

**MTSA Regulations found at 33 CFR Part 105—Facilities.**

**#03-03 Ch-2 February 12, 2004---POLICY ADVISORY COUNCIL FAQ**

**Q.** How will the U.S. Coast Guard implement 33 CFR 105.105 for remote (isolated) facilities that lack road access but conduct secondary marine cargo transfers of regulated commodities?

**Ans.** The regulations in 33 CFR 105.105 provide an exemption provision for an isolated facility that receives material(s) regulated by 33 CFR Parts 126 or 154 by vessel due to the lack of road access to the facility.

By applying the “isolated facility” exemption provision in 33 CFR 101.105 (c) (5) to isolated oil/cargo/container facilities regulated by 33 CFR Parts 126 and 154, the cognizant COTP can make a recommendation for exemption to the District Commander based all of the following criteria:

- a) The risk of a Transportation Security Incident (TSI) is low;
- b) The consequences of a TSI (loss of life, economic impact, or environmental harm) are low;
- c) The community where the facility is located is not visited by passenger vessels with more than 150 passengers;
- d) The facility is inaccessible by road from other communities, domestic or foreign;
- e) The facility does not conduct secondary transfers in bulk of the commodities it receives, i.e. it does not serve as a staging area for the consolidation and transshipment of dangerous cargo or oil (250 barrels) to other ports via commercial vessels; and
- f) The facility receives cargoes by vessel(s) only.

Facilities that meet some, but not all, of the criteria may forward a request for a waiver under 33 CFR 105.130 to Commandant (G-MP) asking for permission to waive the requirements of 33 CFR Part 105.

**NOTE** For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).