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(d) The Assistant Commandant for Marine Safety, Security and Environmental Protection issues a ruling after reviewing the appeal submitted under paragraph (c) of this section, which is final agency action.

(e) If the delay in presenting a written appeal has an adverse impact on the operations of the appellant, the appeal under paragraph (b) or (c) of this section—

(1) May be presented orally; and
(2) Must be submitted in writing within five days after the oral presentation—

(i) With the basis for the appeal and a summary of the material presented orally; and
(ii) To the same Coast Guard official who heard the oral presentation.

§ 127.017 Alternatives.

(a) The COTP may allow alternative procedures, methods, or equipment standards to be used by an operator instead of any requirements in this part if—

(1) The operator submits a written request for the alternative at least 30 days before facility operations under the alternative would begin, unless the COTP authorizes a shorter time; and
(2) The alternative provides at least the same degree of safety provided by the regulations in this part.

(b) The COTP approves or disapproves any alternative requested under paragraph (a) of this section—

(1) In writing; or
(2) Orally, with subsequent written confirmation.


(a) The owner or operator of an active existing facility shall submit two copies of the Operations Manual and of the Emergency Manual to the Captain of the Port of the zone in which the facility is located, unless the manuals have been examined and there have been no changes since that examination.

(b) If the COTP finds that the Operations Manual meets §127.305 or §127.1305 and that the Emergency Manual meets §127.307 or §127.1307, the Captain of the Port returns a copy to the owner or operator marked “Examined by the Coast Guard”.

(c) If the COTP finds that the Operations Manual or the Emergency Manual does not meet this part, the Captain of the Port returns the manual with an explanation of why it does not meet this part.


Subpart B—Waterfront Facilities Handling Liquefied Natural Gas

§ 127.101 Design and construction: General.

The marine transfer area for LNG must meet the following criteria in NFPA 59A:

(a) Chapter 2, Sections 2–1.2 and 2–3.
(b) Chapter 4, Section 4–1.3.
(c) Chapter 6.
(d) Chapter 7, Sections 7–6 and 7–7.
(e) Chapter 8, except Sections 8–3, 8–5 and 8–7.2.


§ 127.103 Piers and wharves.

(a) If the waterfront facility handling LNG is in a region subject to earthquakes, the piers and wharves must be designed to resist earthquake forces.

(b) Substructures, except moorings and breasting dolphins, that support or are within 5 meters (16.4 feet) of any pipe or equipment containing LNG, or are within 15 meters (49.2 feet) of a loading flange, must—

(1) Be made of concrete or steel; and
(2) Have a fire endurance rating of not less than two hours.

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