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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[CGD 91-066]

RIN 2115-AD90

Ballast Water Management for Vessels Entering the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing regulations to require Ballast Water Management practices for each vessel entering the Great Lakes. After operating on waters beyond the Exclusive Economic Zone. These requirements, which will replace voluntary guidelines published on March 15, 1991, will help to prevent the additional introduction of nonindigenous aquatic nuisance species through the ballast water of vessels entering the Great Lakes.

EFFECTIVE DATE: May 10, 1993.

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

FOR FURTHER INFORMATION CONTACT: Lieutenant Jonathan C. Burton, Project Manager, Division of Marine Environmental Protection (G-MEP-1), (202) 267-6714.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Jonathan C. Burton, Project Manager, Marine Environmental Protection Division, and Ms. Helen Boutrous, Project Counsel, Office of Chief Counsel.

Regulatory History

On October 2, 1992, the Coast Guard published a notice of proposed rulemaking entitled "Ballast Water Management For Vessels Entering the Great Lakes" in the Federal Register (57 FR 45591). The Coast Guard received eleven letters commenting on the proposal. One individual requested a public hearing to educate the public on general information about nonindigenous aquatic nuisance species. The request did not specify any need to hold a public hearing on the proposed regulations. The Coast Guard

determined, therefore, that a public hearing was not necessary and one was not held.

Background and Purpose

This final rule implements the regulatory requirements of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. Historical records suggest that over 100 non-native species have been introduced into the Great Lakes. The introduction of non-native fish and other aquatic organisms through the discharge of ballast water alters the balance of the ecosystem, often to the detriment of the system. Scientists believe that in the 1980's alone, ballast water discharges have introduced six nuisance species to the Great Lakes: Two species of zebra mussel (*Dreissena polymorpha*, *Dreissena* sp.); the European ruffe (*Gymnocephalus cernuus*); the spiny waterflea (*Bythotrephes cederstroemi*); the tubenose goby (*Proterorhinus marmoratus*); and the round goby (*Neogobius melanostomus*).

Many vessels take on water as ballast in foreign harbors or in the nearshore waters. These waters are often rich in living organisms. When these vessels arrive in the Great Lakes to take on cargo, they discharge ballast water. Any organisms contained in the water then enter the Great Lakes.

Many of these transplanted species do not survive in this new environment. However, some of those that do survive quickly adapt and in some instances thrive in their new environment, particularly where there are no natural predators to control the species population growth. This uncontrolled population growth can be detrimental to a delicately balanced ecosystem.

The zebra mussel provides a good example of the harmful effects of a newly introduced species. In June 1988, this small bivalve mollusk, native to the Black, Azov, and Caspian Seas in eastern Europe, was discovered on the Canadian side of Lake Saint Clair in the Great Lakes. In July of that year, it was discovered on the United States side in the western basin of Lake Erie. Scientists believe that it was introduced in 1986 in its preadult planktonic phase by the discharge of freshwater ballast of vessels from northern Europe, where it has spread over the last century.

The zebra mussel is a major fouling pest-species: Hundreds of millions can be found on and in pipes, screens, conduits, boat bottoms, floats, buoys, rocks, submerged objects, and native animals and plants. As a filter-feeding organism, it removes vast quantities of microscopic organisms from the water,

the same organisms that fish larvae and young fish rely upon for their food supply. It also completely covers rocks and other substrates normally used by Great Lakes fish for laying eggs.

Since its introduction into the Great Lakes, the zebra mussel has reproduced and spread to each of the Great Lakes, the Saint Lawrence River, and the Erie Canal. It now affects intakes to municipal water-filtration and electric power plants in Michigan, Ohio, and New York. The economic impact on communities affected by its introduction into the Great Lakes may reach \$5 billion by the year 2000. Natural range expansion and secondary transfer media has led to its establishment in all connecting waters of the Great Lakes and eventually will lead to its establishment in many other North American rivers and lakes.

Solutions

Currently, the most practical method of helping to protect the Great Lakes from foreign organisms that may exist in discharged ballast water is the exchange of ballast water in the open ocean, beyond the continental shelf. Water in the open ocean contains organisms that are adapted to the physical, chemical, and biological conditions (such as high salinity) of the ocean. These organisms will not, or are unlikely to, survive if introduced into a freshwater system.

