorized'', because the requirements in § 401.220(b) apply to all Apprentice Pilots.

In 401.210(a)(8), the Coast Guard also adds that Apprentice Pilots requesting Full Registration must meet chemical testing requirements, as defined in 46 CFR part 16. Currently, all U.S. Pilots on the Great Lakes are required to meet the chemical testing requirements in part 16. The purpose of this addition is to clarify that this will also be part of the Apprentice Pilot qualifications.

§ 401.211 Training Requirements for Apprentice Pilots and Limited Registration Authorization

The Coast Guard changes the term ''Applicant Pilot'' to ''Apprentice Pilot'' throughout this section to align with the new definition of Apprentice Pilot. Use of the term Apprentice Pilot falls more in line with industry vernacular. We also add ''Limited Registration Authorization'' to the section name because we include the requirements for Apprentice Pilots to obtain this authorization as part of their training program.

This rule separates the requirements to select Apprentice Pilots for training from existing paragraph (a) and puts the list into new paragraph (b). In the requirements for Apprentice Pilots in redesignated paragraph (b)(1), this rule updates the cross-reference from § 401.210(a)(7) to paragraph (a)(8) to conform with redesignations in that section.

In paragraph (b)(3), the Coast Guard revises the Radar Observer requirement to state that the Apprentice Pilot must have a Radar Observer-Unlimited endorsement on their MMC. We also include a cross-reference to the Radar Observer requirements in § 11.480 for the public's reference. By removing the obsolete radar competency certificate option, we bring the regulations up to date with the current Radar Observer endorsement requirements in 46 CFR subchapter B, part 11. This conforming change is not a new requirement for mariners, because they are already required to hold a radar endorsement issued by the Coast Guard.

In new paragraph (d), the Coast Guard adds ''Temporary Registered Pilots'' who authorized pilot organizations may designate for approval by the Director to provide training.

[9] March 2018 Meeting Minutes, *supra* note 6.

We also allow submission of Form CG–4509 to the email address *GreatLakesPilotage@uscg.mil* or to the physical mailing address Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509. Emailing the form could reduce the administrative burden associated with submitting the form. We also clarify that the Director will request signed passport-style photographs from those applying to be an Apprentice Pilot, when needed. The photographs are not required when submitting Form CG–4509 because the photos are not needed until the Coast Guard is ready to issue an ID card.

The Coast Guard also clarifies the issuance of the U.S. Coast Guard Apprentice Pilot ID Card in paragraph (f). If the applicant meets the requirements in this section and is selected to be placed in an association's training program, the association submits a letter to the Director for approval. If the Director approves placing the applicant in the training program, the Coast Guard issues the applicant an Apprentice Pilot ID Card.

The Coast Guard expands the list of circumstances when an Apprentice Pilot ID Card becomes invalid, adding paragraph (f)(1) to account for the Director's statutory authority to set validity periods in 46 U.S.C. 9303(c). At the time of issuance, the Director indicates a validity period for the card. For example, the Director could coincide the expiration dates of the ID Card with the dates of the Semi-annual Performance Evaluation Reports, August 15, and January 15. The other three existing grounds for expiration for the Apprentice Pilot ID Card remain substantively the same, including when the Apprentice Pilot is registered as a Pilot under § 401.210, when the Apprentice Pilot withdraws from the training program, or when the card is ordered withdrawn by the Director.

In new paragraph (g), we add a requirement that all Apprentice Pilots must have a Director-approved individual training plan. The associations currently provide Director-approved individual training plans to the Apprentice Pilots as guidance during the approved U.S. Great Lakes pilot training and qualification program. Our intent is to codify this current practice in the regulations. As stated in the definition, an individual training plan outlines the specific requirements and expectations for each Apprentice Pilot. The individual training plan provides clear direction for the Apprentice Pilot, association, and Director regarding the Apprentice Pilot's goals and progression through the training program. The Apprentice Pilot and the pilot association record the round trips outlined in the individual training plan and provide this information to the Director for review.

In paragraph (g), we also clarify that round trips completed as an Apprentice Pilot count toward the minimum number of round trips required for Full Registration. Because we did not define round trips previously, there was confusion for Applicant Trainees and Apprentice Pilots regarding when their trips did or did not count toward the Full Registration certification. The trips outlined in the Apprentice Pilot's individual training plan and conducted with a U.S. Registered Pilot or Temporary Registered Pilot must be recorded by the Apprentice Pilot to count toward Full Registration. If the association feels that the Apprentice Pilot is not ready to provide pilotage services after completing the required minimum number of round trips outlined in their individual training plan, the association can require the Apprentice Pilot to continue conducting round trips until they meet the association's requirements. Trips completed while an Applicant Trainee do not count toward the minimum number of round trips.

In addition, the Coast Guard adds new paragraph (h), which requires associations to conduct Semi-annual Performance Evaluation Reports for their Apprentice Pilots to assess the Apprentice Pilots' progress in their training program. The associations currently provide evaluation reports to the Director that share the Apprentice Pilot's progress in the approved U.S. Great Lakes pilot training and qualification program at the district. We codify this current practice in the regulations. The associations submit these reports to the Director by August 15 and January 15 of each season.

The report includes recommendations to the Director on whether or not to keep the Apprentice Pilot in the training program. This report is intended to evaluate the Apprentice Pilot's progression through their training and to help keep the Director informed of that progress. The report provides the Apprentice Pilot necessary feedback to stay on track with their individual training plan and association expectations. By requiring a semi-annual report submission to the Coast Guard, all parties remain informed of the progression of the Apprentice Pilot's training throughout the Great Lakes. All requests for Apprentice Pilots and Limited Registrations must contain an endorsement from the pilot association's training committee or president for the Director's consideration. A positive endorsement does not guarantee issuance or renewal by the Director. The Director considers the Apprentice Pilot's training progress, traffic projections, and other relevant information when making the decision to issue a certification.

Another requirement at new paragraph (i) is that the Apprentice Pilot must be enrolled in the association's chemical testing program, commonly known as drug testing, which meets the requirements of 46 CFR part 16. We add chemical testing requirements and compliance into these regulations to ensure that Apprentice Pilots are monitored by the associations in the interest of maritime safety on the Great Lakes.

In new paragraph (j), the Coast Guard adds procedures for how an Apprentice Pilot may obtain a Limited Registration. When the Director determines a need for the Pilot to meet the needs of increased vessel traffic, a Limited Registration is issued to an Apprentice Pilot who has completed the requirements in § 401.220(b)(1) and maintained a favorable performance evaluation in their Semi-annual Performance Evaluation Reports. The Apprentice Pilot must satisfy the association's requirements in a specific area or port of the district waters to be eligible for a Limited Registration, as set out in the Apprentice Pilot's training plan approved by the Director.

Thereafter, the association requests approval for the Apprentice Pilot to provide pilotage services in these specific areas without supervision by a United States Registered Pilot or Temporary Registered Pilot. If approved, the Director issues the Apprentice Pilot a letter authorizing Limited Registration for the area requested by the association. The Apprentice Pilot can provide pilotage services without supervision in the authorized area and can continue to complete round trips in other areas and ports as opportunities are provided by the association. Once all required round trips are completed, per their individual training plan, a request to the Director may be made to administer the pilot's written exam to the Apprentice Pilot.

The Director can revoke the Limited Registration if the Director feels that the association is not providing the Apprentice Pilot appropriate training time to complete the remaining trips left in the district waters. Limited Registrations are valid for as long as the Director determines is necessary.

Last, we add new paragraph (k), which states requirements for when an Apprentice Pilot may be eligible for a Certificate of Registration. These

requirements are distinct from the requirements for Applicant Trainees contained in § 401.214, and they reflect the value of an Apprentice Pilot's experience. The four requirements are: completion of a Director-approved Great Lakes pilot association's individual training program; an endorsement from the association; receipt of a passing grade on the Director's exam; and a determination by the Director that there is a need for an additional Pilot in that association. These requirements exist in practice and are referenced throughout parts 401 and 402. We codify them here to clarify to the Apprentice Pilot and to the associations what conditions are necessary to reach Full Registration.

§ 401.214 Training Requirements for Applicant Trainees

In this new section, we outline the requirements for Applicant Trainees. This section codifies the Director's authority to determine the number of Applicant Trainees needed in training at a time for each association to ensure enough U.S. Registered Pilots in that district. This authority is exercised in the ratemaking update every year, but this rule codifies it.

The requirements for Applicant Trainees are similar to those for Apprentice Pilots, but Applicant Trainees do not require any prior Great Lakes service experience. The Applicant Trainee must be a U.S. citizen, of good moral character and temperate habits, physically competent, available for service, under the age of 60, in compliance with the chemical testing requirements, and have a Radar Observer-Unlimited endorsement on their MMC.

The Applicant Trainee is required to obtain at least 6 months of service as a credentialed officer on the Great Lakes, or comparable experience, before being considered for Apprentice Pilot. An Applicant Trainee trains under the supervision of a U.S. Registered Pilot or Temporary Registered Pilot. This section in paragraph (d) states that the Director must approve the Pilots designated to provide training to Applicant Trainees, as an oversight measure. When an Applicant Trainee conducts trips with a U.S. Registered Pilot or Temporary Registered Pilot to complete the 6-month familiarization requirement, or comparable experience on the Great Lakes, the round trips do not count toward Full Registration certification.

Applicant Trainees who meet the minimum requirements set forth in this section are required to receive an endorsement from the pilot association's training committee or the president for the Director's consideration. A positive endorsement does not guarantee issuance or renewal by the Director. The Director considers the Applicant Trainee's progress, traffic projections, and other relevant information when making the decision to issue a certification.

We clarify that the Applicant Trainee must submit Form CG–4509 to the email address, *GreatLakesPilotage@uscg.mil,* or to the physical mailing address, Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509. The Director requests the signed passport-style photographs when they are needed, but they do not need to be submitted with the application. The Coast Guard does not need the photos until issuing the ID card.

Applicant Trainees selected by the association and approved by the Director are issued a U.S. Coast Guard Applicant Trainee ID Card. The card remains valid until the earliest expiration date set by the Director, the date the Applicant Trainee is registered as an Apprentice Pilot, the date the Applicant Trainee withdraws from the training program, or the date the Director orders the card returned.

§ 401.220 Registration of Pilots

The Coast Guard removes the 1-year time limit in §§ 401.220(b)(1) and 402.220(a) for Apprentice Pilots to complete their round trips, and instead allows the applicable time limit to be specified in an Apprentice Pilot's individual training plan. Due to limited vessel traffic in some districts and ports, some Apprentice Pilots are not able to complete the required number of training trips in 1 year. This change allows Apprentice Pilots more time to complete these trips, in accordance with their individual training plan. Currently, training takes 2 to 3 years, on average, depending on which MMC endorsements the Apprentice Pilot holds and how quickly they satisfy the requirements set forth by the association and approved by the Director. This change is in accordance with GLPAC subcommittee recommendations 4 and 5, described in the ''GLPAC Subcommittee Teleconference Meeting Minutes'' from March 5, 2018, and adopted at the GLPAC Teleconference meeting on April 11, 2018.[10]

The revisions to § 401.220(b) align the requirements in (b)(1) through (3) with the new definition for Apprentice Pilots. In paragraph (b)(3), the Coast Guard clarifies when the written examination is taken by the Apprentice Pilot. The written examination is the final step to be considered for Full Registration. After the requirements of the regulations and the individual training plan have been met, and the association is comfortable with the Apprentice Pilot's progress, the association sends a request to the Director for the administration of the written exam. The Director arranges for the Apprentice Pilot to take the written exam at the nearest Regional Exam Center or respective pilot association office. The changes to paragraph (b)(3) indicate that the Apprentice Pilot is eligible to take the exam after they complete their minimum number of round trips and their approved training plan prescribed by the association.

In paragraph (c), this rule explains that the pilot association's recommendation for registering the Apprentice Pilot can include reasons for or against their registration. Currently, the text only requires the association to include reasons for the registration. We wish to clarify that the association should include any reasons, for or against registration, that are relevant to the Director's decision.

The Coast Guard clarifies in paragraph (d) that a Certificate of Registration can be issued to an Apprentice Pilot who has completed all the requirements and has been found qualified and removed an outdated reference to Title 52 of the Revised Statutes.

In § 401.220, this rule deletes paragraph (e). This paragraph authorizes the Director to issue a temporary Certificate of Registration of less than 1 year to qualified persons, regardless of age. We delete this because Temporary Registration is redefined and prescribed in the new § 401.222, discussed next.

D. Administration of Great Lakes Pilots

The Coast Guard updates various sections in parts 401 and 402 that govern the administration of Great Lakes Pilots. These changes modernize the mechanisms and practices used by the Coast Guard to register, monitor, and ensure the compliance of Great Lakes Pilots. A section-by-section description of the changes to each section follows.

§ 401.222 Temporary Registered Pilots on the Great Lakes

In conjunction with the new definition for ''Temporary Registered Pilot,'' the Coast Guard adds a new § 401.222 regarding the requirements and issuance of a Temporary Registration. The mandatory retirement age for United States Registered Pilots is 70 years old. However, if a Pilot maintains their MMC and meets the

[10] March 2018 Meeting Minutes, *supra* note 6.

medical requirements, they can, with the Director's approval, receive a Temporary Pilot ID Card. Possession of this card makes the Pilot eligible for an association to request their pilotage services. Alternatively, if a United States Registered Pilot has previously retired and is requested by the association to provide pilotage services, the Director can issue a Temporary Registration for them. We removed the old 401.222(a)(5) from the proposed rule in order to allow a retired pilot to seek Temporary Registration of their own volition, making their ready and available when the need arises.

A mariner seeking Temporary Registration under this section must meet the requirements of a United States Registered Pilot in § 401.210, except the age requirement. Temporary Registration is for Pilots who desire to provide pilotage services, but either have reached the age of 70 or have retired. The Temporary Registration is valid for a period defined by the Director, but it does not exceed 1 year from the date of issuance. Current regulations in § 401.220(e) for Temporary Registration have the same 1-year validity period. Given the risks associated with piloting large vessels through the Great Lakes and rivers, an annual renewal requirement continues to promote the safety goals on the Great Lakes, while allowing flexibility to mariners who wish to continue providing pilotage services after retirement or age 70.

§ 401.230 Certificates of Registration

In § 401.230(a), when describing the waters where the Certificate of Registration authorizes the Pilot to perform pilotage services, the Coast Guard uses ''areas and routes'' in place of ''part or parts'' as used in the current § 401.230(a). Using ''areas and routes'' better aligns with language used throughout the pilotage regulations.

In paragraph (c), the Coast Guard clarifies that a Certificate of Registration may not be digitally reproduced or be used to make a facsimile, in addition to the current prohibitions against copying or Photostat. The original Certificate of Registration, issued by the Director, is the only document allowed to be carried by a U.S. Registered Pilot. These changes further clarify that no copies, printed or electronic, are allowed.

In paragraph (d), the Coast Guard requires that replacement requests for Certificates of Registration must be made on Form CG–4509 instead of writing a letter, as the Coast Guard requires the information on the form to be updated to issue a new Certificate of Registration. The Coast Guard also clarifies the style of signed photographs needed to generate a replacement for a Certificate of Registration that has been lost, damaged, or defaced. Because the signature on the photograph is needed to authenticate the certificate, the signature must be as close to the head as possible, so that the signature remains visible when the photograph is trimmed to fit the certificate during creation.

§ 401.240 Renewal of Certificates of Registration

The Coast Guard clarifies in § 401.240(a) that an applicant for a renewal of Certificate of Registration must submit Form CG–4509.

The Coast Guard clarifies the style of photographs needed to generate a Certificate of Registration for renewal. Specifically, we state that the signature on the photograph needs to be as close to the head as possible, so that the signature remains visible when the photograph is trimmed to fit the certificate during creation.

§ 401.260 Reports

In paragraph (a), the Coast Guard clarifies that, when a marine accident occurs while a United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot is providing pilotage services, they must report the accident, in writing, to the Director. We add the results of the Pilot's post-casualty drug and alcohol test, if required, to the report's mandatory contents. The existing requirements are put into a list format to clarify what the Pilot must include in the report.

We redesignate new paragraph (b) from the existing requirement in paragraph (a) that the report to the Director does not relieve the Pilot or others of responsibility for submitting any report required by other government agencies of the United States or Canada. We also clarify in new paragraph (b) that this reporting requirement does not affect any other reporting requirements in Coast Guard regulations.

We remove the requirement in 46 CFR 401.260(c) for the pilotage pool to submit a monthly availability report to the Director. As per 46 U.S.C. 9303(a)(3), ''the applicant will be available for service when required.'' In the new 46 CFR 401.210(a)(6), Pilots must agree to be available for service. The Coast Guard sees no use for this monthly availability report requirement, because the associations notify the Director when a Pilot is not available to provide pilotage services. In practice, the Director has not been requiring this monthly report. Accordingly, we remove the requirement from the regulations.

§ 401.420 Cancellation, Delay, or Interruption in Rendition of Services

In paragraph (a)(3) of this section, the Coast Guard removes the words ''or movage'' and replaces them with ''or transit,'' because the ratemaking methodology does not account for this movage action. ''Transit'' aligns better with the terminology used in part 401.

In paragraph (c), the Coast Guard revises the existing provisions specifying that, when pilotage delay is due to ice or weather, the vessel is not responsible for the additional charges invoiced by the association. The regulations currently state that the vessel is not liable for charges under this part. We add the words ''or vessel owners'' to explicitly extend this exemption to vessel owners to clearly establish the lack of liability for charges under this section.

We also have deleted the joint-agreement provision initially proposed in the NPRM to clarify that the decision to interrupt the voyage, or to detain the Pilot because of ice or weather, must be determined by the vessel Master. This interruption of the voyage, or the detention of the Pilot, is in consideration of marine safety. When possible, the determination to interrupt, detain, or delay the vessel due to ice or weather should be made prior to the Pilot departing for the vessel. This additional guidance on when the determination must be communicated to the Pilot promotes efficiency in the process of calling a Pilot to a vessel and clarifies liability.

We also remove interruption or detention due to traffic as a justification for this exemption for delayed pilotage charges. Vessel traffic is a normal occurrence on the waterways that is expected during the normal course of business. Weather and ice delays are made in response to maritime safety, and vessels should not be penalized for delays made in the interest of safety. These exemptions are intended to relieve vessels for charges brought on by forces outside of their control. While vessel traffic used to be difficult to predict, the availability of the Vessel Traffic System and Automated Information System data means that vessels have access to data that can assist in predicting traffic. Therefore, the Coast Guard is removing this exemption and making vessels responsible for accurately predicting vessel traffic.

§ 401.425 Provision for Additional Pilot

The Coast Guard removes the text, ''Great Lakes Pilotage Staff, U.S. Coast Guard, or the General Manager, Great Lakes Pilotage Authority, Ltd., Canada'' and all references to Canada and other United States Coast Guard staff, to clarify who decides when an additional United States Registered Pilot is required. We clarify that the Director makes this double pilotage determination, when necessary, for the safe navigation of the vessel.

We also remove the statement that the provisions for an additional Pilot do not apply to a ship that is not required to have a Pilot on board in undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, because a Pilot is always required in these waters. This exemption is obsolete and no longer applies.

Additional Pilot determinations are currently made on a case-by-case evaluation and are usually authorized between when the locks are opened and when the locks are closed. We note in the regulations that this is a case-by-case evaluation, and we include the potential reasons for additional Pilots. The association or vessel representative can request an additional Pilot on the vessel for a specific time, particular port or area, or situation. For example, if an association or vessel needs an additional Pilot due to seasonal removal of aids to navigation, ice conditions, weather forecasts, or other relevant situations, a request for an additional Pilot may be appropriate.

In § 401.425 Provision for additional Pilot, we clarified what we meant in the NPRM by ''the opening and closing of the shipping season.'' We modified the language to give more clear instructions as to what the opening and closing means. In this section, the authorization may occur at the opening and closing of the year, after the locks have opened or closed.

§ 401.431 Disputed Charges

The Coast Guard updates this section to simplify and streamline the billing dispute process. This makes it easier to understand Coast Guard requirements and how the vessel owner or Master should provide the required data, such as via a written letter from an authorized officer of a company. The letter can be sent via traditional mail or by email, but it must be a formal letter. We also define the response time periods for the Coast Guard, the vessel owner or agent, and the pilot association, to both shorten the process and to hold all involved stakeholders to regulatory timelines, per GLPAC recommendation 2 from the GLPAC 2018 Annual Meeting on September 10, 2018.[11]

Under revised paragraph (a), a vessel Master, owner, or agent who disputes the rate or charge for a Pilot is required to appeal to the Director within 60 business days of the date the pilot association issues the invoice. We clarify that the pilot association may also apply the charge to the vessel owner, Master, or agent thereof, because it is not always the Pilot who applies the charge. The appeal continues to be for the Director to issue an advisory opinion as to whether the disputed rate or charge is a prohibited charge or incorrectly assessed or calculated charge.

In paragraph (b), the vessel owner, vessel charterer, an agent, or an employee empowered to speak on behalf of the owner or an agent delivers the appeal to the Director in the form of official correspondence. The rule requires that the appeal correspondence describes the pilotage services, and that it exacts the disputed charges, the regulatory citation for the dispute, and the requested resolution.

Paragraph (c) also requires the owner or agent to provide the pilot association with a copy of the appeal, and to inform them that the disputed charges have been sent to the Director for an advisory opinion.

