

§ 127.007

contract awarded on or after January 30, 1996.

*Person in charge of transfer operations on the vessel* is the person designated the person in charge of cargo transfer under 46 CFR 154.1831.

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, except a minor release of LHG or its vapor, that may occur during the routine handling of LHG. No release is minor if it creates an atmosphere that exceeds the Lower Flammable Limit (LFL) for a flammable product or any Permissible Exposure Limit (PEL) listed in 29 CFR 1910.1000, Table Z-1 or Z-2, for a toxic product.

*Substructure* means the deck of a pier or wharf and the structural components below that deck.

*Toxic product* means a product indicated by the letter "T" or by the letters "F+T" in Table 127.005.

*Waterfront facility handling LHG* means any structure on, in, or under the navigable waters of the United States, or any structure on land or any area on shore immediately adjacent to such waters, used or capable of being used to transfer liquefied hazardous gas, in bulk, to or from a vessel.

*Waterfront facility handling LNG* means any structure on, in, or under the navigable waters of the United States, or any structure on land or any area on shore immediately adjacent to such waters, used or capable of being used to transfer liquefied natural gas, in bulk, to or from a vessel.

TABLE 127.005—LIST OF PRODUCTS AND HAZARDS

Product	Hazard
Acetaldehyde .....	F+T
Ammonia, anhydrous .....	T
Butadiene .....	F
Butanes .....	F
Butane and propane (mixtures) .....	F
Butylenes .....	F
Chlorine .....	T
Dimethylamine .....	F+T
Ethane .....	F
Ethyl chloride .....	F+T
Ethylene .....	F
Ethylene oxide .....	F+T
Methyl-acetylene and propadiene (mixtures) ..	F
Methyl bromide .....	F+T
Methyl chloride .....	F+T
Propane .....	F
Propylene .....	F

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TABLE 127.005—LIST OF PRODUCTS AND HAZARDS—Continued

Product	Hazard
Sulphur dioxide .....	T
Vinyl chloride .....	F+T

**Note:** "F" indicates a flammable product. "T" indicates a toxic product. "F+T" indicates a product both flammable and toxic.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995; CGD 97-023, 62 FR 33363, June 19, 1997]

§ 127.007 Letter of intent.

(a) An owner who intends to build a new facility or the owner or operator who plans new construction on an existing facility, must submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is or will be located, at least 60 days before construction begins.

(b) The owner or operator of an active existing facility shall submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is located.

(c) An owner or operator of an inactive existing facility shall submit a letter of intent that meets paragraph (d) of this section to the COTP of the zone in which the facility is located, at least 60 days before transferring LHG or LNG.

(d) Each letter of intent must contain—

- (1) The name, address, and telephone number of the owner and operator;
- (2) The name, address, and telephone number of the facility;
- (3) The physical location of the facility;
- (4) A description of the facility;
- (5) The LHG or LNG vessels' characteristics and the frequency of LHG or LNG shipments to or from the facility; and

(6) Charts showing waterway channels and identifying commercial, industrial, environmentally sensitive, and residential areas in and adjacent to the waterway used by the LHG or LNG vessels en route to the facility, within 25 kilometers (15.5 miles) of the facility.

(e) The owner or operator who submits a letter of intent under paragraph

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(a), (b), or (c), shall notify the COTP in writing within 15 days if—

(1) There is any change in the information submitted under paragraphs (d)(1) through (d)(5) of this section; or

(2) No LHG or LNG transfer operations are scheduled within the next 12 months.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

### § 127.009 Letter of recommendation.

After the COTP receives the letter of intent under §127.007 (a) or (c), the COTP issues a letter of recommendation to the owner or operator of the facility and to the state and local government agencies having jurisdiction, as to the suitability of the waterway for LHG or LNG marine traffic, based on the—

(a) Information submitted under §§127.007 (d)(3) through (d)(6);

(b) Density and character of marine traffic in the waterway;

(c) Locks, bridges, or other man-made obstructions in the waterway; and

(d) Following factors adjacent to the facility:

(1) Depths of the water.

(2) Tidal range.

(3) Protection from high seas.

(4) Natural hazards, including reefs, rocks, and sandbars.

(5) Underwater pipelines and cables.

(6) Distance of berthed vessel from the channel and the width of the channel.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

NOTE: The Coast Guard is authorized by law to establish water or waterfront safety zones, or other measures for limited, controlled, or conditional access and activity, when necessary for the protection of any vessel, structure, waters, or shore area.

### § 127.011 Inspections of waterfront facilities.

The operator shall ensure that the COTP or his representative is allowed to make reasonable examinations and

inspections to determine whether the facility meets this part.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

### § 127.013 Suspension of transfer operations.

(a) The COTP may issue an order to the operator to suspend LHG or LNG transfer operations if the COTP finds any condition requiring immediate action to—

(1) Prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

(2) Protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

(b) Each order to suspend transfer operations issued under paragraph (a) of this section—

(1) Is effective immediately;

(2) Contains a statement of each condition requiring immediate action; and

(3) Is withdrawn by the COTP whenever each condition is corrected or no longer exists.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

### § 127.015 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard officer responsible for that action.

(b) Except as provided under paragraph (e) of this section, any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may—

(1) Appeal that ruling in writing to the District Commander of the district in which the action was taken; and

(2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(c) The District Commander issues a ruling after reviewing the appeal submitted under paragraph (b) of this section. Except as provided under paragraph (e) of this section, any person not satisfied with this ruling may—