

information required to obtain a Department of Army permit for placement of structures and the discharge of dredged or fill material.

(bb) *Additional Federal authorizations.* All other applications for Federal authorizations not listed elsewhere in this subpart that are required for ownership, construction, and operation of a deepwater port.

(cc) *A statement that the information in the application is true.* This statement must be placed at the end of the application, sworn to before a notary public, and signed by a responsible official of the applicant.

§ 148.107 What additional information may be required?

(a) The Commandant (G-M), in coordination with MARAD, may require the applicant or the applicant's affiliates to file, as a supplement to the application, any analysis, explanation, or detailing of information in the application or any other information the Commandant (G-M) deems necessary.

(b) The Commandant (G-M) may require the applicant or the applicant's affiliates to make available for Coast Guard examination, under oath or for interview, persons having, or believed to have, necessary information.

(c) The Commandant (G-M) may set a deadline for receiving the information. If the applicant states that the required information is not yet available but will be at a later date, the Commandant (G-M) may specify a later deadline. If a requirement is not met by a deadline fixed under this paragraph, the Commandant (G-M), in coordination with MARAD, may determine whether compliance with the requirement is important to processing the application within the time prescribed by the Act. If the requirement is important to processing the application within the time limit set by the Act, the Commandant (G-M) may recommend to the Administrator of the Maritime Administration that the Administrator either not approve the application or suspend it indefinitely. The deadline for the Administrator's review under the Act is extended for a period of time equal to the time of the suspension.

§ 148.108 What if a Federal or State agency or other interested party requests additional information?

(a) Any Federal or State agency or other interested person may recommend that the applicant provide information in addition to that required to be in the application.

(b) Recommendations must include a brief statement of why the information is needed.

(c) The Commandant (G-M) must receive the request within 30 days after publication of the notice of application in the FEDERAL REGISTER. The request is considered before any final determination is made.

(d) Commandant (G-M) will consider whether:

(1) The information requested is essential for processing the license application; and

(2) The time and effort required by the applicant in gathering the information will result in an undue delay in the application process.

(e) Commandant (G-M) may consult with the applicant prior to issuing a determination on the request for additional information.

§ 148.110 How do I prepare my application?

(a) Any person may confer with the Commandant (G-M) concerning requirements contained in this rule for the preparation of an application or the requirements of this subchapter.

(b) The applicant may incorporate, by clear and specific reference in the application, the following:

(1) Standard reference material that the applicant relied on and that is readily available to Federal and State agencies;

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

(3) Current information contained in a tariff, report, or other document previously filed for public record with the Surface Transportation Board or the Securities and Exchange Commission, if:

(i) A certified true and complete copy of the document is attached to each copy of the application required by § 148.115(a);

§ 148.115

(ii) The date of filing and the document number or other locator are on the cover of the document; and

(iii) Any verification or certification required for the original filing (other than from auditors or other independent persons) is dated no earlier than 30 days before the date of the application.

§ 148.115 How many copies of the application must I send and where must I send them?

Send copies of the application as described in paragraphs (a) through (c).

(a) Six printed copies (and an electronic version), to the Commandant (G-MSO), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

(b) One copy to the U.S. Army Corps of Engineers District Office having jurisdiction over the proposed port. For the address, see <http://www.usace.army.mil/>.

(c) The Commandant (G-MSO) may require the applicant to supply additional printed copies for distribution to Federal, tribal, and state regulatory agencies involved in reviewing the application.

§ 148.125 What are the application fees?

(a) The applicant must submit to the Commandant (G-M) a nonrefundable application fee of \$350,000 with each application for a license. If additional information is necessary to make an application complete, no additional application fee is required.

(b) The costs incurred by the Federal Government in processing an application will be charged to the application fee until it is exhausted. If the fee is exhausted and the Federal Government incurs further processing costs, the applicant will be charged the additional costs. Commandant (G-M) will periodically advise the applicant of the status of expenses incurred during the application process.

(c) Additional costs attributable to efforts to process a deepwater port license application will be paid by the applicant. These additional costs must be submitted to the Commandant (G-M) when they are assessed.

33 CFR Ch. I (7-1-04 Edition)

(d) Application fees and additional costs assessed under this section must be made payable to the “United States Treasury.”

Subpart C—Processing Applications

GENERAL

§ 148.200 What is the purpose of this subpart?

This subpart prescribes the requirements for processing an application for a deepwater port license. It includes the procedures for maintaining the docket, designating adjacent coastal States, holding informal and formal public hearings, and approving or denying an application.

§ 148.205 How are documents related to the application maintained?

(a) The Commandant (G-M) maintains the docket for each application.

(b) The docket contains a copy of all documents filed or issued as part of the application process.

(c) Recommendations submitted by Federal departments and agencies under 33 U.S.C. 1504(e)(2) are docketed when they are received. Copies of applicable NEPA documents prepared under 33 U.S.C. 1504(f) are docketed when they are sent to the Environmental Protection Agency.

(d) For a document designated as protected from disclosure under 33 U.S.C. 1513(b), the Commandant (G-M):

(1) Prevents the information in the document from being disclosed, unless the Commandant (G-M) states that the disclosure is not inconsistent with 33 U.S.C. 1513(b); and

(2) Keeps a record of all individuals who have a copy of the document.

§ 148.207 How and where can I view docketed documents?

(a) All material in a docket under § 148.205 is available to the public for inspection and copying at Commandant (G-M) at the address under “Commandant (G-M)” in § 148.5, except for:

(1) Contracts under 33 U.S.C. 1504(c)(2)(B) for the construction or operation of a deepwater port; and