

December 21, 2001, until 11:59 p.m. PST on December 15, 2003.

\* \* \* \* \*

Dated: June 10 2003.

**John M. Holmes,**

*Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.*

[FR Doc. 03-15531 Filed 6-18-03; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Saint Lawrence Seaway Development Corporation

#### 33 CFR Part 401

[Docket No. SLSDC 2003-15136]

RIN 2135-AA18

#### Seaway Regulations and Rules: Stern Anchors and Navigation Underway

**AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the SLSDC is amending the joint regulations by making requirement for stern anchors applicable to large tug and barge combinations and by adding new requirements for manning of the wheelhouse for vessels underway.

**DATES:** This rule is effective on July 21, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6823.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. A notice of proposed rulemaking was published on May 13, 2003 (68 FR 25546). Interested parties have been afforded an opportunity to comment. No comments were received. The amendments are described in the following summary.

Under agreement with the SLSMC, the SLSDC is amending the joint regulations by making requirement for stern anchors applicable to new tug and barge combinations. Some tug and barge combinations that transit the Seaway carry dangerous or hazardous cargo and are just as large, 110 meters or more in combination, as the commercial vessels to which the requirement now applies. Accordingly, the SLSDC is making the requirement that a vessel be equipped with a stern anchor also applicable to these large tug and barge combinations. This will provide increased safety through greater control. Specifically, § 401.15, "Stern anchors", is amended by adding a new subsection to read, "Every integrated tug and barge or articulated tug and barge unit greater than 110m in overall length which is constructed after January 1, 2003, shall be equipped with a stern anchor."

In addition, the SLSDC is amending the manning requirements for navigation underway to ensure greater safety for all vessels, which includes tugs and tug and barge combinations as well. The rule already requires adequate manning and operation of the propulsion machinery. Inadequate manning of the wheelhouse during mooring and other essential duties also poses serious environmental and safety risks. Accordingly, § 401.35, "Navigation underway", is amended by adding two new subsections (c) and (d) to read as follows: "(c) man the wheelhouse of the vessel at all times by either the master or certified deck officer and by another qualified crewmember and (d) have sufficient well rested crewmembers available for mooring operations and other essential duties."

#### Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply and evaluation under the Department of Transportation's Regulatory Policies and Procedures is not required.

#### Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

#### Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et reg.*) because it is not a major federal action significantly affecting the quality of human environment.

#### Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, dated August 4, 1999, and has determined that this proposal does not have sufficient federalism implications to warrant a Federalism Assessment.

#### Unfunded Mandates

The Corporation has analyzed this rule under title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

#### Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

#### List of Subjects

##### 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

■ Accordingly, the Saint Lawrence Seaway Development Corporation is amending 33 CFR part 401 as follows:

#### PART 401—SEAWAY REGULATIONS AND RULES

##### Subpart A—[Amended]

■ 1. The authority citation for subpart A of part 401 continues to read as follows:

**Authority:** 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

■ 2. § 401.15 is revised to read as follows:

##### § 401.15 Stern anchors.

(a) Every ship of more than 110m in overall length, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

(b) Every integrated tug and barge or articulated tug and barge unit greater than 110m in overall length which is constructed after January 1, 2003, shall be equipped with a stern anchor.

3. § 401.35 is amended by: removing the word “and” after the semicolon in paragraph (a); removing the period after paragraph (b) and replacing it with a semicolon; and adding two new paragraphs (c) and (d) to read as follows:

**§ 401.35 Navigation underway.**

\* \* \* \* \*

(c) Man the wheelhouse of the vessel at all times by either the master or certified deck officer and by another qualified crewmember; and

(d) Have sufficient well rested crewmembers available for mooring operations and other essential duties.

Issued at Washington, DC on June 16, 2003.

**Albert S. Jacquez,**

*Administrator, Saint Lawrence Seaway Development Corporation.*

[FR Doc. 03-15537 Filed 6-18-03; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 125**

[FRL-7514-9]

RIN 2040-AD85

**National Pollutant Discharge Elimination System—Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Today’s final rule makes minor changes to EPA’s final rule published December 18, 2001, implementing section 316(b) of the Clean Water Act (CWA) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling. The December 2001 rule instituted national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities. These national requirements establish the best technology available for minimizing adverse environmental impact associated with the use of these structures. EPA is making several minor changes to the December 2001 rule because, in several instances, the final rule text does not reflect the Agency’s intent.

**DATES:** This final rule is effective on July 21, 2003. For judicial review purposes, this final rule is promulgated as of 1 p.m. Eastern Standard Time (EST) on July 3, 2003, as provided in 40 CFR 23.2 and 23.7.

**FOR FURTHER INFORMATION CONTACT:** Martha Segall, USEPA Office of Water by phone at (202) 566-1041 or by e-mail at [rule.316b@epa.gov](mailto:rule.316b@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Regulated Entities*

This final rule applies to new greenfield and stand-alone facilities that use cooling water intake structures to

withdraw water from waters of the U.S. and that have or require a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the CWA. New facilities subject to this regulation include those that have a design intake flow of greater than two (2) million gallons per day (MGD) and that use at least twenty-five (25) percent of water withdrawn for cooling purposes. Today’s rule does not apply to existing facilities, major modifications to existing facilities that would be “new sources” under 40 CFR 129.29(b) as that term is used in the effluent guidelines and standards program, or facilities that employ cooling water intake structures in the offshore oil and gas extraction point source category as defined under 40 CFR 435.10 and 40 CFR 435.40.

The following table is not intended to be exhaustive; rather, it provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria at 40 CFR 125.81. If you have questions about the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Category	Examples of regulated entities	Standard industrial classification codes	North American Industry Codes (NAIC)
Federal, State and Local Government.	Operators of steam electric generating point source dischargers that employ cooling water intake structures.	4911 and 493 .....	221111, 221112, 221113, 221119, 221121, 221122, 221111, 221112, 221113, 221119, 221121, 221122
Industry .....	Operators of industrial point source dischargers that employ cooling water intake structures.	See below .....	See below
	Steam electric generating .....	4911 and 493 .....	221111, 221112, 221113, 221119, 221121, 221122, 221111, 221112, 221113, 221119, 221121, 221122
	Agricultural production .....	0133 .....	111991, 11193
	Metal mining .....	1011 .....	21221
	Oil and gas extraction (Excluding offshore and coastal subcategories).	1311, 1321 .....	211111, 211112
	Mining and quarrying of nonmetallic minerals .....	1474 .....	212391
	Food and kindred products .....	2046, 2061, 2062, 2063, 2075, 2085.	311221, 311311, 311312, 311313, 311222, 311225, 31214
	Tobacco products .....	2141 .....	312229, 31221
	Textile mill products .....	2211 .....	31321