Another method of protecting the Great Lakes from nonindigenous species carried through ballast water is the retention of ballast water on board vessels while in the Great Lakes. Seals on the tanks or holds carrying ballast water will ensure that there is not an accidental or intentional discharge. However, most vessel operators loading and unloading cargo in the Great Lakes need to discharge ballast water, necessitating the ballast water exchange requirements of this final rule. Retention of ballast water as a method of ballast water management is discussed further under "Discussion of Comments and Changes".

In addition to ballast water exchange and retention, there are other possible methods of ballast water control. They include discharging ballast water to reception facilities ashore, heating or chemically treating ballast water, disinfecting ballast water with ultraviolet light, depriving ballast water of oxygen, installing filters, and modifying vessel design. However, there is a lack of research and practical experience on the cost, safety, effectiveness, and environmental impact of these methods.

International Recognition

The introduction and spread of nonindigenous species by vessel's ballast water has been a focus of attention at the International Maritime Organization (IMO). IMO, the United Nations' specialized agency for maritime affairs, recognizes this issue as an international problem, which requires an international solution. In November 1990, the Marine Environment Protection Committee (MEPC) of IMO formed a working group to consider research information and solutions proposed by member states of IMO and by nongovernmental organizations. The working group concluded that voluntary guidelines were the appropriate first step in addressing this problem. The group reviewed and modified the Canadian delegation's draft resolution and guidelines. The MEPC adopted the draft resolution and guidelines in July 1991. Those guidelines call for ballast water exchange in the open ocean as a primary method of helping to control the introduction of nonindigenous nuisance species.

Canadian Voluntary Guidelines

In May 1989, the Canadian Coast Guard introduced the first voluntary guidelines for controlling ballast water discharges into the Great Lakes. The Canadian Coast Guard developed these guidelines in full consultation with the United States Coast Guard, the Great Lakes Fishery Commission, and representatives of commercial shipping. These guidelines encouraged all vessels transiting the Eastern Canadian Region Vessel Traffic Service (ECAREG VTS) Zone inbound for the Saint Lawrence River and the Great Lakes to exchange freshwater ballast collected in foreign harbors or near coastal waters for saltwater ballast collected from the open ocean. This exchange was to occur far enough from any coastline such that the new ballast water contained few organisms, if any, that could survive in the freshwater of the Great Lakes.

United States Legislation

On November 29, 1990, the United States enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Public Law 101-646, codified at 16 U.S.C. 4701 *et seq.*) (the Act). The Act required the United States Coast Guard, in consultation with the government of Canada, to issue voluntary guidelines to help prevent additional introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels, by May 29, 1991. Joint United

States and Canadian voluntary guidelines, which closely tracked the Canadian guidelines discussed above, went into effect on March 15, 1991 (56 FR 11330). Including vessels that achieved only partial exchange, participation by the commercial shipping industry has been high with an estimated 90 percent rate of voluntary compliance. The regulations adopted in this final rule replace the joint voluntary guidelines.

The Act requires that regulations be issued in consultation with the Task Force created by the Act. The Task Force, which includes the Director of the United States Fish and Wildlife Service, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator of the Environmental Protection Agency, and the Commandant of the United States Coast Guard, has other responsibilities as well, including establishing a program for waters of the United States to help prevent introduction and dispersal of aquatic nuisance species.

The Act requires that the regulations apply to vessels that enter a United States port on the Great Lakes after operating on the waters beyond the Exclusive Economic Zone (EEZ). The Act further requires that the regulations shall prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or Secretary's designee, by not later than the vessel's departure from the first lock in the St. Lawrence Seaway, that the vessel has complied with the requirements of the regulations.

The Act provides for civil and criminal penalties (16 U.S.C. 4711(c) and (d)). Any person who violates the regulations shall be liable for a civil penalty not to exceed \$25,000. Each day of a continuing violation will constitute a separate violation. A vessel operated in violation of the regulations will be liable in rem for any civil penalty assessed for that violation. Any person who knowingly violates the regulations will be guilty of a class C felony. A class C felony is punishable by imprisonment of not more than 12 years (18 U.S.C. 3581(b)(3)) and a fine of not more than \$250,000 for an individual or not more than \$500,000 for an organization (18 U.S.C. 3571(c)(3)).

Discussion of Comments and Changes

General Comments

A number of comments noted spelling and other grammatical errors in the scientific names of species. The Coast Guard has corrected these errors in this final rule.

