

## 2. REGULATIONS

### A. Handling of Dangerous Cargoes (CG)

On September 26, 2003, (68 FR 55436-55443), the Coast Guard (CG), U.S. Department of Homeland Security, issued a final rule (33 CFR part 126) that updates the regulations relating to the handling of packaged and bulk-solid dangerous cargoes at waterfront facilities. These updated regulations reflect improved safety procedures and modern transportation methods, such as the use of containers. This rule also updates the requirements for handling these dangerous cargoes and incorporates industry standards.

All waterfront facilities to which this rule applies must meet requirements concerning fire extinguishing equipment; fire appliances; warning signs; lighting; the international shore connection; facility access; security measures; Coast Guard personnel; material handling equipment, trucks, and other motor vehicles; smoking; rubbish and waste material; and adequacy of equipment, materials, and standards. Additional specific requirements apply to waterfront facilities that handle dangerous cargoes not in transport units and to waterfront facilities that handle dangerous cargoes in transport units.

For further information, contact Mr. Brian Robinson, Vessel and Facility Operating Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0018, electronic mail: [brobinson@comdt.uscg.mil](mailto:brobinson@comdt.uscg.mil)).

### B. NESHAP for Site Remediation (EPA)

On October 8, 2003, (68 FR 58171-58224), the U.S. Environmental Protection Agency (EPA) promulgated a final rule (40 CFR part 63) concerning national emission standards for hazardous air pollutants (NESHAP) from site remediations. The final rule implements the Clean Air Act (CAA) section 112(d) to control hazardous air pollutants (HAP) emissions at major sources where remediation technologies and practices are used at the site to clean up contaminated environmental media (e.g., soils, ground waters, or surface waters) or certain stored or disposed materials that pose a reasonable potential threat to contaminate environmental media. Site remediations subject to the final rule are required to control emissions of organic HAP by meeting emissions limitations and work practice standards reflecting the application of maximum achievable control technology (MACT). The final rule applies to certain types of site remediation activities that are conducted at a facility where non-remediation sources are a major source of HAP emissions. Some site remediations already regulated by rules established under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA) are not subject to this final rule.

For further information, contact Mr. Greg Nizich, Waste and Chemical Processes Group, Emission Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, (telephone: (919) 541-3078, electronic mail: [nizich.greg@epa.gov](mailto:nizich.greg@epa.gov)).

### C. Implementation of National Maritime Security Initiatives (CG)

On October 22, 2003, (68 FR 60447-60570), the Coast Guard, U.S. Department of Homeland Security, published a series of six final rules that adopt, with changes, the series of temporary interim rules published on July 1, 2003, and that promulgate final maritime security requirements mandated by the Maritime Transportation Security Act (MTSA) of 2002. The six final rules address: (1) general regulations for national maritime security (33 CFR parts 2, 101, and 102); (2) area maritime security (33 CFR part 103); (3) vessel security (33 CFR parts 104, 160, and 165 and 46 CFR parts 2, 31, 71, 91, 115, 126, and 176); (4) facility security (33 CFR part 105); (5) outer continental shelf (OCS) facility security (33 CFR part 106); and (6) vessel automatic identification system (AIS) carriage requirements (33 CFR parts 26, 161, 164, and 165).

For each of the final rules, the requirements of the MTSA, section 102, align, where appropriate, with the security requirements in the International Code for the Security of Ships and of Port Facilities (ISPS Code) and chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention). However, the MTSA has a broader application that includes domestic vessels and facilities. Thus, where appropriate, the Coast Guard has implemented the MTSA through the requirements in the SOLAS Convention and the ISPS Code.

The area maritime security rule establishes U.S. Coast Guard Captains of the Ports as Federal Maritime Security Coordinators and establishes requirements for Area Maritime Security Plans and Area Maritime Security Committees.

The vessel security final rule provides security measures for certain vessels calling on U.S. ports. It also requires the owners or operators of vessels to designate security officers for vessels, develop security plans based on security assessments and surveys, implement security measures specific to each vessel's operation, and comply with Maritime Security Levels.

The facility security final rule provides security measures for certain facilities in U.S. ports. It also requires owners or operators of facilities to designate security officers for facilities, develop security plans based on security assessments and surveys, implement security measures specific to each facility's operation, and comply with Maritime Security Levels.

The OCS facility security final rule provides security measures for mobile offshore drilling units (MODUS) not subject to the SOLAS Convention and for certain fixed and floating facilities on the OCS other than deepwater ports. It also requires the owners or operators of OCS facilities to designate security officers for OCS facilities, develop security plans based on security assessments and surveys, implement security measures specific to each OCS facility's operation, and comply with Maritime Security Levels.

