

**MTSA Regulations found at 33 CFR Subchapter H
Part 104—Vessels & Part 105--Facilities.**

#16-04 Ch-2, JUNE 30, 2004---POLICY ADVISORY COUNCIL FAQ

Q. Should vessels certificated under 46 CFR Subchapter D that transport, or facilities regulated under 33 CFR Part 154 that handle waste drilling mud be exempted from the requirements in 33 CFR Parts 104 and 105?

Ans. The Coast Guard has conducted an assessment of drilling mud and has determined that it poses a lower risk of causing a transportation security incident. As a result, we are exempting **barges** that handle drilling mud as not being subject to 33 CFR Part 104 unless another applicability factor is involved. Likewise, the Coast Guard is exempting **facilities** that receive drilling mud from a barge not otherwise subject to 33 CFR Part 104 unless another applicability factor is involved. These exempted barges and facilities remain subject to sections 101 and 103 of 33 CFR Subchapter H.

Barge Examples: Barges that alternate between carrying drilling mud and other regulated cargoes would be required to comply with 33 CFR Part 104. Any self-propelled vessel carrying drilling mud and inspected pursuant to 46 CFR Subchapter I or Subchapter L must comply with 33 CFR Part 104. Barges that do not engage in international voyages that only carry drilling mud or other non-regulated cargoes are not required to comply with 33 CFR Part 104.

Facility Examples: Facilities that receive barges that do not engage in international voyages that carry drilling mud are not required to comply with 33 CFR Part 105, unless other applicability factors exist. Facilities that receive any self-propelled vessels carrying drilling mud must comply with 33 CFR Part 105.

The deadline for vessels and facilities handling drilling mud and affected by this change in policy is extended to September 1, 2004 for the submissions of Vessel and Facility Security Plans.

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