

§ 148.3 Definitions.

The terms listed in sections 3 and 18 of the Act, whenever used in Parts 148, 149 and 150, have the same meaning they have in the Act, except as provided in this section for "Affiliate."

Act means the Deepwater Port Act of 1974.

Affiliate means each person:

(1) Having any direct or indirect ownership interest in the applicant of greater than three percent;

(2) With whom the applicant has made, or proposes to make, a significant contract for financing, managing or otherwise participating in the construction or operation of the deepwater port proposed to be licensed;

(3) Who owns or controls any person who is an affiliate by operation of paragraphs (a) or (b) of this definition, or who owns or controls the applicant;

(4) Owned or controlled by or under common ownership or control with an applicant or any person who is an affiliate by operation of paragraphs (a), (b) or (c) of this definition; or

(5) Who is determined by the Secretary to have information required to review or process the application.

Barrel means 42 U.S. gallons at atmospheric pressure and 60 °Fahrenheit.

Captain of the Port means a Coast Guard Officer commanding a Captain of the Port Area described in Part 3 of this chapter.

Crude oil means a mixture of hydrocarbons that exist in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities and includes:

(1) Liquids technically defined as crude oil;

(2) Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casing head) gas in lease separators; and

(3) Small amounts of non-hydrocarbons produced with the oil.

Deepwater port means any fixed or floating manmade structures other than a vessel, or any group of such structures, located beyond the territorial sea and off the coast of the United States and which are used or intended for use as a port or terminal for

the loading or unloading and further handling of oil for transportation to any State, except as otherwise provided in section 23 of the Act. The term includes all associated components and equipment, including pipelines, pumping stations, service platforms, mooring buoys, and similar appurtenances to the extent they are located seaward of the high water mark.

Gross under keel clearance means the distance between the keel of a tanker and the ocean bottom when the tanker is moored or anchored in calm water free of wind, wave, current, or tide conditions that would induce ship motion.

Marine site means the area in which the deepwater is located, and includes the safety zone, attendant ships' routing measures, anchorages and all areas seaward of the high water mark in which associated components and equipment of the deepwater port are located.

Miles means nautical miles.

Net under keel clearance means that distance between the ocean bottom and the portion of a tanker's hull closest to the ocean bottom when the tanker is underway, moored or anchored, considering ship motion in responding to the combination of actual wind, wave, tide, and current conditions.

PAD District means one of the five Petroleum Administration for Defense Districts defined by the Bureau of Mines, Department of the Interior.

Platform means a fixed structure which rests on or is embedded in the sea-bed that has floors or decks in which an activity or specific function may be carried out.

Production District means a State and each district within the State of Louisiana, New Mexico or Texas for which production of crude petroleum is separately reported by the Bureau of Mines, Department of the Interior.

Pumping platform complex (PPC) means a single platform or a series of interconnected platforms that have one or more of the following capabilities:

(1) Pumping oil between a vessel and the shore.

(2) Berthing and messing facilities for assigned personnel.

(3) Landing area for helicopters.

(4) Mooring and loading for small vessels.

§ 148.101

Refining District means a refining district as defined by the Bureau of Mines, Department of the Interior, for reporting refining operations.

SPM means single point mooring buoy.

Year-end proved reserves of crude oil means the estimated quantities of all liquids statistically defined as crude oil, which geological and engineering data demonstrate with reasonable certainty as of December 31 of the year concerned to be recoverable in future years from known reservoirs under existing economic and operating conditions. Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation tests. The area of an oil reservoir considered proved includes:

(1) That portion delineated by drilling and defined by gas-oil or oil-water contacts, if any; and

(2) The immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data.

In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of reservoir. Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

[CGD 75-002, 40 FR 52553, Nov. 10, 1975, as amended by CGD 76-096, 45 FR 85647, Dec. 29, 1980]

Subpart B—Applications

GENERAL

§ 148.101 Applicability.

This subpart prescribes rules that apply to each application, including competing applications described in section 5(d)(3) of the Act, for the issuance of a license for the ownership, construction, and operation of a deep-water port.

33 CFR Ch. I (7-1-03 Edition)

§ 148.103 Address of application staff.

The address of the application staff is: Commandant (G-M), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 92-069, 58 FR 11193, Feb. 24, 1993]

§ 148.105 Preparation.

(a) Any person may confer with the application staff concerning the preparation of an application.

(b) An applicant may incorporate by clear and specific reference in his application any:

(1) Standard reference material upon which he relies and which he knows to be readily available to Federal and State Agencies;

(2) Current information contained in previous applications or reports that he has submitted to the application staff; and

(3) Current information contained in a tariff, report or other document previously filed for public record with the Interstate Commerce Commission, the Securities and Exchange Commission, or the Federal Energy Administration, provided:

(i) A certified true and complete copy of the document is attached to each of 10 of the 60 copies of the application required by § 148.107(a);

(ii) Each copy filed with the application bears on its cover notation of the date of filing and the document number or other locator; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is brought current to a date not earlier than 30 days prior to the date of the application.

(c) If any required information is furnished pursuant to § 148.111(b), the application need only state with respect thereto, in the appropriate place or places: "Required information is being furnished by [named affiliate] [all affiliates] pursuant to § 148.111(b)."

§ 148.107 Copies: fees.

(a) Sixty copies of each license application must be submitted to the application staff.

(b) One copy of each license application must be submitted to the U.S. Army Corps of Engineers District office