

3. REGULATIONS

A. Essential Fish Habitat (NOAA)

On January 17, 2002, (67 FR 2343), the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, promulgated a final rule (50 CFR part 600) to revise the regulations implementing the essential fish habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act. This rule establishes guidelines to assist the Regional Fishery Management Councils and the Secretary of Commerce in the description and identification of EFH in fishery management plans (FMPs), the identification of adverse effects to EFH, and the identification of actions required to conserve and enhance EFH. The regulations also detail procedures the Secretary (acting through the NMFS), other federal agencies, and the Councils will use to coordinate, consult, or provide recommendations on federal and state actions that may adversely affect EFH. The intended effect of the rule is to promote the protection, conservation, and enhancement of EFH. "Essential fish habitat" means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

For further information, contact Mr. Jonathan Kurland, EFH Coordinator, Office of Habitat Conservation, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910-3282, (telephone: (301) 713-2325, electronic mail: jon.kurland@noaa.gov).

B. Ballast Water Management (SLSDC)

The Saint Lawrence Seaway Development Corporation (SLSDC), U.S. Department of Transportation, and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC, on January 24, 2002, (67 FR 3465), proposed to amend the joint regulations (33 CFR part 401) to make compliance with applicable Great Lakes shipping industry codes for ballast water management practices a mandatory prerequisite for clearance of a commercial vessel for transit of the Seaway System. This action is in support of assuring the continued control of the introduction of aquatic nuisance species (ANS) in the Great Lakes Seaway System. This requirement would be in addition to the existing U.S. and Canadian ballast water management requirements as well as the undertakings at the international, national, and regional levels by governments and the private sector regarding control of ANS. This rule is one more effort in the commitment to find a cost-effective solution that protects the Great Lakes Seaway System from ANS while facilitating commerce.

For further information, contact Mr. Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (telephone: (202) 366-6823).

C. Inspection of Fixed Facilities on the OCS (CG)

On February 7, 2002, (67 FR 5912), the Coast Guard (CG), U.S. Department of Transportation, issued a final rule (33 CFR part 140) that authorizes the Minerals Management Service (MMS), U.S. Department of the Interior, on behalf of the Coast Guard, to perform inspections on fixed facilities engaged in Outer Continental Shelf (OCS) activities and to enforce Coast Guard regulations applicable to those facilities. The Coast Guard and MMS regulate safety on fixed OCS facilities. MMS regulates the structural integrity of fixed OCS facilities, in addition to enforcing all regulations pertaining to production, exploration, drilling, well workover, and well servicing operations for hydrocarbons and other minerals on the OCS. The Coast Guard regulates marine systems, such as lifesaving and navigation equipment and workplace safety and health. By authorizing MMS to also check for compliance with Coast Guard regulations, the two agencies avoid duplicating functions, reduce federal costs, and increase oversight for Coast Guard compliance without increasing the frequency of inspections.

For further information, contact Mr. James Magill, Vessel and Facility Operating Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1082, electronic mail: jmagill@comdt.uscg.mil).

D. Transportation of Municipal and Commercial Waste (CG)

On February 11, 2002, (67 FR 6171), the Coast Guard (CG), U.S. Department of Transportation, promulgated a final rule (33 CFR part 151) that finalizes regulations previously published as an interim rule. The interim rule was published to implement the permitting and numbering requirements of the Shore Protection Act (SPA), but was never published as a final rule. These regulations contain only minimal reporting requirements. Respondents are required to complete an application containing only the minimum information necessary for the Coast Guard to fulfill its obligations under the SPA. They are also required to display a number on the vessel. The permit and numbering system required in this rule are parts of a regulatory program to minimize the amount of municipal and commercial waste entering the coastal waters of the United States.

For further information, contact Mr. Michael Jendrossek, Vessel and Facility Operating Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0836, electronic mail: mjendrossek@comdt.uscg.mil).

E. Hazard Mitigation Planning and Grant Program (FEMA)

On February 26, 2002, (67 FR 8844), the U.S. Federal Emergency Management Agency (FEMA) issued an interim final rule (44 CFR parts 201 and 206) that addresses state mitigation planning, identifies new local mitigation planning requirements, authorizes Hazard Mitigation Grant Program (HMGP) funds for planning activities, and increases the amount of HMGP funds available to states that develop a comprehensive, enhanced mitigation plan. This rule also

requires that repairs or construction funded by a disaster loan or grant must be carried out in accordance with applicable standards and says that FEMA may require safe land use and construction practices as a condition of grantees receiving disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

For further information, contact Ms. Margaret E. Lawless, Federal Insurance and Mitigation Administration, U.S. Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (telephone: (202) 646-3027, electronic mail: margaret.lawless@fema.gov).

F. Living Organisms in Ship's Ballast Water (CG)

On March 4, 2002, (67 FR 9632), the Coast Guard (CG), U.S. Department of Transportation, promulgated an advance notice of proposed rulemaking (33 CFR part 151) in which the Coast Guard seeks comments on the development of a ballast water treatment goal and an interim ballast water treatment standard. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and the National Invasive Species Act of 1996 require the Coast Guard to:

(1) regulate ballast water management practices to prevent the discharge of shipborne ballast water from releasing harmful nonindigenous species into U.S. waters of the Great Lakes, and (2) issue voluntary guidelines to prevent the introduction of such species through ballast water operations in other waters of the United States. These laws further provide that the Coast Guard must assess compliance with the voluntary guidelines and, if compliance is inadequate, must issue regulations that make the guidelines mandatory. These guidelines and regulations must be based on open ocean ballast water exchange and/or environmentally sound alternatives that the Coast Guard determines to be at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species (ANS).

The Coast Guard is currently considering an approach in which an alternative ballast water treatment method would be judged to be at least as effective as ballast water exchange if it: (1) produces predictable results; (2) removes or inactivates a high proportion of organisms; (3) functions effectively under most operating conditions; and (4) moves toward a goal that expresses the legislative intent to eliminate ballast water discharge as a source of harmful ANS.

For further information, contact Dr. Richard Everett, Environmental Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0214, electronic mail: reverett@comdt.uscg.mil).

G. Liferaft Servicing Intervals (CG)

On March 5, 2002, (67 FR 9939), the Coast Guard (CG), U.S. Department of Transportation, issued a proposed rule (46 CFR parts 28, 109, 122, 131, 169, 185, and 199) to amend its regulations for commercial vessels in order to provide consistency in the requirements for servicing of inflatable liferafts and inflatable buoyant apparatus (IBA). This rule is being proposed to eliminate an unnecessary burden on vessel operators and to eliminate confusion

among the public and Coast Guard field personnel. The proposed rule would defer the first servicing of new liferafts or IBAs to 2 years after initial packing on all commercial vessels not certificated under the International Convention for the Safety of Life at Sea (SOLAS).

For further information, contact Mr. Kurt Heinz, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1444, electronic mail: kheinz@comdt.uscg.mil).