The association has up to 20 business days to provide the Director and the entity that provided the complaint with any further data or arguments in defense of the disputed charges. We clarify that they have 20 business days, starting upon receipt of the notice of appeal from the charterer or owner. We also remove ''rates'' from the subject of a dispute because the Pilots and associations do not create or set the rates; the Coast Guard sets the rates through an annual rulemaking.

In paragraph (e), we add a timeline of up to 30 business days for the Director to issue an advisory opinion. We remove the express recital that the Director considered all relevant material. Per current paragraph (e), the advisory opinion must address the disputed rates and charges, discuss the facts and information provided by both parties, and include a statement of opinion, so a recital that the Director considered the material is unnecessary.

If the Director's advisory opinion finds the disputed rates or charges are prohibited, the association currently has a reasonable time, but not more than 30 business days, to return the amount of disputed charges, as per the advisory opinion. We revise the deadline to say the association must issue any refund, according to the advisory opinion, within 30 business days.

If the pilot association or the vessel owner feels that the advisory opinion is incorrect, under new paragraph (h), they can appeal the advisory opinion to the Director of Marine Transportation Systems (CG–5PW). The pilot association can submit an appeal for adjudication of the advisory opinion within 10 business days of receiving the original advisory opinion.

§ 401.450 Pilot Change Points

In paragraph (b) of this section, the Coast Guard removes the effective date for the addition of change point, Iroquois Lock. The change point went into effect on October 2, 2017, to provide enough time for the association to hire more Pilots. Since the effective date has passed, and the change point is currently in use, we remove the start of the effective date, per GLPAC recommendation 1 from the GLPAC 2017 Annual Meeting on September 26, 2017.[12] In paragraph (b), we also update the location of the change point for the Iroquois Lock. The change no longer happens between Iroquois Lock and the area of Ogdensburg, NY on the St. Lawrence River; the Pilot exchange now takes place in the Iroquois Lock.

In paragraph (i), the Coast Guard updates change point ''Gros Cap'' to ''Buoy 33'' of the St. Marys River, Point Iroquois. The GLPAC created a subcommittee to discuss all the pilot change points in the St. Lawrence Seaway and Great Lakes system. They found that Gros Cap was too far out of the St. Marys River, and weather conditions created unsafe conditions for the pilot boat to transfer Pilots. Buoy 33 of the St. Marys River is a better harbor to transfer Pilots, as it is safer for the Pilots to transit up and down the ladders of the vessels. This change is from GLPAC recommendation 1 from the GLPAC 2017 Annual Meeting on September 26, 2017, and conforms to current practice.[13]

§ 401.510 Operation Without Registered Pilots

The Coast Guard removes outdated regulations in paragraphs (b)(3) through (7) of this section, which were codified when both the Department of Commerce and the Coast Guard had regulatory authority over U.S. pilotage services.

[11] 2018 September Meeting Minutes, *supra* note 7.

[12] Meeting Minutes from the GLPAC 2017 Annual Meeting on September 26, 2017 are available in the docket.

[13] *Id.*

From 1960 to 1967, primary responsibility for Great Lakes pilotage resided with the Department of Commerce. As the Coast Guard is now the sole Federal agency responsible for enforcing the Act, these regulations are unnecessary or cumbersome. And, because all the regulatory authority is now under the Coast Guard, we can coordinate more effectively and efficiently with Coast Guard District 9 than was possible when the authority was split between the Coast Guard and the Department of Commerce.

The regulations in § 401.510, which address operation without Registered Pilots, is significantly streamlined to reflect the current operation requirements. For example, if a Pilot is not available when needed, the Director's pilotage office can coordinate with Coast Guard District 9 much more effectively, because everything is under one agency. The 6-hour rule in current paragraphs (b)(3) and (4) has not been used since the late-1980s or early-1990s. The 6-hour period was intended as a buffer to allow the Coast Guard time to evaluate a situation before concurring with the Department of Commerce's desire to order a Pilot off their rest period. The Coast Guard monitors traffic throughout the 2,300 nautical miles in the Great Lakes system for compulsory pilotage and is now able to make these decisions in real time.

We delete paragraph (b)(5) because the language is obsolete and outlines practices that are no longer relevant to the modern pilotage industry. The decision as to whether a vessel can proceed without a Pilot rests solely with the Director. It does not require the concurrence of the Coast Guard officer to whom the violation was reported. Removing this paragraph from the CFR will prevent confusion by removing instructions that are contrary to the practices followed by modern-day Pilots.

We also delete paragraph (b)(6), which requires a pilotage pool to obtain verification from the Canadian Supervisor of Pilots that they do not have a Pilot available, for the same reasons.

The parts we retain in existing paragraphs (b)(1), (2), and (8) outline the Director's authority to allow a vessel to depart without a Registered Pilot, and sufficiently articulate that the Director will make each decision on a case-by-case basis. The Director continues to obtain Coast Guard District 9 concurrence before providing this information to the vessel.

§ 401.710 Operating Requirements for Holders of Certificates of Authorization

We update the reference in this section to the Memorandum of Understanding (MOU) to reflect the most current version of this Memorandum with the Canadian Government. The updated version is the ''Memorandum of Understanding, Great Lakes Pilotage, Between The United States Coast Guard and The Great Lakes Pilotage Authority,'' effective September 19, 2013, and can be found in the docket. The previous version mentioned in this section was executed in 1970 and is no longer current.

§ 402.210 Requirements and Qualifications for Registration (Medical Requirements)

The Coast Guard revises the language in this section to align the medical and vision requirements for Apprentice Pilots, United States Registered Pilots, and Temporary Registered Pilots with the existing standards for a mariner medical certificate. There is no reason to duplicate the medical requirements in the pilot regulations that already exist in 46 CFR part 10, subpart C. Aligning these regulations reduces the time and burden on Pilots having to comply with regulations in two separate parts of the CFR, per GLPAC recommendation 7 from a subcommittee meeting on April 11, 2018.[14] We revise the requirements in this section to say that United States Registered Pilots, Apprentice Pilots, and Temporary Registered Pilots must meet the medical and physical standards for a mariner medical certificate in accordance with 46 CFR part 10, subpart C, and remove the requirements from paragraph (b), regarding disease and impairment, and from paragraph (c), regarding vision. 46 CFR part 10, subpart C sufficiently covers these medical requirements for Pilots. Pilots are still required to meet the annual physical examination requirements in 46 CFR 11.709.

The Coast Guard is also updating this section to remove the requirement that the examination be performed by a licensed medical doctor. A licensed Nurse Practitioner, a licensed Physician Assistant, or a licensed Medical Examiner may perform the required examination, in addition to licensed medical doctors. The text in § 10.302(b) is also updated to align with this change.

[14] Meeting minutes from the April 11 2018 meeting of the GLPAC Regulatory Reform Subcommittee are available in the docket.

§ 402.220 Registration of Pilots

In this section, we update the terminology for ''Apprentice Pilot'' and ''minimum number of round trips'' to reflect changes made throughout part 401. In paragraph (a), we clarify that the pilot association training committee, pilot association president, or Director may require additional round trips. The additional rounds trips are as needed to demonstrate proficiency in a specific waterway or port to ensure maritime safety. We also remove the 1-year time limit to complete the round trips, because of limited vessel traffic in some districts and ports, meaning that some Apprentice Pilots are not able to complete the required number of training trips within 1 year. We include a caveat that the minimum number of round trips listed in the regulations, or in an Apprentice Pilot's individual training plan, does not guarantee advancement to Full Registration. This way, the pilot association and the Director can reserve the discretion to require additional round trips when necessary.

The Coast Guard removes foreign language requirements from § 402.220(b)(5) and knowledge of foreign-made navigational equipment from § 402.220(b)(10). The current pilotage regulations in paragraph (b)(5) require United States Registered Pilots to be able to provide ''[instructions] in basic helm and engine telegraph orders in Greek, Spanish, German, and Italian languages.'' These outdated foreign language requirements and instructions are no longer necessary or enforced because they have been superseded by international treaty requirements. Under Chapter 5, Regulation 14, paragraph 4 of the International Convention for the Safety of Life at Sea (SOLAS), all ships are required to use English as the working language for bridge-to-bridge and bridge-to-shore safety communications, as well as for communications between the Pilot and the bridge watchkeeping personnel. This change is in accordance with GLPAC recommendations 2 and 3 from the subcommittee meeting on April 11, 2018.[15]

In addition, we update the reference to the 1977 version of the MOU referenced in this section to reflect the most current issue of this Memorandum. The updated version is the ''Memorandum of Understanding, Great Lakes Pilotage, Between The United States Coast Guard and The Great Lakes Pilotage Authority,'' effective September

[15] *Id.*

19, 2013. The MOU can be found in the docket.

§ 402.320 Working Rules

The Coast Guard removes the working rule references in paragraphs (a)(1) through (4), and instead provides an email address where the public may request a copy of the approved working rules for each district. Each association updates its working rules frequently. It is impractical for the Coast Guard to issue regulations to update this section every time an association issues new working rules. To receive accurate information, the public can request the most current copy of the working rules by emailing the Coast Guard.

E. Technical Revisions Throughout Parts 401 and 402

Throughout parts 401 and 402, this final rule changes most instances of ''shall'' to ''must'' to conform to plain language guidelines. We change instances where the regulations require the Director or the Coast Guard to act from ''shall'' to ''will'' to clearly indicate how the Coast Guard will respond. However, we change instances where the Director or the Coast Guard needs to reserve discretion in issuing certain endorsements or decisions from ''shall'' to ''may.''

We also change uses of ''Registered Pilot'' within the text of the regulations to specify exactly which phases of Pilot registration are meant, and to align these references with defined terms. We update all references to ''pool'' to ''pilotage pool'' to conform to the new definition for pilotage pool.

Additionally, in several sections, we update the mailing addresses in the regulations for the Great Lakes Pilotage Office to our current address: Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave. SE, Mail Stop 7509, Washington, DC 20593–7509.

In certain places in the regulations, we replace ''Commandant'' with ''Director'' for decisions that are made, in practice, by the Director. This change clarifies the procedures and expectations for the public. For example, we change § 401.220(b), because the Director prescribes the minimum number of round trips and written examination for Full Registration. These changes reflect current practice.

In section 401.250, we removed the word ''license'' as this term is not used in this context any longer. Mariners are given ''certificates with endorsements.'' Another nomenclature change throughout parts 401 and 402 is changing instances of ''his'' to ''they'' or ''their'' to be gender inclusive.

We make several technical revisions and nomenclature changes in the Administrative Law Judge decision sections in 46 CFR part 401, subpart F, including sections 401.645 and 401.650. There are no substantive changes in subpart F.

This final rule also removes outdated references to Title 52 of the Revised Statutes and replaces them with the current statutory requirements for Great Lakes pilotage, Title 46 of the United States Code. Public Law 98–99, 97 Stat. 558 consolidated these statutory requirements into 46 U.S.C. on August 26, 1983.

VI. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and Executive Order 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, OMB has not reviewed this rule. A regulatory analysis (RA) follows. None of the public comments prompted changes to the methodology used for the regulatory analysis. Further, there are no recent wages available at the time of the final analysis. Therefore, the regulatory analysis for this final rule is as published in the NPRM with no changes.

Affected Population

The affected population for this rule includes an average of 51 U.S. Great Lakes Pilots, 9 Apprentice Pilots, and 3 Temporary Registered Pilots over a period of 5 years (2018–2022), all represented by 3 pilot associations. Table 1 shows the population from 2018 to 2023, using projections provided by the pilot associations published in the annual ratemaking for each year. Some of the changes detailed below impact a subset of this population, in which case we later detail the average of that subset, along with the cost estimate. Unless otherwise noted, the change impacts the entire affected population equally.

TABLE 1—AFFECTED POPULATION 2018–2023

	Pilots	Temporary Registered Pilots	Apprentice Pilots	Total
2023	56	3	6	65
2022	51	2	9	62
2021	54	3	8	65
2020	52	3	13	68
2019	51	3	8	62
2018	49	3	7	59
Average (2018–2022)	51.4	2.8	9	63.2

* **Note:** Data provided above for each year (inclusive of Year 2023) are projections based on pilot association estimates. We have chosen to draw the average from 2018–2022.

Costs

Most of the cost impacts for this rule have already been realized by industry. As a result of the 2018 ratemaking final rule, a new staffing model was established, and updates to the Great Lakes Pilotage Management System (GLPMS) data management system occurred. 2018 also saw the Director provide industry and associations informal guidance on many of the cost provisions found in this rulemaking. This informal guidance directly impacted current industry practices referenced in this rulemaking.

Therefore, to provide a comprehensive estimate of the impacts of this rulemaking, the Coast Guard utilizes two baselines, a ''Pre-Guidance'' baseline'' and a ''No Action'' baseline. The Pre-Guidance baseline captures costs across two different time horizons. First, it provides transparency regarding costs realized from 2018–2022 due to informal guidance becoming industry practice. Second, it captures new cost impacts across a 10-year period of analysis from 2023–2032 that stem from this rulemaking. Therefore, the entire period of analysis for the Pre-Guidance baseline is 2018–2032. The No Action baseline represents the current state of the world, as if there were no rulemaking. Quantifying costs against the No Action baseline entails including only costs directly attributable to this rule and excludes any costs derived from 2018 guidance. The period of analysis for costs relative to the No Action baseline is 2023–2032. See table 2 for a visual depiction of the baselines.

Table 2: Visual Depiction of No Action and Pre-Guidance Baselines

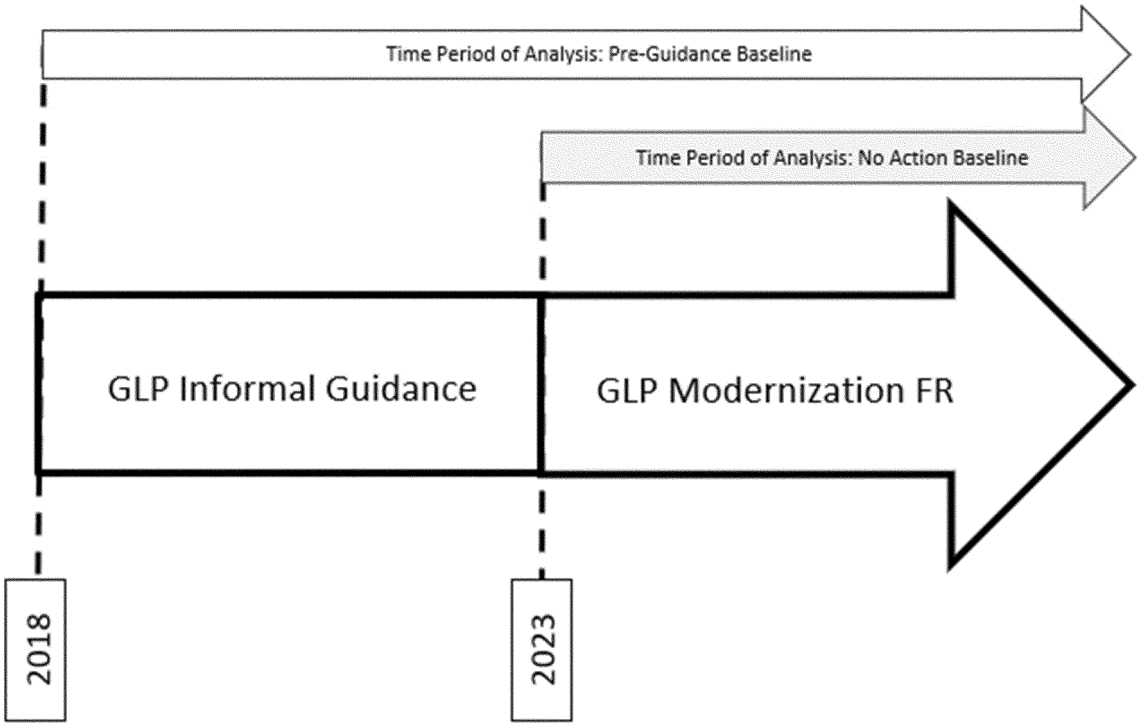


Table 3 shows the summary of net costs, broken down by each of the two baselines. The figures shown for each baseline are in 2022 dollars and are discounted at 7 percent.

TABLE 3—SUMMARY OF NET COSTS BY BASELINE

[2022 Dollars]

	Pre-Guidance baseline (2018–2032; discounted 7%)	No Action baseline (2023–2032; discounted 7%)
Net Private Costs to Industry	Net Costs to Industry: ($720,755.13) Annualized Net Costs to Industry: ($56,422.19)	Net Costs to Industry: ($834,809.05) Annualized Net Costs to Industry: ($118,858.03)
Net Costs to Government	Net Costs to Government: $12,540.65 Annualized Net Costs to Government: $981.71	Net Costs to Government: $0.00 Annualized Net Costs to Government: $0.00
Total Net Costs	Total Net Costs: ($708,214.47) Annualized Net Costs: ($55,440.48)	Total Net Costs: ($834,809.05) Annualized Net Costs: ($118.858.03)

* **Note:** Components may not add to the totals due to rounding.

The no-cost category, summarized in table 4, includes changes that have no cost, because the change is administrative where the regulatory text needs revision for clarity to reflect reorganization of the text. It also includes changes that result in no costs for either baseline, where the substantive action occurred prior to 2018 (through either existing regulatory text or longstanding guidance). For many of the cost items, the affected population already realizes the impact of the changes from prior ratemakings and general changes to industry's current practice. Certain items in table 4 solely represent information collection costs, rather than new regulatory costs. Note that information collection costs include any cost of ongoing reporting or recordkeeping that must be submitted to the Coast Guard.

TABLE 4—SUMMARY OF NO-COST CHANGES

CFR section	Description of change	Reason for no cost	Benefits
Purpose: § 401.100	Adds the word "pilotage" to clarify the part relates to the creation of "pilotage pools".	This is an administrative change; pilotage is an older term from the 1960's, whereas pilotage pools are more commonly used today, but both refer to the same thing.	Further clarifies the purpose of the section and reduces confusion.
Purpose: § 401.100	Adds text to clarify that "Registered Pilots" refers to "United States Registered Pilots".	This is an administrative change that makes explicit that the regulation does not include Canadian Pilots, which is implicit based on the contextual language.	Further clarifies the purpose of the section and reduces confusion.
Definitions: § 401.110	Removes numbering of definitions and arrangement in alphabetical letter.	This is an administrative change	Eases finding definitions, increasing readability and clarity.
Definitions: § 401.110	Adds the definition for "Applicant" to clarify that an "Applicant" is a person who has submitted a Form CG–4509 to the Director to be considered for placement in an approved U.S. Great Lakes pilot training and qualification program at one of the established pilotage pools.	This is an administrative change that distinguishes an applicant awaiting an acceptance decision from an Applicant Trainee accepted into training.	Further clarifies the differences between an "Applicant," "Applicant Trainee," and "Apprentice Pilot", which were previously not distinguished but all referred to synonymously as "applicant".
Definitions: § 401.110	Modifies the definition of "Applicant Trainee" to clarify that an Applicant Trainee is a person approved and certified by the Director, who is participating in an approved U.S. Great Lakes pilot training and qualification program but does not qualify as an Apprentice Pilot.	This distinguishes an Applicant Trainee accepted into training from an applicant awaiting an acceptance decision.	Further clarifies the differences between an "Applicant," "Applicant Trainee," and "Apprentice Pilot", which were previously not distinguished but all referred to synonymously as "applicant".
Definitions: § 401.110	Removes the last sentence from the definition of Apprentice Pilot, "This definition is only applicable to determining which pilots may be included in the operating expenses, estimates, and wage benchmark in §§ 404.2(b)(7), 404.103(b), and 404.104(d) and (e)".	The base definition of Apprentice Pilot is unchanged.	Clarifies how this definition is used in conjunction with the new definitions of Applicant and Applicant Trainee, which were not used when the term Applicant Pilot was first introduced.
Definitions: § 401.110	Modifies the definition of "association" to clarify that the Director of Great Lakes Pilotage issues a Certificate of Authorization, not the Great Lakes Pilotage Branch.	This is an administrative change that does not change the method of authorization but clarifies the source of authority.	Adds additional clarity to the source of the Director's authority and reduces confusion on what actions are the responsibility of the Coast Guard and what is the responsibility of the Director.
Definitions: § 401.110	Updates the abbreviation of "Commandant" from "CG–00" to "CCG".	This is an administrative change	Adds additional clarity and reduces confusion.
Definitions: § 401.110	Adds a definition for "chemical test"	This is an administrative change. The new definition is the same as the existing definition in 46 CFR 4.03–7.	Adds additional clarity and reduces confusion.
Definitions: § 401.110	Updates the address for the Director from "Commandant (CG–WWM–2), to Attn:" to "Director".	This is an administrative change	Adds additional clarity and reduces confusion.
Definitions: § 401.110	Updates the definition for "comparable experience".	This is an administrative change. It clarifies that experience similar to experience on a vessel of 4,000 GT or over can be used to qualify as an applicant.	It has the unquantifiable benefit of expanding the number of potential applicants using experience from other areas of the U.S. to qualify as an applicant. To date, this has not occurred.
Definitions: § 401.110	Adds the definition of "Full Registration" for additional clarity.	This is an administrative change that does not change the requirements to achieve Full Registration, but distinguishes the different types of registration.	Further clarifies the difference between Full, Limited, and Temporary Registrations.
Definitions: § 401.110	Updates the definition for "Limited Registration".	This is an administrative change that distinguishes from a Temporary Registration where, previously, "temporary" referred to multiple types of registration. This does not change the current requirements for receiving any of the types of registration.	Further clarifies the difference between Full, Limited, and Temporary Registrations.
Definitions: § 401.110	Creates a definition for "marine accident"	This is an administrative change that distinguishes between reportable marine casualties that are sent to the Coast Guard under 46 CFR part 4, and accident reports of those casualties that are sent to the Director if the casualty affects pilotage.	Further clarifies 46 CFR 401.260(a), incident reporting requirements for Pilots on the Great Lakes. The requirement to notify the Director is not new, but differentiating the kinds of reports makes it clearer to whom the notice must be given.

