

improvements for their electrical energy customers.

Jacklyn J. Stephenson,

*Senior Manager, Enterprise Operations,
Information Services.*

[FR Doc. 00-20368 Filed 8-10-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings: Agreements Filed During the Week Ending August 4, 2000

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2000-7720.

Date Filed: August 1, 2000.

Parties: Members of the International Air Transport Association.

Subject:

PAC/Reso/409 dated July 21, 2000
Finally Adopted Resos (r-1 to r-19)
Minutes—PAC/Meet/167 dated July
21, 2000

Intended effective date: October 1,
2000

Docket Number: OST-2000-7722.

Date Filed: August 2, 2000.

Parties: Members of the International Air Transport Association.

Subject:

PTC12 CAN-EUR 0063 dated 2
August 2000

Canada-Europe Expedited Resolutions
002bb and 076ii

Intended effective date: 1 September
2000.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 00-20451 Filed 8-10-00; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000-7742]

Interpretation of "Intra-Port Transit" in the States of New York and New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of interpretation.

SUMMARY: The Coast Guard is issuing its interpretation of "intra-port transit" as used respecting the Port of New York. The Coast Guard defines the term as it has always defined it: to mean any

transit between any two points within any of the areas designated in the rule. It is issuing this interpretation to ensure that every self-propelled vessel engaged in foreign commerce employs a pilot holding a properly endorsed Federal First Class Pilot's license while the vessel makes an "intra-port transit" on waters designated in that rule.

DATES: This notice is effective on August 11, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Lieutenant Alan Blume, Waterway Safety Program Manager, Office of Waterways Management Policy and Planning, U.S. Coast Guard Headquarters, telephone 202-267-0550, e-mail ablume@comdt.uscg.mil. For questions on viewing the docket, call Ms. Dorothy Beard, Chief of Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Regulatory Background

On May 10, 1995, the Coast Guard published in the **Federal Register** [60 FR 24793] a Final Rule entitled: "Federal Pilotage * * * for Foreign Trade Vessels." This rule designated areas in the States of New York and New Jersey where every self-propelled vessel engaged in foreign commerce must use a pilot holding a properly endorsed Federal First Class Pilot's license while making an "intra-port transit." The purpose was to enhance the safety of vessels performing difficult mooring maneuvers, or transiting congested or restricted waters, by prescribing rules for pilotage in waters not subject to States' pilotage requirements.

Discussion

The pilotage system of the United States is in fact parallel systems of complementary Federal and State laws on pilotage. Since 1789 the States have had primary responsibility for regulating the pilotage of foreign-flag and U.S.-flag vessels sailing under register (foreign-trade vessels). [See 46 U.S.C. 8501(a).] Governance of the pilotage of coastwise seagoing vessels is a Federal responsibility. [See 46 U.S.C. 8502(a).] The Federal government may regulate pilotage of foreign-trade vessels only when a State does not. [See 46 U.S.C. 8503(a).]

New York and New Jersey do not require State-licensed pilots aboard vessels engaged in foreign trade making intra-port transits in New York Harbor. The New Jersey statute states:

All masters of foreign vessels and vessels from a foreign port, and all vessels sailing

under register, bound in or over the bar of Sandy Hook * * * shall take a licensed pilot * * * [N.J. Stat. Ann. § 12:8-35 (West 1992).]

The New York statute states:

Every foreign vessel and every American vessel under register entering or departing from the Port of New York by the way of Sandy Hook or by the way of Sands Point or Execution Rocks, shall take a Sandy Hook pilot licensed under the authority of this article or the laws of the State of New Jersey or a person heretofore licensed as a Hell Gate pilot. [N.Y. Nav. Law § 88(1) (McKinney 1993).]

These statutes, according to the courts, mean that the States require pilots only when foreign-trade vessels are entering, or departing from, New York Harbor. [See *Baeszler v. Mobile Oil Corp.*, 375 F.Supp. 1220 (1973).] Neither New York nor New Jersey requires State-licensed pilots for intra-port transits. [Id.] The court in *Baeszler* recognized that a "gap" existed between Federal and State law insofar as neither law mandated pilotage for foreign-trade vessels making intra-port transits within New York Harbor. [Id.]

Precisely in response to this gap, the Coast Guard implemented 46 CFR 15.1030. That rule remains effective until the States having jurisdiction, New York and New Jersey, implement superseding requirements for State-licensed pilots and notify the Coast Guard of that fact. [See 46 U.S.C. 8503(b).] When the Coast Guard implemented 46 CFR 15.1030, it considered implications for federalism and determined that there was no conflict between State and Federal law. The Notice of Proposed Rulemaking (NPRM) had stated: "Since this [rule aims] primarily at requiring the use of Federal pilots in instances where State pilots are not required, the Coast Guard does not believe that the preparation of a Federalism Assessment is warranted." [58 FR 36917] The NPRM had also stated: "This rule would not [impair] existing [S]tate laws." [58 FR 36917] A review of the NPRM and the Final Rule [60 FR 24793] makes clear that the purpose of the rule is to fill the gap.

