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providing for the reasonable needs of navigation. In support of its request, Cape May County asserts that 8 years of drawbridge opening logs (from 1990 through 1997) show that marine vessel traffic significantly decreased at night and during the winter (Oct. 1 through May 14).

The Coast Guard has reviewed these logs (copies of which are included in the docket for this rulemaking) and they appear to support Cape May County's request. According to the January 1990 to June 1997 drawbridge logs, 680 openings occurred, of which 177 were for construction vessels and 503 for private vessels.

Of the 503 private vessel openings, the average for the 8 year period was 0.183 openings per day; only 16 of the 503 openings for private vessels occurred at night between 8 p.m. and 6 a.m. with an average opening rate of 0.005 per day for the 8-year period. Only 74 of the 503 private vessel bridge openings occurred from October 1 to May 14 with an average rate of 0.043 openings per day for the winter, as compared with the higher rate of 0.430 openings per day during the summer (May 15 to September 30). The majority of openings for construction vessels occurred during 1991 and 1992, in the daytime. Due to this circumstance and the infrequency of construction vessel bridge openings from 1990–97, and 177 construction vessel openings are not included in this analysis.

The winter and night bridge opening rates, when compared to summer and daytime averages, indicate that it would be advantageous to change the drawbridge operating regulations. Based on this data, the Coast Guard believes that requiring two-hours notice for openings, during the proposed time periods (night and winter) would not overburden marine traffic.

Discussion of Proposed Rule

The Coast Guard is proposing a new regulation governing the operation of this drawbridge. The proposed rule would require two-hours advance notice for openings from October 1 through May 14, and from 8 p.m. to 6 a.m. each day from May 15 through September 30. The bridge would be unattended during these time periods and requests for openings would require calling (609) 368–4591. The Coast Guard believes that these proposed changes will lessen the high cost of the drawbridge's operation while still providing for the reasonable needs of navigation.

The drawbridge is required to operate in compliance with 33 CFR 117.31(b), Operation of draw for emergency situations, and 33 CFR 117.55, Posting of requirements.

The new regulation would be designated § 117.721 in Title 33 of the Code of Federal Regulations.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this proposed rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposed rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.a. Figure 2–1(32)(e) of Commandant Instruction M16475.1C (dated 14 November 1997), this proposed rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. A new § 117.721 is added to read as follows:

§ 117.721 Grassy Sound Channel.

The draw of the Grassy Sound Channel Bridge, mile 1.0 in Middle Township, will open on signal from 6 a.m. to 8 p.m. from May 15 through September 30; two-hours advance notice is required for all other openings by phoning (609) 368–4591.

Dated: March 27, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 98–9517 Filed 4–9–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 151

[USCG–98–3423]

RIN 2115–AD98

Implementation of the National Invasive Species Act of 1996 (NISA)

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: To comply with the National Invasive Species Act of 1996 (NISA), the Coast Guard proposes both regulations and voluntary guidelines to control the invasion of aquatic nuisance species (ANS). Ballast water from ships is the largest pathway for the intercontinental introduction and spread of ANS. This rulemaking would amend existing regulations for the Great Lakes ecosystem, establish voluntary ballast water exchange guidelines for all other waters of the United States, and

establish mandatory reporting and sampling procedures for nearly all vessels entering U.S. waters. Under this proposed rule, a self-policing program would be established where ballast water exchange is initially voluntary outside of the Great Lakes ecosystem. However, if the rate of compliance is found to be inadequate, or if vessel operators fail to submit mandatory ballast water reports to the U.S. Coast Guard, the voluntary guidelines will become mandatory and will carry civil and criminal penalties. Also, the requirements of subpart C of 33 CFR part 151, which implements the provisions of NISA, would be rewritten in a question and answer format and narrative text would be reformatted into a more user-friendly table to help owners, operators, and others find out which requirements of subpart C apply to them.

DATES: Comments must reach the Coast Guard on or before June 9, 1998. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before June 9, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, [USCG–98–3423], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. You may also E-mail comments using the Marine Safety and Environmental Protection Regulations Web Page at http://www.uscg.mil/hq/g-m/gmhome.htm. You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20593, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket on the Internet at http://dms.dot.gov. You can get the International Maritime Organization publications and documents referred to in this preamble from the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, England.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329. For information on the notice of proposed rulemaking provisions, contact Lieutenant Larry Greene, Project Manager, U.S. Coast Guard Headquarters, Office of Response (G-MOR), telephone 202–267–0500.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to submit written data, views, or arguments. If you submit comments, you should include your name and address, identify this notice [USCG–98–3423] and the specific section or question in this document to which your comments apply, and give the reason for each comment. Please submit one copy of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES.** If you want us to acknowledge receiving your comments, please enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard may schedule a public meeting depending on input received in response to this notice. You may request a public meeting by submitting a request to the Marine Safety Council where listed under **ADDRESSES.** The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a public meeting should be held, it will hold the meeting at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The Problem

Nonindigenous or exotic aquatic nuisance species (ANS) are invading U.S. waters at a significant and increasing rate, causing serious environmental impacts, economic losses, and threats to public health. Although many nonindigenous species are benign, others have displaced or threatened the existence of native species, devastated commercial and recreational fish stocks, disrupted nutrient balances, and opened new pathways for the spread of pathogens and the bioaccumulation of toxic chemicals.

Invasions of ANS are a form of biological pollution that is qualitatively different from any other form of pollution because ANS invaders can never be cleaned up or completely removed from an invaded ecosystem. Once established, the biological invaders continue to spread into new areas and cause further harm to native ecosystems. Every successful invasion constitutes an irretrievable loss to our biological heritage. The nature and seriousness of the problem is well-documented by several scientific studies, including two conducted in North American aquatic ecosystems—the fresh water system of the Great Lakes, and the salt and brackish water system of San Francisco Bay.