TABLE 4—SUMMARY OF NO-COST CHANGES—Continued

CFR section	Description of change	Reason for no cost	Benefits
Definitions: § 401.110	Creates a definition for "minimum number of round trips".	This does not change the existing minimum requirements, which are detailed in 401.220(b). This addition clarifies that the number of trips applies to trips conducted by an Apprentice Pilot, not by an Applicant Trainee.	Further clarifies round-trip requirements for Apprentice Pilots to be in line with added distinctions between Apprentice Pilots and Applicant Trainees.
Definitions: § 401.110	Renames the term "pool" to "pilotage pool" and adds additional text to the definition.	This is an administrative change that better aligns with current authorization language..	Further clarifies that pilotage pools are organizations holding a Certificate of Authorization issued by the Director, which are the three existing pilot associations for each of the three districts.
Definitions: § 401.110	Adds additional text to the term "rate computation definitions" to clarify that these definitions are used to determine the weighting factors in the rate.	This is an administrative change	Further clarifies how the weighting factors are calculated.
Definitions: § 401.110	Adds definition for "round trip"	This is an administrative change	Further clarifies what is considered a round trip.
Definitions: § 401.110	Adds definition for "Semi-annual Performance Evaluation Report".	This is an administrative change	Further clarifies the Semi-annual Performance Evaluation Report.
Definitions: § 401.110	Adds the additional text to the definition of "United States Registered Pilot".	This is an administrative change	Updates text to reference current U.S. Code sections and mariner credentialing requirements.
Application for registration: § 401.200.	Adds email address and physical mailing address for submission of Form CG–4509.	This is an administrative change	Adds email address and physical mailing address to make it easier for the regulated public to submit the form.
Application for registration: § 401.200.	Removes text requiring two photographs be submitted with Form CG–4509.	Form CG–4509 already requires the submission of two signed photographs. This change merely removes duplicative text, not the requirement to submit the photographs.	Adds clarity by removing duplicative text.
§ 401.210(a)	Changes "Requirements and qualifications for Registration" to "Requirements and qualifications for Full Registration".	This is an administrative change	Further clarifies Full Registration in comparison to requirements for new definitions.
§ 401.210(a)	Adds the word "fully"	This is an administrative change	Adds clarity by matching title to altered text in the body paragraph.
§ 401.210(a)(1)	Adds clarifying text updating authority from "revised statutes" to specify 46 CFR part 11, removing "license or MMC" to read "MMC with an officer endorsement", and replacing "tows" with "barge" in "integrated tug and barge".	This change removes outdated language, and it updates to the most current authority citations to provide clarity. However, it does not change existing requirements.	Adds clarity by making the citation more specific. Mariners are no longer issued licenses but credentials with endorsements. This change replaces outdated language with more current language and authorities. The emphasis on barges clarifies that Pilots must be credentialed deck officers, and the tonnage requirements apply to an integrated tug and barge, not the aggregate tonnage of a tug and tow.
§ 401.210(a)(4)	Adds "applicable" to "applicable medical requirements and standards" and the CFR citation to the existing requirements.	This is an administrative change as the requirements in the cited CFR section are unchanged.	Improves clarity of the source of requirements.
§ 401.210(a)(6)	Removes text specifying a requirement to hold a TWIC in addition to an MMC.	TWICs are already required to hold an MMC, so specifying both is redundant.	Increases clarity and readability of the CFR by removing unnecessary text.
§ 401.210(a)(7)	Removes unnecessary text and changes the term "Applicant Pilots" to "Apprentice Pilots".	This is an administrative change necessary to make text consistent with new, added definitions in other sections that clarify between applicants, Applicant Trainees, and Apprentice Pilots.	Increases clarity and readability of the CFR by removing text specifying application for pilotage, which is already specified in the title of the section. Increases clarity by changing "Applicant Pilots" to "Apprentice Pilots" to be consistent with definition changes.
§ 401.210(a)(8)	Adds new paragraph requiring the individual to meet the chemical testing requirements in 46 CFR part 16 for Full Registration.	This is an administrative change that integrates references to the existing source of requirements rather than restating requirements. This is an existing requirement for all mariners holding an MMC, per 46 CFR 10.209(h) and 46 CFR part 16.	Adds clarity by making citation more specific and eliminating the need to update text when parts of 46 CFR part 16 change.
§ 401.211	Changes text from "Applicant Pilots" to "Apprentice Pilots" to be consistent with new terms.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Adds clarity and consistency for references to new definitions.
§ 401.211(b)	Creates new paragraph (b) containing current text.	This is an administrative change necessary to detail changes in the organization of the text.	Adds clarity and better readability by making requirement list stand out within the paragraph.
§ 401.211(b)(3)	Adds citation to 46 CFR part 11.480 to clarify requirements to obtain Radar Observer qualification but does not change the existing requirement to hold a Radar Observer qualification.	Pilots must already hold a Radar Observer qualification.	Adds clarity by making citation more specific and eliminating the need to update text when parts of 46 CFR part 11.480 change.
§ 401.211(e)	Adds address for submission of Form CG–4509.	This is an administrative change	Adds email and mailing address to make it easier for the regulated public to submit forms.
§ 401.211(e)	Adds text requiring two photographs be submitted with Form CG–4509 to provide clarity since § 401.200 no longer requires it.	This is an administrative change that does not alter the existing requirements of Form CG–4509.	Clarifies the requirements for submitting Form CG–4509 where methods of submission are discussed.

TABLE 4—SUMMARY OF NO-COST CHANGES—Continued

CFR section	Description of change	Reason for no cost	Benefits
§ 401.211(f)	Creates new paragraph (f), modifying text to clarify who may be issued a U.S. Coast Guard Apprentice Pilot ID Card. Replaces the terms "applicant" and "Applicant Pilot" with "Apprentice Pilot".	This is an administrative change	Improves clarity and makes text consistent with definitions.
§ 401.211(f)(1)	Adds new paragraph stating the Director may set an expiration date for the Apprentice Pilot ID Card.	This is an administrative change	Improves clarity.
§ 401.211(f)(4)	Minor wording changes	This is an administrative change	Improves clarity by specifying the ID card is withdrawn.
§ 401.211(i)	New paragraph requires Apprentice Pilots to be enrolled in the association's chemical testing program.	This change simply updates text, as this is already required as part of casualty reporting.	Improves clarity of applicability to make all text consistent across new sections that specify requirements for applicants, Applicant Trainees, and Apprentice Pilots.
§ 401.211(k)	New paragraph outlines requirements for Full Registration, including passing an exam, a positive endorsement from the association, and the determination by the Director of the need for an additional Pilot.	This change updates text to describe current practice. The impact of the change from prior text has already been realized in 401.220(b).	Creates clarity by detailing section title for Apprentice Pilot to be consistent with new terms.
§ 401.214	Adds new section with requirements for Applicant Trainees.	This is an administrative change to separate requirements to Applicant Trainees and Apprentice Pilots in accordance with definitions.	Creates clarity by codifying requirements for Applicant Trainees in a separate, new section distinct from Apprentice Pilots, so that requirements are in clearly distinct sections and consistent with new terms. The requirements themselves are not new, as they were in place when all stages of training were referred to indistinguishably as applicants.
§ 401.214(b)	New paragraph adding qualifications to be considered an Applicant Trainee.	This is an administrative change necessary to distinguish applicants from Applicant Trainees. Use of this term is already common practice.	Creates clarity by listing requirements in clearly distinct sections and consistent with new terms. The requirements themselves are not new, as they were in place when all stages of training were referred to indistinguishably as applicants.
§ 401.214(e)	New paragraph clarifies that Applicant Trainees must submit an application on Form CG–4509.	Applicant Trainees have already been submitting these forms, but the regulatory text did not reference Applicant Trainees specifically. This practice predates any guidance issued in 2018 and is not a result of this rulemaking. This new clarifying paragraph codifies a longstanding practice. Therefore, this is a no-cost change in both our Pre-Guidance baseline (2018–2032) and our No Action baseline (2023–2032).	Improves clarity by codifying the requirement that Applicant Trainees must submit an application. The requirement itself is not new and is a long-standing practice.
§ 401.220(b)	Changes the term "Applicant Pilot" to "Apprentice Pilot".	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Creates clarity by listing requirements in clearly distinct sections and consistent with new terms. The requirements themselves are not new, as they were in place when all stages of training were referred to indistinguishably as applicants.
§ 401.220(b)(2)	Clarifies that Apprentice Pilots, not Applicant Pilots, must complete the approved course of instruction prescribed by the association authorized to establish the pilotage pool.	This is an administrative change necessary to make text consistent with new definitions for applicant, Applicant Trainee, and Apprentice Pilot.	Increases clarity of the CFR to specify where "Apprentice Pilot" replaces the previous term "Applicant Pilot"
§ 401.220(b)(3)	Minor wording changes to improve clarity and readability.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Removes outdated and gendered references consistent with changes in other sections. The change clarifies that the written exam comes after the requirements set forth in (b)(1) and (b)(2).
§ 401.220(c)	Changes wording to be consistent with new definitions of Apprentice Pilot and Applicant.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Increases clarity of the CFR to specify where "Apprentice Pilot" replaces the previous term "Applicant Pilot".
§ 401.220(d)	Changes wording to be consistent with new definitions and removes outdated reference to Title 52 of Revised Statutes.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Increases clarity of the CFR to specify where "Apprentice Pilot" replaces the old language and remove gendered references.
§ 401.220(e)	Deletes paragraph	This is an administrative change	Increases clarity of the CFR necessary to be consistent with new sections.
§ 401.222	Adds new section to move Temporary Registration requirements to their own section for clarity.	This is an administrative change that updates organization of the part.	Creates clarity by making requirements clear and consistent with a section for each category of applicant, Applicant Trainee, Apprentice Pilot, Pilot, and Temporary Registered Pilot.
§ 401.222(a)	New paragraph that clarifies who may hold a Temporary Registration.	This is an administrative alteration that changes organization of the text but does not change the requirements.	Creates clarity by making requirements clear and consistent with a section for each category of applicant, Applicant Trainee, Apprentice Pilot, Pilot, and Temporary Registered Pilot.
§ 401.230(a)	Minor wording change, updates statutory reference.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Updates text to reference U.S. Code to improve clarity.

TABLE 4—SUMMARY OF NO-COST CHANGES—Continued

CFR section	Description of change	Reason for no cost	Benefits
§ 401.230(a)	Updates statutory references and makes minor wording changes to improve clarity and readability.	This is an administrative change removing outdated references.	Improves clarity of the CFR.
§ 401.230(c)	Modifies to include more up-to-date terms and methods of copying documents.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Increased clarity as "Photostat" is not a common term.
§ 401.240(d)	Minor wording changes, replaces the word "Commandant" with "Director".	This is an administrative change	Improves clarity by better matching the language used by industry.
§ 401.250(d)	Removes the word "license"	This is an administrative change that does not change the requirement to have an MMC.	Improves clarity and eliminates confusion as to what "license" refers to.
§ 401.260(a)	Clarifies reporting requirements also apply to Pilots on a Limited or Temporary Registration and other minor wording changes.	This is an administrative change necessary to make text consistent with new definitions added in other sections.	Creates clarity by making requirements clear and consistent with new terms.
§ 401.260(a)	Reformats report contents from a paragraph to a numbered list.	This is an administrative change reflecting organization of text.	Improves clarity by making the list of requirements more legible.
§ 401.260(a)	Modifies 401.260(a) to add clarity regarding the existing practice of receiving marine accident reports. It outlines that a written report is required when a marine incident occurs while an Apprentice Pilot, Apprentice Pilot with Limited Registration, United States Registered Pilot, or Temporary Registered Pilot is providing pilotage services.	This practice predates any 2018 guidance. The Director's office already receives these reports and does not expect the trend in reports received to change as a byproduct of this rulemaking. The submission requirement for these reports is found in § 401.260 and originated in 31 FR 9065.[16] Therefore, it is a no-cost change in both our Pre-Guidance baseline (2018–2032) and our No Action baseline (2023–2032).	Improves clarity on the format of the submission and when the marine accident report is required.
§ 401.260(a)(7)	Adds requirement for Pilots to share the results of post-casualty drug and alcohol tests in the notice to the Director.	This does not change the requirement for testing governed by 46 CFR 4.06–3. Rather, § 401.260(a)(7) details what information must also be shared with the Director if a reportable casualty affects pilotage.	Improves clarity by making requirements easier to find in an explicit list.
§ 401.420(c)	Minor wording changes, clarifies that the vessel Master determines weather delays.	This is an administrative change since this is already industry practice.	Further clarifies who determines whether an interruption is caused by weather.
§ 401.425	Removes provisions governing Canadian approval of double pilotage.	This is an administrative change since the Director does not have to confer with the Canadians to approve pilotage and has not had to. The reference to Canada was erroneous.	Adds additional clarity, as the Director approves double pilotage for the United States Pilots but has no jurisdiction over Canadian Pilots. Canadian Pilots base their decisions on different criteria, though both countries may notify each other of their decision to approve double pilotage to assist in pilotage assignments.
§ 401.425	Removes the undesignated waters of Lake Erie from the Southeast Shoal to Colborne restrictions and states that the Director will evaluate dual pilotage on a case-by-case basis.	This change updates text, as the Director can already require double pilotage as the situation dictates. The regulatory text was outdated, and double pilotage is allowed in this area when needed.	Improves clarity by removing outdated language.
§ 401.431(a)	Establishes a 60-business-day billing dispute deadline, minor wording changes.	There has only been one instance of a dispute longer than 60 days. We do not expect any further impacts.	Improves clarity and reduces the likelihood of a dispute occurring after the books have been closed.
§ 401.431(d)	Minor wording changes to clarify that the pilot association is the respondent, and they have 20-business days to defend disputed charges starting from when they receive the notice of appeal. Previous text listed 20 days without specifying business days or when those days would begin counting. No previous dispute exceeded 20 days.	This process predates the 2018 guidance. The ability to appeal (§ 401.431(d)) was initially added to the CFR via 29 FR 10467 (July 28, 1964).[17] No changes to this behavior occurred over 2018–2022. The Coast Guard does not expect wording changes in this rulemaking to alter behavior from the pilot association. Therefore, it is a no-cost change in both our Pre-Guidance baseline (2018–2032) and our No Action baseline (2023–2032).	Improves clarity on who is considered the respondent and the exact timeline for any pilot association wishing to defend disputed charges.
§ 401.431(e)	Minor wording changes to clarify that the Director responds with an advisory opinion within 30 working days. Previous text did not specify a specific number of days.	No cost. This process predates 2018 guidance. Section 401.431(e) was initially added to the CFR via 29 FR 10467 (July 28, 1964).[18] No changes to this behavior occurred from 2018–2022. The Coast Guard does not expect wording changes in this rulemaking to alter the Director's behavior in responding with advisory opinions. The text simply clarifies a longstanding practice.	Improves clarity for pilot associations submitting charge disputes as to when an advisory opinion can be expected from the Director.
§ 401.431(h)	Creates new paragraph (h) that codifies the existing practice of pilot associations appealing the advisory opinion made by the Director. The regulatory text specifies that the associations may do so within 10 days of receiving the opinion.	This process predates any 2018 guidance. This paragraph is codifying this long-standing practice performed by the pilot associations. Neither the 2018 guidance nor this rulemaking substantively modifies this pilot association practice. Therefore, it is a no-cost change in both our Pre-Guidance baseline (2018–2032) and our No Action baseline (2023–2032).	Improves clarity by codifying the existing ability for pilot associations to appeal the advisory opinion made by the Director. The practice itself is not new and is a longstanding practice.

TABLE 4—SUMMARY OF NO-COST CHANGES—Continued

CFR section	Description of change	Reason for no cost	Benefits
§ 401.450(b)	Removes the effective date for the establishment of the pilot change point at Iroquois Lock.	This is an administrative change since the date has passed.	Improves clarity, as the text is outdated from when change point was first introduced.
§ 401.450(i)	Replaces Gros Cap with Buoy 33, St. Marys River, Point Iroquois.	This moves the change point to a more convenient location; it does not change the number of change points.	Makes text consistent with change points currently used. This change point is a new location in the river, closer to the locks and a safer location to transfer Pilots on and off the pilot boat. Gros Cap was too far out in the bay (about 2 nautical miles), and the transfers were affected by the weather and transit time.
§ 401.450(k)	Replaces Gros Cap with Buoy 33	See above	See above.
§ 401.510(b)(3)–(7)	Deletes outdated text	This is an administrative change removing outdated references that refer to old systems of communication in paragraph (b)(3) and references to when the Coast Guard was part of the Department of the Treasury in paragraphs (b)(4)–(7).	Improves clarity of the CFR by removing outdated text.
§ 401.710(b)	Updates MOU reference and date	This is an administrative change removing outdated references.	Improves clarity of the CFR.
§ 402.220(a)	Adds discretion for the Director or association to require additional round trips in a particular area as part of meeting the overall minimum number of round trips requirement..	This codifies an existing practice that does not change the total number of trips to meet the minimum but may change where those trips occur to ensure that the experience in training is representative of future operations.	Improves clarity of the CFR.
§ 402.220(a)(5)	Removes section describing requirement for training in foreign languages.	This is an administrative change removing outdated references as these courses are no longer required under the Standards of Training, Certification, and Watchkeeping (STCW).	Improves clarity of the CFR.
§ 402.220(a)(7)	Updates MOU reference	This is an administrative change removing outdated references.	Improves clarity of the CFR.
§ 402.220(a)(10)	Removes paragraph	This is an administrative change removing outdated references.	Improves clarity of the CFR.
§ 402.320(a)	Removes reference to each working rule individually and instead makes all rules available electronically by email request.	This is an administrative change, as the same information remains available. The Coast Guard has never received a request for a paper copy of a working rule.	Improves clarity and electronic access of information by the public and eliminates the need to provide a technical amendment whenever the date of a working rule changes.

The information collections in this final rule are actions that the affected population of Pilots and pilot associations have already complied with in prior years. Prior to this rulemaking, the Coast Guard had not codified the burden for these collections into the information collection request for the Great Lakes Pilotage Rate Methodology (OMB Control Number 1625–0086).[19] We present details on past reporting and estimated future regulatory costs to industry in table 5, broken down by each of the two baselines. Table 5 also details relevant regulatory costs that concurrently act as information collection costs.

TABLE 5—SUMMARY OF COSTS BY BASELINE

[2022 Dollars, discounted at 7%]

CFR section	Description of change	Pre-Guidance baseline (2018–2032)	No action baseline (2023–2032)
Definitions: § 401.110.	Creates a definition for ''individual training plan.'' Prior to 2018, associations used the same template plan for the entire district, rather than individualizing plans.	The Coast Guard began receiving individualized training plans in 2018. Beginning in 2018, individualized training plans took 2 hours to prepare. This hour burden per training plan is expected to remain consistent (2 hours) across 2018–2032. Total Cost to Industry 2018–2032: $10,015.59 Annualized Cost: $784.04	No cost. No expected changes in cost from this rule when compared with cost of informal guidance issued in 2018. Our No Action baseline excludes any costs directly attributed to the guidance.

[16] To access 31 FR 9065, please see *https://archives.federalregister.gov/issue_slice/1966/7/1/9063-9067.pdf*. Note that while the requirement is not new, a definition for ''marine accident'' is made for § 401.110 in this rule.

[17] § 401.431(d) was initially added to the CFR via 29 FR 10467 (July 28, 1964). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7*. For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-D/section-401.431*.

[18] § 401.431(e) was initially added to the CFR via 29 FR 10467 (July 28, 1964). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7*. For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-D/section-401.431*.

[19] To access the Great Lakes pilotage Rate Methodology ICR, please see *www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201709-1625-004*.

