

handle, store, or transport other non-petroleum oils.

APPENDIX A TO PART 154—GUIDELINES FOR DETONATION FLAME ARRESTERS

APPENDIX B TO PART 154—STANDARD SPECIFICATION FOR TANK VENT FLAME ARRESTERS

APPENDIX C TO PART 154—GUIDELINES FOR DETERMINING AND EVALUATING REQUIRED RESPONSE RESOURCES FOR FACILITY RESPONSE PLANS

APPENDIX D TO PART 154—TRAINING ELEMENTS FOR OIL SPILL RESPONSE PLANS

AUTHORITY: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1. Subpart F is also issued under 33 U.S.C. 2735.

### Subpart A—General

#### § 154.100 Applicability.

(a) This part applies to each facility that is capable of transferring oil or hazardous materials, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all bulk products carried, of 39.75 cubic meters (250 barrels) or more. This part does not apply to the facility when it is in a caretaker status. This part does not apply to any offshore facility operating under the jurisdiction of the Secretary of the Department of Interior.

(b) Upon written notice to the facility operator, the COTP may apply, as necessary for the safety of the facility, its personnel, or the public, all or portions of § 154.735 to each facility that is capable of transferring oil or hazardous material, in bulk, only to or from a vessel with a capacity of less than 250 barrels. If the facility is in caretaker status, the COTP may not apply the provisions of § 154.735 to the facility if its storage tanks and piping are gas free.

(c) Upon a determination by the COTP under § 154.1016 that an MTR facility, as defined in subpart F, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone, subpart F of this part is applicable to the facility.

(d) The following sections of this part apply to mobile facilities:

- (1) Section 154.105 Definitions.
- (2) Section 154.107 Alternatives.

(3) Section 154.108 Exemptions.

(4) Section 154.110 Letter of Intent.

(5) Section 154.120 Facility examinations.

(6) Section 154.300 Operations Manual: General.

(7) Section 154.310 Operations Manual: Contents. Paragraphs (a)(2), (a)(3), (a)(5) through (a)(7), (a)(9), (a)(12), (a)(14), (a)(16), (a)(17)(ii) through (a)(17)(iv), (a)(18), (a)(20) through (23), (c) and (d).

(8) Section 154.320 Operations Manual: Amendment.

(9) Section 154.325 Operations Manual: Procedures for examination.

(10) Section 154.500 Hose assemblies. Paragraphs (a), (b), (c), (d)(1) through (3) and (e)(1) through (3).

(11) Section 154.520 Closure devices.

(12) Section 154.530 Small discharge containment. Paragraphs (a)(1) through (3) and (d).

(13) Section 154.545 Discharge containment equipment.

(14) Section 154.550 Emergency shutdown.

(15) Section 154.560 Communications.

(16) Section 154.570 Lighting. Paragraphs (c) and (d).

(17) Section 154.700 General.

(18) Section 154.710 Persons in charge: Designation and qualification. Paragraphs (a) through (c), (d)(1) through (3), (d)(7) and (e).

(19) Section 154.730 Persons in charge: Evidence of designation.

(20) Section 154.735 Safety requirements. Paragraphs (d), (f), (g), (j)(1) through (2), (k)(1) through (2), (m), (o) through (q), (r)(1) through (3), (s) and (v).

(21) Section 154.740 Records. Paragraphs (a) through (f) and (j).

(22) Section 154.750 Compliance with Operations Manual.

[CGD 86-034, 55 FR 36252, Sept. 4, 1990, as amended by CGD 91-036, 58 FR 7352, Feb. 5, 1993; CGD 93-056, 61 FR 41457, Aug. 8, 1996]

#### § 154.105 Definitions.

As used in this part:

*Barrel* means a quantity of liquid equal to 42 U.S. gallons.

*Boundary Line* means any of the lines described in 46 CFR part 7.

*Captain of the Port (COTP)* means the U.S. Coast Guard officer commanding a Captain of the Port Zone described in

part 3 of this chapter, or that person's authorized representative.

*Caretaker status* denotes a facility where all piping, hoses, loading arms, storage tanks, and related equipment in the marine transfer area are completely free of oil or hazardous materials, where these components have been certified as being gas free, where piping, hoses, and loading arms terminating near any body of water have been blanked, and where the facility operator has notified the COTP that the facility will be in caretaker status.

*Commandant* means the Commandant of the Coast Guard or an authorized representative.

*Contiguous Zone* means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, but not extending beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

*District Commander* means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in part 3 of this chapter or an authorized representative.

