

1978 MOU: USCG and MTB on Waterfront LNG Facilities

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES COAST GUARD AND THE MATERIALS TRANSPORTATION BUREAU FOR REGULATION OF WATERFRONT LIQUEFIED NATURAL GAS FACILITIES

I. INTRODUCTION. Within the Department of Transportation (DOT), the United States Coast Guard (USCG) and the Materials Transportation Bureau (MTB) exercise separate and overlapping safety regulatory authority affecting the siting, design, construction, maintenance, and operation of waterfront liquefied natural gas (LNG) facilities adjoining the navigable waters of the United States. The USCG derives its authority over such facilities from the Ports and Waterways Safety Act of 1972 (PL 92-340, 33 USC 1221-1227) and the Magnuson Act (50 USC 191). The regulatory authority of the MTB over these same facilities (as well as nonwaterfront LNG facilities) is derived from the Natural Gas Pipeline Safety Act of 1968 (PL 90-481, 49 USC 1671, et seq.) and the Hazardous Materials Transportation Act (PL 93-633, 49 USC 1801, et seq.)

In recognition of each of the parties' respective regulatory responsibilities, the USCG and the MTB agree that a Memorandum of Understanding is needed to avoid duplication of regulatory efforts regarding waterfront LNG facilities and to maximize the exchange of relevant information.

II. RESPONSIBILITIES OF THE PARTIES. For the foregoing reasons, the USCG and the MTB agree to the following division of regulatory responsibilities with respect to waterfront LNG facilities and cooperation in carrying out these responsibilities:

USCG RESPONSIBILITIES: The USCG is responsible for establishing regulatory requirements for:

- (1) Facility site selection as it relates to management of vessel traffic in and around a facility;
- (2) Fire prevention and fire protection equipment, systems, and methods for use at a facility;
- (3) Security of a facility; and
- (4) All other matters pertaining to the facility between the vessel and the last manifold (or valve) immediately before the receiving tank(s).

MTB RESPONSIBILITIES: The MTB is responsible for establishing regulatory requirements for:

- (1) Facility site sections except as provided by paragraph (1) of the "USCG RESPONSIBILITIES" set forth in this Memorandum; and
- (2) All other matters pertaining to the facility beyond and (including) the last manifold (or valve)

immediately before the receiving tank(s) except as provided by paragraphs (2) and (3) of the "USCG RESPONSIBILITIES" set forth in this Memorandum.

JOINT RESPONSIBILITIES:

(1) The USCG and the MTB will cooperate and assist each other in carrying out their respective waterfront LNG facility regulatory enforcement activities; and

(2) The USCG and the MTB, in an effort to avoid inconsistent regulation of similar safety matters (including as between waterfront and nonwaterfront LNG facilities), will consult with each other before issuing each Advance Notice of Proposed Rulemaking, Notice of Proposed Rulemaking, and final regulation affecting waterfront LNG facilities.

For the United States Coast Guard: ADM Owen W Siler, Commandant; February 7, 1978

For the Materials Transportation Bureau, L.D. Sandman, Acting Director, February 1, 1978