Several comments pointed out that ocean waters do not contain fewer organisms than fresh water, as erroneously stated in the NPRM, but rather, ocean waters contain organisms that will not, or are unlikely to, survive in fresh water. The Coast Guard has made the appropriate corrections in this final rule.

Five comments were strongly in favor of the regulations and called for firm enforcement. The Coast Guard will seek to vigorously enforce these regulations in accordance with its statutory authority and will continue to educate mariners on the problems associated with nonindigenous aquatic species importation.

One comment called for more stringent regulations. The Coast Guard has determined that the regulations adopted in this final rule accurately reflect the requirements of the Act and represent the most practical and effective ballast water management method available at this time. The Task Force will continue its efforts to develop more efficient and effective methods of protecting the Great Lakes from nonindigenous aquatic nuisance species.

Applicability (§ 151.1502)

Several comments expressed confusion over the applicability of the proposed rules. In response to these comments, the Coast Guard has revised the applicability section to clarify which vessels are subject to these regulations.

The Act states that the rules are to apply to all vessels (foreign or domestic) carrying ballast water that, after operating beyond the EEZ, enter a United States port on the Great Lakes. The Act defines the EEZ as including both the EEZ of the United States and the equivalent zone of Canada. The Great Lakes is defined to include the Saint Lawrence River to the Canadian border. Snell Lock at Massena, New York is the first U.S. port that vessels enter on the Great Lakes. Vessels travelling to any port on the Great Lakes must first enter Snell Lock. Accordingly, these regulations apply to only those vessels that have operated beyond the EEZ of both the United States and Canada and then enter Snell Lock. Vessels exclusively engaged in transit between ports within the United States or between ports within the United States and Canada, without entering waters beyond the EEZ of Canada and the United States, are not subject to these regulations.

One comment questioned whether the regulations apply to vessels that make stops after operating beyond the EEZ but before entering the Great Lakes. These

rules apply to vessels carrying ballast water that at any time during a voyage have operated on the waters outside of the EEZ and then enter Snell Lock.

Therefore, vessels that make intermediate stops after operating beyond the EEZ and then enter Snell Lock are subject to the requirements of these regulations. For example, if a vessel travels from a foreign port such as Istanbul, to a port in the United States or Canada before entering Snell Lock, the vessel is subject to these regulations despite the fact that Snell Lock is not the first stop made by the vessel after operating beyond the EEZ. In this instance, absent extraordinary circumstances, any exchange of ballast water must take place outside of the EEZ either enroute to the vessel's first port of call or between that port and entering Snell Lock, provided that the exchange occurs beyond the EEZ in a depth of not less than 2,000 meters.

To further clarify the applicability of these rules, the Coast Guard has defined the term "voyage" to include intermediate port calls and has revised the definition of EEZ to include the equivalent zone of Canada as provided in the Act.

Ballast Water Management (§ 151.1510)

Since the publication of the NPRM the Coast Guard has gained additional experience in ballast water management through implementation of the joint voluntary guidelines. Through this experience, the Coast Guard has determined that operating ballast pumps until they lose suction, as proposed in the NPRM, could create a hazardous situation in some circumstances. The crucial factor in helping to prevent the spread of nonindigenous species carried through ballast water is the salinity of the ballast water released into the fresh water of the Great Lakes. Accordingly, § 151.1510 has been revised to require that mariners carry out ballast water exchanges such that at the conclusion of exchanges, tanks from which ballast water will be discharged into the Great Lakes contain water with a minimum salinity level of 30 parts per thousand. Because the typical salinity of water at high seas is 35 parts per thousand, mariners effecting complete ballast water exchanges will have no trouble meeting this standard. Salinity can be measured by Coast Guard or other officials designated by the Coast Guard Captain of the Port (COTP). The reporting requirements of § 151.1516 and onsite communication with mariners also will allow Coast Guard or other officials designated by the COTP to confirm compliance. The inclusion of a required salinity level for ballast water

to be discharged into the Great Lakes, along with the deletion of the requirement calling for a vessel's pump to be run until it loses suction, will provide for a safe and effective method of ballast water management.