*Facility* means either an onshore or offshore facility, except for an offshore facility operating under the jurisdiction of the Secretary of the Department of Interior, and includes, but is not limited to, structure, equipment, and appurtenances thereto, used or capable of being used to transfer oil or hazardous materials to or from a vessel or public vessel. Also included are facilities that tank clean or strip and any floating structure that is used to support an integral part of the facility's operation. A facility includes federal, state, municipal, and private facilities.

*Facility operator* means the person who owns, operates, or is responsible for the operation of the facility.

*Hazardous material* means a liquid material or substance, other than oil or liquefied gases, listed under 46 CFR 153.40 (a), (b), (c), or (e).

*Marine transfer area* means that part of a waterfront facility handling oil or hazardous materials in bulk between the vessel, or where the vessel moors, and the first manifold or shutoff valve

on the pipeline encountered after the pipeline enters the secondary containment required under 40 CFR 112.7 or 49 CFR 195.264 inland of the terminal manifold or loading arm, or, in the absence of secondary containment, to the valve or manifold adjacent to the bulk storage tank, including the entire pier or wharf to which a vessel transferring oil or hazardous materials is moored.

*MARPOL 73/78* means the International Convention for the Prevention of Pollution from Ships, 1973 (done at London, November 2, 1973) as modified by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (done at London, February 17, 1978).

*Mobile facility* means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel.

*Monitoring device* means any fixed or portable sensing device used to monitor for a discharge of oil or hazardous material onto the water, within or around a facility, and designed to notify operating personnel of a discharge of oil or hazardous material.

*Officer in Charge, Marine Inspection (OCMI)* means the U.S. Coast Guard officer commanding a Marine Inspection Zone described in part 3 of this chapter, or an authorized representative.

*Offshore facility* means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

*Oil* means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

*Onshore facility* means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

*Person in charge* means an individual designated as a person in charge of transfer operations under §154.710 (for facilities) or §155.700 (for vessels) of this chapter.

*STCW* means the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978.

*Self-propelled tank vessel* means a self-propelled tank vessel other than a tankship.

*Tank barge* means a non-self-propelled tank vessel.

*Tankship* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

*Tank vessel* means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

*Transfer* means any movement of oil or hazardous material to, from, or within a vessel by means of pumping, gravitation, or displacement. A transfer is considered to begin when the person in charge on the transferring vessel or facility and the person in charge on the receiving facility or vessel first meet to begin completing the declaration of inspection as required by §156.150 of this chapter. A transfer is considered to be complete when all the connections for the transfer have been uncoupled and secured with blanks or other closure devices and both of the persons in charge have completed the declaration of inspection to include the date and time the transfer was complete.

*Vessel operator* means a person who owns, operates, or is responsible for the operation of a vessel.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36252, Sept. 4, 1990; CGD 79-116, 60 FR 17141, Apr. 4, 1995; CGD 93-056, 61 FR 41458, Aug. 8, 1996; 62 FR 3610, Jan. 24, 1997; CGD 79-116, 62 FR 25125, May 8, 1997]

**§ 154.106 Incorporation by reference: Where can I get a copy of the publications incorporated by reference in this part?**

(a) Certain material is incorporated by reference (IBR) into this part with the approval of the Director of the Fed-

eral Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Also, it is available for inspection at the Coast Guard, Office of Port and Facility Activities, Cargo and Facilities Division (CG-5332), 2100 2nd St., SW., Stop 7363, Washington, DC 20593-7363, 202-372-2234 and is available from the sources indicated in this section below.

(b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20037, 202-682-8000, <http://www.api.org/>:

(1) API Standard 2000, Venting Atmospheric and Low-Pressure Storage Tanks (Nonrefrigerated and Refrigerated), Third Edition, January 1982 (reaffirmed December 1987), IBR approved for §154.814.

(2) API Recommended Practice 550, Manual on Installation of Refinery Instruments and Control Systems, Part II—Process Stream Analyzers, Section 1—Oxygen Analyzers, Fourth Edition, February 1985, IBR approved for §154.824.

(c) American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036, 202-293-8020, <http://www.ansi.org/>:

(1) ANSI B16.5, Steel Pipe Flanges and Flanged Fittings, 1988, IBR approved for §§154.500, 154.808, and 154.810.

(2) ANSI B16.24, Bronze Pipe Flanges and Flange Fittings Class 150 and 300, 1979, IBR approved for §§154.500 and 154.808.

(3) ANSI B31.3, Chemical Plant and Petroleum Refinery Piping, 1987 (including B31.3a-1988, B31.3b-1988, and B31.3c-1989 addenda), IBR approved for §§154.510 and 154.808.

(d) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585, <http://www.astm.org/>: