

13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

We have analyzed this proposed rulemaking under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order. Although it is a "significant regulatory action" under Executive Order 12866, it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

The Coast Guard considered the environmental impact of this proposed rulemaking and concluded that preparation of a Programmatic Environmental Assessment (PEA) is necessary. A draft PEA has been completed. For more detailed information, refer to the draft PEA in the docket.

This PEA is considered necessary because the proposed rulemaking would require vessels with ballast tanks entering U.S. ports around the country, subject to conditions discussed above, to have completed one of the mandatory BWM practices. Although the national mandatory BWM program provides vessels with ballast tanks the option of using one of four BWM practices, ballast water exchange is likely to be the most used practice for reasons discussed earlier. However, this PEA is necessary to ensure the potential environmental effects of the four BWM practices are considered.

List of Subjects in 33 CFR Part 151

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

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

Subpart D—Ballast Water Management for Control of Nonindigenous Species in Waters of the United States

1. The authority citation for subpart D is revised to read as follows:

Authority: 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.

§ 151.2010 [Revised]

2. Revise § 151.2010(d) by removing the phrase "and in waters more than 2,000 meters (6,560 feet, 1,093 fathoms) deep".

3. Revise § 151.2035, the section heading and the introductory text in paragraph (a), and paragraphs (a)(7), and (b) to read as follows:

§ 151.2035 What are the required ballast water management practices for my vessel?

(a) Masters, owners, operators, or persons-in-charge of all vessels equipped with ballast water tanks that operate in the waters of the United States must:

* * * * *

(7) Maintain a ballast water management plan that has been developed specifically for the vessel that will allow any ship's officer to understand and follow the vessels ballast water management strategy.

* * * * *

(b) In addition to the provisions of paragraph (a) of this section, if the vessel carries ballast water that was taken on in areas less than 200 nautical miles from any shore into the waters of the United States after operating beyond the Exclusive Economic Zone, you (the master, operator, or person-in-charge of a vessel) must employ at least one of the following ballast water management practices:

(1) Perform complete ballast water exchange in an area no less than 200 nautical miles from any shore prior to discharging ballast water in United States waters;

(2) Retain ballast water onboard the vessel;

(3) Prior to the vessel entering United States waters, use an alternative environmentally sound method of ballast water management that has been approved by the Coast Guard; or

(4) Discharge ballast water to an approved reception facility.

4. Add § 151.2036 to read as follows:

§ 151.2036 If my voyage does not take me into waters 200 nautical miles or greater from any shore must I divert to conduct a ballast water exchange?

A vessel will not be required to deviate from its voyage, or delay the voyage, in order to conduct a ballast water exchange.

5. Add § 151.2037 to read as follows:

§ 151.2037 If my vessel cannot conduct ballast water management because of its voyage and/or safety concerns, will I be prohibited from discharging ballast water?

A vessel who cannot practicably meet the requirements of paragraphs (b)(1)–(b)(4) of section § 151.2035 because its voyage does not take it into waters 200 nautical miles or greater from any shore for a sufficient length of time, and/or because of the safety concerns contained in § 151.2030, will not be prohibited from the discharge of ballast water in areas other than the Great Lakes and the Hudson River. However, the vessel must discharge only that amount operationally necessary and make ballast water records available to the local Captain of the Port upon request.

Dated: July 25, 2003.

Thomas H. Collins,

Admiral, U.S. Coast Guard, Commandant.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD08–03–029]

RIN 1625–AA11

Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers Eighth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes an interim rule to establish a regulated navigation area (RNA) within all inland rivers of the Eighth Coast Guard District. This RNA will apply to towing vessel operators and fleeting area managers who are responsible for the movement