

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- (3) Is withdrawn by the COTP whenever each condition is corrected or no longer exists.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

- (1) Appeal that ruling in writing to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593-0001; and
- (2) Supply supporting documentation and evidence that the appellant wishes to have considered.

(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