Aquatic nuisance species invasions through ballast water are now recognized as a serious problem threatening global biological diversity and human health. Limited control measures similar to these regulations and guidelines have been adopted in Canada, Australia, New Zealand, Israel, Chile, the United Kingdom, Germany, Sweden, Brazil, and Japan. The International Maritime Organization (IMO) Marine Environmental Protection Committee (MEPC) has issued the following voluntary guidelines which it recommended be adopted by all maritime nations of the world:

- IMO MEPC Resolution 50(31), adopted at the 31st Session, on July 1991;
- IMO Resolution A.774(18), adopted at the 18th Assembly, on November 1993;
- IMO Assembly Resolution A.868(20), approved at the 20th Assembly, on November 1997.

According to a recent review of the scientific literature conducted by the Marine Board of the National Research Council (NRC),—

> It has been estimated that in the 1990s ballast water may transport over 3,000 species of animals and plants a day around the world * * * and there is evidence that the number of ballast-mediated introductions is steadily growing. More than 40 species have appeared in the Great Lakes since 1960; more than 50 have appeared in San Francisco Bay since 1970.

Other studies indicate that hundreds of ANS have successfully invaded North America. Some of these invaders which have made the most dramatic impacts in recent years include the following:

- *Zebra mussel.* Invaded the U.S. in 1986 and is found in 19 States and 2 Canadian Provinces; expected to cost

the Great Lakes region alone over $500 million by the year 2000.

- *Asian clam.* Filters the entire volume of northern San Francisco Bay more that once per day, severely disrupting the food chain.
- *Aquatic plant—hydrilla.* Clogs waterways in 14 States and costs Florida alone over $14 million per year to control.
- *Aquatic plant—purple loosestrife.* Has invaded 40 states where it displaces native vegetation and disrupts ecosystems.

These are only a few of the ANS that have recently invaded North America. It is also important to consider the wide range of invading microscopic organisms, which include viruses, bacteria, protozoan (single-celled organisms), and fungi, which may be pathogenic or parasitic to humans or fish. In 1991, the presence of the human pathogenic strain of cholera was documented in ballast tanks of ships in Mobile Bay, AL, threatening the food supply and forcing a temporary closure of local shellfish beds. A 1995 study conducted for the Canadian Coast Guard on ships entering the Great Lakes confirmed the presence of a wide range of invertebrates and bacteria. Most of the bacterial species detected can cause illness in aquatic life or humans under certain conditions.

Ships discharge ballast in the United States from all over the world, including many ports with untreated sewage and other contaminants. The NRC review concluded that the whole range of ANS invasions—

> [M]ay have critical economic, industrial, human health, and ecological consequences. Thus, there are compelling arguments for reducing the role of ships as a vector of nonindigenous species, particularly through ballast water.

U.S. Legislation

In response to this increasing threat to the United States, Congress enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), Pub. L. 101-646 of November 29, 1990, and the National Invasive Species Act of 1996 (NISA), Pub. L. 104–332 of October 26, 1996, both of which are codified at 16 U.S.C. 4701–4751. Under the authority of NANPCA, the U.S. Coast Guard promulgated mandatory regulations for ballast water entering the Great Lakes in 1993. (58 FR 18334 of April 8, 1993 and 33 CFR part 151, subpart C.) These regulations were expanded in 1994 to include portions of the Hudson River, which connects to the Great Lakes ecosystem. (59 FR 31959 of June 21, 1994). Generally, the Great Lakes and Hudson River regulations in 33 CFR part 151 required vessels entering the Great Lakes ecosystem with ballast water from outside the U.S. 200 nautical mile exclusive economic zone (EEZ) to exchange that ballast in the open ocean at a depth of at least 2,000 meters (6,560 feet) before crossing into the U.S. EEZ and discharging ballast. The regulations also allow approval of alternative methods of ballast water management. To date, the Coast Guard has yet to receive a formal request for approval of any alternative method. To strengthen the existing authority for the Great Lakes and Hudson River regulatory regime, NISA makes minor amendments to NANPCA, and it directs the Coast Guard to develop a new nation-wide program modeled on the existing Great Lakes and Hudson River regime. To comply with this mandate, the Coast Guard must, among other things, develop and issue voluntary ballast water exchange guidelines applicable to all vessels entering U.S. waters, and establish reporting and sampling procedures to monitor compliance with the voluntary guidelines.

It is critical that the Coast Guard receives information from vessels on their ballast water management practices in order to determine if the voluntary guidelines need to become mandatory regulations. In the absence of mandatory reporting requirements, the Coast Guard would be forced to assume that all reports that are not received correspond to vessels that failed to follow the voluntary guidelines. This would artificially bias the data collected and make mandatory regulations much more likely in the future. By requiring vessel reporting, the Coast Guard will attempt to gather the most accurate information possible so as not to unfairly burden the industry with additional regulations if voluntary guidelines will suffice. Consequently, the Coast Guard has interpreted NISA as mandating the reporting requirements proposed with this rulemaking.

To fulfill the original mandate of NANPCA, the Coast Guard is also making revisions to the mandatory Great Lakes and Hudson River regime based on the 4 years of experience with it, as well as continuing scientific study. The major changes to the existing standards are—

- Clarification of the "open ocean exchange" requirement, and revision of the depth requirement from more than 2,000 meters (6,560 feet) to more than 500 meters (1,640 feet); and
- Modification of the standard for compliance with the exchange requirement. Previously stated in terms of the indicator of 30 parts per thousand salinity, now a performance standard of 90 percent exchange with open ocean water by volume is proposed.

