

paragraph 6(b) of the Appendix to "National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy" (67 FR 48243), this rule is categorically excluded from further environmental documentation. This rule falls under congressionally mandated regulations. Analyses of these types of regulations and their respective environmental reviews have determined these actions do not normally have significant effects either individually or cumulatively on the human environment. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 151

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

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 C—Ballast Water Management for Control of Nonindigenous Species in the Great Lakes and Hudson River

1. The authority citation for part 151 subpart C continues to read as follows:

**Authority:** 16 U.S.C. 4711; 49 CFR 1.46.

2. Add § 151.1518 to read as follows:

#### § 151.1518 Penalties for failure to conduct ballast water exchange.

(a) A person who violates this subpart is liable for a civil penalty in an amount not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

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

3. The authority citation for 33 CFR part 151 subpart D continues to read as follows:

**Authority:** 16 U.S.C. 4711; 49 CFR 1.46.

4. Revise § 151.2005 to read as follows:

#### § 151.2005 To which vessels does this subpart apply?

Unless exempted in §§ 151.2010 or 151.2015, this subpart applies to all vessels, U.S. and foreign, equipped with ballast tanks, that operate in the waters of the United States and are bound for ports or places in the United States.

5. Add § 151.2007 to read as follows:

#### § 151.2007 What are the penalties for violations of the mandatory provisions of this subpart?

(a) A person who violates this subpart is liable for a civil penalty not to exceed \$25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

#### § 151.2010 [Amended]

6. In § 151.2010:

(a) remove from the introductory text, the word "Four" and add, in its place, the word "Three";

(b) remove paragraphs (b) and (d);

(c) redesignate paragraph (c) as (b);

(d) and add new paragraph (c) to read as follows:

#### § 151.2010 Which vessels are exempt from the mandatory requirements?

(c) A vessel that operates exclusively within one Captain of the Port (COTP) Zone.

#### § 151.2015 [Amended]

7. In § 151.2015 remove the number "151.2040" and add in its place the number "151.2041".

#### § 151.2025 [Revised]

8. Amend § 151.2025(b) by adding, in alphabetical order, the definitions for "Exclusive Economic Zone (EEZ)", "port or place of departure" and "port or place of destination", and revise the definitions of "Captain of the Port (COTP)" and "Voyage". The new and revised definitions read as follows:

#### § 151.2025 What definitions apply to this subpart?

(a) \* \* \*

(b) \* \* \*

*Captain of the Port (COTP)* means the Coast Guard officer designated as the COTP, or a person designated by that officer, for the COTP zone covering the U.S. port of destination. These COTP zones are listed in 33 CFR part 3.

*Exclusive Economic Zone (EEZ)* means the area established by Presidential Proclamation Number 5030,

dated March 10, 1983 (48 FR 10605, 3 CFR, 1983 Comp., p. 22) which extends from the base line of the territorial sea of the United States seaward 200 miles, and the equivalent zone of Canada.

\* \* \* \* \*

*Port or place of departure* means any port or place in which a vessel is anchored or moored.

*Port or place of destination* means any port or place to which a vessel is bound to anchor or moor.

\* \* \* \* \*

*Voyage* means any transit by a vessel destined for any United States port or place.

\* \* \* \* \*

9. Revise § 151.2040 and its section heading to read as follows:

#### § 151.2040 What are the mandatory Ballast Water Management requirements for vessels equipped with ballast tanks that operate in the waters of the United States and are bound for ports or places in the United States?

(a) A vessel bound for the Great Lakes or Hudson River, which has operated beyond the EEZ (which includes the equivalent zone of Canada) during any part of its voyage regardless of intermediate ports of call within the waters of the United States or Canada, must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of subpart C of this part.

(b) A vessel engaged in the foreign export of Alaskan North Slope Crude Oil must comply with §§ 151.2041 and 151.2045 of this subpart, as well as with the provisions of 15 CFR 754.2(j)(1)(iii). That section (15 CFR 754.2(j)(1)(iii)) requires a mandatory program of deep water ballast exchange unless doing so would endanger the safety of the vessel or crew.

(c) A vessel not included in paragraphs (a) or (b) of this section that operates in the waters of the United States and is bound for ports or places in the United States must comply with §§ 151.2041 and 151.2045 of this subpart.

(d) This subpart does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with applicable regulations.

(e) This subpart does not affect or supercede any requirement or prohibition pertaining to the discharge of ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 to 1376).