

3. REGULATIONS

A. Tank Level or Pressure Monitoring Devices (CG)

On October 1, 2001, (66 FR 49877), the Coast Guard (CG), U.S. Department of Transportation, issued a proposed rule (33 CFR parts 155 and 156) regarding the use of tank level or pressure monitoring (TLPM) devices as mandated by the Oil Pollution Act of 1990 (OPA 90). Within this proposed rulemaking, the Coast Guard has presented eight proposed regulatory options and regulatory text for each option concerning minimum standards for the performance and use of these devices on single-hull tank ships and single-hull tank barges carrying oil as cargo. Due to the extreme variance in the impact to the classes of tank vessels subject to this proposed rule, and, taking into account the cost-effectiveness ratio relative to the other significant OPA 90 regulations, the Coast Guard is also soliciting comments on financial, energy, safety, and environmental considerations. The purpose of TLPM devices is to reduce the size and impact of oil spills by alerting the tank vessel operator that an accidental discharge of cargo oil is occurring.

For further information, contact LCdr. Glen Mine, Standards Evaluation and Analysis Division, Office of Standards Evaluation and Development (G-MSR), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-1303).

B. Notification of Arrival in U.S. Ports (CG)

To ensure public safety and security and to ensure the uninterrupted flow of commerce, the Coast Guard (CG), U.S. Department of Transportation, on October 4, 2001, (66 FR 50565), issued a temporary final rule (33 CFR part 160) that temporarily changes notification requirements for vessels bound for or departing from U.S. ports. Under the present requirements, owners, agents, masters, operators, or persons in charge of vessels bound for U.S. ports must file notices of arrival (NOAs) before they enter port. In general, the regulations apply to vessels greater than 300 gross tons – and to smaller foreign vessels entering the 7th Coast Guard District – but there are several categories of exemption. NOAs are also required for vessels and barges containing certain dangerous cargo, and submitters must file notices of departure (NODs) for these vessels and barges before they leave a port.

This new temporary rule: (1) lengthens the period for NOAs; (2) changes where reports are submitted; (3) suspends exemptions from reporting requirements for some vessels; (4) requires additional information to be submitted on NOAs and NODs; (5) allows consolidated reports; (6) requires submitters of reports to submit changes to previously reported information; and (7) changes the definition of certain dangerous cargo.

For further information, contact Ltjg. Marcus A. Lines, Office of Marine Security (G-MMP), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-6854).

C. Emissions from Certain Nonroad Engines (EPA)

On October 5, 2001, (66 FR 51098), the U.S. Environmental Protection Agency (EPA) proposed emission standards (40 CFR parts 89, 90, 91, 94, 1048, 1051, 1065, and 1068) for several groups of nonroad engines that cause or contribute to air pollution but have yet to be regulated by EPA. These engines include large spark-ignition engines such as those used in forklifts and airport tugs; recreational vehicles using spark-ignition engines such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. Nationwide, engines and vehicles in these categories contribute to ozone, carbon monoxide (CO), and particulate matter (PM) nonattainment. These pollutants cause a range of adverse health effects, especially in terms of respiratory impairment and related illnesses. The proposed standards would help states achieve air quality standards. In addition, the proposed standards would help reduce acute exposure to CO, air toxics, and PM for operators and other people close to the emission source. They would also help address other environmental problems, such as visibility impairment in the national parks.

EPA expects that engine manufacturers will be able to maintain or even improve the performance of their products when producing engines and equipment meeting the proposed standards. Many engines will substantially reduce their fuel consumption, partially or completely offsetting any costs associated with the emission standards.

For further information, contact Ms. Margaret Borushko, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105, (telephone: (734) 214-4334; electronic mail: borushko.margaret@epa.gov).

D. Pollution Prevention for Oceangoing Ships (CG)

On November 2, 2001, (66 FR 55566), the Coast Guard (CG), U.S. Department of Transportation, issued a final rule (33 CFR parts 151, 155, 157, and 158 and 46 CFR part 172) that amends regulations for prevention of pollution from ships to align domestic requirements with international maritime pollution prevention standards. These amendments were adopted by the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) during several sessions. This rule changes regulations concerning: (1) oily-water separators, (2) operational discharges of oil, (3) damage and intact stability of tank vessels, (4) period of validity for an International Oil Pollution Prevention Certificate, and (5) garbage recordkeeping requirements. To provide consistency with industry standards and clarify U.S. oil pollution prevention regulations, the Coast Guard also amended oily mixture discharge shore connection requirements for certain vessels and redefined certain terms dealing with oil.

