

MTSA/ISPS POLICY ADVISORY COUNCIL

February 12, 2004

Issue/Discussion/Decision

Remote Facilities

03-03 Change 2

FINAL

Issue: How will 33 CFR Part 105 be implemented for remote facilities (not accessible by road) that conduct secondary marine transfers?

Discussion: Numerous facilities, throughout Alaska especially, have been identified as meeting the applicability of 33 CFR 105.105 because, although they are isolated due to lack of road accesses, they distribute regulated commodities through secondary marine transfers. The Seventeenth District has compiled a list of what they consider isolated facilities and requested that these facilities receive waivers due to their remoteness. They are not considered likely to sustain a Transportation Security Incident (TSI). Our discussion will center on the options the Coast Guard has with regards to regulating these facilities. Will waivers be considered? Should this be accomplished on a case-by-case situation? Can Area or District staffs compile one list of facilities that they consider to be remote and submit this list to G-MP for waiver considerations?

Decision: When the cognizant COTP determines that a facility meets all criteria listed below, the COTP can recommend to the District Commander, and the District Commander can approve the waiver. 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.

- a. The risk of a TSI is low due to the small population of the community in which the facility is located (less than 1,000 residents), which provides a level of "organic security," making it difficult for outsiders to access the area and cause harm without detection;
- b. The consequences of a TSI (loss of life, economic impact, or environmental harm) are low due to the low population density in the community where the facility is located, minimal hazardous materials transported/stored, and limited oil storage and shipment capacity;
- c. The community the facility is located in is not visited by passenger ships with more than 150 passengers;
- d. The facility is not accessible by road from other communities, larger population areas, the continental U.S., and other countries aiding the inherent organic security;
- 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 due to the lack of road access.