To encourage development of improvements in methods of exchanging or treating ballast water, the Coast Guard is also setting a consistent benchmark standard of 90 percent exchange or kill, as a basis for evaluating and comparing alternate methods. These methods must also be environmentally sound.

Discussion of Proposed Rule

Overview

The Coast Guard proposes to amend its pollution regulations to implement the requirements of NISA. Specifically, subpart C of 33 CFR part 151 would be revised to incorporate the new requirements. These regulations would mandate reporting and recordkeeping so the Coast Guard can determine the level of participation in the voluntary ballast water exchange program. The mandatory ballast water management regulations in the Great Lakes and Hudson River remain mostly unchanged, but will be revised to reflect a more appropriate performance standard for compliance, based on operational experience and scientific study during the first 4 years. We propose two major additions to the current regulations.

First, a voluntary ballast water management program is added for all vessels entering U.S. waters from outside of the EEZ (other than those bound for the Great Lakes or Hudson River). This voluntary program would ask the masters of all vessels with ballast tanks to perform complete ballast water exchange at sea (outside the EEZ) prior to entering U.S. waters.

The second addition would be a mandatory reporting requirement for all vessels with ballast tanks entering U.S. waters from outside of the EEZ, if their voyage included a port or place (e.g., foreign harbor or nearshore waters) beyond the EEZ. For the purpose of this rule, this would also include transits between Alaska or Hawaii and any other port in the United States. These reports would be used to monitor compliance with the voluntary program and to collect other information that must be provided to Congress on a regular basis.

If the rate of compliance is found to be inadequate, or if vessel operators fail to submit mandatory ballast water reports to the Coast Guard, the voluntary guidelines will become mandatory and will carry civil and criminal penalties (16 U.S.C. 4711).

Performance Standard for Compliance

The central issue, for both the mandatory reporting requirements and the voluntary guidelines, is the performance standard. How complete must an exchange or other treatment method be in order to be considered reasonably effective and environmentally sound? It is important to clearly explain the logic of the performance standard. In doing so, the Coast Guard hopes the marine industry will participate in the voluntary nationwide regime and the development of improved ballast water management systems. We also expect that industry will continue to comply with the Great Lakes and Hudson River regime. A complete or 100 percent removal of the biologically dangerous water is the goal because—

- We cannot predict the level of concentration of particular organisms sufficient to constitute an invasion threat; and
- Any successful invasion is irreversible.

However, because existing ballast tank and piping systems in the worldwide shipping fleet were not designed to deal with this need, the economic costs of requiring complete retrofitting of those systems makes a 100 percent standard unrealistic at this time. With future development of alternative methods and improvement in ship designs, a standard of 100 percent removal or kill should be our long-term goal. The Coast Guard has sought, since the development of this new regulatory regime in 1993, to set a standard which encourages vessel operators to conduct as near to a 100 percent exchange as is practical and safe, while not penalizing them for the current limitations in ballast tank and piping system designs. The two currently feasible methods of conducting an exchange are—

- *An empty/refill exchange.* The tank or a pair of tanks are pumped down to the point where the pumps lose suction, and then the tank is pumped back up to the original levels; or
- *A flow-through exchange.* New water is pumped in a full tank while the old water is pumped or pushed out through another opening.

Through either method, almost all vessels should be able to obtain at least a 95 percent exchange of water volume. In the case of an empty/refill exchange, the pumps should be run until losing suction. At that point, depending on the specific vessel size and design there may be anywhere between ten to a few hundred metric tons of un-pumpable slop in the bottom of the tanks or trapped in internal structure for the whole vessel. Typical ballast tank capacities for the whole vessel vary in the range of a few thousand to forty thousand metric tons. Clearly, a reasonable effort can remove more than 95 percent of the original water. (Refilling tanks containing 100 metric tons of slop with 10,000 metric tons of ballast would result in an exchange ratio of 99 percent.). Where the total amount of reballasting is limited because of ship loading or design, or where there is an unusual amount of unpumpable slop due to peculiar tank configurations (after and peak tanks or other tanks with irregular configurations), a high level of exchange should still be feasible by simply repeating the procedure once or twice. In the case of a flow-through exchange, it is clear that more than one times the original water volume will be required, especially when the flow-through is accomplished from the bottom of the tank (via the normal ballast system) and out the top of the tank (via vent pipes or hatch covers). However, both actual experiments conducted on a typical ocean-going vessel by the Australian Quarantine and Inspection Service, and computer simulations conducted by the Petrobras Research Center in Brazil, indicate that it is feasible to obtain an 89 to 95 percent exchange with the use of three times the total volume of the tank. Again, ships, tanks, and ballasting systems will vary in design. Some vessels will need to use more than three times the volume of the water to accomplish 90 percent exchange, and some vessels may not be able to conduct that level of exchange because of safety limitations. But 90 percent is a reasonable standard to set, which is of minimal cost to the industry in that it does not require any changes to current ship designs, subject to the clearly stated exemption for vessels that cannot safely conduct an exchange.

