

§ 125.55

shall be deemed to be satisfactory identification within the meaning of §125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in §125.09.

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

[CGFR 56-15, 21 FR 2940, May 3, 1956, as amended by CGFR 58-51, 21 FR 9339, Nov. 30, 1956]

§ 125.55 Outstanding Port Security Card Applications.

A person who has filed an application for a Coast Guard Port Security Card and who did not receive such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

[CGFR 61-54, 26 FR 11862, Dec. 12, 1961]

§ 125.57 Applications previously denied.

A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

PART 126—HANDLING OF DANGEROUS CARGO AT WATERFRONT FACILITIES

Sec.

126.1 What does this part apply to?

126.3 Definitions.

126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

126.11 Waiver authority based on local or unusual conditions.

126.12 How do I request the use of an alternative method of complying with a requirement in this part?

126.13 Designation of waterfront facilities.

126.15 What conditions must a designated waterfront facility meet?

33 CFR Ch. I (7-1-06 Edition)

126.16 Conditions for designating a “facility of particular hazard.”

126.17 Permits required for handling designated dangerous cargo.

126.19 Issuance of permits for handling designated dangerous cargo.

126.21 Permitted transactions.

126.23 Termination or suspension of permits.

126.25 Penalties for handling designated dangerous cargo without permit.

126.27 General permit for handling dangerous cargo.

126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

126.29 Supervision and control of dangerous cargo.

126.30 What are the conditions for conducting welding and hotwork?

126.31 Termination or suspension of general permit.

126.33 Penalties for handling dangerous cargo without permit.

126.35 Primary responsibility.

126.37 Separability.

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

§ 126.1 What does this part apply to?

This part applies to waterfront facilities handling packaged and bulk-solid dangerous cargo and to vessels at those facilities.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003]

§ 126.3 Definitions.

As used in this part—

Break-bulk means packages that are handled individually, palletized, or unitized for purposes of transportation, as opposed to materials in bulk and containerized freight.

Bulk means without mark or count and directly loaded or unloaded to or from a hold or tank on a vessel without the use of containers or break-bulk packaging.

Captain of the port or *COTP* means the officer of the Coast Guard, under the command of a District Commander, is designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within an assigned area.

Cargo of particular hazard means any of the following:

(1) Division 1.1 and 1.2 explosives, as defined in 49 CFR 173.50, for which a permit is required under 33 CFR 126.17.

(2) Ammonium nitrate products, division 5.1 (oxidizing) materials listed in

Coast Guard, DHS

§ 126.5

49 CFR 176.410, for which a permit is required under 49 CFR 176.415.

(3) Division 4.3 dangerous when wet products as defined in 49 CFR 173.124, in excess of 60 mt.

(4) Division 2.3 and 6.1 poison inhalation hazard products as defined in 49 CFR 173.115 and 173.132, respectively.

(5) Class 7 highway route controlled quantity radioactive material or fissile material, controlled shipment, as defined in 49 CER 173.403.

Commandant means the Commandant of the United States Coast Guard.

Container means a reusable container that has a volume of 1.81 cubic meters (64 cubic feet) or more, is designed and constructed to permit being lifted with its contents intact, and is intended primarily for containment of packages (in unit form) during transportation.

Dangerous cargo means all hazardous materials listed in 49 CFR parts 170 through 179, except those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and all cargo listed in 46 CFR part 148.

Designated dangerous cargo means Division 1.1 and 1.2 explosives as defined in 49 CFR 173.50.

Designated waterfront facility means a waterfront facility designated under §126.13 for the handling, storing, loading, and discharging of any hazardous material(s) subject to the Dangerous Cargoes Regulations (49 CFR parts 170 through 179), except for those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and for those materials carried as bulk liquids.

Facility of particular hazard means a designated waterfront facility that is authorized to handle a cargo of particular hazard.

Facility operator means the person or company who owns, operates, or is responsible for the operation of a waterfront facility.

Net tons means net weight in tons.

Net weight, in reference to material in a package, tank, or container, means the weight of the contents of a package, tank, or container and does not include the weight of any packaging material or containing devices.

Transport unit means a transport vehicle or a container.

