

(3) Threat to human health and welfare; and

(4) Adverse effects on any site, structure, or object of potential historical or archeological significance; and

(c) Submit a preliminary written report to the Coast Guard within 30 days after the completion of activity that contains, as reasonably available at that time:

(1) A narrative description of the activities performed;

(2) Charts, maps, or plats for the area where the activities were conducted and referencing the narrative description required in paragraph (c)(1) of this section;

(3) The dates on which the activities were performed;

(4) Information on any adverse effects on the environment, other uses of the area where the activities were conducted, human health or welfare, or any site, structure, or object of potential historical or archeological significance;

(5) Data on the historical or archeological significance of the area where the activities were conducted, including the report of an underwater archaeologist, if physical data indicate the need for such expertise as related to the activities undertaken; and

(6) Any additional information that may be required by the Coast Guard; and

(d) Submit to the Coast Guard within 120 days after the completion of activity a final detailed report that contains all the data required in paragraph (c) of this section that was not included in the preliminary report.

§ 148.509 Suspension and prohibition of activities.

(a) The Commandant may order, either in writing or orally with written confirmation, the immediate suspension, for a period not to exceed 30 days, of any site evaluation activity when, in his judgment, such activity threatens immediate, serious, and irreparable harm to human life, biota, property, cultural resources, any valuable mineral deposits, or the environment. During any suspension the Coast Guard will consult with the sponsor of the activity suspended concerning appropriate measures to remove the cause

for suspension. A suspension may be rescinded at any time upon presentation of satisfactory assurance by the sponsor that the activity no longer adversely threatens the quality of the human environment.

(b) The Commandant may prohibit those activities that:

(1) Are suspended under paragraph (a) of this section, if the cause for suspension is not or cannot be removed;

(2) Threaten immediate, serious, and irreparable harm to life, including biota, property, cultural resources, any valuable mineral deposits, or the environment;

(3) Violate the requirements of this subpart; or

(4) Are otherwise inconsistent with the purposes of the Act.

Subpart F—Procedure for Exemption From Any Requirement in Deepwater Port Regulations

§ 148.601 Applicability.

This subpart sets forth the procedures governing exemptions from any requirement in this part 148, parts 149 and 150.

§ 148.603 Petition for exemption.

(a) Any person required to comply with any specific requirements in Part 148, Parts 149 and 150 may submit a petition to the Commandant for an exemption.

(b) A petition for exemption must be submitted in writing. It may be in any form, but it must be specific and it must contain all data necessary to evaluate its merits.

§ 148.605 Coordination with states.

A petition for exemption under this subchapter that appears to involve the interests of an adjacent coastal State will be referred to the Governor of that State for consideration and recommendation.

§ 148.607 Exemption criteria.

The Commandant grants an exemption if he determines that:

(a) Compliance with the regulations would be contrary to the public interest;

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(b) Compliance would not enhance safety or the environment;

(c) Compliance is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(d) National defense or national economy justify a departure from the rules; or

(e) The alternative proposed in the petition would:

(1) Ensure comparable or greater safety; environmental protection; and quality of construction, maintenance and operation of a deepwater port; and

(2) Would be consistent with recognized principles of international law.

Subpart G—Limits of Liability

SOURCE: CGD 97-023, 62 FR 33363, June 19, 1997, unless otherwise noted.

§ 148.701 Purpose.

This subpart sets forth the limits of liability for U.S. deepwater ports in accordance with section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

§ 148.703 Limits of liability.

(a) The limits of liability for U.S. deepwater ports will be established by the Secretary of Transportation on a port-by-port basis, after review of the maximum credible spill and associated costs for which the port would be liable. The limit for a deepwater port will not be less than \$50 million or more than \$350 million.

(1) The limit of liability for the LOOP deepwater port licensed and operated by Louisiana Offshore Oil Port, Inc., is \$62,000,000.

(2) [Reserved]

(b) [Reserved]

APPENDIX A TO PART 148—ENVIRONMENTAL REVIEW CRITERIA FOR DEEPWATER PORTS

I. *Authority.* The Deepwater Port Act of 1974, Pub. L. 93-627 (33 USC 1501 et seq.), authorizes the Secretary of Transportation to issue, transfer, amend, or renew a license for the ownership, construction, and operation of a deepwater port. Section 6 of the Act requires the Secretary to establish environmental review criteria which shall be used to evaluate a deepwater port as proposed in an application for a license. By amendment of Part 1 of Title 49, Code of Federal Regula-

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tions (49 CFR 1.46(t)), dated April 25, 1975, the Secretary delegated to the Commandant of the Coast Guard the responsibility to establish such criteria (40 FR 20088-20089). (49 CFR 1.46(t) is presently redesignated as 49 CFR 1.46(s) (40 FR 43901-43906)).

Section 6 of the Act reads as follows:

Sec. 6. (a) The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after the date of enactment of this Act, environmental review criteria consistent with the National Environmental Policy Act. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including:

(1) the effect on the marine environment;

(2) the effect on oceanographic currents and wave patterns;

(3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

(b) The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

(c) Criteria established pursuant to this section shall be developed concurrently with the regulations in section 5(a) of this Act and in accordance with the provisions of that subsection.

II. *Purpose.* A. Environmental review criteria shall be used to evaluate a deepwater port as proposed in an application for a license to own, construct and operate a deepwater port. The criteria shall be consistent with the National Environmental Policy Act, Pub. L. 91-190 (42 USC 4321 et seq.), which declares a national environmental policy. The Secretary of Transportation may issue a license in accordance with the provisions of the Act if, among other things, he determines:

—that the construction and operation of the deepwater port will be in the national interest and consistent with national security