currently imposed by 46 U.S.C. 8104(n) on the crew members of U.S. flag tankers. Those limitations, which constitute minimum safe operating conditions, are that no member of the crew may be permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period, except in an emergency or a drill. The term "work" includes any administrative duties associated with the vessel, whether performed on board or ashore.

Under 46 U.S.C. 3711, no foreign flag tank vessel can operate in U.S. waters unless it has had a tank vessel examination within the past year. Sometimes delivering tank vessels arrive in the vicinity of U.S. waters without a current Tank Vessel Examination (TVE) letter and then request a Coast Guard examination at the time of the 24-hour advance notice of arrival. Getting a Coast Guard official out to the proposed lightering zones, which are further offshore than the traditional lightering areas, will require additional time for planning and logistics. Therefore, the Coast Guard proposes that vessels to be lightered in the zones proposed under this rulemaking be required to notify the appropriate Coast Guard COTP a minimum of 72 hours before a TVE is desired. The regulations requiring TVEs of vessels involved with lightering are located at 33 CFR 156.210.

While certain single hull tankers desiring to engage in lightering will have no choice but to use a designated lightering zone, other tank vessels may use these proposed zones at their option. Any tank vessel conducting lightering within these zones must, under this proposal, comply with all the regulations applying to the zone. In addition, both the delivering vessel to be lightered and the service vessel must comply with the relevant provisions of 33 CFR parts 151, 153, 155, 156, and 157, including the requirements in these parts regarding financial responsibility and response planning. Under 33 CFR 156.225, when a

Under 33 CFR 156.225, when a lightering zone has been established, all lightering operations within a given geographic area must occur within the designated lightering zone. As proposed in this rulemaking, the geographic areas for each of the zones will be coterminous with the zones themselves. Therefore, with the exception of the proposed ban on all lightering operations in the prohibited zones, lightering outside the proposed zones by vessels otherwise allowed under OPA 90 to operate within the EEZ will not be subject to these proposed regulations. Due to the greater distance offshore of

these proposed zones as compared with most of the traditional lightering areas, it is expected that few tank vessels will operate in the vicinity of, but outside, the proposed zones.

A vessel operator may propose alternative procedures, methods, or equipment standards to be used in lieu of the requirements in subpart C. A proposal would be submitted to the cognizant Captain of the Port (COTP) under the procedures in 33 CFR 156.107. Operators seeking an exemption or partial exemption under 33 CFR 156.110 from subpart C requirements may also submit a request to the cognizant COTP. The Commander, Eighth Coast Guard District, would have authority to issue exemptions under section 156.110 to the operating requirements and conditions in subpart C of part 156.

While the Coast Guard is not required to engage in a formal consultation process with the natural resource trustees as defined in Executive Order 12777, the Coast Guard welcomes comments from the various trustees, particularly regarding the potential impact this proposed rulemaking may have upon national contingency planning for the Gulf of Mexico.

Under current regulations, tank vessel operations must be consistent with the appropriate Area Contingency Plans and private resources capable of responding to the worst case discharge must be provided for by contract or other approved means. Therefore, no additional requirements for response planning are included in this proposed rule.

Incorporation by Reference

Under this proposed rulemaking, the following material would be incorporated by reference in § 156.111: Oil Companies International Marine Forum (OCIMF) Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988 and International Chamber of Shipping Guide to Helicopter/Ship Operations, Third Edition, 1989. Copies of the material are available for inspection where indicated under ADDRESSES. Copies of the material are also available from the sources listed in the proposed text of § 156.111.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the **Federal Register** for approval of the incorporation by reference.

Assessment

This proposal is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB) under that Order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). A draft Assessment has been prepared and is available in the docket for inspection or copying where indicated under ADDRESSES. The Assessment is summarized as follows.

The Assessment for establishing lightering zones contains detailed information on crude oil imports to the U.S., cargo movements and trends, lightering industry practices and economics and the costs of alternative methods of delivery of crude oil to the United States. It contains an analysis of the effects of OPA 90 and Regulation 13G of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) on vessel replacement requirements, taking into account the age and composition of the existing tanker fleet, future demand for tanker tonnage, shipbuilding capacity, and current and prospective rates of new tanker construction.

The Assessment shows that crude oil imports by water are heavily concentrated in a limited number of port areas where major refining complexes are located. The largest refining centers are situated at or near ports on the Gulf of Mexico. Major Gulf Coast refineries are clustered along the lower Mississippi River and at Lake Charles in Louisiana, in the vicinities of Houston, Port Arthur/Beaumont, Freeport, and Corpus Christi in Texas, and at Pascagoula, Mississippi. In 1992, the Gulf Coast region accounted for nearly half of U.S. refinery output and close to three-quarters of crude oil imports. Because Gulf Coast ports do not have sufficient water depths to accommodate large vessels which are used to transport oil efficiently over long distances, the practice of lightering has evolved to deliver the oil to port.

Unless lightering zones are established in the Gulf of Mexico, newly built single hull tankers which were contracted for after June 30, 1990, will continue to be excluded from operating in waters under U.S. jurisdiction, except to discharge their cargoes at LOOP. In order to lighter newly built single hull vessels, it would be necessary to perform the lightering outside the EEZ, more than 200 miles offshore. Some older single hull vessels not yet affected by the OPA 90 phaseout schedule could continue unrestricted lightering at closein locations. Therefore, if lightering zones are not established, it can be anticipated that older single hull tankers would be substituted for newly built