TABLE 5—SUMMARY OF COSTS BY BASELINE—Continued
[2022 Dollars, discounted at 7%]

CFR section	Description of change	Pre-Guidance baseline (2018–2032)	No action baseline (2023–2032)
§ 401.211(g) ...	Adds new paragraph that codifies existing practice of requiring the Director to approve Apprentice Pilots individual training plans.	The Coast Guard began requiring the Director approve these individual training plans in 2018 (same year the agency began receiving the individualized training plans). Beginning in 2018, we assume that it takes the Director 30 minutes to review. This hour burden per training plan is expected to remain consistent (0.5 hours) across 2018–2032. Total Cost to Government 2018–2032: $3,899.46. Annualized Cost: $305.26	No cost. No expected changes in cost stemming from this rule when compared with informal guidance issued in 2018. Our No Action baseline excludes any costs directly attributed to the guidance.
Definitions: § 401.110.	Adds definition for "Temporary Registered Pilot".	2018–2022: In the 2023 annual ratemaking, the Coast Guard utilized the definition of Temporary Registered Pilot to reduce the number of Temporary Registered Pilots projected. 2023–2032: Any further impacts will be realized through a ratemaking.	Any further impacts will be realized through a ratemaking.
§ 401.211(h) ...	Adds a new section that codifies existing practice of requiring Apprentice Pilots to have a Semi-annual Performance Evaluation Report.	This requirement began via informal guidance in 2018. An average of 5 Apprentice Pilots annually submit 18 reports on average. Submissions require 6 hours per report. A review of these reports at the Director's office takes 20 minutes (0.33 hours) per report. These hourly burdens remain unchanged across 2018–2032. Total Cost to Industry 2018–2032: $99,875.41 Annualized Cost: $7,818.45 ..... Total Cost to Government 2018–2032: $8,641.19. Annualized Cost: $1,053.61	No cost. No expected changes in cost stemming from this rule when compared with informal guidance issued in 2018. Our No Action baseline excludes any costs directly attributed to the guidance.
§ 401.230(d) and § 401.240(a).	Adds additional text to clarify the nature of photographs submitted to the Coast Guard. Provides clarity by using common language for "passport style" photographs that is more easily understood. The Coast Guard requires a signed photograph inserted into Certificates of Registration, as the photograph with the signature is used in making certificates. In some cases, the photograph submitted is too far away from the face of the subject, and to capture the signature a portion of the person may be cut off. This change eliminates these issues and needing new photographs to be submitted.	2018–2022: Applicants have been asked to resubmit photographs only a handful of times since 2018. 2023–2032: No cost. Potential for cost savings if the number of photographs retaken is reduced. This cost saving could not be quantified given the limited number of times a cost has been incurred to retake photographs and that cost was never quantified.	No additional cost stemming from rulemaking. Potential for cost savings if the number of photographs retaken is reduced. This cost saving could not be quantified, given the limited number of times a cost has been incurred to retake photographs, and the absence of public input on the matter. That cost was never quantified.
§ 401.260	Removes paragraph (d), which required submission of monthly availability reports.	2018–2022: No cost savings. This process predates 2018 guidance and has not changed in scope during 2018–2022, due to guidance. The requirement to provide these originates in 31 FR 9065 (July 1, 1966).[20] From 2018–2022, associations kept record of approximately 672 monthly availability reports each year during the 10 months between when the locks are opened and closed, for each Pilot and Apprentice Pilot on roster. 2023–2032: If Coast Guard continued to require these reports, we expect to receive 650 annually. It is estimated that each monthly report takes 2.5 hours to submit. Removing this required submission results in cost savings over 2023–2032. Total Cost Savings to Industry (2018–2032): $(835,065.99). Annualized Cost Savings: $(65,370.68)	Cost savings over 2023–2032 are attributed only to this rulemaking and are not a byproduct of any guidance over the 2018–2022 timeframe. Therefore, our cost savings in the No Action baseline equate to those in our Pre-Guidance baseline. Removing the submission requirement results in cost savings over the No Action baseline period of analysis (2023–2032). Total Cost Savings to Industry (2023–2032): $(835,065.99). Annualized Cost Savings: $(118,894.61).

TABLE 5—SUMMARY OF COSTS BY BASELINE—Continued
[2022 Dollars, discounted at 7%]

CFR section	Description of change	Pre-Guidance baseline (2018–2032)	No action baseline (2023–2032)
§ 401.431(b) ...	Changes "in writing" to "official correspondence", and adds requirements for what information must be in the appeal, rather than Coast Guard receiving disputes in varying formats.	2018–2022: No cost. The appeal process did not originate from 2018 guidance. The ability to appeal (§ 401.431(b)) was initially added to the CFR via 29 FR 10467 (July 28, 1964).[21] 2018 guidance did not alter any aspect of this existing requirement. 2023–2032: With the changes, the Coast Guard estimates that forthcoming submissions will take 1 hour each, an additional 30 minutes per report. To avoid double counting an existing regulatory cost associated with these reports, the "Pre-Guidance" baseline uses 0.5 hours for the time burden. The Coast Guard estimates receiving one of these reports annually over 2023–2032. Total Cost to Industry 2018–2032: $256.94 Annualized Cost: $20.11	Costs over 2023–2032 are attributed only to this rulemaking and are not a byproduct of any guidance over the 2018–2022 timeframe. Therefore, our cost savings in the No Action baseline equate to those in our Pre-Guidance baseline. The changes result in costs over our No Action baseline period of analysis (2023–2032). Total Cost to Industry 2023–2032: $256.94. Annualized Cost: $36.58.
§ 402.210(a) ...	Adds Apprentice Pilots and Temporary Registered Pilots. Adds citation to current CFR requirements for all Pilots to pass a physical examination. Given this edition, it equates to more than an editorial change.	This requirement began via informal guidance in 2018. This change impacts mariners who submit Apprentice Pilot applications to the Director. From 2018–2022, the Coast Guard received an average of 15 such applications annually. Each medical certificate takes about 18 minutes (0.3 hours) to draft and submit. The Coast Guard expects no change in behavior or burden over 2023–2032 because of this rulemaking. Total Cost to Industry 2018–2032: $4,162.92 Annualized Cost: $325.88	No cost. No expected changes in cost stemming from this rule when compared with informal guidance issued in 2018. Our No Action baseline excludes any costs directly attributed to the guidance.
§ 402.210(b) ...	Removes paragraph	Cost included in change to § 402.210(a)	No cost.
§ 402.210(c) ...	Removes paragraph	Cost included in change to § 402.210(a)	No cost.

Costs: Pre-Guidance Baseline

This section outlines regulatory costs in accordance with the Pre-Guidance baseline. Therefore, costs from 2018–2022 stemming from the 2018 guidance are included, as applicable. The Coast Guard estimates that the cost over the 2018–2022 period is zero in cases where the rulemaking is (1) instituting a brand-new requirement; (2) making a substantive change to an industry practice that predates 2018; or (3) making a substantive change to an existing regulatory requirement that predates 2018. This is to avoid including new costs in 2018–2022 that are not attributable to guidance and, therefore, out of scope for this portion of the Pre-Guidance baseline's timeframe. The Coast Guard estimates costs specifically stemming from this rulemaking in the 2023–2032 portion of the Pre-Guidance period of analysis. The overall period of analysis for the Pre-Guidance timeframe is 2018–2032.

Individual Training Plans for Apprentice Pilots

One addition to the Definitions portion of § 401.110 is the creation of a definition for "individual training plan." Moreover, the creation of paragraph (g) in § 401.211 codifies the existing requirement for individual training plans to be submitted to the Coast Guard for each Apprentice Pilot. The Coast Guard has been receiving individualized plans since 2018 but did not previously specify in the regulatory text that plans must be individualized. Mentor Pilots generate these plans and summarize the training that Apprentice Pilots undergo to ensure that they are gaining experience in all relevant transit areas. This ensures that they are qualified for Full Registration at the end of their training. From 2018 to 2022, the Coast Guard received an average of 5 individual training plans annually, as shown in table 6. The Coast Guard estimates that it took 2 hours to generate and submit these plans during 2018–2022. The loaded wage of Pilot submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[22]

Going forward, the Coast Guard expects to receive six plans annually, one for each of the Apprentice Pilots authorized in the 2023 annual ratemaking (88 FR 12226, Feb. 27, 2023).[23] Given that the Coast Guard is simply codifying this requirement, these individualized plans will still each take 2 hours to generate and submit from 2023–2032. With six submissions annually, the Coast Guard estimates the annual cost of requiring individual training plans for Apprentice Pilots over 2023–2032 to be $877.99 (6 submissions × 2 hours × $73.17). For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $10,015.59, discounted to 7 percent, and $784.04 annualized, as summarized in table 6.

[20] To access 31 FR 9065, please see *https://archives.federalregister.gov/issue_slice/1966/7/1/9063-9067.pdf.*

[21] § 401.431(b) was initially added to the CFR via 29 FR 10467 (July 28, 1964). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7.*

[22] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm.* The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search.* Last accessed August 2023.

[23] *https://www.federalregister.gov/documents/2023/02/27/2023-03212/great-lakes-pilotage-rates-2023-annual-ratemaking-and-review-of-methodology.*

TABLE 6—COST OF SUBMITTING INDIVIDUAL TRAINING PLANS FOR APPRENTICE PILOTS

[Pre-Guidance; 2022 dollars]

Year	Plans [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	4	2	$73.17	$585.33	$767.24	$658.79
2019	5	2	73.17	731.66	896.31	799.50
2020	5	2	73.17	731.66	837.68	776.22
2021	3	2	73.17	439.00	469.73	452.17
2022	6	2	73.17	877.99	877.99	877.99
2023	6	2	73.17	877.99	820.55	852.42
2024	6	2	73.17	877.99	766.87	827.59
2025	6	2	73.17	877.99	716.70	803.49
2026	6	2	73.17	877.99	669.82	780.08
2027	6	2	73.17	877.99	626.00	757.36
2028	6	2	73.17	877.99	585.04	735.30
2029	6	2	73.17	877.99	546.77	713.89
2030	6	2	73.17	877.99	511.00	693.09
2031	6	2	73.17	877.99	477.57	672.91
2032	6	2	73.17	877.99	446.33	653.31
Total				12,145.54	10,015.59	11,054.11
Annualized					784.04	798.75

* **Note:** Components may not add to the totals due to rounding.

The Coast Guard estimates that it takes 30 minutes (0.5 hours) for the Director's office to review these plans. This estimate remains consistent across 2018–2022 and 2023–2032. With 6 submissions annually, using a loaded wage of $113.95 for a GS–14 in-government worker,[24] the Coast Guard estimates the annual cost to Government of reviewing individual training plans for Apprentice Pilots over 2023–2032 to be $341.84 (6 submissions × 0.5 hours × $113.95). For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $3,899.46, discounted to 7-percent, and $305.26 annualized, as summarized in table 7.

TABLE 7—COST TO GOVERNMENT OF REVIEWING INDIVIDUAL TRAINING PLANS FOR APPRENTICE PILOTS

[Pre-Guidance; 2022 dollars]

Year	Plans [A]	Total Pre-Guidance hours [B]	Wage of reviewer [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	4	0.5	$113.95	$227.89	$298.72	$256.49
2019	5	0.5	113.95	284.86	348.97	311.28
2020	5	0.5	113.95	284.86	326.14	302.21
2021	3	0.5	113.95	170.92	182.88	176.05
2022	6	0.5	113.95	341.84	341.84	341.84
2023	6	0.5	113.95	341.84	319.47	331.88
2024	6	0.5	113.95	341.84	298.57	322.21
2025	6	0.5	113.95	341.84	279.04	312.83
2026	6	0.5	113.95	341.84	260.79	303.72
2027	6	0.5	113.95	341.84	243.72	294.87
2028	6	0.5	113.95	341.84	227.78	286.28
2029	6	0.5	113.95	341.84	212.88	277.94
2030	6	0.5	113.95	341.84	198.95	269.85
2031	6	0.5	113.95	341.84	185.94	261.99
2032	6	0.5	113.95	341.84	173.77	254.36
Total				4,728.73	3,899.46	4,303.79
Annualized					305.26	407.61

* **Note:** Components may not add to the totals due to rounding.

[24] The loaded wage of $113.95 (rounded) comes from the base hourly wage of $68.55 for a GS–14 Step 5 from the DC region, multiplied by a load factor of 1.66, per *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf*. To calculate the load factor of 1.66, we divide total hourly compensation for workers with master's degrees as shown in table 3, $74.80, by the average hourly wage for workers with master's degrees as shown in table 1, or $45.00. $74.80 ÷ $45.00 = 1.6622. See "Comparing the Compensation of Federal and Private Sector Employees, 2011–2015," *https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf*.

Semi-Annual Performance Evaluation Reports for Apprentice Pilots

The creation of paragraph (h) in § 401.211 requires associations to submit Semi-annual Performance Evaluation Reports to the Director for Apprentice Pilots. The Coast Guard assumes that mentor Pilots generate these evaluation reports, which summarize the Apprentice Pilot's training progress twice a year. These reports allow the Director and the associations to make informed decisions on Apprentice Pilot progress to better tailor what training is needed for an Apprentice Pilot to successfully complete training to become a United States Registered Pilot. Based on information from a U.S. Coast Guard subject matter expert (SME), this industry practice began in 2018. The Coast Guard estimates that it takes 6 hours to generate and submit these reports. The loaded wage of Pilot submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[25]

From 2018 to 2022, the Coast Guard received an average of 18 reports annually, which is greater than the 12 reports the Coast Guard expected for 6 Apprentice Pilots, assuming 2 reports submitted annually. Where the Coast Guard initially received more reports than the number of active Apprentice Pilots, some reports were backdated for mariners who had already completed Apprentice training and had become Pilots. To be conservative, the Coast Guard uses the higher average of 18 to estimate ongoing costs. The Coast Guard estimates the annual cost of requiring individual training plans for Apprentice Pilots over 2023–2032 to be $7,901.92 (18 submissions × 6 hours × $73.17).[26] For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $99,875.41, discounted to 7 percent, and $7,818.45 annualized, as summarized in table 8.

TABLE 8—COST OF SUBMITTING SEMI-ANNUAL PERFORMANCE REPORTS FOR APPRENTICES

[Pre-Guidance; 2022 dollars]

Year	Reports [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	20	6	$73.17	$8,779.91	$11,508.67	$9,881.87
2019	18	6	73.17	7,901.92	9,680.19	8,634.64
2020	22	6	73.17	9,657.90	11,057.33	10,246.07
2021	9	6	73.17	3,950.96	4,227.53	4,069.49
2022	18	6	73.17	7,901.92	7,901.92	7,901.92
2023	18	6	73.17	7,901.92	7,384.97	7,671.77
2024	18	6	73.17	7,901.92	6,901.84	7,448.32
2025	18	6	73.17	7,901.92	6,450.32	7,231.38
2026	18	6	73.17	7,901.92	6,028.34	7,020.75
2027	18	6	73.17	7,901.92	5,633.96	6,816.26
2028	18	6	73.17	7,901.92	5,265.38	6,617.73
2029	18	6	73.17	7,901.92	4,920.92	6,424.98
2030	18	6	73.17	7,901.92	4,598.99	6,237.85
2031	18	6	73.17	7,901.92	4,298.12	6,056.16
2032	18	6	73.17	7,901.92	4,016.93	5,879.77
Total				117,211.79	99,875.41	108,138.95
Annualized					7,818.45	7,813.88

* **Note:** Components may not add to the totals due to rounding.

The Coast Guard estimates that it takes 20 minutes (0.33 hours) for the Director's office to review these reports, using a loaded wage of $113.95 for a GS–14 in-government worker.[27] Using the same metric of 18 submissions annually, the Coast Guard estimates the annual cost to Government of reviewing individual training plans for Apprentice Pilots over 2023–2032 to be $683.67. For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $8,641.19, discounted to 7 percent, and $1,053.61 annualized, as summarized in table 9.

[25] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm.* The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search.* Last accessed August 2023.

[26] The 6 hours to submit includes some time assumed for back-and-forth review between the Apprentice Pilot and the approving manager.

[27] The loaded wage of $113.95 (rounded) comes from the base hourly wage of $68.55 for a GS–14 Step 5 from the DC region multiplied by a load factor of 1.66, per *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf.* To calculate the load factor of 1.66, we divide total hourly compensation for workers with master's degrees as shown in table 3, $74.80, by the average hourly wage for workers with master's degrees as shown in table 1, or $45.00. $74.80 ÷ $45.00 = 1.6622. See ''Comparing the Compensation of Federal and Private Sector Employees, 2011–2015,'' *https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf.*

TABLE 9—COST TO GOVERNMENT OF REVIEWING SEMI-ANNUAL PERFORMANCE REPORTS FOR APPRENTICES

[Pre-Guidance; 2022 dollars]

Year	Reports [A]	Total Pre-Guidance hours [B]	Wage of reviewer [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	20	0.33	$113.95	$759.64	$995.73	$854.98
2019	18	0.33	113.95	683.67	837.53	747.07
2020	22	0.33	113.95	835.60	956.68	886.49
2021	9	0.33	113.95	341.84	365.76	352.09
2022	18	0.33	113.95	683.67	683.67	683.67
2023	18	0.33	113.95	683.67	638.95	663.76
2024	18	0.33	113.95	683.67	597.15	644.43
2025	18	0.33	113.95	683.67	558.08	625.66
2026	18	0.33	113.95	683.67	521.57	607.43
2027	18	0.33	113.95	683.67	487.45	589.74
2028	18	0.33	113.95	683.67	455.56	572.56
2029	18	0.33	113.95	683.67	425.76	555.89
2030	18	0.33	113.95	683.67	397.90	539.70
2031	18	0.33	113.95	683.67	371.87	523.98
2032	18	0.33	113.95	683.67	347.54	508.72
Total				10,141.13	8,641.19	9,356.15
Annualized					1,053.61	676.06

* **Note:** Components may not add to the totals due to rounding.

Removing Monthly Availability Reports

This rule removes the requirement in § 401.260 that Pilots and Apprentice Pilots submit monthly availability reports. Often, these availability reports do not communicate meaningful information, because in practice, Pilots are listed as always available if they could be called in. Therefore, the Coast Guard no longer sees a benefit in requiring these reports. Based on information from a Coast Guard SME, these monthly reports have been submitted by industry since the mid-1960's.[28] To capture the recent burden these reports have had on industry, the Coast Guard has chosen to use data from 2018–2022. From 2018 to 2022, the Coast Guard received an average of 672 monthly availability reports. Each report takes an estimated 2.5 hours to submit. Given that this practice did not begin in 2018 and is not a cost attributable to guidance, the Coast Guard has zeroed out the hours from 2018 to 2022. If the Coast Guard continued to require these reports, we could expect to receive 650 annually, 1 report for each of the 6 Apprentice Pilots, 56 Pilots, and 3 Temporary Registered Pilots for the 10 months between when the locks are opened and closed (650 reports = (6 + 56 + 3) × 10 months). The loaded wage of Pilot submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[29]

Continuing to require these reports would result in an hour burden of 2.5 hours per submission. Entirely removing this regulatory requirement acts as a marginal decrease in burden of 2.5 hours per submission. Since this marginal change in hour burden is based on a change to existing regulatory text, rather than codifying or modifying industry practice stemming from 2018 guidance, our annual Pre-Guidance reduction in hourly burden in 2023–2032 is equal to that of our annual No Baseline hourly burden (2.5 hours). For the Pre-Guidance period of analysis (2018–2032), we estimate the total net cost savings to be $(835,065.99) discounted to 7 percent and $(65,370.68) annualized, as summarized in table 10.

TABLE 10—COST OF SUBMITTING MONTHLY AVAILABILITY REPORTS

[Pre-Guidance; 2022 dollars]

Year	Reports [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	670	*0	$73.17	$0.00	$0.00	$0.00
2019	620	*0	73.17	0.00	0.00	0.00
2020	720	*0	73.17	0.00	0.00	0.00
2021	630	*0	73.17	0.00	0.00	0.00
2022	720	*0	73.17	0.00	0.00	0.00
2023	650	2.5	73.17	(118,894.61)	(111,116.46)	(115,431.66)

[28] § 401.260(c) that deals with monthly availability reports was initially added to the CFR via 31 FR 9065 (July 1, 1966). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1966/7/1/9063-9067.pdf#page=3*. For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-B/section-401.260*.

[29] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm*. The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search*. Last accessed August 2023.

TABLE 10—COST OF SUBMITTING MONTHLY AVAILABILITY REPORTS—Continued

[Pre-Guidance; 2022 dollars]

Year	Reports [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2024	650	2.5	73.17	(118,894.61)	(103,847.16)	(112,069.57)
2025	650	2.5	73.17	(118,894.61)	(97,053.42)	(108,805.41)
2026	650	2.5	73.17	(118,894.61)	(90,704.13)	(105,636.32)
2027	650	2.5	73.17	(118,894.61)	(84,770.21)	(102,559.54)
2028	650	2.5	73.17	(118,894.61)	(79,224.50)	(99,572.36)
2029	650	2.5	73.17	(118,894.61)	(74,041.59)	(96,672.20)
2030	650	2.5	73.17	(118,894.61)	(69,197.75)	(93,856.50)
2031	650	2.5	73.17	(118,894.61)	(64,670.79)	(91,122.82)
2032	650	2.5	73.17	(118,894.61)	(60,439.99)	(88,468.76)
Total				(1,188,946.11)	(835,065.99)	(1,014,195.15)
Annualized					(65,370.68)	(73,283.50)

* **Note:** Components may not add to the totals due to rounding. Cited hours with "*" indicate that this practice did not begin with the onset of guidance in 2018. To avoid inappropriately categorizing this as a new cost attributable to 2018 guidance, the Coast Guard has opted to zero out hours in applicable cases.

Disputes

Under § 401.431(b), the Coast Guard changes "in writing" to "official correspondence" and specifies that the letter expressing the dispute must include the vessel name, date of service, and reference number for the invoice/bill, the exact amount of dispute, regulatory citation for dispute, and the requested resolution. Per a Coast Guard SME, disputes have been submitted since the mid-1960's in accordance with § 401.431.[30] However, the Coast Guard previously received these disputes in varying formats. From 2018 to 2022, the Coast Guard received 6 unique disputes (some including multiple charges). Note that no unique disputes were submitted from 2019 to 2022. According to a Coast Guard SME, the agency expects one trip charge dispute submission per year starting in 2023. The loaded wage of Pilot submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[31]

During 2018–2022, each dispute required 30 minutes to submit. However, given that this practice began prior to 2018 and is, therefore, not a cost attributable to guidance, the Coast Guard has zeroed out the hours from 2018 to 2022. With the changes, the Coast Guard estimates that future submissions will take 1 hour each, an additional 30 minutes per report. Since this marginal change in hour burden is based in a change to existing regulatory text rather than codifying or modifying industry practice stemming from 2018 guidance, our annual Pre-Guidance hourly burden in 2023–2032 is equal to that of our annual No Baseline hourly burden (0.5 hours). For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $256.94, discounted to 7-percent, and $20.11 annualized, as summarized in table 11.

