''discharge'' in the National Response Plan (40 CFR 300.5) except that it also looks to flammability and exposure. Flammability and exposure make sense as criteria because releases of some LHGs will meet them long before the releases amount to a ''reportable quantity'' under 40 CFR part 302, and it is difficult to verify the size of a release of liquefied gas after it vaporizes.

To further reduce the potential for frequent activation of the warning alarms, § 127.1321(a)(2) now requires their activation only for releases that ''threaten vessels or persons outside the immediate transfer area.'' This should eliminate the need to activate the warning alarms for releases that, while more than minor, are small in that they do not threaten persons outside the area. Generally, other means will notify persons inside the area.

33. Three comments disliked the requirement in § 127.1325(c) to provide security guards. They argued that facilities cannot identify personnel, check ID cards, escort personnel, or perform other activities normally done by the guards. One suggested that facilities using public docks be exempt because they control neither the docks nor the persons who use them. Two recommended that § 127.1325 apply only during transfers.

The Coast Guard does not concur. Access to the transfer area must be limited to reduce the risk of fire, explosion, or other calamities resulting from vandalism or sabotage. Unless the piping and storage tanks on the facility contain no LHG, and no LHG vapors, the potential for a hazardous release exists even when no transfer is in progress. In many cases, access to critical parts of the area may be effectively restricted by means other than guards. (Unfortunately, these means and where they will be acceptable are too numerous to list within this rulemaking. Section 127.1325(c) lets the COTP approve alternative means such as electronic monitoring or random patrols where the stationing of guards is impracticable.)

34. One comment claimed that, because of the manpower entailed, it was not reasonable to escort each person entering a facility. The Coast Guard acknowledges that there are other good ways to prevent sabotage and vandalism. Ensuring that persons entering the facility have legitimate business on the facility, and display visitors' badges to show they have been identified, should suffice. Badges will help employees distinguish between authorized and unauthorized personnel. Section 127.1325(b) reflects this change.

35. Six comments objected to conducting static liquid-pressure (hydrostatic) tests of the piping, hoses, and loading arms of the LHG-transfer system, as required by § 127.1407(a). Instead, they suggested using alternatives such as pneumatic tests.

Hydrostatic tests of cargo piping and hoses are already the rule of 33 CFR 126.15(o)(7)(iv). No comments indicated that this rule has disrupted facilities. The Coast Guard believes that these tests provide the safest and most effective means of determining the integrity of piping and hoses. Nevertheless, the COTP may allow alternatives under § 127.017, if they provide the same degree of safety. (Authorities have granted waivers for some existing facilities under 33 CFR 126.11, and those waivers should continue.) To ease compliance, § 127.1407(b) reduces the pressure for the test from 1.5 times the maximum allowable working pressure (MAWP) to 1.1 times the MAWP because some LHGs are normally transferred at low working pressures.

36. One comment suggested recasting § 127.1407(a) to clarify which components of the cargo system need tests. Section 127.1407(a) applies only to that part of the system located in the marine transfer area. The section now says as much.

37. Four comments recommended that the firefighting requirements in §§ 127.1501 through 127.1511 not apply to facilities that handle only toxic LHGs. Six comments suggested that the water-systems requirements in § 127.1507 not apply to these facilities. Four comments recommended that the requirements of an international shore-connection in § 127.1511 not apply to these facilities. The Coast Guard concurs with these comments in part.

Section 127.1501 requires a facility to determine the number, kind, and site of equipment for fire detection, protection, control, and extinguishment on the basis of local conditions and hazards within the facility. This lets the facility determine the number, kind, and site of equipment for these purposes on the basis of its design and anticipated risks.

A facility that handles only toxic LHGs must determine whether its design and anticipated risks call for the equipment specified in § 127.1507. Although no water may be needed for fighting fire in LHG when a facility does not handle flammable LHG, it is a prime component of a facility's overall fire-control efforts. It may be necessary to protect the pier, the buildings, or vessels even if not to fight a fire involving LHG. It is an excellent cooling agent; it effectively protects personnel from fire and protects sprayed areas from radiated heat. It can also remove some toxic gases from the air after a release of toxic LHG. Therefore, it is usually essential in mitigating death, injury, damage to equipment, and further spreading of a fire, even if the LHG is not flammable.

The international shore-connection is to protect vessels, not the facility. Therefore, the design and capability of vessels are more important than area features of the facility for one determining whether this equipment is necessary.

If, after careful consideration of its own design and of the anticipated risks, a facility that handles toxic LHGs decides it does not need the water supply required by § 127.1507, then it must justify this decision in the plan required by § 127.1501. The plan must consider pier and vessel fires in addition to cargo fires. Existing facilities may certify their own plans. New facilities, and facilities with any new construction, must have their plans reviewed and approved by the COTP.

An international shore-connection makes it possible for fittings with incompatible threads to connect. One is required on the facility so that vessels moored to the facility have a source of water for firefighting in case an onboard source of firefighting water is nonexistent or inadequate. Incompatible threads generally are not a problem for U.S.-flag vessels, and some facilities do not receive foreign-flag vessels. To account for this, § 127.1511 now requires an international shore-connection only for those facilities that receive foreign-flag vessels.

38. Five comments recommended that a facility with an on-site fire department or with access to a local department be exempt from the requirement in § 127.1505 to provide emergency outfits. The intent of this requirement is to enable rapid response for injured or trapped personnel. An on-site department with appropriate outfits will meet the requirement since the outfits have never had to be located within the marine transfer area. The Coast Guard agrees that in some cases an off-site response unit, if trained and if located close enough to the area, may be able to provide an effective response. To confer greater flexibility, § 127.1505, renamed ''Emergency response and rescue'', allows the use of either on-site or off-site response to emergencies. An on-site response unit must furnish the appropriate training and equipment, including outfits. Training and equipment that satisfy OSHA [29 CFR 1910.120] will satisfy the Coast Guard. An off-site response unit must enter a written agreement with the facility