

## § 154.107

## 33 CFR Ch. I (7–1–10 Edition)

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(1) International Safety Guide for Oil Tankers and Terminals, Section 6.10, Fourth Ed., 1996, IBR approved for § 154.810.

(2) International Safety Guide for Oil Tankers and Terminals, Sections 9.1, 9.2, 9.3 and 9.5, Fourth Ed., 1996, IBR approved for § 154.735.

[USCG–2001–8661, 74 FR 45022, Aug. 31, 2009, as amended at USCG–2010–0351, 75 FR 36284, June 25, 2010]

### § 154.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a facility operator in lieu of any requirement in this part if:

(1) Compliance with the requirement is economically or physically impractical;

(2) The alternative provides an equivalent level of safety and protection from pollution by oil or hazardous material, which is documented in the request; and

(3) The facility operator submits a written request for the alternative.

(b) The COTP takes final approval or disapproval action on the request, submitted in accordance with paragraph (a) of this section, in writing within 30 days of receipt of the request.

[CGD 75–124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86–034, 55 FR 36252, Sept. 4, 1990; CGD 93–056, 61 FR 41458, Aug. 8, 1996]

### § 154.108 Exemptions.

(a) The Assistant Commandant for Marine Safety, Security and Environmental Protection, acting for the Commandant, grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A facility operator submits an application for the exemption via the COTP; and

(2) It is determined, from the application, that:

(i) Compliance with the requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of safety and protection from pollution by oil or hazardous material; and

(iii) The likelihood of oil or hazardous material being discharged is not substantially increased as a result of the exemption.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption, and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is a final agency action.

[CGD 75–124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 88–052, 53 FR 25122, July 1, 1988; CGD 86–034, 55 FR 36252, Sept. 4, 1990; 55 FR 49997, Dec. 4, 1990; CGD 96–026, 61 FR 33666, June 28, 1996; CGD 93–056, 61 FR 41458, Aug. 8, 1996; CGD 97–023, 62 FR 33364, June 19, 1997; USCG–2002–12471, 67 FR 41333, June 18, 2002]

### § 154.110 Letter of intent.

(a) The facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the COTP not less than 60 days before the intended operations unless a shorter period is allowed by the COTP. Previously submitted letters of intent need not be resubmitted.

(b) The letter of intent required by paragraph (a) of this section may be in any form but must contain:

(1) The names, addresses, and telephone numbers of the facility operator and the facility owner;

(2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and

(3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall within five (5) days advise the COTP in writing of any

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changes of information and shall cancel, in writing, the letter for any facility at which transfer operations are no longer conducted.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36252, Sept. 4, 1990; CGD 93-056, 61 FR 41458, Aug. 8, 1996]

### § 154.120 Facility examinations.

(a) The facility operator shall allow the Coast Guard, at any time, to make any examination and shall perform, upon request, any test to determine compliance with this part and part 156, as applicable. The facility operator shall conduct all required testing of facility equipment in a manner acceptable to the Coast Guard.

(b) The COTP shall provide the facility operator with a written report of the results of the examination for the record required by §154.740(e) and shall list the deficiencies in the report when the facility is not in compliance with the requirements in this part and part 156 of this chapter.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980]

### § 154.T150 Temporary suspension of requirements to permit support of deepwater horizon spill response.

(a) *Applicability.* This section applies to—

(1) Any facility described in §154.100 of this part, that has contracted with any oil spill removal organization (OSRO), as defined in §154.1020 of this part, if the OSRO's response resources, as defined in §154.1020 of this part, are deployed in coordination with the On-Scene Coordinator (OSC), as defined in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance; and

(2) Any facility described in §154.100 of this part, that owns, operates, or has under its direct control, response resources, as defined in §154.1020 of this part, deployed in coordination with the OSC, as described in 40 CFR 300.5, in support of the response to the Deepwater Horizon Spill of National Significance.

(b) *Suspension of certain response time requirements.* From June 30, 2010 through December 31, 2010, the stipulated response times, including the response times contained in any written contractual agreement with any OSRO,

for the availability of response resources, as defined in §154.1020 of this part, for a maximum most probable discharge and a worst case discharge are not necessary to meet the requirements of this part.

(c) *Other response time requirements still effective.* Any response time requirements for the availability of response resources, as defined in §154.1020 of this part, for an average most probable discharge, as required by this part, remain in effect.

(d) *Armed Forces installation planning factors.* The Coast Guard authorizes the Armed Forces to revise Armed Forces installation response times to below that which is necessary to respond to an average most probable discharge at those installations that have deployed assets in support of the response to the Deepwater Horizon Spill of National Significance in response to a request from the OSC, as described in 40 CFR 300.5, for such assets.

EFFECTIVE DATE NOTE: By USCG-2010-0592, 75 FR 37719, June 30, 2010, temporary §154.T150 was added, effective June 30, 2010 through Dec. 31, 2010.

## Subpart B—Operations Manual

### § 154.300 Operations manual: General.

(a) The facility operator of each facility to which this part applies shall submit, with the letter of intent, two copies of an Operations Manual that:

(1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and part 156 of this chapter;

(2) Describes the responsibilities of personnel under this part and part 156 of this chapter in conducting transfer operations; and

(3) Includes translations into a language or languages understood by all designated persons in charge of transfer operations employed by the facility.

(b) The facility operator shall maintain the operations manual so that it is:

(1) Current; and

(2) Readily available for examination by the COTP.

(c) The COTP shall examine the Operations Manual when submitted, after