§154.710 and §154.560. The following particulars apply:

DOT No: 2115.

OMB Control No.: 2115-0078. Administration: U.S. Coast Guard. Title: Changes to regulations covering Facilities Transferring Oil or Hazardous

Materials in Bulk. *Need for information:* It is proposed that information presently kept separately, now be kept in the same location as the operations manual by §154.740. However, little new information is required and since it is proposed that the information be kept with the operations manual, not in it, no additional review requirements are proposed. Maintaining all records in one location where it is readily assessable will encourage facility owners and operators to be better prepared and thereby help to prevent spills and accidents resulting from improper procedures. Also, consolidation of the information with the operations manual will assist Coast Guard enforcement personnel in performing their duties in an efficient and effective manner. Section 154.710 would require a facility to submit a training program for persons in charge to the COTP for review and approval. Training programs are necessary to ensure the competency of the personnel filling this critical position. The proposal allows facility operators the flexibility of designing a program that meets their needs.

Proposed use of information: To determine regulatory compliance.

Frequency of response: Occasional and annual.

Burden estimate: 7,258.

Respondents: 3,130 operators of bulk oil and hazardous material transfer facilities.

Form(s): Not applicable.

Average burden hours per respondent: 1.9

The Coast Guard has submitted the requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under ADDRESSES.

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The Coast Guard intends to preempt State and local law only to the extent that compliance with the State law

would preclude compliance with these proposed requirements.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and a draft Finding of No Significant Impact are available in the docket for inspection or copying where indicated under ADDRESSES.

The majority of the proposed changes are administrative in nature and involve the maintenance of records and descriptions of procedures to be retained in the operations manual. Other proposed revisions involve changes in equipment or procedures that are designed to enhance environmental protection by attempting to prevent spills of oil and hazardous materials from bulk liquid facilities or minimize the effects of such occurrences. Therefore, these revisions should have only a positive affect upon the environment.

List of Subjects

33 CFR Part 154

Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 156

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR parts 154 and 156 as follows:

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIALS IN BULK

1. The authority citation for part 154 continues to read as follows:

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; 49 CFR 1.46. Subpart F is also issued under 33 U.S.C. 2735.

Subpart A—General

2. In §154.100, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

§154.100 Applicability.

(a) This part applies to each facility that is capable of transferring oil or hazardous material, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all bulk products carried, of 250 barrels or more. This part does not apply to the facility when it is in a caretaker status.

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

- (1) Section 154.107 Alternatives.
- (2) Section 154.108 Exemptions.
- (3) Section 154.110 Letter of intent.
- (4) Section 154.120 Facility

examinations.

(5) Section 154.300 Operations manual: General.

(6) Section 154.310 Operations manual: Contents. Paragraphs (a)(2) through (a)(7), (a)(9), (a)(12), (a) (14) through (17), (a) (20) through (24), (c), and (d).

(7) Section 154.320 Operations manual: Amendment.

(8) Section 154.325 Operations manual: Letter of adequacy.

(9) Section 154.500 Hose assemblies. Paragraphs (a)(1), (b)(1), (c), (d) (1)

- through (3), and (e) (1) through (4).
- (10) Section 154.530 Small discharge containment. Paragraphs (a) (1) through (2), and (d).

(11) Section 154.545 Discharge containment equipment.

(12) Section 154.550 Emergency shutdown.

- (13) Section 154.560
- Communications.
- (14) Section 154.570 (c) and (d) Lighting
 - (15) Section 154.700 General.
 - (16) Section 154.710 Persons in
- charge: Designation and qualification. (17) Section 154.730 Persons in
- charge: Evidence of designation. (18) Section 154.735 Safety

requirements. Paragraphs (a) through (d), (f) through (g), (i), (j) (1) through (2),

(k) (1) through (2), (l) through (m), (o)

- through (q), (r) (1) through (3), (s), and (u) through (v).
- (19) Section 154.740 Records. Paragraphs (a) through (f).

(20) Section 154.750 Compliance with operations manual.

3. In §154.105, the following definition Caretaker status is added in alphabetical order, and the definitions of Facility, and Transfer are revised, to read as follows:

*

§154.105 Definitions. *

*

Caretaker status denotes a facility where all piping, storage tanks, and related equipment is completely free of oil or hazardous material; that has been certified as being gas free; where piping terminating near any body of water has been blanked; and where the letter of adequacy has been suspended by the COTP upon request of the facility.

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