One comment noted that the retention of ballast water while in the waters of the Great Lakes is a method of ballast water management currently in use by mariners. The NPRM proposed, in § 151.1514, that this method of ballast water management would be allowed only as an alternative method under extraordinary circumstances. Since study on the nonindigenous aquatic nuisance species problem in the Great Lakes, began, the Coast Guard has recognized that the retention of ballast water on board a vessel could be both a simple and effective ballast water management method. However, the Coast Guard was concerned that if vessels carrying foreign ballast water were allowed into the waters of Great Lakes, the danger of accidental or intentional discharge would be too great, thereby calling into question the effectiveness of this form of ballast water management. The Coast Guard has determined that this problem can be addressed, as suggested in a comment, through the use of seals on vessels' tanks or holds containing ballast water. Coast Guard or other officials designated by the COTP, will place the seals on the tank or holds prior to the vessel exiting the Snell Lock, inbound for the Great Lakes and remove them when the vessel exits the Snell Lock, outbound from the Great Lakes. The Coast Guard has added a paragraph to § 151.1510 to include this ballast water management option, and to alert vessel operators that their ballast water tanks are subject to being sealed for the duration of their voyage within the Great Lakes if they choose this method of ballast water management. The Coast Guard has determined that this provision is not overly burdensome to mariners because masters of vessels not wishing to submit to this procedure are provided with the option of ballast water exchange as described in § 151.1514(a) or with the option of obtaining approval of an alternate method as described in § 151.1514(c). Inclusion of this ballast water management method, for which mariners have expressed support, along with the precautionary provision regarding placement of ballast water tank seals, will provide mariners with a simple, inexpensive, and effective method of protecting the waters of the Great Lakes.

One comment recommended that, in the interest of maintaining consistency, one entity, rather than the Captain of the

Port, be provided with the authority to approve ballast water management alternatives. After considering this comment, the Coast Guard has determined that approval of alternative ballast water management methods by the Commandant will result in the most efficient and consistent approval process. In consideration of the time involved in submitting, analyzing, and approving potential alternative methods of ballast water management, requests should be submitted well in advance of a vessel's voyage.

One comment asked whether or not vessel operators are required to dispose of sediment from ballast water tanks under the rules. The comment noted that most mariners retain the sediment contained in ballast water tanks. The Coast Guard did not intend to require the disposal of sediment. However, recognizing that sediment in ballast water tanks is a potential vector for nonindigenous species, the Coast Guard is requiring that if sediment is separately discharged from the ballast water tanks of vessels subject to these regulations, the sediment must be disposed of ashore, in accordance with local requirements. The Coast Guard has revised § 151.1510 to clarify this requirement.

Ballast Water Management Alternatives Under Extraordinary Conditions (§ 151.1514)

One comment suggested that alternate ballast water discharge areas be specified in the rules. The establishment of alternative discharge areas must be based on the best scientific data available at any given time. Therefore, the Coast Guard has determined that it is appropriate for alternate discharge areas to be established as needed, after consultation with the government of Canada and other interested parties, by the Captain of the Port, Buffalo, NY. The Coast Guard has revised § 151.1514 to specify that requests under this provision be submitted to the Captain of the Port of the Zone that covers the Saint Lawrence River.

Compliance Monitoring (§ 151.1516)

One comment stated that the requirements of proposed § 151.1516 would not provide for sufficient assurance of mariners' compliance with the regulations. The comment suggested that mariners be required to install tamper-proof devices capable of measuring and recording ballast water salinity and temperature that could be remotely read by any U.S. Coast Guard Marine Safety Office. The comment stated that remote reading devices are in use by utility companies. The Coast

Guard has determined that, given present technology in the maritime industry, it is not feasible to require remote salinity testing devices. In order to assure compliance with the regulations, the Coast Guard will develop protocols to provide guidance for boarding officers monitoring mariners subject to these regulations.

One comment suggested that a standard form be adopted for reporting the information required by § 151.1516(a). It is the Coast Guard's position that a standard form is not necessary and would be an undue burden and expense on both industry and the Federal government.

Regulatory Evaluation

This final rule is not major under Executive Order 12291 and not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). A final Regulatory Evaluation is available in the docket for inspection or copying where indicated under ADDRESSES.