Waterfront facility means all piers, wharves, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in the immediate proximity to these structures; buildings on or contiguous to these structures; and the equipment and materials on or in these structures or buildings. The term does not include facilities directly operated by the Department of Defense.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003]

§ 126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, we must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Vessel and Facility Operating Standards Division (G-MSO-2), room 1210, 2100 Second Street SW., Washington, DC 20593-0001, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected, are as follows:

<i>American Society for Testing and Materials (ASTM)</i> , 100 Barr Harbor Drive, PO Box C700 West CONSHOHOCKEN, PA 19428-2959: ASTM F-1121, Standard Specification for International Shore Connections for Marine Fire Applications, 1987 Edition	126.15
<i>National Fire Protection Association (NFPA)</i> , One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101: NFPA 10, Standard for Portable Fire Extinguishers, 1998 Edition	126.15
NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition	126.15

§ 126.11

NFPA 14, Standard for the Installation of Standpipe and Hose Systems, 1996 Edition	126.15
NFPA 30, Flammable and Combustible Liquids Code, 1996	126.15
NFPA 51B, Standard for Fire Prevention in Use of Cutting and Welding Processes, 1994 Edition ..	126.30
NFPA 70, National Electrical Code, 1996	126.15
NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 1995 Edition	126.15

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003, as amended at 69 FR 18803, Apr. 9, 2004]

§ 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

(1) That compliance with the requirement is economically or physically impractical; and

(2) That the alternative requested provides an equivalent or greater level of safety.

(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

33 CFR Ch. I (7-1-06 Edition)

§ 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in §126.15, unless waived under provisions of §126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57-52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see §126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7-8.7.

(4) *Lighting.* If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see §126.5.) and must be located or

shielded so that it cannot be mistaken for an aid to navigation and does not interfere with navigation on waterways.

(5) *International shore connection.* If the facility conducts cargo operations involving foreign-flag vessels, the facility must have an international shore connection meeting ASTM F-1121. (Incorporated by reference, see §126.5.)

(6) *Access to the facility.* Whenever dangerous cargo is transferred or stored on the facility, access to the facility must be limited to—

(i) Personnel working on the facility or vessel;

(ii) Delivery and service personnel authorized to conduct their business;

(iii) Coast Guard and other Federal, State, and local officials;

(iv) Local emergency personnel, such as police officers and firemen; and

(v) Other persons authorized by the owner or operator of the facility.

(7) *Security measures.* Guards must be stationed, or equivalent controls acceptable to the COTP must be used, to deter and detect unlawful entrance; to detect and report fire hazards, fires, and releases of dangerous cargoes and hazardous materials; to check the readiness of protective equipment; and to report other emergency situations at the facility.

(8) *Coast Guard personnel.* At any time, Coast Guard personnel must be allowed to enter the facility to conduct inspections or board vessels moored at the facility.

(9) *Material handling equipment, trucks, and other motor vehicles.* When dangerous cargo is being transferred or stored on the facility, material handling equipment, trucks, and other motor vehicles operated by internal combustion engines must meet the requirements of NFPA 307, chapter 9.

(10) *Smoking.* Smoking is allowed on the facility where permitted under State or local law. Signs must be posted marking authorized smoking areas. "No Smoking" signs must be conspicuously posted elsewhere on the facility.

(11) *Rubbish and waste material.* All rubbish, debris, and waste materials must be placed in adequate receptacles.

(12) *Adequacy of equipment, materials, and standards.* The COTP may determine that any equipment, material, or

standard is not reasonably adequate under the circumstances. If so, the COTP informs the owner or operator in writing and provides an opportunity for the owner or operator to have the deficiency corrected.

(b) All designated waterfront facilities that handle dangerous cargo, not in transport units, must also meet the following:

(1) *Arrangement of cargo, freight, merchandise, or material.* Cargo, freight, merchandise, and other items or material on the facility must be arranged to provide access for firefighting and clearance for fire prevention according to NFPA 307, chapter 8-5.

(2) *Portable fire extinguishers.* Each facility must have and maintain, in adequate quantities and locations, portable fire extinguishers that meet the requirements of NFPA 10. These extinguishers must be inspected and maintained in accordance with NFPA 10.

(3) *Electrical systems.* All new electrical equipment and wiring installed on the facility must be of the same type and installed as specified under NFPA 70. All defective or dangerous electrical equipment and wiring must be promptly repaired, replaced, or permanently disconnected.

(4) *Heating equipment and other sources of ignition.* Open fires and open-flame lamps are prohibited on the facility. Heating equipment must meet NFPA 307, chapter 9-4.

(5) *Maintenance stores and supplies.* Hazardous material(s) used in the operation or maintenance of the facility may be stored only in amounts necessary for normal operating conditions. These materials must be stored in compartments that are remote from combustible material; constructed to provide safe storage; and kept clean and free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Flammable liquids must be stored according to NFPA 30, chapter 4. (Incorporated by reference, see §126.5.)

(c) All designated waterfront facilities that handle dangerous cargo in transport units must also meet the following:

(1) *Terminal yards.* Terminal yards must conform to the standards in NFPA 307, chapter 5.

§ 126.16

(2) *Containers.* Containers packed with dangerous cargo that are vertically stacked must be stacked no more than four high.

