

termination from all members and member organizations for whom the Phlx is the DEA. In addition, the proposed amendment should protect investors and the public interest by providing an efficient and promptly updated source of information—the DEA—regarding representatives or agents of members and member organizations who are no longer empowered to act on the member's behalf. Furthermore, the proposed rule amendment is consistent with the provisions of section 6(b)(7) of the Act,<sup>10</sup> in that it helps provide a fair procedure for terminated persons.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-2001-22 and should be submitted by August 1, 2001.

### IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has reviewed carefully the Phlx's proposed rule

change and finds, for the reasons set forth below, the proposal is consistent with the requirements of section 6 of the Act<sup>11</sup> and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposal is consistent with section 6(b)(5)<sup>12</sup> because it should ensure that information regarding representatives or agents of members and member organizations for whom the Phlx is the DEA and who are no longer empowered to act on the member's behalf is provided to the Exchange. In this regard, the Commission believes that the proposed rule change will facilitate the Exchange's oversight of its members and member organizations in accordance with its self-regulatory obligations prescribed in the Act.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission believes that it is important to revise the current Exchange rule to require members to file Form U-5 with the Exchange to ensure that, until a link is established with the NASD to allow members for whom the Phlx is the DEA to access Web CRD, these forms continue to be routinely and promptly filed by members. The Commission believes that it is important for the protection of investors that until members can access Web CRD, this information is collected and maintained by the Exchange.

*It Is Therefore Ordered*, pursuant to section 19(b)(2) of the Act,<sup>13</sup> that the proposed rule change, as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-17306 Filed 7-10-01; 8:45 am]

**BILLING CODE 8010-01-M**

<sup>11</sup> 15 U.S.C. 78f. In approving this rule change, the Commission noted that it has considered the proposal's impact on efficiency, competition, and capital formation, consistent with Section 4 of the Act. *Id.* at 78c(f).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> 15 U.S.C. 78sf(b)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2001-10062]

#### The National Ballast Water Management Program

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meetings; request for comments.

**SUMMARY:** As directed by the National Invasive Species Act of 1996 [NISA], the Coast Guard seeks consultation with all interested and affected parties before making recommendations to Congress on the future of the national Ballast Water Management program. To accomplish this, the Coast Guard will host four regional public meetings to expand the opportunity for public input into the national program. We seek comments from any interested or affected party and encourage all interested parties to attend the meetings.

**DATES:** The public meetings will be held on the following dates in the cities listed:

West Coast: Oakland, CA—August 28, 2001.

Gulf Coast: Houston, TX—September 6, 2001.

Great Lakes: Ann Arbor, MI—September 11, 2001.

East Coast: Washington, DC—September 18, 2001.

With the exception of the Houston meeting, which will begin at 9:00 a.m., all meetings will begin at 9:30 a.m. and will end when business has been completed. Other comments must reach the Docket Management Facility on or before September 30, 2001.

**ADDRESSES:** The Coast Guard will hold the meetings at the following locations:

Oakland, CA: Gresham Conference Center, Coast Guard Island, Alameda, CA 94501, 510-437-3573

Houston, TX: Hilton Houston Hobby Airport, 8181 Airport Blvd, Houston, TX 77061, 713-645-3000

Ann Arbor, MI: Holiday Inn, North Campus, 3600 Plymouth Rd, Ann Arbor, MI 48105, 734-769-9800

Washington, DC: Nassif Building, 400 7th Street SW, Rooms 8236-8240, Washington, DC 20590, 202-366-0135

You may submit your comments directly to the Docket Management Facility. To make sure that your comments and related material are not entered more than once in the docket [USCG-2001-10062], please submit them by only one of the following means:

(1) By mail to the Facility, U.S. Department of Transportation, room PL-

<sup>10</sup> 15 U.S.C. 78f(b)(7).

401, 400 Seventh Street SW.,  
Washington, DC 20590-0001.

(2) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to the Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Facility maintains the public docket for this notice. Comments, and documents as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL-401, on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, call Lieutenant Junior Grade JoAnne Hanson, Project Manager, Environmental Standards Division, in the Office of Operating & Environmental Standards (G-MSO-4), Coast Guard, telephone 202-267-2079. For questions on viewing, or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages you to submit comments and related material on the national ballast water management program. If you do so, please include your name and address, identify the docket number [USCG-2001-10062] and give the reasons for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under ADDRESSES; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

##### **Public Meetings**

The Coast Guard encourages interested persons to attend the

meetings and present oral comments during the meetings. The meetings are open to members of the public. Please note that the meetings may close early if all business is finished. If you would like to present an oral comment during a meeting, please notify Lieutenant Junior Grade Hanson at the address given under **FOR FURTHER INFORMATION CONTACT** no later than August 17, 2001. If you are unable to attend the meetings, we encourage you to submit comments to the Docket Management Facility as indicated under ADDRESSES, by September 30, 2001.

