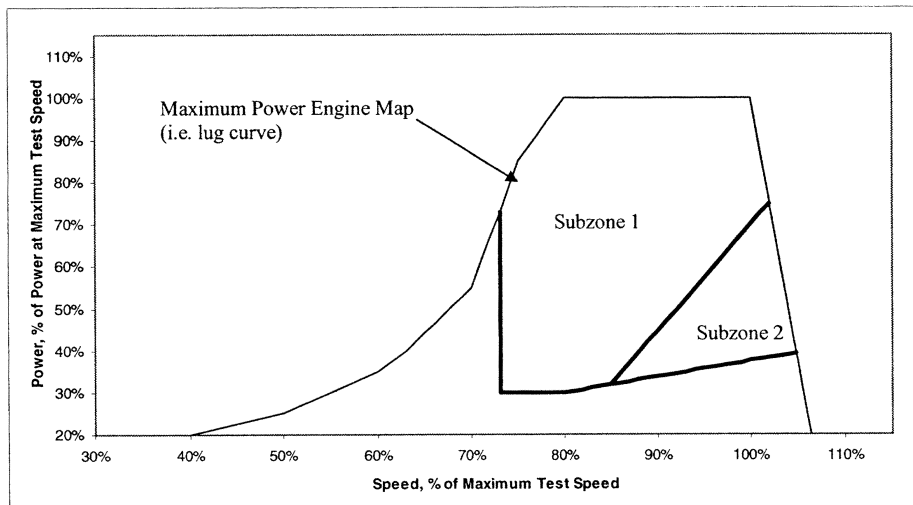


Figure 5 of Appendix III — NTE Zone and Subzones for

Variable-Speed Auxiliary Marine Engines (nonpropeller-law)



**PART 1043—CONTROL OF NO<sub>x</sub>, SO<sub>x</sub>, AND PM EMISSIONS FROM MARINE ENGINES AND VESSELS SUBJECT TO THE MARPOL PROTOCOL**

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AUTHORITY: 33 U.S.C. 1901–1915.

SOURCE: 75 FR 23013, Apr. 30, 2010, unless otherwise noted.

**§ 1043.1 Overview.**

The Act to Prevent Pollution from Ships (APPS) requires engine manufacturers, owners and operators of vessels, and other persons to comply with Annex VI of the MARPOL Protocol. This part implements portions of APPS as it relates to Regulations 13, 14 and 18 of Annex VI. These regulations clarify the application of some Annex VI provisions; provide procedures and criteria for the issuance of EIAPP certificates; and specify requirements applicable to ships that are not registered by Parties to Annex VI. This part includes provisions to apply the equivalency provisions of Regulation 4 of Annex VI with respect to Regulations 14 and 18 of Annex VI. Additional regulations may also apply with respect to the Annex VI, such as those issued separately by the U.S. Coast Guard. Note that references in this part to a specific subsection of an Annex VI regulation (such as Regulation 13.5.1) reflect the regulation numbering of the 2008 Annex VI (incorporated by reference in § 1043.100).

## § 1043.5

(a) The general requirements for non-public U.S.-flagged and other Party vessels are specified in Annex VI, as implemented by 33 U.S.C. 1901–1915. These requirements apply to engine manufacturers, owners and operators of vessels, and other persons.

(b) The provisions of this part specify how Regulations 13, 14 and 18 of Annex VI, as implemented by APPS, will be applied to U.S.-flagged vessels that operate only domestically.

(c) This part implements section 33 U.S.C. 1902(e) by specifying that non-public vessels flagged by a country that is not a party to Annex VI are subject to certain provisions under this part that are equivalent to the substantive requirements of Regulations 13, 14 and 18 of Annex VI as implemented by APPS.

(d) Nothing in this part describes where the requirements of Regulation 13.5.1 of Annex VI and Regulation 14.4 of Annex VI will apply.

(e) This part 1043 does not limit the requirements specified in Annex VI, as implemented by APPS, except as specified in § 1043.10(a)(2) and (b)(3).

(f) Nothing in this part limits the operating requirements and restrictions applicable for engines and vessels subject to 40 CFR part 1042 or the requirements and restrictions applicable for fuels subject to 40 CFR part 80.

(g) The provisions of this part specify how to obtain EIAPP certificates and certificates for Approved Methods.

### § 1043.5 Effective dates.

(a) The requirement of APPS for marine vessels to comply with Annex VI of the MARPOL Protocol is in effect.

(b) The amendments to Annex VI adopted on October 8, 2008 enter into force July 1, 2010. The requirement of APPS for marine vessels to comply with the amended Annex VI is effective July 1, 2010, although some requirements do not become applicable until later dates.

(c) Compliance with the applicable regulations of this part is required for all persons as of July 1, 2010. (Note that certain requirements begin later, as described in paragraph (d) of this section.) Note also that compliance with §§ 1043.40 and 1043.41 is required to obtain EIAPP certificates under this part

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whether the application is submitted before July 1, 2010 or later.

(d) Compliance with the requirements related to ECAs are effective as follows:

(1) Compliance with the ECA NO<sub>x</sub> requirements (*see* § 1043.60(a)) is required beginning on the date on which the ECA enters into force for the United States under Annex VI.

(2) Compliance with the fuel content requirements applicable within ECAs and ECA associated areas (*see* § 1043.60(b)) is required beginning 12 months after date on which the ECA enters into force for the United States under Annex VI.

### § 1043.10 Applicability.

(a) *U.S.-flagged vessels.* The provisions of this part apply for all U.S.-flagged vessels wherever they are located (including engines installed or intended to be installed on such vessels), except as specified in this paragraph (a) or in § 1043.95.

(1) Public vessels are excluded from this part.

(2) Vessels that operate only domestically and conform to the requirements of this paragraph (a)(2) are excluded from Regulation 13 of Annex VI (including the requirement to obtain an EIAPP certificate) and the NO<sub>x</sub>-related requirements of this part. For the purpose of this exclusion, the phrase “operate only domestically” means the vessels do not enter waters subject to the jurisdiction or control of any foreign country, except for Canadian portions of the Great Lakes. (*See* §§ 1043.60 and 1043.70 for provisions related to fuel use by such vessels). To be excluded, the vessel must conform to each of the following provisions:

(i) All compression-ignition engines on the vessel must conform fully to all applicable provisions of 40 CFR parts 94 and 1042.

(ii) The vessel may not contain any engines with a specific engine displacement at or above 30.0 liters per cylinder.

(iii) Any engine installed in the vessel that is not covered by an EIAPP must be labeled as specified in 40 CFR 1042.135 with respect to whether it meets the requirements of Regulation 13 of Annex VI.