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

§ 126.16 Conditions for designating a “facility of particular hazard.”

(a) *Basic requirements.* The facility shall comply with all the conditions in § 126.15 except where specifically waived by § 126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]

§ 126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefor has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle while it is in or on such waterfront facility.

[CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

§ 126.19 Issuance of permits for handling designated dangerous cargo.

Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated

33 CFR Ch. I (7-1-06 Edition)

dangerous cargo at such waterfront facility provided the following requirements are met:

(a) The facility shall comply in all respect with the regulations in this subchapter.

(b) The quantity of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(c) The quantity of designated dangerous cargo consisting of Class 1 (explosive) materials shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

§ 126.21 Permitted transactions.

All permits issued pursuant to § 126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous

cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with § 126.15(g).

[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

§ 126.23 Termination or suspension of permits.

Any permit issued pursuant to § 126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.

[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

§ 126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under § 126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1232).

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

§ 126.27 General permit for handling dangerous cargo.

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, condi-

tioned upon the observance and fulfillment of the following:

(a) The conditions set forth in § 126.15 shall at all times be strictly observed.

(b) You must notify the COTP before you handle, store, stow, load, discharge, or transport, in the net weight amounts specified, the following dangerous cargo, except when contained within transport units or railroad or highway vehicles being transported across or on the waterfront facility solely for transfer to or from a railroad-car ferry, highway-vehicle ferry, or carfloat:

(1) Class 1, Division 1.3 and Division 1.5 (Explosive) materials, with a net explosive quantity in excess of 36,400 kg (40 net tons) at any one time.

(2) Class 2, Division 2.1 (Flammable Gas) materials in bulk packaging; or Division 2.3 (Poison Gas) materials in excess of 72,800 kg (80 net tons) at any one time.

(3) A Class 7 (Radioactive) material in a highway route controlled quantity, as defined in 49 CFR 173.403.

(4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.

(5) Flammable gases, in excess of 10 net tons at any one time.

(6) Poisons (Class A).

(7) A bulk shipment of a cargo of particular hazard.

(c) No Class 1 (explosive) materials (as defined in 49 CFR 173.50) or other dangerous cargoes prohibited from, or not permitted for, transportation by 46 CFR part 148 or 49 CFR parts 171 through 179 may be present on the waterfront facility.

(d) Break-bulk dangerous cargo must be segregated according to 49 CFR 176.83(a) through (c). No separation is required for break-bulk dangerous cargo in limited-quantity packaging.

(e) Transport units and portable tanks containing dangerous cargo must be segregated according to 49 CFR 176.83(a), (b), and (f). The requirements for vertical segregation and for on-deck, horizontal segregation in 49 CFR 176.83(f) apply. No separation is required for transport units containing dangerous cargo only in limited quantity packaging.

§ 126.28

33 CFR Ch. I (7-1-06 Edition)

(f) Break-bulk dangerous cargo must be segregated from transport units containing dangerous cargo according to 49 CFR 176.83(e).

(g) Solid dangerous bulk cargo must be separated to prevent the interaction of incompatible materials in the event of an accident. Cargo not required to be segregated, when in break-bulk form, is not required to be segregated, when in bulk form. Dangerous cargo in break-bulk form must be segregated from solid dangerous cargo in bulk according to 49 CFR 176.83.

(h) Materials that are dangerous when wet (Division 4.3), water-soluble oxidizers (Division 5.1), and corrosive solids (Class 8) must be stored in a manner that prevents them from coming into contact with water.

(i) Corrosive liquids (Class 8) and liquid oxidizers (Division 5.1) must be handled and stored so that, in the event of a leak from their packaging, they would not come in contact with organic materials.

(j) Dangerous cargo stored on the facility must be arranged in a manner that retards the spread of fire, such as by interspersing dangerous cargo with inert or fire retardant material.

(k) Dangerous cargo stored on the facility, but not intended for use on the facility, must be packaged, marked, and labeled according to 49 CFR parts 171 through 180, as if the cargo was in transportation.

(l) Class 7 (Radioactive) material must be stored as specified in 49 CFR 173.447.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 75-238, 44 FR 63676, Nov. 5, 1979; CGD 75-238, 45 FR 57394, Aug. 28, 1980; CGD 92-050, 59 FR 39965, Aug. 5, 1994; USCG-1998-4302, 68 FR 55442, Sept. 26, 2003]

§ 126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

(a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizer by the regulations of 49 CFR part 173 is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:

(1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.

(2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.

(3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.

(4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.

(5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.

(6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.

(7) An abundance of water for fire-fighting shall be readily available.