##### **Information on Service for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to seek special assistance at the meeting, contact Lieutenant Junior Grade Hanson at the address or phone number under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

##### **Background and Purpose**

The NISA mandated the Coast Guard to establish a national voluntary ballast water management (BWM) program, which became effective in July 1999. Additionally, the NISA requires the Coast Guard to: report to Congress no later than January 1, 2002, on the level of compliance with the guidelines; assess the effectiveness of the guidelines and standards issued under the national voluntary BWM program in reducing the introduction and spread of aquatic nuisance species by vessels; and begin revising the guidelines and standards as necessary.

The precursor to the NISA, the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) [Pub. L. 101-646], was enacted by Congress on November 29, 1990, as a means of preventing and controlling the spread of zebra mussels and other aquatic nuisance species (ANS) in coastal and inland waters of the United States, with a particular emphasis on regulating ships entering the Great Lakes ecosystem.

The Coast Guard published a final rule titled "Ballast Water Management for Vessels Entering the Great Lakes" in the **Federal Register** on April 8, 1993 [58 FR 18330]. This rule established mandatory BWM procedures for the Great Lakes as detailed in 33 CFR part 151, subpart C. On December 30, 1994, the Coast Guard expanded the mandatory BWM practices to include portions of the Hudson River and amended the regulations in 33 CFR part 151 [59 FR 67632].

The NISA [Pub. L. 104-332] was enacted by Congress on October 26,

1996. This act reauthorized and amended the NANPCA, reemphasizing the significant role that ships' ballast water plays in the introduction and spread of ANS. The Coast Guard published the interim rule, "Implementation of the National Invasive Species Act of 1996," on May 17, 1999 [64 FR 26672]. These regulations expanded BWM to all remaining U.S. waters as follows:

- Requiring operators of vessels entering U.S. waters from outside the Exclusive Economic Zone (EEZ) to submit a BWM report
- Providing recommended BWM practices for operators of vessels entering the waters of the U.S. from beyond the EEZ
- Promoting BWM for operators of all vessels in waters of the U.S.

While the NISA provides that inadequate reporting of BWM practices will lead to a mandatory BWM program, there are presently no federal penalties associated with failing to submit the required BWM reports. Data from the first year since the implementation of the reporting requirement indicates a nationwide compliance of approximately 25%, and preliminary reviews of subsequent months indicate little change. In the absence of federal requirements for BWM, several states have passed ANS legislation and implemented mandatory BWM programs, including mandatory ballast water reporting and associated penalties.

The data gathered through the ballast water reports is being compiled by the Coast Guard and the National Ballast Information Clearinghouse and, combined with comments from the public and the shipping industry, will form the basis of the recommendation by the Secretary of Transportation to Congress about the future of the BWM program. In order to better gather input from the public, the Coast Guard requests comments be submitted to the Docket Management Facility (see details under **ADDRESSES**) and invites interested parties to attend any of the four regional public meetings.

The absence of a quantitative ballast water treatment (BWT) standard is widely viewed as a major impediment to the development, testing and evaluation of BWT technologies that could supplement or replace mid-ocean exchange of ballast water. To address this, the Coast Guard recently published two notices in the **Federal Register**. "Potential Approaches to Setting Ballast Water Treatment Standards" requesting comments on approaches to setting, implementing, and enforcing ballast water standards, was published on May

1, 2001 [66 FR 21807]. The second notice, "Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems" was published on May 22, 2001 [66 FR 28213] and requests comments on a possible means of providing incentives to further the development and testing of BWT technologies.

### Sample Topics for Consideration

In order to focus the discussion about the future of the national BWM program, please consider the following when submitting comments: (NOTE—some of these questions contain redundancies and they are not posed in a sequential fashion.)

1. Should BWM (including mid-ocean exchange of ballast water) be mandatory?

2. Should an exemption be allowed for those situations where a ship's master believes that performing BWM, including exchange, would endanger his vessel, crew and/or passengers? If so, how should the validity of such exemptions be verified?