The existing regulations for the Great Lakes and Hudson River require an exchange which results in a discharge of water with a minimum salinity level of 30 parts per thousand (ppt). However, salinity is only one indicator that a reasonably effective exchange has been conducted, and is not reliable as the sole indicator. If a vessel begins with completely fresh water from the mouth of a river in another continent and exchanges that water with open ocean water from the central part of the North Atlantic, at about 36 ppt salinity, a resulting level of 30 ppt indicates an exchange by volume of only 83.33 percent of the water. However, the water typically does not begin as fresh water, and the 30 ppt level in fact may relate to a much lower level of exchange. This has been clearly demonstrated by a recent review of salinity readings on vessels reporting exchanges that were tested by the Coast Guard upon entry into the Great Lakes during the 1997 navigation season. The data show that salinity cannot be relied upon alone as an indicator of an effective exchange, and it should only be one factor in providing evidence that a performance standard has been met. It is also clear from these data that the lower cut-off point, at which it is fair to presume that an effective exchange has not occurred, should be raised to at least the level of 32.4 ppt. This would indicate a nominal exchange of 90 percent, if the tank began with completely fresh water, and it is a level that is already obtained in the great majority of the tanks in which a good exchange has been conducted. In other words, meeting the nominal indicator of a 90 percent exchange only requires improving the exchange on the worst of the poorly exchanged tanks. The need for this minimal raising of the nominal level of exchange is reinforced by a recent scientific study of ballast tanks on ships entering the Great Lakes, which indicates that a large variety of live organisms are continuing to enter the Great Lakes. When framing an appropriate enforcement policy for vessels which are able to document the reasons for a good faith difficulty in meeting the new standard, the Coast Guard will take into consideration the fact that the salinity level has been raised slightly from the old regulatory salinity standard.

Finally, the Coast Guard hopes that a clear statement of a 90 percent removal or kill standard will encourage the development of improvements in exchange and alternative ballast water treatment systems in the near future. Up to this point, there has been no clear benchmark for comparing the leading alternatives set out in the NRC Marine Board Report discussed previously, which include—

- Improvement of the current exchange mechanisms;
- Filtering;
- Heat; and
- Biocides.

Although a "90 percent solution" is most emphatically not the final goal of this regulatory program, it may be a useful goal by which to prompt the development of some short-term interim measures that are needed. To that end, the Coast Guard encourages owners and operators to experiment with alternative ballast water management methods (which have been approved by the Commandant, U.S. Coast Guard) and

will consider that emerging technologies require some time to fully develop when framing appropriate enforcement policies.

"Plain English" Revision of Subpart C

The Coast Guard would also rewrite subpart C to make the requirements of NISA clearer and easier to understand. Each provision or section would be written as a question that you, as a typical reader of these regulations, might ask about the rule. This question is then followed by an answer that tells you what is required. For example, you might ask, "what are the mandatory ballast water management requirements?" This question, now posed in § 152.1508, is followed by the answer, which is a description of the specific water management practices that the master must follow to comply with subpart C.

In addition to the question and answer format, the Coast Guard would reformat the current and proposed text of § 151.1502. The Coast Guard proposes to replace the text with a table that is more user-friendly, and would help owners, operators, and others who use subpart C determine which requirements apply to them.

Clear, more readable regulations are essential for the success of our government's reinvention initiative. We encourage your comments on this new way of writing regulations.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The proposed rule would not have an annual effect on the economy of $100 million or more. It would not adversely affect the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities, and it would not initiate a substantial new regulatory program for the Coast Guard. A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket for inspection or copying where indicated under **ADDRESSES**. A summary of the Evaluation follows:

Summary of Costs

Mandatory paperwork requirements would generate all of the costs associated with this proposed rule. The Coast Guard proposes to use this information to—

- Ensure that vessels have complied with mandatory ballast water management regulations, where applicable, prior to allowing vessels to enter U.S. ports; and
- Assess the effectiveness of the voluntary guidelines in this proposed rule.

Coast Guard Headquarters staff and researchers from private and other government agencies would conduct the assessment for vessels (with ballast tanks) entering U.S. waters after operating outside the EEZ. The Coast Guard will report this information to Congress on a regular basis as required by the National Invasive Species Act of 1996 (NISA). Based on typical pay (including overtime) for a third mate on a modern U.S. merchant vessel and administrative costs of up to $9, $35 was calculated as the cost per report ($81,840/year/2,080 hours/year × 40 minutes + $9). The Coast Guard used figures from the U.S. Coast Guard Marine Safety Management System (MSMS) to determine that 10,305 vessel transits were subject to this proposed rule (including the Great Lakes) with a cost of $35 per vessel arrival ($35 × 10,305 = $360,675) for a total annual cost of $360,675. However, vessels operating on the Great Lakes already file reports, so they would incur no additional cost (even though they are included in the total industry-cost figure). Owners or operators would not be required to install new equipment on the vessel to comply with either the mandatory requirements on the Great Lakes or Hudson River, or the voluntary exchange requirements in this proposed rule. This proposed rule requires only minor changes in operational procedures that are not expected to incur new costs. Costs to the Federal Government will come from reviewing and reporting ballast water management record information. To collect, collate, and file this information to the responsible research center will cost the Coast Guard about $5,000 annually.

Summary of Benefits

This proposed rule, which provides for reporting and recordkeeping on ballast water exchanges, is the next step in an ongoing effort to prevent non-indigenous species from being introduced into U.S. waters. Ultimately, this effort is expected to provide significant benefit to the U.S. economy, environment, and public health. For example, the fishing industry, the general public, and the marine environment would benefit from protecting native fish and shellfish from certain invading species. According to the U.S. Congress Office of Technology Assessment, the economic impact on the United States from introductions of non-indigenous species has exceeded several billion dollars through—

- Efforts to prevent and reduce further infestation;
- Repairs of damage to various infrastructures; and
- Lost revenues.