The Coast Guard estimates that the impact of the regulations on United States flag vessels will be minimal. Due to size constraints, only smaller vessels are able to transit the Saint Lawrence River. Such U.S. vessels generally do not engage in foreign voyages which would place them on waters beyond the EEZ. Only vessels that have operated on waters beyond the EEZ and enter a port on the Great Lakes will be subject to the requirements of the regulations. During the 1990 shipping season, 455 foreign oceangoing vessels entered the Saint Lawrence River. Of these, 198 or 44 percent carried ballast water and would have been subject to the rules. It is not expected that the number of vessels entering the Saint Lawrence River will increase. The number has declined in recent years. The typical ocean carrier bound for the Great Lakes in full ballast condition could have on board from 7,000 to 10,000 tons of ballast water. Canadian officials determined in 1990 that, including the cost of diesel fuel, power generating costs to operate the pumps to effect a ballast water exchange would have cost approximately \$900 per vessel. Manpower costs will not be an appreciable factor since the exchange will be conducted by crew members already employed on the vessel for the voyage. Reporting and recordkeeping costs will add \$35 per vessel. The time lost due to decrease in speed necessary to effect a ballast water exchange will be minimal because the ships affected by the rules should be able to effect the exchange while in transit on the high seas. Adding a 10 percent factor for

wear and tear, plus 4 percent each year for inflation, the total cost per vessel in 1993 will be \$1,147. Therefore, the estimated cost to foreign vessels for 1993, assuming 200 foreign vessels will be affected at a cost of \$1,147 per vessel, will be \$229,400. Total costs through the year 2000 are estimated to be \$2,113,744. The Coast Guard expects that costs to consumers will be minimal. Assuming that all costs will be passed on to the consumer, the cost per ton of foreign cargo on vessels subject to the regulations will increase \$.099 per ton in 1993 and \$.910 through the year 2000.

Measures to help prevent the introduction of nonindigenous species into the Great Lakes will be of great benefit. The over 100 non-native species introduced into the Great Lakes in the last 100 years have had a profound effect on the native species and the economic welfare of the Great Lakes area. The economic impact on communities affected by the introduction of the zebra mussel may reach \$5 billion by the year 2000. The experience of the zebra mussel infestation demonstrates the tremendous benefit of implementing regulations to help prevent the introduction of nonindigenous nuisance species before they become established in an ecosystem.

Small Entities

The Coast Guard has not identified any United States flag vessels that routinely enter the Great Lakes after operating on waters beyond the EEZ. The Coast Guard estimates the impact on foreign flag vessels to be minimal. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains a collection of information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The section number is § 151.1516 and the corresponding OMB approval number is OMB Control Number 2115-0598.

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not

have sufficient federalism implications to warrant preparation of a Federalism Assessment.

The authority to issue regulations requiring ballast water management practices for vessels entering the Great Lakes has been committed to the Coast Guard by the Act. Standardizing the minimum requirements for vessels entering the Great Lakes after operating in waters beyond the EEZ is necessary to effectively help prevent additional introductions of nonindigenous species. Therefore, the Coast Guard intends this rule to preempt State and local regulations that are inconsistent with the requirements of this rule. These regulations were developed in consultation with the Task Force which is charged with coordinating action among, and providing technical assistance to, regional, State, and local entities regarding environmentally sound approaches toward prevention and control of aquatic nuisance species. Additionally, in accordance with the Act, the Coast Guard has consulted with the Government of Canada throughout the development of the guidelines and regulations in order to develop an effective international program.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that preparation of an environmental impact statement is not necessary. An Environmental Assessment and a Finding of No Significant Impact are available for inspection or copying where indicated under ADDRESSES. Most of the comments received expressed support for the proposed regulations as a means to help reduce the introductions of nonindigenous aquatic nuisance species into the Great Lakes. No comments were received on the draft Environmental Assessment. The exchange of ballast water in the open ocean will benefit the Great Lakes Environment by helping to prevent the additional introduction of nonindigenous nuisance species through the ballast water of vessels, which has caused millions of dollars of damage to date. Initial study has concluded that the discharging of vessels' seawater ballast into Great Lakes ports does not constitute a sufficiently high volume of water to change the salinity or temperature levels of the local waters. Species contained in water collected from the open ocean are unlikely to survive a fresh water environment. Vessels retaining ballast water will employ a ballast water management method which results in no impact on the environment. Therefore, the Coast Guard concludes

that the regulations will have no significant impact on the environment.

List of Subjects in 33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 151 as follows:

1. The heading for part 151 is revised to read as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

2. Subpart C, consisting of §§ 151.1500 through 151.1516, is added to read as follows:

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Sec.

151.1500	Purpose.
151.1502	Applicability.
151.1504	Definitions.
151.1506	Restriction on operation.
151.1508	Revocation of clearance.
151.1510	Ballast water management.
151.1512	Vessel safety.
151.1514	Ballast water management alternatives under extraordinary conditions.
151.1516	Compliance monitoring.

