or as a result of inadequacies noted in
the response plan during an actual pol-
lution incident at the facility.

(e) If required by §§154.1035(b)(3) or
154.1045, a new or existing facility
owner or operator must submit the re-
quired dispersant and aerial oil track-
ing resource revisions to a previously
submitted or approved plan, made pur-
suant to §§154.1035(b)(3) or 154.1045, to
the COTP and all other holders of the
response plan for information or ap-
proval no later than February 22, 2011.

[CGD 91–036, 61 FR 7917, Feb. 29, 1996, as
amended by USCG–2001–8661, 74 FR 45025,
Aug. 31, 2009]

§ 154.1070 Deficiencies.

(a) The cognizant COTP will notify
the facility owner or operator in writ-
ing of any deficiencies noted during re-
view of a response plan, drills observed
by the Coast Guard, or inspection of
equipment or records maintained in
connection with this subpart.

(b) Deficiencies shall be corrected
within the time period specified in the
written notice provided by the COTP.
The facility owner or operator who dis-
agrees with a deficiency issued by the
COTP may appeal the deficiency to the
cognizant COTP within 7 days or the
time specified by the COTP to correct
the deficiency, whichever is less. This
time commences from the date of re-
ceipt of the COTP notice. The owner or
operator may request a stay from the
COTP decision pending appeal in ac-
cordance with §154.1075.

(c) If the facility owner or operator
fails to correct any deficiencies or sub-
mit a written appeal, the COTP may
invoke the provisions of §154.1025 pro-
hibiting the facility from storing, han-
dling, or transporting oil.

§ 154.1075 Appeal process.

(a) Any owner or operator of a facil-
ity who desires to appeal the classifica-
tion of a facility include, but are not
limited to, those listed in §154.1016(b).
After considering all relevant material
presented by the facility owner or operator
and any additional material available to
the COTP, the COTP will notify the facility owner
or operator of the decision on the re-
classification of the facility.

(b) Any facility owner or operator di-
rectly affected by an initial determina-
tion or action of the COTP may submit
a written request to the cognizant
COTP requesting review and reconsid-
eration of the COTP's decision or ac-
tion. The facility owner or operator
shall identify those factors to be con-
sidered by the COTP in making his or
her decision on reconsideration.

(c) Within 10 days of the COTP's deci-
sion under paragraph (b) of this sec-
tion, the facility owner or operator
may appeal the decision of the COTP to
the District Commander. This appeal
shall be made in writing via the cog-
nizant COTP to the District Com-
mander of the district in which the office
of the COTP is located.

(d) Within 30 days of the District
Commander's decision, the facility
owner or operator may formally appeal
the decision of the District Com-
mander. This appeal shall be submitted
in writing to Commandant (CG–535) via
the District Commander.

(e) When considering an appeal, the
COTP, District Commander, or Com-
mandant may stay the effect of the de-
cision or action being appealed pending
the determination of the appeal.

[CGD 91–036, 61 FR 7900, Feb. 29, 1996, as
amended by CGD 96–026, 61 FR 33666, June 28,
1996; USCG–2010–0351, 75 FR 36284, June 25,
2010]

Subpart G—Additional Response
Plan Requirements for a Trans-
Alaska Pipeline Authorization
Act (TAPAA) Facility Oper-
ating in Prince William Sound,
Alaska

SOURCE: CGD 91–036, 61 FR 7930, Feb. 29,
1996, unless otherwise noted.

§ 154.1110 Purpose and applicability.

(a) This subpart establishes oil spill
response planning requirements for a