The Aquatic Nuisance Species Task Force found the nationwide potential costs averted from non-indigenous species invasions could exceed $30 billion (1997 dollars) over the next 5 years. However, as international maritime trade continues to expand, the economic impact of non-indigenous species invasions may result in more extensive and costly long-term control efforts, including cost associated with improving ballast water management.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considers whether this proposed rulemaking, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include 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. This proposed rule applies to any vessel with ballast tanks, which operates on the waters beyond the Exclusive Economic Zone (EEZ), during any part of its voyage, and then enters the waters of the United States (except those vessels that are expressly exempted in this proposed rule). However, data records indicate that no small businesses have been identified that are involved in U.S. trade and arriving from outside the Exclusive Economic Zone (EEZ). Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it. This proposed rule might economically affect recreational vessels

with ballast tanks. We encourage owners and operators of these vessels to comment on this proposed rule.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Larry Greene, Project Manager, Office of Response (G–MOR), at 202–267–0500.

Collection of Information

This proposed rule provides 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" includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate is the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Implementation of the National Invasive Species Act of 1996 (NISA).

Summary of Collection of Information: This proposed rule contains collection-of-information requirements in the following section: § 151.1514.

Need for Information: This proposed rule would require owners or operators of each vessel with ballast water tanks, who enter the United States after operating outside the EEZ, to provide to the U.S. Coast Guard information regarding ballast water management practices.

Proposed Use of Information: The proposed use of this information is to ensure that the mandatory ballast water management regulations have been complied with prior to allowing the vessel to enter U.S. ports, and to assess the effectiveness of the voluntary guidelines. The information will be used by the Coast Guard Headquarters staff and researchers from both private and other governmental agencies to assess the effectiveness of voluntary ballast water management guidelines for vessels with ballast tanks which enter U.S. waters after operating outside the EEZ. The information will be provided to Congress on a regular basis as required by NISA.

Description of the Respondents: A vessel owner or operator who enters the United States after operating outside the EEZ.

Number of Respondents: 10,305 vessel entries.

Frequency of Response: Whenever a vessel with ballast tanks enters the United States after operating outside the EEZ.

Burden of Response: 40 minutes (0.67 hours) per respondent.

Estimated Total Annual Burden: 6,904 hours.

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

The Coast Guard solicits public comment on the proposed collection of information to (1) evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information would have practical utility; (2) evaluate the accuracy of the Coast Guard's estimate of the burden of the collection, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection on those who are to respond, as by allowing the submittal of responses by electronic means or the use of other forms of information technology.

If you are submitting comments on the collection of information, you should submit your comments both to OMB and to the Coast Guard where indicated under **ADDRESSES** by the date under **DATES**.

No one is required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

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

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and draft Finding of No Significant Impact are available in the docket for inspection or copying where indicated under **ADDRESSES**.

The Coast Guard is establishing ballast water exchange guidelines for all vessels with ballast water tanks entering U.S. waters, as well as mandatory reporting for monitoring participation levels. If participation levels in this program are lacking, the National Invasive Species Act of 1996 (NISA) requires the Secretary of Transportation to mandate the ballast water exchange guidelines. Once reported, the information will be used to develop and maintain a ballast water information clearinghouse, which will monitor the effectiveness of the program and identify future needs for better protecting domestic waters from the introduction of invasive species.

The effectiveness of this recommended alternative substantiates the baseline for creating compliance in incremental stages. The solution to this problem is long-term and the most promising technology to resolve the ANS issue is in the foreseeable future. Therefore, the proposed regulations to implement provisions of NISA concerning ballast water control, when using voluntary guidelines for ballast water exchange as the control method, would not have a 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 discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 151 as follows:

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

1. Revise subpart C, consisting of §§ 151.1500 through 151.1516, to read as follows:

Subpart C—Ballast Water Management for Control of Nonindigenous Species

Sec.

151.1500 What is the purpose of this subpart?
151.1502 What vessels does this subpart apply to?

151.1504 What definitions apply to this subpart?
151.1506 Why must I meet the requirements of the regulations in this subpart and what are the penalty provisions?
151.1508 What are the mandatory ballast water management requirements?
151.1510 Is the master still responsible for the safety of the vessel?
151.1512 When must the master employ ballast water management alternatives?
151.1514 What are the mandatory reporting and recordkeeping requirements?
151.1516 What are the voluntary ballast water management guidelines?
151.1518 Are there methods to monitor compliance with this subpart?

Appendix to Subpart C of Part 151—Guidelines for Filling Out Ballast Water Reporting Form

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

Subpart C—Ballast Water Management for Control of Nonindigenous Species

§ 151.1500 What is the purpose of this subpart?

This subpart implements the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701–4751), as amended by the National Invasive Species Act of 1996 (NISA).

§ 151.1502 What vessels does this subpart apply to?

(a) This subpart applies to all vessels (except those specifically exempted below) equipped with ballast water tanks which operate in both waters outside the Exclusive Economic Zone of the United States (the EEZ, within 200 nautical miles of the baseline) and waters of the United States (within 12 miles of the baseline). Vessels bound for different parts of the United States are subject to different requirements:

(1) Vessels with ballast tanks which enter the Great Lakes or the Hudson River north of the George Washington Bridge after operating beyond the EEZ are subject to the mandatory ballast water management requirements in § 151.1508 and the reporting requirements in § 151.1514, regardless of other ports of call during their voyage to the Great Lakes or Hudson River. Vessels not conducting a ballast water exchange after operating beyond the EEZ and prior to entering U.S. or Canadian waters, that—

(i) Take on new ballast in a North American port, and

(ii) Plan to discharge ballast water in the Great Lakes or the Hudson River north of the George Washington Bridge, must—

(A) Conduct an exchange outside the EEZ in accordance with § 151.1508, or

(B) Obtain permission from the Captain of the Port (COTP) for use of an alternate exchange zone.

