

(5) Class 7 highway route controlled quantity radioactive material or fissile material, controlled shipment, as defined in 49 CFR 173.403.

Commandant means the Commandant of the United States Coast Guard.

Container means a reusable container that has a volume of 1.81 cubic meters (64 cubic feet) or more, is designed and constructed to permit being lifted with its contents intact, and is intended primarily for containment of packages (in unit form) during transportation.

Dangerous cargo means all hazardous materials listed in 49 CFR parts 170 through 179, except those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and all cargo listed in 46 CFR part 148.

Designated dangerous cargo means Division 1.1 and 1.2 explosives as defined in 49 CFR 173.50.

Designated waterfront facility means a waterfront facility designated under § 126.13 for the handling, storing, loading, and discharging of any hazardous material(s) subject to the Dangerous Cargoes Regulations (49 CFR parts 170 through 179), except for those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and for those materials carried as bulk liquids.

Facility of particular hazard means a designated waterfront facility that is authorized to handle a cargo of particular hazard.

Facility operator means the person or company who owns, operates, or is responsible for the operation of a waterfront facility.

Net tons means net weight in tons.

Net weight, in reference to material in a package, tank, or container, means the weight of the contents of a package, tank, or container and does not include the weight of any packaging material or containing devices.

Transport unit means a transport vehicle or a container.

Waterfront facility means all piers, wharves, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in the immediate proximity to these structures; buildings on or contiguous to these structures; and the equipment and materials on or in these structures or buildings. The term does not include facilities directly operated by the Department of Defense.

■ 6. Add § 126.5 to read as follows:

§ 126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal

Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, we must publish a notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Vessel and Facility Operating Standards Division (G-MSO-2), room 1210, 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected, are as follows:

<i>American Society for Testing and Materials (ASTM)</i> , 100 Barr Harbor Drive, PO Box C700 West CONSHOHOCKEN, PA 19428-2959:	
ASTM F-1121, Standard Specification for International Shore Connections for Marine Fire Applications, 1987 Edition	126.15
<i>National Fire Protection Association (NFPA)</i> , One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101:	
NFPA 10, Standard for Portable Fire Extinguishers, 1998 Edition	126.15
NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition	126.15
NFPA 14, Standard for the Installation of Standpipe and Hose Systems, 1996 Edition	126.15
NFPA 30, Flammable and Combustible Liquids Code, 1996	126.15
NFPA 51B, Standard for Fire Prevention in Use of Cutting and Welding Processes, 1994 Edition	126.30
NFPA 70, National Electrical Code, 1996	126.15
NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 1995 Edition	126.15

■ 7. Add § 126.12 to read as follows:

§ 126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

(1) That compliance with the requirement is economically or physically impractical; and

(2) That the alternative requested provides an equivalent or greater level of safety.

(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

■ 8. Revise § 126.15 to read as follows:

§ 126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see § 126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7-8.7.

(4) *Lighting.* If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see § 126.5.) and must be located or shielded so that it cannot be mistaken for an aid to navigation and does not interfere with navigation on waterways.

(5) *International shore connection.* If the facility conducts cargo operations involving foreign-flag vessels, the facility must have an international shore connection meeting ASTM F-1121. (Incorporated by reference, see § 126.5.)

(6) *Access to the facility.* Whenever dangerous cargo is transferred or stored on the facility, access to the facility must be limited to—

(i) Personnel working on the facility or vessel;

(ii) Delivery and service personnel authorized to conduct their business;

(iii) Coast Guard and other Federal, State, and local officials;

(iv) Local emergency personnel, such as police officers and firemen; and

(v) Other persons authorized by the owner or operator of the facility.

(7) *Security measures.* Guards must be stationed, or equivalent controls acceptable to the COTP must be used, to deter and detect unlawful entrance; to