TABLE 11—COST OF SUBMITTING TRIP CHARGE DISPUTES

[Pre-Guidance; 2022 dollars]

Year	Submissions [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	6	*0	$73.17	0.00	0.00	0.00
2019	0	*0	73.17	0.00	0.00	0.00
2020	0	*0	73.17	0.00	0.00	0.00
2021	0	*0	73.17	0.00	0.00	0.00
2022	0	*0	73.17	0.00	0.00	0.00
2023	1	0.5	73.17	36.58	34.19	35.52
2024	1	0.5	73.17	36.58	31.95	34.48
2025	1	0.5	73.17	36.58	29.86	33.48
2026	1	0.5	73.17	36.58	27.91	32.50
2027	1	0.5	73.17	36.58	26.08	31.56
2028	1	0.5	73.17	36.58	24.38	30.64
2029	1	0.5	73.17	36.58	22.78	29.75
2030	1	0.5	73.17	36.58	21.29	28.88

[30] § 401.431 was initially added to the CFR via 29 FR 10467 (July 28, 1964). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7.* For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-D/section-401.431.*

[31] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm.* The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search.* Last accessed August 2023.

TABLE 11—COST OF SUBMITTING TRIP CHARGE DISPUTES—Continued

[Pre-Guidance; 2022 dollars]

Year	Submissions [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2031	1	0.5	73.17	36.58	19.90	28.04
2032	1	0.5	73.17	36.58	18.60	27.22
Total				365.83	256.94	312.06
Annualized					20.11	22.55

* **Note:** Numbers may not sum due to rounding. Cited hours with "*" emphasize that this practice did not begin with the onset of guidance in 2018. To avoid inappropriately categorizing this as a new cost attributable to 2018 guidance, the Coast Guard has opted to zero out hours in applicable cases.

Submission of Medical Certificates

Medical certificates are already required as part of an application for an MMC under 46 CFR part 10, subpart C, which is an existing requirement to apply to be an Apprentice Pilot as noted in §§ 401.110 and 401.210. The change in text clarifies that the requirement applies to Apprentice Pilots, which was not specified before. This change directly impacts mariners who submit Apprentice Pilot applications to the Director. On average, the Coast Guard receives 15 such applications annually. According to a Coast Guard SME, this practice began in 2018 through informal program guidance. This guidance was issued following a recommendation from the Great Lakes Pilotage Advisory Committee in 2018.

The medical certificate portion of the application takes approximately 18 minutes to draft and submit, as detailed in the Information Collection Request, OMB Control Number 1625–0040, ''Applications for Merchant Mariner Credentials and Medical Certificate.'' Given this information collection both accounts for all medical certificates that have been received and periodically updated, this increase in medical certificates is already accounted for in 1625–0040. Therefore, this is a regulatory cost but not an information collection cost. The loaded wage of submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[32] For the Pre-Guidance period of analysis (2018–2032), we estimate the grand total cost to be $4,162.92, discounted to 7 percent, and $325.88 annualized, as summarized in table 12.

TABLE 12—TOTAL COST OF MEDICAL CERTIFICATES FOR APPRENTICE PILOT APPLICATIONS

[Pre-Guidance; 2022 dollars]

Year	Submissions [A]	Total Pre-Guidance hours [B]	Wage of submitter [C]	Pre-Guidance baseline cost [D = A × B × C]	7%	3%
2018	17	0.3	$73.17	$373.15	$489.12	$419.98
2019	15	0.3	73.17	329.25	403.34	359.78
2020	11	0.3	73.17	241.45	276.43	256.15
2021	15	0.3	73.17	329.25	352.29	339.12
2022	15	0.3	73.17	329.25	329.25	329.25
2023	15	0.3	73.17	329.25	307.71	319.66
2024	15	0.3	73.17	329.25	287.58	310.35
2025	15	0.3	73.17	329.25	268.76	301.31
2026	15	0.3	73.17	329.25	251.18	292.53
2027	15	0.3	73.17	329.25	234.75	284.01
2028	15	0.3	73.17	329.25	219.39	275.74
2029	15	0.3	73.17	329.25	205.04	267.71
2030	15	0.3	73.17	329.25	191.62	259.91
2031	15	0.3	73.17	329.25	179.09	252.34
2032	15	0.3	73.17	329.25	167.37	244.99
Total				4,894.80	4,162.92	4,512.82
Annualized					325.88	326.09

* **Note:** Components may not add to the totals due to rounding.

Costs: No Action Baseline

This section outlines regulatory costs relative to the No Action baseline scenario. The No Action analysis period is 2023–2032. Our No Action baseline differs from the Pre-Guidance baseline in its exclusion of any costs that are not directly stemming from this rulemaking. In other words, the No Action baseline

[32] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm*. The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search*. Last accessed August 2023.

represents the current state of the world that exists solely under pre-existing regulatory text and prior guidance. This results in many items having non-zero costs in our Pre-Guidance baseline that are no-cost items in the No Action baseline. For example, the Coast Guard began receiving individualized training plans as a byproduct of informal guidance in 2018. While this rulemaking codifies this practice through an addition to 46 CFR 401.110, there is no additional regulatory burden that results from said codification. In other words, all applicable costs across 2018–2032 for individualized training plans can be attributed specifically to the 2018 guidance. Therefore, this is a no-cost provision in our No Action baseline.

The following items had non-zero costs in our Pre-Guidance baseline but are no-cost provisions in the No Action Baseline: (1) Individual training plans for Apprentice Pilots (§§ 401.110 and 401.211(g)); (2) Semi-annual Performance Evaluation Report for Apprentice Pilots (§ 401.211(h)); and (3) Submission of Medical Certificates (§ 402.210(a)). These three line items all began as a byproduct of informal guidance from 2018 and have no alteration in burden stemming from this rulemaking that differs from that guidance. See table 5 (the ''No Action Baseline (2023–2032)'' column) for more context on each of these items.

The following items have non-zero costs in our No Action Baseline: (1) Removing monthly availability reports (§ 401.260) and (2) Submitting Trip Charge Disputes (§ 401.431(b)). Both items have associated costs or cost savings that stem directly from changes made from this rulemaking and are discussed in detail as follows.

Removing Monthly Availability Reports

This final rule removes the requirement in § 401.260 that Pilots and Apprentice Pilots submit monthly availability reports. Often these availability reports do not communicate meaningful information because, in practice, Pilots are listed as always available if they could be called in. Therefore, the Coast Guard no longer sees a benefit in requiring these reports. Based on information from a Coast Guard SME, these monthly reports have been submitted by industry since the mid-1960's.[33] If the Coast Guard continued to require these reports, we could expect to receive 650 annually, one report for each of the 6 Apprentice Pilots, 56 Pilots, and 3 Temporary Registered Pilots for the 10 months between when the locks are opened and closed (650 reports = (6 + 56 + 3) × 10 months).

Continuing to require these reports would result in an hour burden of 2.5 hours per submission. By entirely removing this regulatory requirement through this rulemaking, this acts as a marginal decrease in burden of 2.5 hours per submission. The loaded wage of submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[34] For the No Action period of analysis (2023–2032), we estimate the total net cost savings to be $(835,065.99) discounted to 7 percent and $(118,894.61) annualized, as summarized in table 13.

TABLE 13—COST OF SUBMITTING MONTHLY AVAILABILITY REPORTS

[No Action Baseline; 2022 dollars]

Year	Reports [A]	Total No Action baseline hours [B]	Wage of submitter [C]	No Action baseline cost [D = A × B × C]	7%	3%
2023	650	2.5	$73.17	($118,894.61)	($111,116.46)	($115,431.66)
2024	650	2.5	73.17	(118,894.61)	(103,847.16)	(112,069.57)
2025	650	2.5	73.17	(118,894.61)	(97,053.42)	(108,805.41)
2026	650	2.5	73.17	(118,894.61)	(90,704.13)	(105,636.32)
2027	650	2.5	73.17	(118,894.61)	(84,770.21)	(102,559.54)
2028	650	2.5	73.17	(118,894.61)	(79,224.50)	(99,572.36)
2029	650	2.5	73.17	(118,894.61)	(74,041.59)	(96,672.20)
2030	650	2.5	73.17	(118,894.61)	(69,197.75)	(93,856.50)
2031	650	2.5	73.17	(118,894.61)	(64,670.79)	(91,122.82)
2032	650	2.5	73.17	(118,894.61)	(60,439.99)	(88,468.76)
Total				(1,188,946.11)	(835,065.99)	(1,014,195.15)
Annualized					(118,894.61)	(118,894.61)

* **Note:** Components may not add to the totals due to rounding.

Submitting Trip Charge Disputes

Under § 401.431(b), with this final rule, the Coast Guard changes ''in writing'' to ''official correspondence'' and specifies that the letter expressing the dispute must include the vessel name, date of service, and reference number for the invoice/bill, the exact amount of dispute, regulatory citation for dispute, and the requested resolution. Per a Coast Guard SME, disputes have been submitted since the mid-1960's, in accordance with § 401.431.[35] However, the Coast Guard previously received these disputes in varying forms. According to a Coast Guard SME, the agency expects one trip

[33] § 401.260(c) that deals with monthly availability reports was initially added to the CFR via 31 FR 9065 (July 1, 1966). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1966/7/1/9063-9067.pdf#page=3.* For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-B/section-401.260.*

[34] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm.* The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search.* Last accessed August 2023.

[35] § 401.431(b) was initially added to the CFR via 29 FR 10467 (July 28, 1964). To read the referenced final rule, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7.* For more information on the history of how the requirement was redesignated and amended through the years, see *https://www.ecfr.gov/current/title-46/chapter-III/part-401/subpart-D/section-401.431.*

charge dispute submission per year starting in 2023.

With the changes, the Coast Guard estimates that forthcoming submissions will take 1 hour each. This is an increase in 30 minutes when compared to the Coast Guard's estimate for submission time associated with prior disputes that lack these new changes (30 minutes). The loaded wage of submitters is $73.17, from a base wage of $50.09 and a load factor of 1.46.[36] For the No Action period of analysis (2023–2032), we estimate the grand total cost to be $256.94, discounted to 7 percent, and $36.58 annualized, as summarized in table 14.

TABLE 14—COST OF SUBMITTING TRIP CHARGE DISPUTES

[No Action; 2022 dollars]

Year	Submissions [A]	Total No Action baseline hours [B]	Wage of submitter [C]	No Action baseline cost [D = A × B × C]	7%	3%
2023	1	0.5	$73.17	$36.58	$34.19	$35.52
2024	1	0.5	73.17	36.58	31.95	34.48
2025	1	0.5	73.17	36.58	29.86	33.48
2026	1	0.5	73.17	36.58	27.91	32.50
2027	1	0.5	73.17	36.58	26.08	31.56
2028	1	0.5	73.17	36.58	24.38	30.64
2029	1	0.5	73.17	36.58	22.78	29.75
2030	1	0.5	73.17	36.58	21.29	28.88
2031	1	0.5	73.17	36.58	19.90	28.04
2032	1	0.5	73.17	36.58	18.60	27.22
Total				365.83	256.94	312.06
Annualized					36.58	36.58

* **Note:** Components may not add to the totals due to rounding.

Summary of Total Net Costs

To foster transparency, the Coast Guard is summarizing total net costs by each baseline: Pre-Guidance and No Action. Table 15 accounts for net private costs to industry and the associations for our Pre-Guidance baseline. For the Pre-Guidance period of analysis (2018–2032), we estimate the net private cost to industry to be ($720,755.13) discounted to 7 percent, and ($56,422.19) annualized, as summarized in table 15.

TABLE 15—NET PRIVATE COSTS TO INDUSTRY

[Pre-Guidance; 2022 dollars]

Year	Individual training plans for apprentice pilots [A]	Semi-annual performance evaluation reports for apprentice pilots [B]	Removing monthly availability reports [C]	Disputes [D]	Submission of medical certificates [E]	Total net private costs [F] = SUM(A:E)]	7%	3%
2018	$585.33	$8,779.91	$0.00	$0.00	$373.15	$9,738.38	$12,765.03	$10,960.64
2019	731.66	7,901.92	0.00	0.00	329.25	8,962.82	10,979.85	9,793.92
2020	731.66	9,657.90	0.00	0.00	241.45	10,631.01	12,171.44	11,278.44
2021	439.00	3,950.96	0.00	0.00	329.25	4,719.20	5,049.55	4,860.78
2022	877.99	7,901.92	0.00	0.00	329.25	9,109.16	9,109.16	9,109.16
2023	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(102,569.04)	(106,552.30)
2024	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(95,858.91)	(103,448.84)
2025	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(89,587.77)	(100,435.76)
2026	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(83,726.89)	(97,510.45)
2027	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(78,249.43)	(94,670.34)
2028	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(73,130.31)	(91,912.95)
2029	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(68,346.08)	(89,235.88)
2030	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(63,874.84)	(86,636.77)
2031	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(59,696.11)	(84,113.37)
2032	877.99	7,901.92	(118,894.61)	36.58	329.25	(109,748.87)	(55,790.76)	(81,663.47)
Total						(1,054,328.14)	(720,755.13)	(890,177.21)
Annualized							(56,422.19)	(64,322.24)

* **Note:** Components may not add to the totals due to rounding.

[36] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm*. The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search*. Last accessed August 2023.

Table 16 accounts for net costs to Government for our Pre-Guidance baseline. For the Pre-Guidance period of analysis (2018–2032), we estimate the net cost to Government to be $12,540.65, discounted to 7 percent, and $981.71 annualized.

TABLE 16—NET COSTS TO GOVERNMENT

[Pre-Guidance; 2022 dollars]

Year	Individual training plans for apprentice pilots [A]	Semi-annual performance evaluation reports for apprentice pilots [B]	Total net government cost [C = A + B]	7%	3%
2018	$227.89	$759.64	$987.53	$1,294.45	$1,111.47
2019	284.86	683.67	968.54	1,186.50	1,058.34
2020	284.86	835.60	1,120.46	1,282.82	1,188.70
2021	170.92	341.84	512.75	548.65	528.14
2022	341.84	683.67	1,025.51	1,025.51	1,025.51
2023	341.84	683.67	1,025.51	958.42	995.64
2024	341.84	683.67	1,025.51	895.72	966.64
2025	341.84	683.67	1,025.51	837.12	938.49
2026	341.84	683.67	1,025.51	782.36	911.15
2027	341.84	683.67	1,025.51	731.17	884.61
2028	341.84	683.67	1,025.51	683.34	858.85
2029	341.84	683.67	1,025.51	638.63	833.83
2030	341.84	683.67	1,025.51	596.85	809.55
2031	341.84	683.67	1,025.51	557.81	785.97
2032	341.84	683.67	1,025.51	521.32	763.07
Total			14,869.87	12,540.65	13,659.95
Annualized				981.71	987.04

* **Note:** Components may not add to the totals due to rounding.

By aggregating values from table 15 and table 16, the Coast Guard estimates the total net costs associated with our Pre-Guidance baseline. For the Pre-Guidance period of analysis (2018–2032), we estimate the total net costs to be ($708,214.47), discounted to 7 percent, and ($55,440.48) annualized, as summarized in table 17.

TABLE 17—TOTAL NET COSTS

[Pre-Guidance; 2022 dollars]

Year	Total net private costs [A]	Total net government costs [B]	Total net annual costs [C = A + B]	7%	3%
2018	$9,738.38	$987.53	$10,725.91	$14,059.48	$12,072.11
2019	8,962.82	968.54	9,931.36	12,166.34	10,852.27
2020	10,631.01	1,120.46	11,751.47	13,454.26	12,467.13
2021	4,719.20	512.75	5,231.96	5,598.19	5,388.91
2022	9,109.16	1,025.51	10,134.66	10,134.66	10,134.66
2023	(109,748.87)	1,025.51	(108,723.36)	(101,610.62)	(105,556.66)
2024	(109,748.87)	1,025.51	(108,723.36)	(94,963.20)	(102,482.20)
2025	(109,748.87)	1,025.51	(108,723.36)	(88,750.65)	(99,497.28)
2026	(109,748.87)	1,025.51	(108,723.36)	(82,944.53)	(96,599.30)
2027	(109,748.87)	1,025.51	(108,723.36)	(77,518.26)	(93,785.73)
2028	(109,748.87)	1,025.51	(108,723.36)	(72,446.97)	(91,054.11)
2029	(109,748.87)	1,025.51	(108,723.36)	(67,707.45)	(88,402.04)
2030	(109,748.87)	1,025.51	(108,723.36)	(63,277.99)	(85,827.23)
2031	(109,748.87)	1,025.51	(108,723.36)	(59,138.31)	(83,327.40)
2032	(109,748.87)	1,025.51	(108,723.36)	(55,269.44)	(80,900.39)
Total			(1,039,458.28)	(708,214.47)	(876,517.26)
Annualized				(55,440.48)	(83,014.78)

* **Note:** Components may not add to the totals due to rounding.

Now, we repeat this process, but for costs relative to our No Action baseline. Table 18 accounts for net private costs to industry and the pilot associations relative to our No Action baseline. For the No Action period of analysis (2023–2032), we estimate the net private cost to industry to be ($834,809.05), discounted to 7 percent, and

($118,858.03) annualized, as summarized in table 18.

TABLE 18—NET PRIVATE COSTS TO INDUSTRY

[No Action; 2022 dollars]

Year	Removing monthly availability reports [A]	Disputes [B]	Net private cost [C = A + B]	7%	3%
2023	($118,894.61)	$36.58	($118,858.03)	($111,082.27)	($115,396.14)
2024	(118,894.61)	36.58	(118,858.03)	(103,815.20)	(112,035.09)
2025	(118,894.61)	36.58	(118,858.03)	(97,023.56)	(108,771.93)
2026	(118,894.61)	36.58	(118,858.03)	(90,676.22)	(105,603.82)
2027	(118,894.61)	36.58	(118,858.03)	(84,744.13)	(102,527.98)
2028	(118,894.61)	36.58	(118,858.03)	(79,200.12)	(99,541.73)
2029	(118,894.61)	36.58	(118,858.03)	(74,018.81)	(96,642.45)
2030	(118,894.61)	36.58	(118,858.03)	(69,176.45)	(93,827.62)
2031	(118,894.61)	36.58	(118,858.03)	(64,650.89)	(91,094.78)
2032	(118,894.61)	36.58	(118,858.03)	(60,421.39)	(88,441.54)
Total	.....	.....	(1,188,580.28)	(834,809.05)	(1,013,883.09)
Annualized	.....	.....	.....	(118,858.03)	(118,858.03)

* **Note:** Components may not add to the totals due to rounding.

Note that there are no costs to Government relative to the No Action baseline, as costs associated with Government review of both individual training plans and Semi-annual Performance Evaluation Reports stem from 2018 informal guidance. Therefore, for the No Action period of analysis (2023–2032), we estimate the total net cost to be ($834,809.05), discounted to 7 percent, and ($118,858.03) annualized, as summarized in table 19.

TABLE 19—TOTAL NET COSTS

[No Action; 2022 dollars]

Year	Net private costs [A]	Net government costs [B]	Total net annual costs [C = A+B]	7%	3%
2023	($118,858.03)	$0.00	($118,858.03)	($111,082.27)	($115,396.14)
2024	(118,858.03)	0.00	(118,858.03)	(103,815.20)	(112,035.09)
2025	(118,858.03)	0.00	(118,858.03)	(97,023.56)	(108,771.93)
2026	(118,858.03)	0.00	(118,858.03)	(90,676.22)	(105,603.82)
2027	(118,858.03)	0.00	(118,858.03)	(84,744.13)	(102,527.98)
2028	(118,858.03)	0.00	(118,858.03)	(79,200.12)	(99,541.73)
2029	(118,858.03)	0.00	(118,858.03)	(74,018.81)	(96,642.45)
2030	(118,858.03)	0.00	(118,858.03)	(69,176.45)	(93,827.62)
2031	(118,858.03)	0.00	(118,858.03)	(64,650.89)	(91,094.78)
2032	(118,858.03)	0.00	(118,858.03)	(60,421.39)	(88,441.54)
Total	.....	.....	(1,188,580.28)	(834,809.05)	(1,013,883.09)
Annualized	.....	.....	.....	(118,858.03)	(118,858.03)

* **Note:** Components may not add to the totals due to rounding

Table 20 gives a summary of the total net costs by baseline. The figures shown for each baseline are in 2022 dollars and are discounted at 7 percent.

TABLE 20—SUMMARY OF NET COSTS BY BASELINE

[2022 dollars]

	Pre-guidance baseline (2018–2032; discounted 7%)	No action baseline (2023–2032; discounted 7%)
Net Private Costs to Industry	Net Costs to Industry: ($720,755.13)	Net Costs to Industry: ($834,809.05)
	Annualized Net Costs to Industry: ($56,422.19)	Annualized Net Costs to Industry: ($118,858.03)
Net Costs to Government	Net Costs to Government: $12,540.65	Net Costs to Government: $0.00
	Annualized Net Costs to Government: $981.71	Annualized Net Costs to Government: $0.00
Total Net Costs	Total Net Costs: ($708,214.47)	Total Net Costs: ($834,809.05)
	Annualized Net Costs: ($55,440.48)	Annualized Net Costs: ($118.858.03)

* **Note:** Components may not add to the totals due to rounding.