(2) Vessels with ballast tanks which enter other waters of the United States (within 12 miles from the baseline) after operating beyond the EEZ during any part of a voyage are requested but not required to comply with the voluntary ballast water management guidelines in § 151.1516, and are still required to comply with the mandatory reporting requirements in § 151.1514 whether or not they comply with the voluntary management guidelines.

(b) Two categories of vessels are exempt from this subpart:

(1) Crude oil tankers engaged in the coastwise trade, unless paragraph (c) of this section applies. Coastwise trade is conducted exclusively between U.S. ports.

(2) Passenger vessels equipped with treatment systems designed to kill aquatic organisms in their ballast water, and which operate those systems as designed, unless the Coast Guard determines that such treatment systems are less effective than ballast water exchange.

(c) Crude oil tankers engaged in the export of Alaskan North Slope Crude Oil may be subject to separate requirements to conduct an exchange of ballast water in 2000 meters of depth under the terms and conditions stated in Presidential Memorandum of April 28, 1996 (61 FR 19507). These vessels are also subject to the mandatory reporting requirements in § 151.1514 under the authority of NISA.

(d) Use the table 151.1502 as a guide to which sections of this regulation apply to you:

TABLE 151.1502.—WHO DOES THIS SUBPART APPLY TO?

If you operate a—	And you—	And if during any part of your voyage you enter—	Then you are subject to—
Vessel with ballast water tanks. See § 151.1502(a)(1).	Operate on waters beyond the EEZ (within 200 miles of the baseline).	The Snell Lock at Massena, NY, or the Hudson River north of the George Washington Bridge, regardless of other port calls.	The mandatory ballast water management requirements in § 151.1508 and the mandatory reporting requirements in § 151.1514.
Vessel with ballast water tanks. See § 151.1502(a)(2).	Operate on waters beyond the EEZ (within 200 miles of the baseline).	U.S. waters (within 12 miles of the baseline) other than those listed above.	The voluntary ballast water management guidelines in § 151.1516 and the mandatory reporting requirements in § 151.1514.
Crude oil tanker. See § 151.1502(b)(1).	Engage in coastwise trade (trade exclusively between U.S. ports).	N/A	No requirements.
Crude oil tanker. See § 151.1502(c).	Engage in the export of Alaskan North Slope crude oil.	U.S. waters, for the purpose of exporting Alaska North Slope crude oil.	The requirements of Presidential Memorandum of April 28, 1996 and the mandatory reporting requirements in § 151.1514.
Passenger vessel. See § 151.1502(b)(2).	Use an operating treatment system designed to kill aquatic organisms in ballast water which has not been determined to be ineffective.	N/A	No requirements.

§ 151.1504 What definitions apply to this subpart?

As used in this subpart—

Ballast tank means any tank or hold on a vessel used for carrying ballast, whether or not designed for that purpose.

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, including any slop or sediment remaining from such water.

Captain of the Port (COTP) means the Coast Guard officer designated as the COTP, or a person designated by that officer, for the COTP Zone covering the first U.S. port of destination. These COTP Zones are listed in 33 CFR part 3. For any vessel bound for the Great Lakes, regardless of the first commercial port of call inside the Great Lakes, the COTP is COTP Buffalo.

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

Exclusive Economic Zone (EEZ) means the area established by Presidential Proclamation No. 5030 of March 10, 1983, which extends from the baseline of the territorial sea of the United States seaward 200 nautical 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 on non-target organisms and ecosystems and that emphasize integrated pest management techniques and non-chemical measures. With respect to alternative ballast water treatment methods, chemical treatment of the ballast water will not be considered environmentally sound if it results, or is likely to result, in the release of harmful concentrations of chemicals or by-products into the environment outside the ballast tank.

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.

Open ocean means waters of the Atlantic, Pacific, Arctic, Antarctic, or Indian Oceans which are beyond the EEZ of the United States (beyond 200 nautical miles), beyond 200 miles from the baseline of other countries, and with a depth of more than 500 meters. It does not include the Gulf of Mexico, the Baltic Sea, the Mediterranean Sea, or other Seas.

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

Reasonably complete ballast water exchange means an exchange which results in replacement of at least 90 percent of the original water by volume with water from the open ocean or other waters approved in advance by the COTP.

Reasonably effective ballast water management system means a system determined by the Coast Guard to be effective in removing or killing at least 90 percent of the organisms in the ballast water, in terms of both individual organisms and range of species, and which is otherwise practical, safe, and environmentally acceptable.

Voyage means any transit by a vessel destined for any United States port from a port or place outside of the EEZ, including intermediate stops at a port or place within the EEZ. For the purpose of this rule, a transit by a vessel from a port in Hawaii or Alaska to any other United States port, or vice versa, is also considered a voyage.

Waters of the United States means the navigable waters and territorial sea of the United States, including the territorial sea extended to 12 nautical miles from the baseline established by Presidential Proclamation No. 5928 of December 27, 1988.

§ 151.1506 Why must I meet the requirements of the regulations in this subpart and what are the penalty provisions?

(a) *To operate unrestricted.* A vessel subject to the requirements of this subpart may not operate in the Great Lakes or the Hudson River, north of the George Washington Bridge, unless the master of the vessel has certified, in accordance with § 151.1514, that the requirements of this subpart have been met.

(b) *To maintain the required clearance.* If you are the owner or operator of a vessel not in compliance with this subpart, a COTP may request the District Director of Customs to withhold or revoke the clearance required by 46 U.S.C. app. 91.

