(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.

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

§ 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.

§ 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.


(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.

(a) Each operations manual required by §154.300 must contain:

(1) The geographic location of the facility;

(2) A physical description of the facility including a plan and/or plans, maps, drawings, aerial photographs or diagrams, showing the boundaries of the facility subject to Coast Guard jurisdiction, mooring areas, transfer locations, control stations, wharfs, the extent and scope of the piping subject to the tests required by §156.170(c)(4) of this chapter, and the locations of safety equipment. For mobile facilities, a physical description of 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 any substantial amendment, and as otherwise required by the COTP.

d) In determining whether the manual meets the requirements of this part and the Coast Guard shall consider the size, complexity, and capability of the facility.

e) If the manual meets the requirements of this part and the Coast Guard will return one copy of the examined Operations Manual as described in §154.325.

(f) The facility operator shall ensure that a sufficient number of copies of the examined Operations Manual, including a sufficient number of the translations required by paragraph (a)(3) of this section, are readily available for each facility person in charge while conducting a transfer operation.

Note: The facility operator may request that the contents of the operations manual or portions thereof be considered commercial or financial information that is privileged or confidential. Under the Freedom of Information Act, the Coast Guard would withhold any part of the contents of the operations manual from public disclosure upon determining that it is commercial or financial information that is privileged or confidential.