46 C.F.R. 15.1001 requires a pilot, who holds a Federal First Class Pilot's license, to be on board a foreign-trade vessel when transiting waters identified in area-specific rules—such as 46 CFR 15.1030, which applies to New York and New Jersey. The latter rule covers

The following U.S. navigable waters located within the States of New York and New Jersey when the vessel is making an intra-port transit, to include, but not limited to, a movement from a dock to a dock, from a dock to an anchorage, from an anchorage to a dock, or from an anchorage to an

anchorage, within the following listed areas
* * *

It then specifies nine "operating areas," or bodies of water, within the two States. This language is clear on its face. A plain reading of "intra-port transit" includes any transit between any two points within any of these nine areas. Although the rule furnishes some examples of intra-port transits, the examples, being just that, are not exhaustive; the language "to include, but not limited to" sees to that. This language supports a comprehensive interpretation of what constitutes an "intra-port transit." On the basis of this interpretation the Coast Guard has understood "intra-port transit" as used in 46 CFR 15.1030 to mean any transit between any two points within any of these nine areas.

Nothing in 46 CFR 15.1001 and 15.1030 precludes the Coast Guard from exercising jurisdiction over the holder of a Federal First Class Pilot's license acting under the authority of that license simply because a foreign-trade vessel is either inbound from, or outbound to, sea. "[I]ntra-port transit" as used in 46 CFR 15.1030 includes the movement of a foreign-trade vessel inbound from sea from the point where a State-licensed pilot ceases providing pilotage to another point within the identified areas (for instance a dock or anchorage). Likewise, "intra-port transit" as used there includes the movement of a foreign-trade vessel outbound to sea from a point within the identified areas (for instance a dock or anchorage) to the point where a State-licensed pilot begins providing pilotage.

Dated: August 4, 2000.

R.G. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 00-20449 Filed 8-10-00; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000-7741]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Towing Safety Advisory Committee (TSAC) and its working groups will meet to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. All meetings will be open to the public.

DATES: TSAC will meet on Thursday, September 14, 2000 from 8 a.m. to 12:30 p.m. The working groups will meet on Wednesday, September 13, 2000, from 9 a.m. to 3:30 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before September 4, 2000. Requests to have a copy of your material distributed to each member of the committee or working groups should reach the Coast Guard on or before August 24, 2000.

ADDRESSES: TSAC will meet in the Jackson-Johnson rooms at the Holiday Inn, Mount Moriah; Memphis, TN. The working groups will begin meeting in the same rooms and may move to separate spaces designated at that time.

Send written material and requests to make oral presentations to Mr. Gerald P. Miente, Commandant (G-MSO-1), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Miente, Assistant Executive Director, TSAC, telephone 202-267-0229, fax 202-267-4570, or e-mail at gmiente@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda tentatively includes the following:

- (1) Report of the Voyage Planning Work Group.
- (2) Report of the Electronic Charting Work Group.
- (3) Report from the Tug Assistance and Remote Anchor Release Work Group.
- (4) Report of the Communications Work Group.
- (5) Report of the Casualty Analysis Work Group.
- (6) Report of the Licensing Implementation Work Group.
- (7) Project update on Cargo Securing Practices.
- (8) Project update on the Interim Rule "Licensing and Manning for Officers of Towing Vessels."
- (9) Project update concerning Current Initiatives Regarding Crew Alertness.
- (10) Project update on the Automated Information System (AIS).
- (11) Project update on the International Maritime Information Safety System (IMISS).
- (12) Presentation by the Gulf Coast Mariners Association on a booklet entitled "Mariners Speak Out."

(13) Presentation by the Coast Guard of policy on the Clarification of the 12-hour Work Rule.

(14) Discussion on any task statements presented.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Assistant Executive Director no later than September 4, 2000. Written material for distribution at a meeting should reach the Coast Guard no later than August 21, 2000. If you would like a copy of your material distributed to each member of the committee or working groups in advance of a meeting, please submit 25 copies to the Assistant Executive Director no later than August 21, 2000.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Assistant Executive Director as soon as possible.

Dated: August 3, 2000.

P. A. Richardson,

Acting Director of Standards.

[FR Doc. 00-20450 Filed 8-10-00; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program Update and Request for Review, Tampa International Airport, Tampa, Florida

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the revised current and future noise exposure maps submitted by the Hillsborough County Aviation Authority for Tampa International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Tampa International Airport under Part 150 in conjunction