(c) *To avoid civil penalties.* Failure to comply with these regulations may result in civil penalties up to $25,000 per day.

(d) *To avoid criminal prosecution.* Any person who knowingly violates these regulations is guilty of a class C felony.

§ 151.1508 What are the mandatory ballast water management requirements?

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

(1) Carry out a reasonably complete ballast water exchange in the open ocean or in other waters approved in advance by the COTP, prior to entering the Snell Lock, at Massena, NY, or the Hudson River north of the George Washington Bridge. A level of salinity below 32.4 parts per thousand is a basis for presuming that a reasonably complete exchange has not occurred. However, a salinity of 32.4 parts per thousand or above is not a basis for presuming that a reasonably complete exchange has occurred unless supported by other evidence that the original water in the tank was fresh. The existence or non-existence of a reasonably complete exchange may be evidenced by any logical combination of salinity, other chemical or biological indicators, the voyage and ballasting history of the vessel, and shipboard records.

(2) Retain the 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 for the duration of the voyage upon the Great Lakes, or the Hudson River north of the George Washington Bridge.

(3) Use a reasonably effective ballast water management system which is consistent with an environmentally sound method, and which has been approved by the Commandant prior to the 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) The master of a vessel subject to this section may not 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 (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with the applicable regulations. Nothing in this subpart affects or supersedes any requirement or prohibition 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 to 1376).

§ 151.1510 Is the master still responsible for the safety of the vessel?

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.

§ 151.1512 When must the master employ ballast water management alternatives?

The master of any vessel subject to this subpart who, due to weather, vessel architectural design, equipment failure, or other extraordinary conditions, is unable to effect a ballast water exchange before entering the EEZ, must—

(a) Employ another method of ballast water management listed in § 151.1508; or

(b) Request permission from the COTP to exchange the vessel's ballast water within an area agreed to by the COTP. The master must discharge the vessel's ballast water within that designated area after permission is granted by the COTP.

§ 151.1514 What are the mandatory reporting and recordkeeping requirements?

(a) The master of each vessel subject to this subpart must provide the following information to the Commandant, U.S. Coast Guard or the COTP as described in paragraph (b) of this section (Note: A sample form and guidelines for completing it appear in the Appendix to this subpart):

(1) The vessel's: Name, type, International Maritime Organization (IMO) number, owner, gross tonnage, call sign, flag, agent, current location, date of arrival, last port and country of call, and next port and country of call.

(2) The total amount of ballast water being carried, and total ballast water capacity (with units).

(3) Whether or not there is a ballast water management plan on board and in use on the vessel, the total number of ballast tanks and holds on board, total number of tanks and holds in ballast, total number of tanks and holds that were exchanged, and the total number of tanks and holds that were not exchanged.

(4) The original date(s) of uptake, location(s), volumes(s) and temperature(s) of any ballast water (taken on prior to an exchange) that will be discharged into U.S. waters.

(5) The dates(s), location(s), volumes(s), thoroughness (percentage exchanged) of any ballast water exchanged, and the combined sea height (sea+swell) in meters (m) at the time of the ballast water exchange.

(6) The proposed date, location, volume, and salinity of any ballast water to be discharged into the territorial waters of the United States.

(7) The location for disposal of sediment carried upon entry into the territorial waters of the United States, if sediment is to be discharged.

(8) If ballast water was not exchanged, state other control action(s) taken. If none, state reason why not.

(9) Whether or not there is a copy of the IMO voluntary ballast water management guidelines on board (IMO Resolution A.868(20), adopted November 1997).

(10) The master's or responsible officer's printed name, title, and signature attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) This information must be transmitted to the Coast Guard as follows:

(1) The master of a vessel bound for the Great Lakes must telefax the information to the COTP Buffalo at (315) 764–3283 before passing through the Cabot Strait at the entrance to the Gulf of Saint Lawrence.

(2) The master of a vessel bound for the Hudson River north of the George Washington Bridge must telefax the information to the COTP New York at (718) 354–4249 before entering the waters of the United States (12 miles from the baseline).

(3) Masters of other vessels subject to this section must telefax the information to the Commandant, U.S. Coast Guard at (301) 261–4319, or mail to U.S. Coast Guard, c/o Smithsonian, PO Box 28, Edgewater, MD 21037–0028, before departing the first port of call in the United States.

(c) The master or owner of the vessel must retain a copy of the information on the vessel for 2 years.

§ 151.1516 What are the voluntary ballast water management guidelines?

Masters of all vessels with ballast tanks, except those specifically exempted under § 151.1502(b), are requested to adopt and carry out the ballast water management practices described in this subpart when operating on the waters beyond the EEZ during any part of a voyage.

§ 151.1518 Are there methods to monitor compliance with this subpart?

The COTP may take samples of ballast water and sediment, examine documents, and make other appropriate inquires to assess the compliance with, and the effectiveness of, this subpart.

Appendix to Subpart C of Part 151—Guidelines for Filling out Ballast Water Reporting Form

Please fill out in English and make every effort to PRINT legibly!

SECTION 1. VESSEL INFORMATION—

Vessel Name: Print the name of the vessel clearly.

Owner: The registered owner(s) or operator(s) of the vessel.

Flag: Country under which the ship normally operates, write out, *no abbreviations please!*

Last Port and Country: Last port *and* country at which the vessel called before arrival in the current port, *no abbreviations please!*

Next Port *and* Country: Next port and country at which the vessel will call, upon departure from current port, *no abbreviations please!*

Type: List specific vessel type, write out or use the following abbreviations: bulk (bc), rcro (rr), container (cs), tanker (ts), passenger (pa), oil/bulk ore (ob), general cargo (gc). Write out any additional vessel types.