For further information, contact Mr. Robert Gauvin, 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) 267-1053).

E. FGBNMS Anchoring Prohibitions (NOAA)

On November 21, 2001, (66 FR 58370), the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, issued a final rule (15 CFR part 922) that amends the regulations governing the anchoring and mooring of vessels in the Flower Garden Banks National Marine Sanctuary (FGBNMS). NOAA has made this change to conform the regulations to anchoring prohibitions adopted by the International Maritime Organization (IMO). NOAA will prohibit all anchoring and mooring in the Sanctuary, with the exception that vessels 100 feet and under in length are permitted to moor at existing Sanctuary mooring buoys. The intent of this rule is to prevent further injuries to corals in the Sanctuary from anchoring.

The Sanctuary consists of three separate areas of ocean waters over and surrounding the East and West Flower Garden Banks and Stetson Bank (the Banks), and submerged lands thereunder including the Banks, in the northwestern Gulf of Mexico. The area is unique among the world's coral reefs. It contains the northernmost coral reefs on the North American continental shelf and supports the most highly developed offshore hard-bank communities in the region.

For further information, contact Mr. George Schmahl, Flower Garden Banks National Marine Sanctuary, 216 West 26th Street, Suite 104, Bryan, TX 77803, (telephone: (979) 779-2705).

F. Implementation of the National Invasive Species Act (CG)

To comply with the National Invasive Species Act of 1996 (NISA), the Coast Guard, U.S. Department of Transportation, has established both regulations and voluntary guidelines to control the invasion of aquatic nuisance species (ANS). Ballast water from ships is one of the largest pathways for the intercontinental introduction and spread of ANS. ANS invasions through ballast water are now recognized as a serious problem threatening global biological diversity and human health.

On November 21, 2001, (66 FR 58381), the Coast Guard promulgated a final rule (33 CFR part 151) that finalizes regulations for the Great Lakes ecosystem and voluntary ballast water management guidelines for all other waters of the United States, including mandatory ballast water management reporting for nearly all vessels entering waters of the United States. The voluntary guidelines apply to all vessels equipped with ballast tanks that operate in waters of the United States. In addition, the mandatory reporting requirements apply to all vessels carrying ballast water into the waters of the United States after operating beyond the Exclusive Economic Zone (EEZ). These reporting requirements are intended to monitor the level of participation by vessels in the voluntary national guidelines program. If participation levels in this program are inadequate, NISA requires the Secretary of Transportation to mandate the ballast water management 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 Coast Guard will try to maintain nationwide consistency in methods for the control of invasive species. The Coast Guard is committed to ensuring national consistency for regulations that are established as international rules and regulations, adopted by the International Maritime Organization (IMO) and ratified by the United States, which are related to the design, construction, equipment, manning, and operation of vessels. However, this rule is not intended to preempt any state, regional, or local efforts that exceed but do not conflict with the standards set forth in this rule.

For further information, contact LCdr. Mary Pat McKeown, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0500).

G. Cargo Tank Motor Vehicles (RSPA)

On December 4, 2001, (66 FR 63096), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, issued a proposed rule (49 CFR parts 107, 171, 172, 173, 177, 178, and 180) that proposes a number of revisions to the Hazardous Materials Regulations for the purpose of updating and clarifying the regulations on the construction and maintenance of cargo tank motor vehicles. This proposed rule also addresses three National Transportation Safety Board (NTSB) recommendations and several petitions for rulemaking. By updating and clarifying the regulations, addressing the NTSB recommendations, and responding to petitions for rulemaking, these revisions should increase the safety of cargo tanks transporting hazardous materials, provide greater flexibility in design and construction of cargo tanks, and reduce operating burdens for owners, operators, and manufacturers of cargo tank motor vehicles.

For further information, contact Mr. Michael Johnsen, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (telephone: (202) 366-8553).