The vessel AIS final rule implements the AIS carriage requirements of the MTSA and the International Maritime Organization (IMO) requirements adopted under the SOLAS Convention.

For further information, contact Capt. Kevin Dale, Office of Port, Vessel, and Facility Security (G-MPS), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone:

(202) 267-6193, electronic mail: [kdale@comdt.uscg.mil](mailto:kdale@comdt.uscg.mil)) or refer to the following Coast Guard Internet Web Site: <http://www.uscg.mil/hq/g-m/mp/index.htm>.

D. Hazardous Materials Incident Reporting (RSPA)

On December 3, 2003, (68 FR 67745-67773), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, promulgated a final rule (49 CFR part 171) that revises the incident reporting requirements of the Hazardous Materials Regulations and the hazardous materials incident report form, DOT Form F 5800.1. The major changes adopted in this final rule include: (1) collecting more specific information on the incident reporting form; (2) expanding reporting exceptions; (3) expanding reporting requirements to persons other than carriers; (4) reporting undeclared shipments of hazardous materials; and (5) reporting non-release incidents involving cargo tanks. These revisions will assure an increase in the usefulness of data collected for risk analysis and management by government and industry and, where possible, provide relief from regulatory requirements.

For further information, contact Mr. T. Glenn Foster, Office of Hazardous Materials Standards (DHM-10), Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (telephone: (202) 366-8553, electronic mail: [glenn.foster@rspa.dot.gov](mailto:glenn.foster@rspa.dot.gov)).

E. Lighting in Private Aids to Navigation (CG)

On December 8, 2003, (68 FR 68235-68239), the Coast Guard (CG), U.S. Department of Homeland Security, issued a final rule (33 CFR part 66) that removes the requirement to use only tungsten-incandescent-light sources for private aids to navigation and that establishes more specific performance standards for all lights in private aids to navigation. These measures enable private industry and owners of private aids to navigation to take advantage of recent changes in lighting technology, i.e., specifically allow owners of private aids to navigation to use lanterns based on the technology of light-emitting diodes, which may reduce the consumption of power and simplify the maintenance of private aids to navigation. The more specific performance standards will make the rules for private aids to navigation equivalent to those for federal aids to navigation.

For further information, contact Mr. Dan Andrusiak, Office of Aids to Navigation (G-OPN), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, (telephone: (202) 267-0327, electronic mail: [dandrusiak@comdt.uscg.mil](mailto:dandrusiak@comdt.uscg.mil)).

F. Periodic Underwater Inspection of Pipelines (RSPA)

On December 12, 2003, (68 FR 69368-69373), the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, issued a proposed rule (49 CFR parts 192 and 195) that would amend the pipeline safety regulations to require operators of gas

and hazardous liquid pipelines to have procedures for periodic inspections of pipeline facilities in offshore waters less than 15 feet deep or crossing under a navigable waterway. These inspections would ensure that the pipeline is not exposed or a hazard to navigation.

RSPA's Office of Pipeline Safety (OPS) has responsibility for ensuring safety and environmental protection against risks posed by the nation's approximately 2 million miles of gas and hazardous liquid pipelines. RSPA/OPS shares responsibility for inspecting and overseeing the nation's pipelines with state pipeline safety offices.

For further information, contact L. E. Herrick, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (telephone: (202) 366-5523, electronic mail: [le.herrick@rspa.dot.gov](mailto:le.herrick@rspa.dot.gov)).

#### G. Pipeline Integrity Management (RSPA)

On December 15, 2003, (68 FR 69777-69837), the Office of Pipeline Safety (OPS), Research and Special Programs Administration (RSPA), U.S. Department of Transportation, promulgated a final rule (49 CFR part 192) that requires operators to develop integrity management programs for gas transmission pipelines located where a leak or rupture could do the most harm, i.e., could impact high consequence areas (HCAs). The rule requires gas transmission pipeline operators to perform ongoing assessments of pipeline integrity, to improve data collection, integration, and analysis, to repair and remediate the pipeline as necessary, and to implement preventive and mitigative actions. RSPA/OPS has also modified the definition of HCAs in response to a petition for reconsideration from industry associations. This final rule comprehensively addresses statutory mandates, safety recommendations, and conclusions from accident analyses, all of which indicate that coordinated risk control measures are needed to improve pipeline safety.

For further information, contact Mr. Mike Israni, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, (telephone: (202) 366-4571, electronic mail: [mike.israni@rspa.dot.gov](mailto:mike.israni@rspa.dot.gov)).