Benefits

The Coast Guard also considered the benefits of this final rule relative to both the Pre-Guidance and No Action baselines. The Pre-Guidance baseline refers to the state of the world prior to any 2018 informal guidance. This baseline captures provisions from both the 2018 informal guidance as well as this rulemaking. Therefore, the Pre-Guidance period of analysis is 2018–2032. The No Action baseline refers to a world absent of this rulemaking. When referring to this baseline, we only measure the impact of new provisions stemming directly from this rulemaking, relative to the current state of the world. The No Action baseline period of analysis is 2023–2032. For both baselines, the benefits are solely qualitative.

Benefits: Pre-Guidance Baseline

There are qualitative benefits associated with both the 2018 informal guidance as well as this rulemaking. The overarching benefit is codifying current industry practices to foster transparency between Coast Guard regulations and the U.S. pilot associations. Many changes outlined in this rulemaking are meant to improve understanding by clarifying current CFR text or creating new regulatory text that outlines existing practices. This is especially true of the numerous administrative changes that result in no cost (outlined in table 4). Additionally, this rulemaking codifies and modifies some practices that predate 2018 guidance, to clarify the pilotage terms and practices used by the Coast Guard and U.S. pilot association operations. The Coast Guard outlines the qualitative benefits for items that have associated costs in our Pre-Guidance baseline.

Individual Training Plans

Prior to 2018, associations used the same template plan for the entire district, rather than individualizing plans. Individualized training plans better ensure that Apprentice Pilots are gaining experience in all relevant transit areas, when compared to the prior template plans. This improves safety for the Pilots, and it supports Pilots during the training program by ensuring that Apprentice Pilots are qualified for Full Registration at the end of their training.

Semi-Annual Performance Evaluation Reports

Requiring the associations to submit Semi-annual Performance Evaluation Reports allows the Coast Guard and the Director's office to better track the progression of the Apprentice Pilot through the training program. The reports show if an Apprentice Pilot is meeting expectations, and if an Apprentice Pilot is ultimately a good fit for the pilotage program. Where an Apprentice Pilot does not meet these two conditions, reports help the Director more quickly determine if further training or dismissal from training is appropriate.

Removing Monthly Availability Reports

Often availability reports do not communicate meaningful information because in practice, Pilots are listed as always available if they need to be called in. Eliminating this requirement will benefit the Pilots and Apprentice Pilots through saved time, as shown in the discounted cost savings of ($835,065.99) over the 2018–2032 Pre-Guidance time horizon.

Disputes

By changing ''in writing'' to ''official correspondence'' in § 401.431(b) for disputes, the Coast Guard provides more flexibility in how a dispute can be formally submitted. The revisions to the regulatory text more explicitly outline that the letter expressing the dispute must include the vessel name, date of service, and reference number for the invoice/bill, the exact amount of dispute, regulatory citation for dispute, and the requested resolution. Outlining these requirements should result in a more standardized, higher-quality submission that expedites the Director's decision on the dispute leading to a quicker resolution for the submitter of the dispute.

Submission of Medical Certificates

This rulemaking aligns medical and vision requirements for Apprentice Pilots, United States Registered Pilots, and Temporary Registered Pilots with the existing MMC medical certification standards. This change was a recommendation from the Great Lakes Pilotage Advisory Committee in 2018. Therefore, this practice began in 2018. Alignment of these requirements will prevent confusion and avoid delays when submitting and processing an Apprentice Pilot's application.

The Coast Guard recognizes that, per Executive Order 13563,[37] agencies are called to quantify anticipated benefits ''as accurately as possible'' but may discuss benefits qualitatively when determining a numerical metric is not possible. Note that this rulemaking does not inhibit the ability for industry, associations, or the Coast Guard to reap benefits that stem from prior guidance.

Benefits: No Action Baseline

The No Action baseline highlights benefits that stem solely from this rulemaking. Therefore, any benefits that are solely attributed to prior guidance will not be highlighted here. The No Action baseline refers to a world absent this rulemaking. Since many provisions of this final rule codify industry practices that arose from previous guidance, the qualitative benefits of the No Action baseline are very similar to those of the Pre-Guidance baseline.

Removing Monthly Availability Reports

Often, availability reports do not communicate meaningful information, because, in practice, Pilots are listed as always available if they need to be called in. Eliminating this requirement benefits the Pilots and Apprentice Pilots

[37] To access Executive Order 13563 (''Improving Regulation and Regulatory Review''), please see *https://www.federalregister.gov/documents/2011/01/21/2011-1385/improving-regulation-and-regulatory-review.*

through saved time, as shown in the discounted cost savings of ($835,065.99) over the 2023–2032 No Action time horizon.

Disputes

By changing ''in writing'' to ''official correspondence'' in § 401.431(b) for disputes, the Coast Guard provides more flexibility in how a dispute can be formally submitted. The revisions to the regulatory text more explicitly outline that the letter expressing the dispute must include the vessel name, date of service, and reference number for the invoice/bill, the exact amount of dispute, regulatory citation for dispute, and the requested resolution. Outlining these requirements should result in a more standardized, higher-quality submission that expedites the Director's decision on the dispute, leading to a quicker resolution for the submitter of the dispute.

The Coast Guard recognizes that, per Executive Order 13563,[38] agencies are called to quantify anticipated benefits ''as accurately as possible'' but may discuss benefits qualitatively when determining a numerical metric is not possible. Note that this rulemaking does not inhibit the ability for industry, associations, or the Coast Guard to reap benefits that stem from prior guidance.

Alternatives Considered

Alternative 1. The primary alternative to this rulemaking is to take no action and not alter any of the processes for issuing Limited Registration. The Coast Guard rejected this alternative, because it leaves outdated text in the CFR and perpetuates confusion as industry practices continue to evolve past what is detailed in current regulations.

Alternative 2. The second alternative requires Apprentice Pilots to complete a test before receiving their Limited Registration. Currently, tests are only administered when a mariner tests to receive Full Registration, and tests are administered when test administrators are already in the area and can conduct a test for multiple Apprentice Pilots at once. Tests are administrated by the Great Lakes Pilotage Office at the nearest Coast Guard Regional Exam Center (REC) to the Apprentice Pilot, usually REC Toledo. The exam is administered individually to each Apprentice Pilot, and the answer sheet is returned to the Great Lakes Pilotage Office for grading.

Adding tests for each Limited Registration requires the Coast Guard to generate a test for each area in which a Limited Registration is requested, because Limited Registrations are issued for specific geographic areas. The Coast Guard then needs to administer the generated test, requiring travel for both the test administrator and the test taker. The Coast Guard estimates there are an average of 17 requests for Limited Registration annually. Each request requires 1.5 to 4 hours of testing for both the test taker and the test administrator, with an average of 2 hours for each test.[39] For both parties, the Coast Guard has decided to use the conservative estimate of 4 hours for the testing burden. In addition, both the test taker and test administrator must travel, which is an average of 2 hours for the test taker and 6 hours for the test administrator.[40] The Coast Guard estimates an annual cost of $7,462.92 for test takers, using a loaded wage of $73.17 for test takers and assuming 4 hours for testing, 2 hours for travel, and 17 tests annually.[41] For test administration, the Coast Guard estimates an annual cost of $19,370.71, using a loaded wage of $113.95 for test administrators and assuming 4 hours for testing, 6 hours for travel, and 17 tests annually.[42]

The Coast Guard rejected this alternative, because it increases the burden upon the Pilots and the pilot associations without a commensurate increase in safety. The Coast Guard believes the documentation currently received from the Pilots and the associations is adequate to determine if an Apprentice Pilot should be granted a Limited Registration.

Alternative 3. The Coast Guard also considered removing the requirement for Apprentice Pilots to submit Performance Evaluation Reports semi-annually (for example, once at the end of the year and once mid-year) to obtain a Limited Registration. Instead, the Coast Guard only requires Apprentice Pilots to submit a Performance Evaluation Report annually (that is, only once at the end of the year). The Coast Guard rejected this option, because we do not believe that annual reporting alone allows us to accurately evaluate the performance of an Apprentice Pilot, which could potentially contribute to a decrease in safety. The Coast Guard receives annual evaluations once a year, by January 15th. If an Apprentice Pilot requested a Limited Registration that required evidence of trips completed that were not included in the most recent performance evaluation, then the Coast Guard could not issue the Limited Registration. Using Semi-annual Performance Evaluation Reports allows greater flexibility in issuing Limited Registrations, as the Semi-annual Performance Evaluation Reports are more likely to have relevant and timely information to evaluate qualifications for Limited Registration. The semi-annual evaluations also allow for greater tailoring of training, resulting in safer operations, because performance in a particular area or on a particular route can be evaluated, while there is time to increase focus on that area for the remaining trips to be completed for the season.

Alternative 4. Preferred Alternative

The preferred alternative is the one put forth in this rulemaking. The Coast Guard selected this alternative because it is less costly than the other alternatives, gives the Coast Guard more relevant and timely information to evaluate qualifications for Limited Registration, and updates the CFR to remove outdated references.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The affected population for this final rule includes 51 U.S. Great Lakes Pilots, 9 Apprentice Pilots, and 3 Temporary Registered Pilots, all represented by 3 pilot associations.

The three associations are the St. Lawrence Seaway Pilots Association

[38] Ibid.

[39] Phone communication with Marine Transportation Specialist of the Great Lakes Pilotage Division.

[40] Ibid.

[41] The base wage of Captains, Mates, and Pilots of water vessels is $50.09 as of May 2022, per *https://www.bls.gov/oes/2022/may/oes535021.htm.* The load factor of 1.46 is obtained by dividing total hourly compensation for Transportation and Material Moving Occupations of $33.07 by hourly wages (CMU2010000520000D) and salaries of $22.64 (CMU2020000520000D). Access these series by searching the series number at *https://beta.bls.gov/dataQuery/search.* Last accessed August 2023.

[42] The loaded wage of $113.95 (rounded) comes from the base hourly wage of $68.55 for a GS–14 Step 5 from the DC region multiplied by a load factor of 1.66, per *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf.* To calculate the load factor of 1.66, we divide total hourly compensation for workers with master's degrees as shown in table 3, $74.80, by the average hourly wage for workers with master's degrees as shown in table 1, or $45.00. $74.80 ÷ $45.00 = 1.6622. See ''Comparing the Compensation of Federal and Private Sector Employees, 2011–2015,'' *https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf.*

representing District One, the Lakes Pilot Association representing District Two, and the Western Great Lakes Pilots Association representing District Three. All these associations classify under the North American Industry Classification System (NAICS) Code 81391002 for Business Associations.[43] The size standard for Business Associations of $15 million was current during the development of the 2023 annual ratemaking and utilized in the final rule (88 FR 12226).[44] Based on revenue figures reported as part of the 2023 annual ratemaking, the three associations have revenue under $15 million and could be considered small entities. To further analyze the impacts these associations may face, the Coast Guard is parsing this out, based on the two baselines in the regulatory analysis. The figures referenced are discounted using a 7-percent discount rate.

Under the Pre-Guidance baseline, the annualized cost to industry from this rulemaking amounts to $8,948.49. This is not more than 1-percent of revenue for any of the associations.

Relative to our No Action baseline, the annualized cost to industry from this rulemaking amounts to $36.58. This is not more than 1-percent of revenue for any of the associations, and it is offset by the annualized cost savings under the same baseline of ($118,894.61). Therefore, the annualized net cost to industry is ($118,858.03) for costs relative to the No Action baseline's period of analysis.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offer to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

D. Collection of Information

This rule calls for a collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Great Lakes Pilotage Methodology

OMB Control Number: 1625–0086.

Summary of the Collection of Information: The Director requires that pilot associations provide data relating to bridge hours; vessel delay, detention, cancellation, and movage; Pilot travel; revenues; and Pilot availability. This final rule adds additional collections, which includes the collection of individual training plans and Semi-annual Performance Evaluation Reports, responses by Apprentice Pilots and Temporary Registered Pilots that were previously not detailed, and disputes and dispute appeals on trip charges.

Need for Information: Pursuant to 46 CFR part 404, the Director of the Great Lakes Pilotage is required to set pilotage rates on the Great Lakes. In meeting this requirement, the Director requires that pilot associations provide data relating to bridge hours; vessel delay, detention, cancellation, and movage; Pilot travel; revenues; and Pilot availability. The new information collected in this rule assists in estimating the number of Pilots that may be available in a season by accurately tracking their progress through training (training plans and performance evaluations).

Use of Information: The Director of Great Lakes Pilotage uses the data stored in the GLPMS and on Form CG–4509 to carry out operational and ratemaking oversight of pilotage activities on the Great Lakes.

Description of the Respondents: The respondents are mariners and Pilots operating on the Great Lakes, and employees of the pilot associations.

Number of Respondents: This final rule increases the number of respondents by 9, comprising 6 Apprentice Pilots and 3 Temporary Registered Pilots.

Frequency of Response: Individualized training plans are submitted annually. Semi-annual Performance Evaluation Reports are submitted twice annually with follow-up as needed. Applicant Trainee applications are submitted as needed,[45] with 8 submitted annually on average. Written marine accidents are submitted as necessary,[46] with 3 submitted annually on average. Disputes and dispute appeals[47] are submitted as necessary, with 1 anticipated annually per SME guidance.

Burden of Response: Individualized training plans take 2 hours to submit, for an increased annual burden of 12 hours. Semi-annual Performance Evaluation Reports take 6 hours to submit, for an increased annual burden of 108 hours. The additional applications for the Applicant Trainees take 30 minutes each to submit, for an increased annual burden of 4 hours. Written marine accident reports take an hour to submit, for an increased annual burden of 3 hours. Disputes take 1 hour to submit, with an increased annual burden of 3 hours. Dispute appeals take 30 minutes, with an increased annual burden of 1.5 hours.

Estimate of Total Annual Burden: The total increase in burden from this final rule is 138 hours.

As required by 44 U.S.C. 3507(d), we will submit a copy of this rule to OMB for its review of the collection of information.

You are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has not yet completed its review of this collection. Before the Coast Guard may enforce new collection of information requirements introduced

[43] NAICS codes were found using ReferenceUSA for the Lakes Pilot Association and the Lake Carrier's Association. Coast Guard assumes that the code for the joint association is representative of all associations.

[44] *https://www.federalregister.gov/documents/2023/02/27/2023-03212/great-lakes-pilotage-rates-2023-annual-ratemaking-and-review-of-methodology.*

[45] Applicant Trainees have already been submitting these, but the regulatory text did not reference Applicant Trainees specifically. These submissions predate any guidance issued in 2018 and are not a result of this rulemaking. The clarifying text in this rulemaking (acts to codify a long-standing practice. For these reasons, this line item is only an information collection cost and not a regulatory cost present in the cost model.

[46] The submission requirement for written marine accident reports found in § 401.260 originated in 31 FR 9065 (July 1, 1966). Therefore, this is a longstanding requirement which was not previously captured in ICR 1625–0086. For this reason, this line item is only an information collection cost and not a regulatory cost present in the cost model. To access 31 FR 9065, see *https://archives.federalregister.gov/issue_slice/1966/7/1/9063-9067.pdf.* Note the while reports of marine casualties are generally accounted for in ICR 1625–0001 (''Report of Marine Casualty & Chemical Testing of Commercial Vessel Personnel''), a Coast Guard SME confirmed the scope of the marine accident reports provided to the Director differs from those in 1625–0001. To access ICR 1625–0001, see *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202204-1625-009.*

[47] Dispute appeals (found in 401.431(b)) originated in 29 FR 10467 (July 28, 1964). Therefore, this is a longstanding requirement which was not previously captured in ICR 1625–0086. For this reason, this line item is only an information collection cost and not a regulatory cost present in the cost model. To access 31 FR 9065, see *https://archives.federalregister.gov/issue_slice/1964/7/28/10461-10468.pdf#page=7.*

by this rule, OMB would need to approve the Coast Guard's request to collect that information. We will publish a **Federal Register** notice once OMB takes action on our request.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

In 46 U.S.C. 9303, Congress directs the Coast Guard to regulate Great Lakes Pilot applicants' standards of competency, Certificates of Registration, duration of validity of registration, and the conditions for service by United States Registered Pilots, including availability for service. These regulations are issued pursuant to that statute and is preemptive of State law as specified in 46 U.S.C. 9306. Under 46 U.S.C. 9306, a ''State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.'' As a result, States or local governments are expressly prohibited from regulating within this category.

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See United States* v. *Locke,* 529 U.S. 89 (2000). Therefore, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Although this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This final rule is categorically excluded under paragraphs A3, L54 and L56 of Appendix A, table 1 of the Department of Homeland Security (DHS) Instruction Manual 023–01–001–01, Rev. 1. Paragraph A3 pertains to the promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:

(a) Those of a strictly administrative or procedural nature;

(b) Those that implement, without substantive change, statutory or regulatory requirements;

(c) Those that implement, without substantive change, procedures, manuals, and other guidance documents;

(d) Those that interpret or amend an existing regulation without changing its environmental effect;

(e) Technical guidance on safety and security matters; or

(f) Guidance for the preparation of security plans.

Paragraph L54 pertains to regulations which are editorial or procedural. Paragraph L56 pertains to regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.

This final rule involves the amendment of certain Great Lakes

Pilotage regulatory requirements to align them with current Coast Guard and U.S. pilot association operations and related pilotage practices. In particular, this final rule adds or amends definitions for pertinent terms in order to clarify the different phases of training and registrations for Pilots who work on the Great Lakes. All of these changes are consistent with the Coast Guard's maritime safety missions.

List of Subjects

46 CFR Part 10

Penalties, Personally identifiable information, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 402

Great Lakes, Navigation (water), Seamen.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 10, 401, and 402 as follows:

PART 10—MERCHANT MARINER CREDENTIALS

■ 1. The authority citation for part 10 is revised to read as follows:

Authority: 14 U.S.C. 503; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2104, 2110; 46 U.S.C. chapters 71; 73, 75; 46 U.S.C. 7701, 8903, 8904, and 70105; E.O. 10173; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Revise and republish § 10.302(b) to read as follows:

§ 10.302 Medical and physical requirements.

* * * * *

(b) Any required test, exam, or demonstration must have been performed, witnessed, or reviewed by a licensed Medical Doctor, licensed Physician Assistant, licensed Nurse Practitioner, or a Designated Medical Examiner. All licensed medical practitioners must hold a valid license issued in the United States.

* * * * *

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 3. The authority citation for part 401 is revised to read as follows:

Authority: 46 U.S.C. 2103, 2104(a), 6101, 7701, 8105, 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4, paragraph (II)(92)(a), (92)(d), (92)(e), (92)(f).

■ 4. Revise § 401.100 to read as follows:

§ 401.100 Purpose.

The purpose of this part is to carry out those provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259, 46 U.S.C. 216) relating to the registration of United States Pilots, the formation of pilotage pools by voluntary associations of United States Registered Pilots, and the establishment of rates, charges, and other conditions or terms for services performed by United States Registered Pilots to meet the provisions of the Act.

■ 5. Revise § 401.110 to read as follows:

§ 401.110 Definitions.

As used in this chapter:

Act means the Great Lakes Pilotage Act of 1960, as amended (Pub. L. 86–555, 74 Stat. 259–262; 46 U.S.C. 216 through 216i).

Applicant means a person who has submitted a Form CG–4509 to the Director of Great Lakes Pilotage (''Director''), to be considered for placement in an approved U.S. Great Lakes pilot training and qualification program at one of the established pilotage pools.

Applicant Trainee means a person approved by the Director who is participating in an approved U.S. Great Lakes pilot training and qualification program. This individual meets the minimum requirements listed in 46 CFR 401.214 but does not have the necessary service or experience on their MMC in the Great Lakes to qualify as an Apprentice Pilot. The Applicant Trainee is not eligible for a Limited or Temporary Registration.

Apprentice Pilot means a person approved by the Director who is participating in an approved U.S. Great Lakes pilot training and qualification program. This individual meets all the minimum requirements listed in 46 CFR 401.211.

Association means any organization that holds a Certificate of Authorization issued by the Director to operate a pilotage pool on the Great Lakes.

Canadian Registered Pilot means a person, other than a member of the regular complement of a vessel, who holds an appropriate Canadian license issued by an agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration under the provisions of Subpart B of this part.

Chemical test means a scientifically recognized test that analyzes an individual's breath, blood, urine, saliva, bodily fluids, or tissues for evidence of dangerous drug or alcohol use.

Commandant means Commandant of the United States Coast Guard, Communications with the Commandant may be sent to the following address: Attn: Commandant, U.S. Coast Guard Stop 7000, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7000.

Comparable experience means knowledge and previous performance that is similar to the knowledge and technical skills obtained by serving as an officer on vessels of at least 4,000 gross tonnage. Training and experience while participating in a pilot training program of an authorized pilot organization is considered equivalent on a day for day basis to experience as an officer on a vessel. The training program of the authorized pilot organization must, however, include regularly scheduled trips on vessels of at least 4,000 gross tonnage or over in the company of a United States Registered Pilot.

Director means Director, Great Lakes Pilotage. Communications with the Director may be sent to the following address: Director, Great Lakes Pilotage, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509.