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Authority: 16 U.S.C. 4711; 49 CFR 1.46.

§ 151.1500 Purpose.

The purpose of this subpart is to implement the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*).

§ 151.1502 Applicability.

This subpart applies to each vessel that carries ballast water and that after operating on the waters beyond the Exclusive Economic Zone during any part of its voyage enters Snell Lock, at Massena, New York, regardless of other port calls in the United States or Canada during that voyage.

§ 151.1504 Definitions.

The following terms are defined as used in this subpart.

Ballast water means any water used to manipulate the draft, trim, or stability of a vessel, regardless of how it is carried on the vessel.

Captain of the Port (COTP) means the Coast Guard officer designated as COTP of the Buffalo, NY, Marine Inspection Zone and Captain of the Port Zone

described in part 3 of this chapter or an official designated by the COTP.

Commandant means the Commandant of the Coast Guard or an authorized representative.

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation Number 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22), which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

Environmentally sound method means methods, efforts, actions, or programs, either to prevent introductions or to control infestations of aquatic nuisance species, that minimize adverse impacts to the structure and function of an ecosystem, minimize adverse effects on non-target organisms and ecosystems, and that emphasize integrated pest management techniques and non-chemical measures.

Great Lakes means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

Port means a terminal or group of terminals or any place or facility that has been designated as a port by the COTP.

Voyage means any transit by a vessel destined for the Great Lakes from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ.

§ 151.1506 Restriction on operation.

No vessel subject to the requirements of this subpart, may be operated in the Great Lakes unless the master of the vessel has certified, in accordance with § 151.1516, that the requirements of this subpart have been met.

§ 151.1508 Revocation of clearance.

A COTP may request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. app. 91 for a vessel subject to this subpart, the owner or operator of which is not in compliance with the requirements of this subpart.

§ 151.1510 Ballast water management.

(a) The master of each vessel subject to this subpart shall employ one of the following ballast water management practices:

(1) Carry out an exchange of ballast water on the waters beyond the EEZ, in a depth exceeding 2000 meters, prior to

entry into Snell Lock, at Massena, New York such that, at the conclusion of the exchange, any tank from which ballast water will be discharged into the Great Lakes contains water with a minimum salinity level of 30 parts per thousand.

(2) Retain the vessel's ballast water on board the vessel. If this method of ballast water management is employed, the COTP may seal any tank or hold containing ballast water on board the vessel for the duration of the voyage within the waters of the Great Lakes.

(3) Use an alternative environmentally sound method of ballast water management that has been submitted to, and approved by, the Commandant prior to the vessel's voyage. Requests for approval of alternative ballast water management methods must be submitted to the Commandant (G-M), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(b) No master of a vessel subject to this subpart shall separately discharge sediment from tanks or holds containing ballast water unless it is disposed of ashore in accordance with local requirements.

(c) Nothing in this subpart authorizes the discharge of oil or noxious liquid substances (NLSs) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLSs, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibitions pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 *et seq.*).

§ 151.1512 Vessel safety.

Nothing in this subpart relieves the master of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers, or any other responsibility.

§ 151.1514 Ballast water management alternatives under extraordinary conditions.

The master of any vessel subject to this subpart who, due to weather, equipment failure, or other extraordinary conditions, is unable to effect a ballast water exchange before entering the EEZ, must employ another method of ballast water management listed in § 151.1510, or request from the COTP permission to exchange the vessel's ballast water within an area agreed to by the COTP at the time of the request and must discharge the vessel's

ballast water within that designated area.

§ 151.1516 Compliance monitoring.

(a) The master of each vessel subject to this subpart shall provide, upon request, the following information, in written form, to the COTP:

(1) The vessel's name, port of registry, and official number or call sign.

(2) The name of the vessel's owner(s).

(3) Whether ballast water is being carried.

(4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(5) The location, date, and time of any ballast water exchange.

(6) The salinity of any ballast water to be discharged into the territorial waters of the United States.

(7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial waters of the United States, if ballast water or sediment are to be discharged.

(8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) The COTP may take samples of ballast water to assess the compliance with, and the effectiveness of, this subpart.

Dated: March 5, 1993.

A.E. Henn,

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

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S. 284/P.L. 103-11

To extend the suspended implementation of certain requirements of the food stamp program on Indian reservations, and for other purposes. (Apr. 1, 1993; 107 Stat. 41; 1 page)

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