

Coast Guard, DHS

§ 148.400

(c) This section does not apply to applications for natural gas deepwater ports.

[USCG-1998-3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG-2013-0397, 78 FR 39177, July 1, 2013]

§ 148.283 When is the application process stopped before the application is approved or denied?

The Commandant (CG-5P) recommends to MARAD that the application process be suspended before the application is approved or denied if:

(a) All applications are withdrawn before MARAD approves one of them; or

(b) There is only one application; it is incomplete, and the applicant does not respond to a request by the Commandant (CG-5P) for further information, as per § 148.107 of this part.

[USCG-1998-3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG-2013-0397, 78 FR 39177, July 1, 2013]

Subpart D—Licenses

§ 148.300 What does this subpart concern?

This subpart concerns the license for a deepwater port and the procedures for transferring, amending, suspending, reinstating, revoking, and enforcing a license.

§ 148.305 What is included in a deepwater port license?

A deepwater port license contains information about the licensee and the deepwater port, and any conditions of its own or of another agency's that may be described by MARAD in the license. Licenses are issued in conformance with the Act, and with rules and policies of MARAD that implement the Act.

[USCG-1998-3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG-2013-0397, 78 FR 39177, July 1, 2013]

§ 148.307 Who may consult with the Commandant (CG-5P) and MARAD on developing the proposed conditions of a license?

Federal agencies, the Adjacent Coastal States, and the owner of the deepwater port may consult with the Commandant (CG-5P) and MARAD on

the conditions of the license being developed under 33 U.S.C. 1503(e).

[USCG-2013-0397, 78 FR 39177, July 1, 2013]

§ 148.310 How long does a license last?

Each license remains in effect indefinitely subject to the following:

(a) If it is suspended or revoked by MARAD;

(b) If it is surrendered by the owner; or

(c) As otherwise provided by condition of the license.

§ 148.315 How is a license amended, transferred, or reinstated?

(a) MARAD may amend, transfer, or reinstate a license if it finds that the amendment, transfer, or reinstatement is consistent with the requirements of the Act and this subchapter.

(b) The owner must submit a request for an amendment, transfer, or reinstatement to the Commandant (CG-5P) or the MARAD Administrator.

[USCG-1998-3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG-2013-0397, 78 FR 39177, July 1, 2013]

§ 148.320 How is a license enforced, suspended, or revoked?

MARAD may enforce, suspend, or revoke a license under 33 U.S.C. 1507(c).

§ 148.325 How soon after deepwater port decommissioning must the licensee initiate removal?

Within 2 years of deepwater port decommissioning, the licensee must initiate removal procedures. The Commandant (CG-5P) will advise and coordinate with appropriate Federal agencies and the States concerning activities covered by this section.

[USCG-2013-0397, 78 FR 39177, July 1, 2013]

Subpart E—Site Evaluation and Pre-Construction Testing

§ 148.400 What does this subpart do?

(a) This subpart prescribes requirements under 33 U.S.C. 1504(b) for the activities that are involved in site evaluation and pre-construction testing at potential locations for deepwater ports and that may:

(1) Adversely affect the environment;

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(2) Interfere with authorized uses of the Outer Continental Shelf; or

(3) Pose a threat to human health and welfare.

(b) For the purpose of this subpart, “site evaluation and pre-construction testing” means studies performed at potential deepwater port locations, including:

(1) Preliminary studies to determine the feasibility of a site;

(2) Detailed studies of the topographic and geologic structure of the ocean bottom to determine its ability to support offshore structures and other equipment; and

(3) Studies done for the preparation of the environmental analysis required under § 148.105 of this part.

[USCG–1998–3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG–2013–0397, 78 FR 39177, July 1, 2013]

§ 148.405 What are the procedures for notifying the Commandant (CG–5P) of proposed site evaluation and pre-construction testing?

(a) Any person who wants to conduct site evaluation and pre-construction testing at a potential site for a deepwater port must submit a written notice to the Commandant (CG–5P) at least 30 days before the beginning of the evaluation or testing. The Commandant (CG–5P) advises and coordinates with appropriate Federal agencies and the States concerning activities covered by this subpart.

(b) The written notice must include the following:

(1) The names of all parties participating in the site evaluation and pre-construction testing;

(2) The type of activities and the way they will be conducted;

(3) Charts showing where the activities will be conducted and the locations of all offshore structures, including pipelines and cables, in or near the proposed area;

(4) The specific purpose for the activities;

(5) The dates when the activities will begin and end;

(6) The available data on the environmental consequences of the activities;

(7) A preliminary report, based on existing data, of the historical and archeological significance of the area

where the proposed activities are to take place. The report must include contacts made with any appropriate State liaison officers for historic preservation; and

(8) Additional information, if necessary, in individual cases.

(c) For the following activities, the notice only needs the information required in paragraphs (b)(1), (b)(2), and (b)(5) of this section, as well as a general indication of the proposed location and purpose of the activities, including:

(1) Gravity and magneto-metric measurements;

(2) Bottom and sub-bottom acoustic profiling, within specified limits, without the use of explosives;

(3) Sediment sampling of a limited nature using either core or grab samplers, and the specified diameter and depth to which the sampling would penetrate if geological profiles indicate no discontinuities that may have archeological significance;

(4) Water and biotic sampling if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species, or if the sampling is permitted by another Federal agency;

(5) Meteorological measurements, including the setting of instruments;

(6) Hydrographic and oceanographic measurements, including the setting of instruments; and

(7) Small diameter core sampling to determine foundation conditions.

(d) A separate written notice is required for each site.

[USCG–1998–3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG–2013–0397, 78 FR 39177, July 1, 2013]

§ 148.410 What are the conditions for conducting site evaluation and pre-construction testing?

(a) No person may conduct site evaluation and pre-construction testing unless it complies with this subpart and other applicable laws.

(b) Measures must be taken to prevent or minimize the effect of activities under § 148.400(a) of this part.

[USCG–1998–3884, 71 FR 57651, Sept. 29, 2006, as amended by USCG–2013–0397, 78 FR 39177, July 1, 2013]