Full Registration is the issuance of a Certificate of Registration, by the Director, to an Apprentice Pilot who meets all the requirements in 46 CFR 401.210 and 401.211 and completes all the requirements in 46 CFR 402.210 and 402.220 and so becomes a United States Registered Pilot.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as Saint Regis, and adjacent port areas.

Gross Tonnage or GT means the gross tonnage measurement of the vessel under 46 U.S.C. chapter 143, Convention Measurement.

Individual Training Plan is an outline of specific requirements reviewed and approved by the Director for an Apprentice Pilot, including but not limited to the length of time to complete the training, the minimum number of round trips required, the association's determination of proficiency, the officer endorsement on the MMC, and the Apprentice Pilot's pilotage experience on the Great Lakes. The plan communicates the qualifications and demonstrates skills the mariners must complete to meet the proficiency requirements for which the mariner is training.

Limited Registration is an authorization issued by the Director, upon the request of the respective pilot association, to an Apprentice Pilot to provide pilotage service without direct supervision from a United States Registered Pilot or Temporary

Registered Pilot in a specific area or waterway.

Marine accident is any of the following that occurs while a U.S. Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot is providing pilotage services in U.S. or Canadian waters:

(1) Any allision or collision;

(2) Any grounding;

(3) A loss of main propulsion, primary steering, or any associated component or control system that, due to its duration or other circumstance, significantly impacts the maneuverability of the vessel;

(4) An occurrence, directly related to the provision of pilotage services, involving significant harm to the environment as defined in 46 CFR 4.03–65 (including Canadian waters); or

(5) Any other incident, directly related to the provision of pilotage services, causing property damage in excess of $75,000 U.S. dollars (including the cost of labor and material to restore the property to its condition before the incident, but excluding the cost of such things as salvage, cleaning, gas-freeing, drydocking, or demurrage).

Merchant Mariner Credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

Minimum number of round trips is the fewest number of successful round trips an Apprentice Pilot must perform under the direct supervision of a fully registered United States Registered Pilot or Temporary Registered Pilot, according to their individual training plan. 46 CFR 402.220 contains the minimum number of round trips for certain officer endorsements.

Officer endorsement means an annotation on an MMC that allows a mariner to serve in the capacities listed in 46 CFR 10.109.

Person means an individual, Registered Pilot, partnership, corporation, association, voluntary association, authorized pilotage pool, or public or private organization, other than a government agency.

Pilotage pool means an organization holding a Certificate of Authorization issued by the Director to provide pilotage services.

Rate computation definitions to determine Weighting Factors, as used in the chapter:

(1) *Length* means the distance between the forward and after extremities of the ship.

(2) *Breadth* means the maximum breadth to the outside of the shell plating of the ship.

(3) *Depth* means the vertical distance at amidships from the top of the keel plate to the uppermost continuous deck, fore and aft, and which extends to the sides of the ship. The continuity of a deck is not considered to be affected by the existence of tonnage openings, engine spaces, or a step in the deck.

Round trip means providing pilotage service, in both directions, from one change point to another change point, or inbound and outbound in a port designated by an authorized pilotage pool.

Secretary means the Secretary of the department in which the Coast Guard is operating.

Semi-annual Performance Evaluation Report is an assessment performed on an Apprentice Pilot twice a year, by the association, to report the Apprentice Pilot's progress in the approved U.S. Great Lakes pilot training and qualification program at the established pilotage pool.

Temporary Registered Pilot means a person who is issued a Temporary Registration by the Director in accordance with 46 CFR 401.222. A Temporary Registered Pilot holds a valid MMC, meets the requirements of § 401.222, has previously held a Full Registration, has been approved to provide pilotage services by the Director, and has either:

(1) Reached the age of 70 and desires to continue providing pilotage services; or

(2) Retired from pilotage service and desires to provide pilotage services.

United States Registered Pilot or *U.S. Registered Pilot* means a person, other than a member of the regular complement of a vessel, who holds an MMC with an officer endorsement authorizing navigation on the Great Lakes and suitably endorsed for pilotage on areas and routes specified therein, issued under the authority of the provisions of Title 46 of the United States Code, and who also currently holds a Certificate of Registration ID Card under the provisions of Subpart B of this part.

■ 6. Revise § 401.120 to read as follows:

§ 401.120 Federal reservation of pilotage regulations.

No state, municipal, or other local authority may require the use of Pilots or regulate any aspect of pilotage in any of the waters specified in the Act. Only those persons registered as United States Registered Pilots or Canadian Registered Pilots as defined in this subpart may render pilotage services on any vessel subject to the Act and the Memorandum of Understanding, Great Lakes Pilotage.

■ 7. Revise § 401.200 to read as follows:

§ 401.200 Application for registration.

An application for registration as a U.S. Registered Pilot must be made on Form CG–4509, which must be submitted via email to: *GreatLakesPilotage@uscg.mil;* or by physical mail to: Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave SE, Stop 7509, Washington, DC 20593–7509. This form may be obtained from the Director.

■ 8. Revise § 401.210 to read as follows:

§ 401.210 Requirements and qualifications for Full Registration.

(a) No person may be fully registered as a United States Registered Pilot unless:

(1) The individual holds an MMC with an officer endorsement as a Master, Mate, or Pilot, issued under the provisions of subpart B of 46 CFR part 11, and has acquired at least 24 months service as a deck officer or comparable experience on vessels or integrated tug and barge, of at least 4,000 gross tonnage, operating on the Great Lakes or oceans. Those applicants qualifying with other than Great Lakes service must have obtained at least 6 months of service as a deck officer or comparable experience on the Great Lakes. Those applicants qualifying with comparable experience must have served a minimum of 12 months as a deck officer under the authority of their MMC.

(2) The individual is a citizen of the United States.

(3) The individual is of good moral character and temperate habits.

(4) The individual is physically competent to perform the duties of a U.S. Registered Pilot and meets the applicable medical requirements and standards prescribed by the Commandant in subpart C of 46 CFR part 10.

(5) The individual has not reached the age of 70.

(6) The individual agrees to be available for service under the terms and conditions as may be approved or prescribed by the Commandant.

(7) The individual has complied with the requirements set forth in § 401.220(b) for Apprentice Pilots.

(8) The individual meets the chemical testing requirements as defined in 46 CFR part 16.

(9) The individual agrees to comply with all applicable provisions of this part and amendments thereto.

(b) Any person registered as a United States Registered Pilot pursuant to the provisions of this part whose application contains false or misleading statements furnished by the applicant in furtherance of their application will be in violation of these regulations and may be proceeded against under § 401.250(a) or § 401.500.

■ 9. Revise § 401.211 to read as follows:

§ 401.211 Requirements for training of Apprentice Pilots and Limited Registration Authorization.

(a) The Director will determine the number of Apprentice Pilots required to be in training by each association authorized to form a pilotage pool in order to assure an adequate number of United States Registered Pilots.

(b) No Apprentice Pilot will be selected for training unless:

(1) The individual meets the requirements and qualifications set forth in paragraphs (a)(1) through (4), (6), (8), and (9) of § 401.210;

(2) The individual must not have reached the age of 60; and

(3) The individual possesses a Radar Observer-Unlimited endorsement on their MMC in accordance with § 11.480.

(c) For purpose of determining whether an applicant meets the experience requirements contained in § 401.210(a)(1), not more than 12 months of ''comparable experience'' may be used in fulfilling the 24-month experience requirement.

(d) The Director must approve the United States Registered Pilots or Temporary Registered Pilots designated by the authorized pilot organization to provide training to those Pilots in training to be United States Registered Pilots.

(e) Persons desiring to be considered as an Apprentice Pilot must file with the Director a completed Application Form CG–4509 by email to: *GreatLakesPilotage@uscg.mil;* or by mail to: Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave SE, Mail Stop 7509, Washington, DC 20593–7509. Upon the request of the Director, the person desiring to be considered as an Apprentice Pilot must submit two full-face passport style photographs, signed on the photo, vertically, as close to the head as possible.

(f) Applicants meeting the minimum requirements of this section who are both selected by the association and approved by the Director will be issued a U.S. Coast Guard Apprentice Pilot Identification Card. Such Card is valid until such time as:

(1) The expiration of a term determined by the Director;

(2) The Apprentice Pilot is registered as a Pilot under § 401.210;

(3) The Apprentice Pilot withdraws from the training program; or

(4) The card is ordered withdrawn by the Director.

(g) The Apprentice Pilot must have a Director-approved individual training plan. The Apprentice Pilot, along with the pilot association, will record all their round trips, as per their individual training plan, and provide this information to the Director for review. Round trips completed as an Apprentice Pilot will count toward Full Registration.

(h) The appropriate pilot association must complete a Semi-annual Performance Evaluation Report on the Apprentice Pilot twice a year, to assess the Apprentice Pilot's progress in the approved U.S. Great Lakes pilot training and qualification program at the established pilotage pool. The evaluation must be submitted to the Director by August 15 and January 15 of each season. The report should provide a recommendation to the Director on whether to keep the Apprentice Pilot in the training program.

(i) The Apprentice Pilot must be enrolled in the association's chemical testing program. The chemical testing program must meet the requirements of 46 CFR part 16. For the purposes of this part, the association is deemed to be the Sponsoring Organization as defined in 46 CFR 16.105.

(j) To facilitate the training of the Apprentice Pilot, the Director may authorize Limited Registration to the Apprentice Pilot, upon the request from the pilot association. The Apprentice Pilot obtains a Limited Registration by completing and recording the requirements set forth in § 401.220(b)(1). Limited Registration periods will not exceed 6 months before the need to request a renewal; the specific period is determined by the Director per 46 CFR 401.110(9). The Apprentice Pilot must maintain a favorable performance evaluation via their Semi-annual Performance Evaluation Reports, and the Director must determine a need for the Pilot. At any time, this authorization may be revoked at the discretion of the Director.

(k) An Apprentice Pilot may be eligible for a Certificate of Registration, after:

(1) The mariner completes a Director-approved U.S. Great Lakes Pilot training and qualification program in one of the Great Lakes' pilot associations;

(2) The appropriate pilot association gives the mariner a positive endorsement;

(3) The mariner passes the Director's exam; and

(4) The Director determines that the association needs an additional Pilot.

■ 10. Add new § 401.214 to read as follows:

§ 401.214 Training requirements for Applicant Trainees.

(a) The Director will determine the number of Applicant Trainees required to be in training by each association authorized to form a pilotage pool in order to assure an adequate number of United States Registered Pilots.

(b) No Applicant Trainee may be selected for training unless:

(1) The individual meets the requirements and qualifications set forth in paragraphs (a)(2) through (4), (6), (8), and (9) of § 401.210;

(2) The individual must not have reached the age of 60; and

(3) The individual possesses a Radar Observer-Unlimited endorsement on their MMC in accordance with § 11.480.

(c) An individual with other than Great Lakes service must obtain at least six (6) months of service as a credentialed officer, or comparable experience, on the Great Lakes with the pilot association in the District waters assigned before they are eligible to become an Apprentice Pilot. Round trips and related activities completed during this training phase will not count towards Full Registration.

(d) The Director must approve the United States Registered Pilots or Temporary Registered Pilots that are designated by the authorized pilot organization to provide training to those Pilots that are in training to be United States Registered Pilots.

(e) Persons desiring to be considered as an Applicant Trainee must file with the Director a completed Application Form CG–4509 via email to: *GreatLakesPilotage@uscg.mil* or by mail to: Great Lakes Pilotage Office, 2703 Martin Luther King Jr. Ave SE, Mail Stop 7509, Washington, DC 20593–7509. Upon the request of the Director, the person desiring to be considered as an Applicant Trainee must submit two full-face passport style photographs, signed on the photo, vertically, as close to the head as possible.

(f) Applicants must meet the pre-employment chemical testing requirements as defined in 46 CFR 16.210.

(g) Applicants meeting the minimum requirements of this section who are both selected by the association and approved by the Director will be issued

a U.S. Coast Guard Applicant Trainee Identification Card. Such Card is valid until such time as:

(1) The expiration of a term determined by the Director;

(2) The Applicant Trainee is registered as an Apprentice Pilot under § 401.211;

(3) The Applicant Trainee withdraws from the training program; or

(4) The card is ordered withdrawn by the Director.

■ 11. Revise § 401.220 to read as follows:

§ 401.220 Registration of Pilots.

(a) The Director must determine the number of Pilots required to be registered in order to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States Registered Pilots with Canadian Registered Pilots in the rendering of pilotage services. The Director determines the number of Pilots needed as follows:

(1) The Director determines the base number of Pilots needed by dividing each area's peak pilotage demand data by its pilot work cycle. The Pilot work cycle standard includes any time that the Director finds to be a necessary and reasonable component of ensuring that a pilotage assignment is carried out safely, efficiently, and reliably for each area. These components may include, but are not limited to—

(i) Amount of time a Pilot provides pilotage service or is available to a vessel's Master to provide pilotage service;

(ii) Pilot travel time, measured from the Pilot's base, to and from an assignment's starting and ending points;

(iii) Assignment delays and detentions;

(iv) Administrative time for a Pilot who serves as a pilot association's president;

(v) Rest between assignments, as required by § 401.451;

(vi) Ten days' recuperative rest per month from April 15 through November 15 each year, provided that lesser rest allowances are approved by the Director at the pilot association's request, if necessary to provide pilotage without interruption through that period; and

(vii) Pilotage-related training.

(2) Pilotage demand and the base seasonal work standard are based on available and reliable data, as so deemed by the Director, for a multi-year base period. The multi-year period is the 10 most recent past years, and the data source is a system approved under 46 CFR 403.300. Where such data are not available or reliable, the Director also may use data, from additional past years or other sources, that the Director determines to be available and reliable.

(3) The number of Pilots needed in each district is calculated by totaling the area results by district and rounding them to the nearest whole integer. For supportable circumstances, the Director may make reasonable and necessary adjustments to the rounded result to provide for changes that the Director anticipates will affect the need for Pilots in the district over the period for which base rates are being established.

(b) Registration of Pilots must be made from among those Apprentice Pilots who have:

(1) Completed the minimum number of round trips prescribed by the Director over the waters for which application is made on oceangoing vessels, in company with a United States Registered Pilot or Temporary Registered Pilot, and in accordance with the Apprentice Pilot's approved individual training plan;

(2) Completed the approved course of instruction for Apprentice Pilots prescribed by the association authorized to establish the pilotage pool; and

(3) After completing the requirements in paragraphs (b)(1) and (2) of this section, satisfactorily completed a written examination prescribed by the Director, evidencing their knowledge and understanding of the Great Lakes Pilotage Act of 1960, Great Lakes Pilotage Regulations, Rules and Orders; the Memorandum of Understanding, Great Lakes Pilotage, between the United States and Canada; and other related matters including the working rules and operating procedures of the district, given at such time and place as the Director may designate within the pilotage district of the Apprentice Pilot.

(c) The pilot association authorized to establish a pilotage pool in which an Apprentice Pilot has qualified for registration under paragraph (b) of this section must submit to the Director, in writing, its recommendations together with its reasons for or against the registration of the Apprentice Pilot.

(d) Subject to the provisions of paragraphs (a), (b), and (c) of this section, an Apprentice Pilot found to be qualified under this subpart may be considered fully registered and issued a Certificate of Registration, valid for a term of five (5) years or until the expiration of their Master, Mate, or Pilot endorsement, or until the Pilot reaches age 70, whichever occurs first.

■ 12. Add new § 401.222 to read as follows:

§ 401.222 Temporary Registered Pilots on the Great Lakes.

(a) The Director may, when necessary to ensure safe, efficient, and reliable pilotage service for maritime commerce, issue a Temporary Registration to any person found qualified under this subpart who:

(1) Holds a valid MMC;

(2) Meets the requirements of 46 CFR 401.210 (except paragraph (a)(5));

(3) Has previously held a Full Registration;

(4) Meets the requirements of 46 CFR part 16; and

(5) Either:

(i) Has reached the age of 70 and desires to continue providing pilotage services; or

(ii) Has retired from pilotage service and desires to provide pilotage services.

(b) A Temporary Registration is valid for a length of time to be determined by the Director, but not to exceed 1 year from the date of issuance.

■ 13. Revise § 401.230 to read as follows:

§ 401.230 Certificates of Registration.

(a) A Certificate of Registration must describe the areas and routes of the Great Lakes within which the Pilot is authorized to perform pilotage services, and such description must be consistent with the terms of the pilotage authorization in their Master, Mate, or Pilot endorsement issued under the authority of Title 46 of the United States Code.

(b) A Certificate of Registration does not authorize the holder to board any vessel, or to serve as a Pilot of any vessel, without the permission of the owner or Master. A Certificate of Registration must be in the possession of a Pilot at all times when they are in the service of a vessel, and must be displayed upon demand of the owner or Master, any United States Coast Guard officer or inspector, or a representative of the Director.

(c) A Certificate of Registration evidencing registration of the holder is the property of the U.S. Coast Guard, and it may not be pledged, deposited, or surrendered to any person except as authorized by this part. A Certificate of Registration may not be copied or digitally reproduced, or be used to make a facsimile or Photostat. A Certificate which has expired without renewal, or renewal of which has been denied under the provisions of this section, must be surrendered to the Director upon demand.

(d) An application for a replacement of a lost, damaged, or defaced Certificate of Registration must be submitted to the Director, on a Form CG–4509, together

with two full-face passport style photographs, signed on the photo, vertically, as close to the head as possible. A replacement fee of five dollars ($5) by check or money order, drawn to the order of the U.S. Coast Guard, must accompany any such application. A Certificate issued as a replacement for a lost, damaged, or defaced Certificate will be marked so as to indicate that it is a replacement. Upon receipt of a Certificate issued as a replacement, the damaged or defaced Certificate must be surrendered to the Director.

(e) A Certificate of Registration may be voluntarily surrendered to the Director by a U.S. Registered Pilot at any time such Pilot no longer desires to perform pilotage services; however, in the event such U.S. Registered Pilot has been served with a notice of hearing pursuant to § 401.250, a voluntary surrender of the Certificate of Registration will be at the option of the Director.

■ 14. Revise § 401.240 to read as follows:

§ 401.240 Renewal of Certificates of Registration.

(a) An application for renewal of a Certificate of Registration must be submitted to the Director, on a Form CG–4509, together with two full-face passport style photographs, signed on the photo, vertically, as close to the head as possible, at least 15 days before the expiration date of the existing Certificate. The form for renewal of Certificates of Registration may be obtained from the Director. A renewal fee of five dollars ($5) by check or money order, drawn to the order of the U.S. Coast Guard, must accompany an application for renewal of registration, which will be refunded if registration is not renewed. Failure of a U.S. Registered Pilot to comply with these requirements or file a complete and sufficient application may constitute cause for denying renewal of the Certificate of Registration.

(b) No Certificate of Registration will be renewed unless the applicant for renewal meets the requirements and qualifications set forth in § 401.210 for issuance of an original Certificate of Registration, excepting that compliance with § 401.210(a)(4) is not required if the examination was satisfactorily passed on a previous application for registration within six (6) months next preceding the date of application for renewal.

(c) If the Director determines that there is good cause for denying renewal of a Certificate of Registration, the applicant must be notified in writing of such determination and the cause thereof. The applicant may thereupon apply within fifteen (15) days of the receipt of such notice for a hearing in regard to the cause for the denying of a renewal of the Certificate, which hearing must be granted.

(d) In any case in which the applicant has made timely and sufficient application for renewal of their registration, no such registration will expire until such application has been finally determined by the Director unless the public health, interest, or safety requires otherwise.

(e) Upon receipt of a renewal Certificate of Registration, the expired Certificate must be surrendered to the Director.

■ 15. Amend § 401.250 by revising paragraphs (a) and (d) to read as follows:

§ 401.250 Suspension and revocation of Certificates of Registration.

(a) A Certificate of Registration issued pursuant to the provisions of this part may be suspended or revoked upon a determination on the record, after opportunity for a hearing in accordance with the Administrative Procedure Act, as amended (5 U.S.C. 551 through 559), that the Pilot (holder) has violated any provision of this chapter or is no longer eligible for registration.

* * * * *

(d) Every U.S. Registered Pilot must, whenever their MMC officer endorsement is revoked or suspended under the provisions of part 5 of this title, deliver their Certificate of Registration simultaneously with their MMC to the U.S. Coast Guard. If the officer endorsement is suspended, the Certificate of Registration will be held with the suspended officer endorsement and returned to the holder upon expiration of the suspension period.

■ 16. Revise § 401.260 to read as follows:

§ 401.260 Reports.

(a) A marine accident that occurs while a United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot is providing pilotage service to a vessel in United States or Canadian waters of the Great Lakes must be reported in writing by the Pilot to the Director as soon as possible, but not later than 15 days after the accident. The written report must include:

(1) Name and description of the vessel or vessels involved;

(2) Description of the accident;

(3) Type of accident;

(4) Location;

(5) Time of occurrence;

(6) Prevailing weather;

(7) Results of the Pilot's post-casualty drug and alcohol test, if required;

(8) Damage to the vessel or vessels or property; and

(9) Injury to persons or lives lost.

(b) The report in paragraph (a) of this section does not relieve the Pilot or others of responsibility for submitting any report required by other Coast Guard regulations or other government agencies of the United States or Canada.

(c) Every United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, and Temporary Registered Pilot must file with the Director any change of their mailing address, email address, or phone number within 15 days after the change.

■ 17. Amend § 401.300 by revising the section heading, paragraph (a) introductory text, and paragraph (b) to read as follows:

§ 401.300 Authorization for establishment of pilotage pools.