GT: Gross tonnage.

Arrival Date: Arrival date to current port (i.e., *the first U.S. port of arrival* after entering the U.S. exclusive economic zone (EEZ)). Please use European date format (DDMMYY).

IMO Number: Identification number of the vessel used by the International Maritime Organization.

Call Sign: Official call sign.

Agent: Agent used for this voyage.

Arrival Port: This is the current port (i.e., the first U.S. port of arrival). *No abbreviations please!*

SECTION 2. BALLAST WATER—(Note: Segregated ballast water = clean, non-oily ballast).

Total Ballast Water On Board: Total segregated ballast water upon arrival to current port, *with units.*

Total Ballast Water Capacity: Total volume of all ballastable, tanks or holds, *with units!*

SECTION 3. BALLAST WATER TANKS—Count all tanks and holds separately (e.g., port and starboard tanks should be counted separately).

Total No. of Tanks On Board: Count all tanks and holds that can carry segregated ballast water.

Ballast Water Management Plan On Board? Do you have a ballast water management plan specific to your vessel on board? Check yes or no.

Management Plan Implemented? Do you follow the above management plan? Check yes or no.

No. of Tanks in Ballast: Number of segregated ballast water tanks and holds with ballast at the onset of the voyage to the current port. If you have no ballast water on board, go to section 5.

No. of Tanks Exchanged: This refers only to tanks and holds with ballast at the onset of the voyage to the current port.

No. of Tanks Not Exchanged: This refers only to tanks and holds with ballast at the onset of the voyage to the current port.

SECTION 4. BALLAST WATER HISTORY—BW SOURCE

Please list *all tanks and holds* that you have discharged or plan to discharge in U.S. waters (carefully write out, or use codes listed below table). Follow each tank across the page listing all source(s), exchange events, and/or discharge events separately. If the ballast water history is identical (i.e. same source, exchange, and discharge dates and locations), like tanks can be combined (example: wing tank 1 with wing tank 2 both with water from Belgium, exchanged Oct. 3, mid-ocean—can be combined. See first line of the table in the sample form). Please use an additional page if you need it, being careful to include ship name, date, and IMO number at the top.

Date: Date of ballast water uptake. Use European format (DDMMYY).

Port or Latitude/Longitude: Location of ballast water uptake, *no abbreviations for ports!*

Volume: Volume of ballast water uptake, *with units.*

Temperature: Water temperature at time of ballast water uptake, in degrees Centigrade, *with units.*

BW EXCHANGE Indicate Exchange Method: By circling empty/refill or flow through.

Date: Date of ballast water exchange. Use European format (DDMMYY).

Endpoint or Latitude/Longitude: Location of ballast water exchange. If it occurred over an extended distance, list the end point latitude and longitude.

Volume: Volume of ballast water exchanged, *with units.*

Percentage Exchanged: Percentage of ballast water exchanged. Calculate this by dividing the number of units of water exchanged by the original volume of ballast water in the tank. If necessary, estimate based on pump rate. (NOTE: For effective flow through exchange, this value should be at least 300%.)

Sea Height (m): Document the sea height in meters at the time of the ballast water exchange (Note: this is the combined height of the wind-seas, and swell, and does *not* refer to depth).

BW DISCHARGE

Date: Date of ballast water discharge. Use European format (DDMMYY).

Port or latitude/longitude: Location of ballast water discharge, *no abbreviations for ports.*

Volume: Volume of ballast water discharged, *with units.*

Salinity: Document salinity of ballast water at the time of discharge, *with units* (i.e., specific gravity (sg) or parts per thousand (ppt)).

If exchanges were not conducted, state other control actions(s) taken: If exchanges were not made on *all tanks and holds* to be discharged in U.S. waters, what other actions were taken? (i.e., transfer of water to a land based holding facility or other approved treatment).

If none, state reason why not: List specific reasons why ballast water exchange was not done. This applies to *all tanks and holds* being discharged in U.S. waters.

SECTION 5—IMO BALLAST WATER GUIDELINES ON BOARD? Check yes or no.

Responsible officers name and title (printed) and signature: e.g., the first mate, Captain, or Chief Engineer must print their name and title and sign the form.

THIS INFORMATION MUST BE TRANSMITTED TO THE U.S. COAST GUARD AS FOLLOWS:

(1) The master of a vessel bound for the Great Lakes must telefax the information to the:

COTP Buffalo at (315) 764–3283

Before passing through the Cabot Strait at the entrance to the Gulf of Saint Lawrence.

(2) The master of a vessel bound for the Hudson River, north of the George Washington Bridge must telefax the information to the:

COTP New York at (718) 354–4249

Before entering the waters of the United States (12 miles from the baseline).

(3) Masters of other vessels subject to this section must telefax the information to the:

Commandant, U.S. Coast Guard at (301) 261–4319 or mail to: U.S. Coast Guard, c/o Smithsonian, P.O. Box 28, Edgewater, MD 21037–0028 before departing the first port of call in the United States.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 40 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOR), U.S. Coast Guard, Washington, DC 20593–0001 or Office of Management and Budget, Paperwork Reduction Project (2115-0598), Washington, DC 20503.

BILLING CODE 4910–15–P

Control Number 2115-0598

.ST WATER

_nits: m^3, MT, LT, ST
llast Water on Board:
llast Water Capacity:

T PLAN IMPLEMENTED? YES___ NO___

TO NO. 5.

_; IF NONE GO TO NO. 5.

BW DISCHARGE

PORT or LAT. LONG.	VOLUME (units)	SALINITY (units)

d = CH, O = Other