

### Waivers

The waiver section details procedures for requesting a waiver for the benefit of facility owners or operators who find specific requirements of the rulemaking to be unnecessary.

### Equivalents

The equivalents section details procedures for requesting an equivalency for specific requirements of the rulemaking. Equivalents are intended to allow facility owners or operators to provide an alternative provision or arrangement that provides the same level of security as a specific requirement contained within this part.

### Alternative Security Program

This part makes provision to allow owners or operators of facilities to implement an Alternative Security Program that has been reviewed and accepted by the Commandant (G-MP), to meet the requirements of this part. Alternative Security Programs must be comprehensive and based on a security assessment to demonstrate it meets the intent of each section of this part. Owners or operators who choose to implement an appropriate Alternative Security Program will be required to implement it in its entirety to be deemed in compliance with this part.

### Evaluating Submissions of Waivers, Equivalents, and Alternative Security Programs

In our evaluation of waivers, equivalencies, and Alternative Security Programs, the Coast Guard will accept a self-assessment or demonstration using any risk management tools acceptable to the Coast Guard. This demonstration may be requested to show that the proposed waiver, equivalency or Alternative Security Program is at least as effective as that intended by this interim rule.

### Facility Owner or Operator Responsibilities

This rule requires each facility owner or operator to develop an effective security plan that incorporates detailed preparation, prevention, and response activities for each MARSEC Level, and detail the organizations, or personnel responsible for carrying out those activities. The requirements discussed in this subpart are also consistent with requirements in the ISPS Code. Facility owner or operator responsibilities include:

- Designating a Facility Security Officer.
- Ensuring a Facility Security Assessment is conducted.

- Developing and submitting for approval a Facility Security Plan.
- Operating the facility in accordance with the approved Facility Security Plan.
- Implementing additional security measures required by changes in MARSEC Level.
- Reporting all breaches of security and security incidents.
- Coordinating shore leave for vessel personnel or crew change-out, as well as access through the facility of visitors to the vessel, including representatives of seafarers' welfare and labor organizations, in advance of a vessel's arrival. (In the past, some facilities may have denied access to seafarers and seafarer welfare organizations where there was not an articulable security basis for doing so. The Coast Guard is including their provision in this interim rule to encourage facilities to allow such access when appropriate.)

### Facility Security Officer (FSO)

This rule requires that a facility owner or operator designate in writing a Facility Security Officer for each facility. The Facility Security Officer may be a full-time or collateral-duty position. The Facility Security Officer must have general knowledge on a range of issues such as security administration, relevant international laws, domestic regulations, current security threats and patterns, risk assessment methodology, inspections, control procedures and conducting audits. The most important duties that must be performed by the Facility Security Officer would include implementing a Facility Security Plan; periodically auditing and updating the Facility Security Assessment and Facility Security Plan; ensuring that adequate training is provided to facility personnel; and ensuring the facility is operating in accordance with the plan and in continuous compliance with part 105. The Facility Security Officer may assign security duties to other facility personnel; however, the Facility Security Officer remains responsible for these duties.

### Training

Required training for facility personnel must be specified in the Facility Security Plan. Specific security training courses for the Facility Security Officer and facility personnel will not be required by the Coast Guard. While formal training may be appropriate, we are not mandating specifics. Facility owners or operators must certify that security personnel are, in fact, properly trained to perform their duties. The types of training required must also be

consistent with the training requirements described in this subpart. The Facility Security Officer is also required to ensure that facility security persons possess necessary training to maintain the overall security of the facility.

### Drill and Exercise Requirements

Exercises are required to ensure the adequacy of the Facility Security Plans and are required to be conducted at least once each calendar year, with no more than 18 months between exercises. Drills, which are smaller in scope than exercises, must be conducted at least every 3 months. Exercises may be facility specific, or as part of a cooperative exercise program with applicable Facility and Vessel Security Plans or Port exercises. Exercises for security may be combined with other required exercises, as appropriate.

### Security Systems and Equipment Maintenance

Procedures and/or policies must be developed and implemented to ensure security systems and equipment are tested and operated in accordance with the instructions of the manufacturer and ready for use.

### Security Measures

Security measures for specific activities must be scalable in order to provide increasing levels of security at increasing MARSEC Levels. An effective security program relies on detailed procedures that clearly indicate the preparation and prevention activities that will occur at each threat level and the organizations, or personnel, who are responsible for carrying out those activities. Security Measures must be developed for the following activities:

- Security measures for access control;
- Security measures for restricted areas;
- Security measures for handling cargo;
- Security measures for delivery of vessel stores and bunkers; and
- Security measures for monitoring.

### Security Incident Procedures

Each facility owner or operator must develop security incident procedures for responding to transportation security incidents. The security incident procedures must explain the facility's reaction to an emergency, including the notification and coordination with local, State, and federal authorities and Under Secretary of Emergency Preparedness and Response. The security incident procedures must also explain actions for securing the facility and evacuating