3. Should there be an exemption from ballast water exchange requirements for those voyages whose routes take them outside the U.S. EEZ but not into waters of at least 2000 meters in depth and 200 miles from land (the prescribed depth of water and distance from land for conducting a mid-ocean exchange)?

4. Should the depth of water required for mid-ocean exchange be reduced to 500 meters, as is contained in the International Maritime Organization's definition of mid-ocean exchange?

5. Should ballast water exchange be permitted in waters less than 200 miles from shore? If so, what parameters should be considered?

6. Should the Coast Guard wait for the development of a BWT standard (a means of measuring the effectiveness of and comparing various ballast water treatments) before implementing mandatory BWM regulations?

7. Should ship type (e. g. passenger, container, bulk) influence regulatory requirements on BWM, and if so, how?

8. If BWM becomes mandatory, should ships constructed before the establishment of a mandatory program be treated differently than those constructed after the program goes into effect? If so, what should the distinctions be?

9. If a mandatory BWM program is developed, should the mandatory reporting requirement still be in effect? If so, what is the most efficient means of obtaining BWM data from vessels? Should BWM information be part of the advance notice of arrivals currently required of vessels arriving in U.S. ports

and submitted to the appropriate Coast Guard Captain of the Port, even if this meant providing significantly more information in the advance notice of arrival than is currently required? Or should separate reports continue to be sent to the National Ballast Water Information Clearinghouse, which acts as the Coast Guard's agent for the collection, storage and further processing of these reports?

10. Should ballast water management requirements (including reporting and treatment) be extended to cover coastwise shipping that operates well within the EEZ? What kinds of BWM should coastwise shipping be required to practice?

11. Should there be an exemption from ballast water exchange requirements for those voyages where the vessel is only outside the U.S. EEZ for a minimal length of time? What length of time should be considered minimal?

Dated: July 5, 2001.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety and Environmental Protection.*

[FR Doc. 01-17404 Filed 7-10-01; 8:45 am]

**BILLING CODE 4910-15-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2001-9988]

### Towing Safety Advisory Committee

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The License Implementation Working Group of the Towing Safety Advisory Committee (TSAC) will meet to discuss and develop the performance criteria to be used with the Towing Officer Assessment Record (TOAR) required in Title 46 Code of Federal Regulation 10.304(h). These performance criteria, when developed, will be announced in the **Federal Register** and made available for review and comment. Sample TOARs were published on May 21, 2001, as part of the Navigation and Vessel Inspection Circular 4-01 (NVIC 4-01) entitled "Licensing and Manning for Officers of Towing Vessels." This NVIC provides guidance on the implementation of a recent interim rule with request for comments published in the **Federal Register** on April 26, 2001 (66 FR 20931; Licensing and Manning for Officers of Towing Vessels, Docket Number: USCG 1999-6224). The NVIC is available on the Internet at [http://www.uscg.mil/hq/g-m/nvic/4\\_01/n4-](http://www.uscg.mil/hq/g-m/nvic/4_01/n4-01.pdf)

[01.pdf](http://www.uscg.mil/hq/g-m/nvic/4_01/n4-01.pdf). The rulemaking history is also available on the Internet at <http://dms.dot.gov> under the same Docket Number. The meetings are open to the public.

**DATES:** The Working Group will meet on Wednesday, July 25, 2001, from 1 p.m. to 4 p.m., and on Thursday, July 26, 2001, from 8 a.m. to 3 p.m. These meetings may close early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before July 23, 2001.

**ADDRESSES:** The Working Group will meet in room 6103 at Coast Guard Headquarters; 2100 Second Street, SW; Washington, DC 20593-0001. Send written materials and requests to make oral presentations to Mr. Gerald P. Miente, Commandant (G-MSO-1); Room 1210, U.S. Coast Guard Headquarters; 2100 Second Street, SW; Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald P. Miente, Assistant Executive Director, TSAC, telephone 202-267-0229, fax 202-267-4570, or e-mail at: [gmiante@comdt.uscg.mil](mailto:gmiante@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

### Agenda of Meeting

The agenda includes the Working Group's review of the TOARs and the drafting of performance criteria proposals that will be presented to the full Committee for approval at a later date.

### Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Assistant Executive Director on or before July 23, 2001.

### Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Assistant Executive Director as soon as possible.

Dated: July 2, 2001.

**Joseph J. Angelo,**

*Acting Assistant Commandant for Marine, Safety and Environmental Protection.*

[FR Doc. 01-17390 Filed 7-10-01; 8:45 am]

**BILLING CODE 4910-15-P**