(8) Open drains, traps, pits or pockets which could be filled with molten ammonium nitrate if a fire occurred (and thus become potential detonators for the storage piles) must be eliminated or plugged.

NOTE: See 49 CFR 176.415 for permit requirements for nitro carbo nitrate and certain ammonium nitrates.

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

§ 126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting

the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities therein, the discharge into the navigable waters of the United States of petroleum products, petroleum byproducts or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be immediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facility from which the discharge occurred.

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969]

§ 126.30 What are the conditions for conducting welding and hotwork?

(a) The facility operator must ensure that all welding or hotwork conducted at the facility meets the requirements of this section. Each operator of a vessel moored to the facility must ensure that all welding or hotwork conducted on the vessel meets the requirements of this section.

(b) The COTP may require an operator of a facility or of a vessel moored at the facility to notify the COTP be-

fore conducting welding or hotwork. Regardless of whether or not the COTP required notice, the facility operator must notify the COTP before conducting welding or hotwork on a vessel when containerized dangerous cargo is located within the distances listed in paragraph (f) of this section.

(c) Before conducting welding or hotwork, flammable vapors, liquids, or solids must be completely removed from any container, pipe, or transfer line being worked on.

(d) Before conducting welding or hotwork on tanks, tanks used for storage of flammable or combustible substances must be tested and certified gas free.

(e) All welding and hotwork must be conducted according to NFPA 51B. (Incorporated by reference, see § 126.5.)

(f) Welding or hotwork is prohibited during gas freeing operations within 30.5 meters (100 feet) of bulk cargo operations involving flammable or combustible materials, within 30.5 meters (100 feet) of fueling operations, within 30.5 meters (100 feet) of explosives, or within 15.25 meters (50 feet) of other hazardous materials.

(g) If the welding or hotwork is on the boundary of a compartment (*i.e.*, bulkhead, wall, or deck), a fire watch, in addition to that called for in NFPA 51B, must be stationed in the adjoining compartment.

(h) Personnel on fire watch must have no other duties except to watch for the presence of fire and to prevent the development of hazardous conditions.

(i) All safety precautions in relation to purging, inerting, or venting for all hotwork on containers must be followed.

(j) All local laws and ordinances must be followed.

(k) If a fire or other hazard occurs, all cutting, welding, or other hotwork equipment must be shut down.

[USCG-1998-4302, 68 FR 55442, Sept. 26, 2003]

§ 126.31 Termination or suspension of general permit.

The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by § 126.27 in respect to any particular designated waterfront facility whenever he deems

§ 126.33

that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the District Commander with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

§ 126.33 Penalties for handling dangerous cargo without permit.

Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by §126.27 under circumstances not covered by the general permit granted in §126.27 or when such general permit is not in force will subject persons responsible therefor to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. sec. 1232).

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

§ 126.35 Primary responsibility.

Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

§ 126.37 Separability.

If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in

33 CFR Ch. I (7-1-06 Edition)

this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

PART 127—WATERFRONT FACILITIES HANDLING LIQUEFIED NATURAL GAS AND LIQUEFIED HAZARDOUS GAS

Subpart A—General

- Sec.
- 127.001 Applicability.
 - 127.003 Incorporation by reference.
 - 127.005 Definitions.
 - 127.007 Letter of intent.
 - 127.009 Letter of recommendation.
 - 127.011 Inspections of waterfront facilities.
 - 127.013 Suspension of transfer operations.
 - 127.015 Appeals.
 - 127.017 Alternatives.
 - 127.019 Operations Manual and Emergency Manual: Procedures for examination.

Subpart B—Waterfront Facilities Handling Liquefied Natural Gas

- 127.101 Design and construction: General.
- 127.103 Piers and wharves.
- 127.105 Layout and spacing of marine transfer area for LNG.
- 127.107 Electrical power systems.
- 127.109 Lighting systems.
- 127.111 Communications systems.
- 127.113 Warning signs.

EQUIPMENT

- 127.201 Sensing and alarm systems.
- 127.203 Portable gas detectors.
- 127.205 Emergency shutdown.
- 127.207 Warning alarms.

OPERATIONS

- 127.301 Persons in charge of shoreside transfer operations: Qualifications and certification.
- 127.303 Compliance with suspension order.
- 127.305 Operations Manual.
- 127.307 Emergency Manual.
- 127.309 Operations Manual and Emergency Manual: Use.
- 127.311 Motor vehicles.
- 127.313 Bulk storage.
- 127.315 Preliminary transfer inspection.
- 127.317 Declaration of inspection.
- 127.319 LNG transfer.
- 127.321 Release of LNG.

MAINTENANCE

- 127.401 Maintenance: General.
- 127.403 Inspections.
- 127.405 Repairs.