(a) Voluntary associations of United States Registered Pilots will be authorized to establish a pilotage pool or pools in the following areas of the U.S. waters of the Great Lakes designated by the President in Proclamation No. 3385 of December 22, 1960, as amended by Proclamation No. 3855 of June 10, 1968, or in such other areas as the Director may deem necessary to assure adequate and efficient pilotage services for the U.S. waters of the Great Lakes:

* * * * *

(b) The Director must determine the number of pilotage pools that will be authorized for establishment by voluntary associations of United States Registered Pilots in order to assure adequate and efficient pilotage services for the United States waters of the Great Lakes.

■ 18. Amend § 401.310 by revising the heading and introductory text to read as follows:

§ 401.310 Application for establishment of pilotage pools.

An application by a voluntary association for authorization to establish a pilotage pool must be filed on the form to be obtained from the Director. The form must require, among other things, furnishing of the following information:

* * * * *

■ 19. Amend § 401.320 by revising the section heading, introductory text, and paragraphs (d)(1), (5) and (6) to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pilotage pools.

No voluntary association will be authorized to establish a pilotage pool unless:

* * * * *

(d) * * *

(1) Pilotage services will be provided on a first-come, first-serve basis to vessels giving proper notice of arrival time or pilotage service requirements, to the pilotage station, except that Pilots will not be required to board vessels which do not provide safe boarding facilities;

* * * * *

(5) It will be subject to such other provisions as may be prescribed by the Director governing the operation of and the costs which may be charged in connection with the pilotage pools;

(6) It will coordinate on a reciprocal basis its pilotage pool operations with similar pilotage pool arrangements established by the Canadian Government and pursuant to the provisions of the United States-Canada Memorandum of Understanding, Great Lakes Pilotage, or any other arrangements established by the United States and Canadian Governments.

■ 20. Revise § 401.330 to read as follows:

§ 401.330 Certificates of Authorization.

(a) Subject to § 401.300(b), an association that is qualified to establish a pilotage pool in a District or area is issued a Certificate of Authorization that is valid until suspended or revoked under the procedures in § 401.335.

(b) A Certificate of Authorization must be in such form as the Director may prescribe, but must describe the area of the Great Lakes in which the pilotage pool will perform pilotage services. A Certificate of Authorization must be posted in the principal place of business of an association in such manner so as to be available for examination by members of the association and the public.

■ 21. Amend § 401.335 by revising paragraphs (c) through (e) to read as follows:

§ 401.335 Suspension or revocation of a Certificate of Authorization.

* * * * *

(c) If the Director finds that the violation of a requirement of this part involves public health, interest, or safety, or that the violation is willful, the Director may issue an order to suspend the Certificate of Authorization without giving notice under paragraph (b) of this section. The order must contain the reasons for the Director's action.

(d) A holder who has its Certificate of Authorization suspended under paragraph (c) of this section will have an opportunity to be heard by notifying the Director in writing.

(e) The Director must reinstate a Certificate of Authorization that has been suspended under paragraph (b) or (c) of this section when the Director determines that the holder is complying with this part.

■ 22. Revise § 401.340 to read as follows:

§ 401.340 Compliance with working rules of pilotage pools.

(a) United States or Canadian Registered Pilots utilizing the facilities and dispatching services of any authorized pilotage pool must comply with its working rules approved under § 402.320, except to the extent inconsistent with the dispatch orders of the Director under § 401.720(b), and with other rules of the pilotage pool that are related to those facilities and services.

(b) The voluntary associations of U.S. Registered Pilots authorized to establish a pilotage pool may require a U.S. Registered Pilot to execute a written authorization for the pilotage pool to bill for services, deduct authorized expenses, and to comply with the working rules and other rules of the pilotage pool relating to such facilities and services. Facilities and services of the pilotage pool may be denied to any U.S. Registered Pilot who fails or refuses to execute such authorizations.

(c) United States Registered Pilots who fail to execute such an authorization will not be considered members of the U.S. pilotage pool, and are not entitled to reciprocal dispatching and related services by United States and Canadian pilotage pools as provided for by the Memorandum of Understanding. A United States Registered Pilot who fails or refuses to avail themselves of the established facilities and services will be considered as not being continuously available for service pursuant to section 4(a) of the Great Lakes Pilotage Act of 1960 (46 U.S.C. 216 through 216i) and their agreement executed on the Application for Registration as a United States Registered Pilot, and may be subject to suspension or revocation proceedings as prescribed by § 401.250.

§ 401.400 [Amended]

■ 23. Amend § 401.400 introductory text by removing the word ''shall'' and adding, in its place, the word ''must''.

■ 24. Amend § 401.420 by revising paragraphs (a) through (c) to read as follows:

§ 401.420 Cancellation, delay, or interruption in rendition of services.

(a) Except as otherwise provided in this section, a vessel can be charged as authorized in § 401.405 of this part for the waters in which the event takes place, if—

(1) A U.S. Pilot is retained on board while a vessel's passage is interrupted;

(2) A U.S. Pilot's departure from the vessel after the end of an assignment is delayed, and the Pilot is detained on board, for the vessel's convenience; or

(3) A vessel's departure or transit is delayed, for the vessel's convenience, beyond the time that a U.S. Pilot is scheduled to report for duty, or reports for duty as ordered, whichever is later.

(b) When an order for a U.S. Pilot's service is cancelled, the vessel can be charged for the Pilot's reasonable travel expenses for travel that occurred to and from the Pilot's base, and the greater of—

(1) Four hours; or

(2) The time of cancellation and the time of the Pilot's scheduled arrival, or the Pilot's reporting for duty as ordered, whichever is later.

(c) Between the dates of May 1 and November 30, a vessel or owner is not liable for charges under paragraphs (a)(1) or (2) of this section, if the Pilot's retention or delayed departure was caused by ice or weather, as determined by the vessel Master.

* * * * *

■ 25. Revise § 401.425 to read as follows:

§ 401.425 Provision for additional Pilot.

The Director may require the assignment of two Pilots to a ship upon request of the ship or when the Director deems it necessary for the safe navigation of the ship, because of anticipated long transit, uncommon ship size, adverse weather or sea conditions or other abnormal circumstances. The charge to the ship will be twice the appropriate charge provided for in §§ 401.405, 401.407, 401.410, and 401.420. Each situation will be evaluated on a case-by-case basis. This authorization may occur at the opening and closing of the year, after the locks have opened or closed for a defined time period based upon the availability of the aids to navigation, ice conditions, weather forecasts, and other relevant information.

§ 401.427 [Amended]

■ 26. Amend § 401.427 by removing the word ''shall'' and adding, in its place, the word ''must''.

■ 27. Revise § 401.430 to read as follows:

§ 401.430 Prohibited charges.

No rate or charge may be applied against any vessel, owner, or Master thereof by a United States Registered Pilot that differs from the rates and charges set forth in this part, nor may any rates or charges be made for services performed by a United States Registered Pilot, or for support services directly related to the provision of pilotage that a United States Registered Pilot requires a vessel to utilize, other than those for which a rate is prescribed in this part, without the approval of the Director.

■ 28. Revise § 401.431 to read as follows:

§ 401.431 Disputed charges.

(a) Any rate or charge applied against any vessel, owner, or Master thereof by a Registered Pilot or pilot association that the owner or Master disputes as a charge prohibited by § 401.430 may be appealed to the Director, within 60 business days of the date the pilot association issues the bill, for an advisory opinion as to whether such rate or charge is a prohibited charge.

(b) The appeal must be official correspondence from either the vessel owner, vessel charterer, or an agent or employee empowered to speak on behalf of the owner or charterer. The appeal must be supported by evidence that a reasonable attempt has been made to resolve the matter between the parties and that a bona fide controversy exists. The correspondence must articulate the following:

(i) Vessel name, date of service, and reference number for the invoice/bill;

(ii) Exact amount of dispute;

(iii) Regulatory citation for dispute; and

(iv) Requested resolution.

(c) The pilot association must be furnished with a copy of the appeal and be notified by the owner or charterer that the matter has been appealed for an advisory opinion.

(d) The pilot association must be allowed 20 business days from receiving the notice of appeal in which to provide any data or arguments desired to be submitted in further defense of the disputed charges.

(e) The Director must consider all relevant matters presented and issue an advisory opinion within 30 business days of receiving the pilot association's submission(s) per paragraph (d) of this section. The advisory opinion must set forth the rates and charges in dispute, a discussion of the facts and relevant information considered, and a statement of opinion.

(f) When the opinion of the Director is that the disputed rates or charges are prohibited by § 401.430, the respondent must refund moneys, adjust invoices, and otherwise conform to the advisory opinion within thirty (30) business days.

(g) Failure or refusal to comply with the advisory opinion within the time allowed may form a basis for a determination that there is a violation of the Great Lakes Pilotage Regulations subject to the provisions of § 401.500.

(h) The pilot association or vessel owner may appeal the advisory opinion to the Director of Marine Transportation Systems (CG–5PW), no later than 10 business days after receiving the advisory opinion, for a final adjudication.

■ 29. Amend § 401.450 by revising the introductory text and paragraphs (b), (i), and (k) to read as follows:

§ 401.450 Pilot change points.

A Registered Pilot's assignment is completed when the vessel to which they are assigned completes its arrival at or, in the case of a through trip, passes any of the following places:

* * * * *

(b) Iroquois Lock, Ogdensburg, NY;

* * * * *

(i) Buoy 33, St. Marys River, Point Iroquois;

* * * * *

(k) Duluth/Superior and Fort William/Port Arthur with respect to assignments originating at Buoy 33.

■ 30. Revise § 401.451 to read as follows:

§ 401.451 Pilot rest periods.

(a) Except as provided in paragraph (b) of this section:

(1) Each United States Registered Pilot upon completing an assignment at a change point designated in § 401.450, and

(2) Each United States Registered Pilot upon completing a series of assignments totaling more than 10 hours with no more than 2 hours rest between assignments, must not perform pilotage services for at least 10 hours.

(b) In the event of an emergency or other compelling circumstances a pilotage pool may assign a United States Registered Pilot for service before their 10-hour rest period required under paragraph (a) of this section is completed. Pilotage pools must advise the Director of each assignment made under this paragraph.

■ 31. Revise the heading of Subpart E to read as follows:

Subpart E—Penalties; Operations without Registered Pilots

■ 32. Revise § 401.500 to read as follows:

§ 401.500 Penalties for violations.

Any person, including a Pilot, Master, owner, or agent, who violates any provision of this part may be liable to the United States for a civil penalty as set forth in 46 U.S.C. 9308.

■ 33. Revise § 401.510 to read as follows:

§ 401.510 Operation without Registered Pilots.

(a) A vessel may be navigated in the United States waters of the Great Lakes without a United States or Canadian Registered Pilot when the vessel or its cargo is in distress or jeopardy.

(b) A vessel may be navigated in the United States waters of the Great Lakes without a United States or Canadian Registered Pilot only when the Director, with the concurrence of the Commander, 9th Coast Guard District, notifies the Master that a United States or Canadian Registered Pilot is not available.

(1) Notification to the Master that a Pilot is not available will be made by the Director, either directly to the vessel or through the appropriate pilotage pool, orally or in writing as the circumstances permit, and must not be deemed given until the notice is actually received by the vessel.

(2) The determination that a Pilot is not available will be made on an individual basis and only when a vessel has given proper notice of its pilotage service requirements to the pilotage pool having dispatching jurisdiction at the time. The vessel has no obligation or responsibility with respect to such notification other than properly informing the pilotage pool of its pilotage requirements. However, the failure or delay by the pilotage pool in processing a pilotage service request, or refusal or delay by the Director in notifying the vessel that a Pilot is not available, does not constitute constructive notice that a Pilot is not available, and the vessel is not relieved by such failure or delay from compliance with the Great Lakes Pilotage Act of 1960.

(3) In the event of an emergency or any other compelling circumstance, the Director may issue, without the specific request for service as provided under paragraph (b)(2) of this section, individual or general notification that a

Pilot or Pilots are not available. Pilotage pools must advise the Director of any condition or circumstance coming to their attention which may warrant such a determination.

■ 34. Revise § 401.615 to read as follows:

§ 401.615 Representation.

(a) The United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot designated ''respondent'' in a suspension or revocation hearing or ''applicant'' in a refusal-to-renew-registration hearing, may be represented before the Administrative Law Judge by any person who is a member in good standing of the bar of the highest court of any State, Commonwealth, Territory, Possession, or the District of Columbia, upon filing with the Administrative Law Judge a written declaration that they are currently qualified and are authorized to represent the particular party in whose behalf they act.

(b) Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Administrative Law Judge, Director, Commandant, the Administrator, or other official of the U.S. Coast Guard, their personal appearance or signature constitutes a representation that under the provisions of this subpart and applicable law they are authorized and qualified to represent the particular person in whose behalf they act.

(c) When any United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registered Pilot is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such a Pilot must be given to or by such attorney. If a Pilot is represented by more than one attorney, service by or upon any one of such attorneys is sufficient.

■ 35. Revise § 401.630 to read as follows:

§ 401.630 Appearance, testimony, and cross-examination.

(a) The U.S. Registered Pilot may appear in person or by counsel and may testify at the hearing, call witnesses on their own behalf, and cross-examine witnesses appearing on behalf of the Director.

(1) In any case in which the U.S. Registered Pilot, after being duly served with the notice of the time and place of the hearing, fails to appear at the time and place specified for the hearing, a notation to that effect must be made in the record and the hearing may then be conducted ''in absentia.''

(2) The Administrative Law Judge must also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the allegations against the U.S. Registered Pilot.

(b) The Director, through counsel, must appear, present evidence, call witnesses, and cross-examine the witnesses called on behalf of the U.S. Registered Pilot.

(c) At the discretion of the Administrative Law Judge, other witnesses may testify at the hearing.

■ 36. Revise § 401.635 to read as follows:

§ 401.635 Evidence which must be excluded.

The Administrative Law Judge presiding at the hearing must exclude irrelevant, immaterial, or unduly repetitious evidence.

■ 37. Revise § 401.640 to read as follows:

§ 401.640 Record for decision.

The transcript of testimony and oral argument at the hearing, together with any exhibits received, will be made part of the record for decision, and the record will be available to the respondent or applicant on payment of costs thereof.

■ 38. Revise § 401.645 to read as follows:

§ 401.645 Administrative Law Judge's decision; exceptions thereto.

At the conclusion of the hearing, the parties may submit briefs and recommended conclusions and findings within such time as the Administrative Law Judge determines appropriate. The Administrative Law Judge will thereafter issue a written initial decision in the case, which decision will be final and binding upon the Director, except as provided in § 401.650.

■ 39. Revise § 401.650 to read as follows:

§ 401.650 Review of Administrative Law Judge's initial decision.

(a) The Commandant may, on their own motion, or on the basis of a petition filed by the United States Registered Pilot, Apprentice Pilot, Apprentice Pilot with Limited Registration, or Temporary Registration Pilot in the proceedings of the Commandant, review any initial decision of the Administrative Law Judge by entering a written order stating that they elect to review the action of the Administrative Law Judge. Copies of all orders for review, replies, and decisions must be served on all parties.

(b) A petition for review must be in writing and must state the grounds upon which the petition relies. A petition for review must be limited to the record before the Administrative Law Judge. A hard copy or electronic version of such a petition for review, together with proof of service on all parties, must be filed with the Commandant (CL) within fifteen (15) days after the date of service of the initial decision of the Administrative Law Judge. Parties may file replies, in writing, to a petition for review, with proof of service on other parties in the same manner and number of copies as is provided for filing of a petition for review and within ten (10) days after the date the petition for review is timely filed. A reply must be limited to the record before the Administrative Law Judge and the petition for review.

(c) The initial decision of an Administrative Law Judge will be made final;

(1) Fifteen (15) days after the timely filing of a petition to review unless a reply is filed thereto, or the Commandant enters a written order granting the petition for review; or

(2) Twenty (20) days after the date of service of the Administrative Law Judge's decision if no petition for review is filed and the Commandant does not elect to review on his or her own motion.

(d) If the Commandant reviews the initial decision as provided in this section, they must issue a written order affirming, amending, overruling, or remanding the initial decision of the Administrative Law Judge within thirty (30) days after the date on which they take review. There is no other administrative remedy within the Department of Homeland Security.

(e) When the Commandant has sustained an order of suspension or revocation of a registration, the respondent may appeal to the National Transportation Safety Board under 49 CFR 825.5 within ten (10) days after service of the Commandant decision.

■ 40. Revise § 401.700 to read as follows:

§ 401.700 Operating requirements for United States Registered Pilots.

Each United States Registered Pilot must—

(a) Provide pilotage service when dispatched by their pilotage pool; and

(b) Comply with the dispatching orders of the Director under § 401.720 (b).

■ 41. Amend § 401.710 by revising the introductory text and paragraphs (a) through (c) to read as follows:

§ 401.710 Operating requirements for holders of Certificates of Authorization.

Each holder of a Certificate of Authorization must—

(a) Comply with the terms of any agreement for services by United States Registered Pilots on the Great Lakes between an appropriate agency of Canada and the Secretary, their designated agent, or the Director;

(b) Coordinate on a reciprocal basis its pilotage pool operations with pilotage pool operations of the Canadian Government, under the ''Memorandum of Understanding, Great Lakes Pilotage, Between The United States Coast Guard and The Great Lakes Pilotage Authority,'' effective September 19, 2013;

(c) Provide continuous arrangements and facilities for the efficient dispatching of pilotage service on a first-come, first-serve basis to vessels that give notice of pilotage service requirements to the pilotage dispatch station, except Pilots are not required to board a vessel that does not furnish safe boarding facilities;

* * * * *

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

■ 42. The authority citation for part 402 is revised to read as follows:

Authority: 46 U.S.C. 2104(a), 8105, 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 43. Revise § 402.210 to read as follows:

§ 402.210 Requirements and qualifications for registration.

Pursuant to § 401.210(a)(4), each applicant for an original registration at the time of application and each Applicant Trainee, Apprentice Pilot, United States Registered Pilot, and Temporary Registered Pilot is required to pass a physical examination in accordance with subpart C of 46 CFR part 10.

■ 44. Revise § 402.220 to read as follows:

§ 402.220 Registration of Pilots.

(a) Each Apprentice Pilot must complete the minimum number of round trips specified in this section prior to registration as a United States Registered Pilot. The round trips must be made in company with a United States Registered Pilot or Temporary Registered Pilot, on oceangoing vessels that have a gross tonnage of at least 4,000. The pilot association training committee, pilot association president, or Director may require additional round trips to demonstrate proficiency for a given waterway or specific port in order to ensure maritime safety. The minimum number of round trips listed here is not intended to guarantee completion of a training plan or advancement towards Full Registration.

(1) If the Apprentice Pilot holds a Master endorsement, a minimum of five round trips are required over the waters for which registration is desired.

(2) If the Apprentice Pilot holds a Chief Mate endorsement or a Second Mate endorsement, or holds a First-Class Pilot endorsement with service in the capacity of First Mate or Second Mate, a minimum of eight round trips are required over the waters for which registration is desired.

(3) If the Apprentice Pilot holds a First-Class Pilot endorsement or a Third Mate endorsement, a minimum of twelve round trips are required over the waters for which registration is desired.

(b) No course of instruction prescribed by a pilot association will be approved unless it includes the following minimum criteria:

(1) Instruction in the maneuvering characteristics of various types of vessels and propulsion machinery, including the characteristics of direct-drive motor, geared-drive motor, turbo-electric, steam turbine and steam reciprocating drives. Study of maneuvering characteristics to include turning radius, times and distances to stop, time to back, etc.

(2) Instruction in the effects of oceangoing vessels in restricted waters.

(3) Instruction in the use of tugs, docking procedures in locks and piers, and transiting bridges.

(4) Instruction in search and rescue and civil defense procedures as issued by the U.S. Coast Guard, Federal, State, and local port authorities.

(5) Instruction in communication, security, and signal procedures applicable to U.S. registered and foreign vessels on the Great Lakes as prescribed by the U.S. Coast Guard, St. Lawrence Seaway Development Corporation, U.S. Corps of Army Engineers, and port authorities.

(6) Instruction in Customs, Immigration, Quarantine, Department of Agriculture, and Coast Guard regulations applicable to U.S. registered and foreign vessels on the Great Lakes.

(7) Instruction in the Great Lakes Pilotage Act of 1960; Great Lakes Pilotage Regulations; Presidential Proclamation of December 22, 1960; and Memorandum of Understanding, Great Lakes Pilotage, Between The United States Coast Guard and The Great Lakes Pilotage Authority, effective September 19, 2013.

(8) Instruction in miscellaneous subjects including man-overboard recovery (*i.e.,* Williamson turn); collision, fire, and explosion procedures; and maneuvering in ice.

■ 45. Revise the heading of Subpart C to read as follows:

Subpart C—Establishment of Pilotage Pools by Voluntary Associations of United States Registered Pilots

■ 46. Revise § 402.320 to read as follows:

§ 402.320 Working rules.

Sections 401.320(d)(2) and (6) of this chapter require that voluntary associations of United States Registered Pilots authorized to establish pilotage pools agree to submit Working Rules for approval of the Director and that they will coordinate their pilotage pool operations with Canada on a reciprocal basis. The approved Working Rules of each pilot district are on file in the office of the Director and may request a copy of the Working Rules by emailing *GreatLakesPilotage@uscg.mil.*

Dated: August 28, 2024.

W.R. Arguin,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

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