DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 156

[CGD 93-081]

RIN 2115-AE90

Designation of Lightering Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to designate three lightering zones in the Gulf of Mexico, more than 60 miles from the baseline from which the territorial sea of the United States is measured. By using these lightering zones, all single hull tank vessels would be permitted to off-load oil within the U.S. Exclusive Economic Zone (EEZ) until January 1, 2015. This proposal is in response to industry requests, and would establish the first lightering zones designated by the Coast Guard. It would also establish three areas in which all lightering would be prohibited.

DATES: Comments must be received on or before March 6, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 93-081), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket. Comments and other materials related to this rulemaking are available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection at room B–718, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Stephen Kantz, Project Manager, Oil Pollution Act (OPA 90) Staff, (G–MS–A), (202) 267–6740. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 93-081) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 81/2 by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans to hold a public hearing on this proposed rulemaking in New Orleans, Louisiana. The date and time will be announced by a later notice in the Federal Register. Persons may request additional public hearings by writing to the Marine Safety Council at the address under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that an additional opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold another public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Stephen Kantz, Project Manager, Oil Pollution Act (OPA 90) Staff, and C. G. Green, Project Counsel, Regulations and Administrative Law Division (G–LRA).

Background and Purpose

Section 3703a of title 46 of the United States Code establishes the requirements for tank vessels eventually to be equipped with double hulls and includes a phaseout schedule for single hull tank vessels. This section also provides exemptions from the double hull requirement. Until January 1, 2015, a tank vessel need not comply with the double hull requirement when it is offloading oil at a deepwater port licensed under the Deepwater Port Act of 1974 as amended (33 U.S.C. 1501, et seq.) or within a lightering zone established under 46 U.S.C. 3715(b)(5) more than 60 miles from the baseline from which the U.S. territorial sea is measured (46

U.S.C. 3703a(b)(3)). Currently, only the Louisiana Offshore Oil Port (LOOP) has been authorized under the Deepwater Port Act of 1974. No lightering zones have yet been established under 46 U.S.C. 3715(b)(5). By using designated lightering zones more than 60 miles from the baseline from which the territorial sea is measured, single hull tank vessels contracted for after June 30, 1990 and older single hull tank vessels phased out by OPA 90, would be able to lighter in the EEZ until January 1, 2015.

Lightering of imported crude oil in the Gulf of Mexico is of national significance. The Regulatory Assessment prepared for this rulemaking estimates that in 1992 approximately 6.1 million barrels of crude oil per day were imported into the United States. Approximately 1.6 million barrels per day (26 percent of imported crude oil) were lightered offshore in the Gulf of Mexico.

Section 3715 of title 46 of the United States Code authorizes the Secretary of the Department in which the Coast Guard is operating to prescribe regulations on lightering operations involving oil or hazardous material in waters subject to the jurisdiction of the United States, including provisions on the establishment of lightering zones (46 U.S.C. 3715(b)(5)). This authority was delegated to Coast Guard District Commanders under 33 CFR 156.225 where necessary for safety or environmental protection.

Currently, 33 CFR part 156 provides that the Coast Guard will consider various factors in designating lightering zones: traditional use of the area for lightering; weather and sea conditions; water depth; proximity to shipping lanes, vessel traffic schemes, anchorages, fixed structures, designated marine sanctuaries, fishing areas, and designated units of the National Park System, National Wild and Scenic Rivers System, National Wilderness Preservation System, properties included on the National Register of Historic Places and National Registry of Natural Landmarks, and National Wildlife Refuge System; and other relevant safety, environmental, or economic data (33 CFR 156.230).

This rulemaking proposes to designate three lightering zones in the Gulf of Mexico in which single-hull tankers may conduct lightering operations as authorized by OPA 90. This rulemaking requires extensive environmental and economic analysis and documentation and it has been determined to be a significant regulatory action under the Department of Transportation (DOT) and the Office of