

Declarations of Security must be kept as part of the OCS facility's recordkeeping.

Security Incident Procedures

Each OCS facility must develop security incident procedures for responding to security incidents. The security incident procedures must explain the OCS facility's reaction to an emergency, including the notification and coordination with local, State, and federal authorities. The security incident procedures must also explain actions for securing the OCS facility as well as actions for evacuating passengers and crew.

Facility Security Assessment (FSA)

This interim rule requires all appropriate OCS facilities to complete a Facility Security Assessment, which is an essential part of the process of developing and updating the required Facility Security Plan. The Facility Security Assessment is based in part on an on-scene security survey, which details the overall assessment of the OCS facility including any existing security measures, and includes a written report documenting the vulnerabilities and mitigation strategies of the OCS facility. As discussed in the interim rule "Implementation of National Maritime Security Initiatives" (USCG-2003-14792), 33 CFR 101.510, lists the various assessment tools that may be used to meet the risk assessment requirements in the parts 104 through 106 of this subchapter. The assessment tools listed are sufficient to enable the development of the Facility Security Plan. This list is also provided to ensure that the Facility Security Assessment is consistent with other modal assessments. We are working with other agencies to develop assessment tools that are sensitive to the diversity of the national Marine Transportation System to ensure consistent levels of security throughout the entire system. The designated Company Security Officer must conduct the on-scene survey by examining and evaluating existing OCS facility protective measures, procedures, and operations. Using the information obtained in the on-scene survey, the Company Security Officer must ensure the completion of the Facility Security Assessment. The Facility Security Assessment identifies and evaluates, in writing, existing security measures; key OCS facility operations; the likelihood of possible threats to key OCS facility operations; and weaknesses, including human factors in the infrastructure, policies, and procedures of the OCS facility.

The Facility Security Assessment includes, among other things, a written

summary of how the assessment was conducted, each vulnerability found during the assessment, and countermeasures that could be used to address each vulnerability. The Facility Security Assessment must be reviewed and updated each time the Facility Security Plan is revised and when the Facility Security Plan is submitted for re-approval every five years.

Facility Security Plan

This interim rule requires each OCS facility owner or operator to develop an effective security plan that incorporates detailed preparedness, prevention, and response activities for each MARSEC Level, along with the organizations or personnel responsible for carrying out those activities. The requirements discussed in this part are consistent with the requirements covered in parts 104 and 105 of this subchapter.

The Facility Security Plan is a document, written in English that is prepared in response to the Facility Security Assessment and approved by the Coast Guard. A single Facility Security Plan may cover more than one OCS facility to the extent that they share physical characteristics and operations, if authorized and approved by the cognizant District Commander.

In addition to other things, the Facility Security Plan must respond specifically to any recommendations made by the Facility Security Assessment; must describe, for each MARSEC Level, how the OCS facility will apply the security measures required in these regulations; must detail the organizational structure of security for the OCS facility; must detail the responsibilities of all OCS facility personnel with a security duty; must detail the OCS facility's relationships with the Company, vessels that conduct operations with the OCS facility, and relevant authorities with a security responsibility; must provide for regular audit of the FSP and for its amendment in response to experience or changing circumstances; and must establish the procedures needed to assess the continuing effectiveness of security procedures and all security-related equipment and systems, including procedures for identifying and responding to equipment or systems failure or malfunction.

Submission and Approval of Security Plan

The Facility Security Plan, including the Facility Security Assessment report must, be submitted to and reviewed by the cognizant District Commander. Once the cognizant District Commander finds that the plan meets the security

requirements in part 106, the submitter will receive confirmation via an approval letter.

If the cognizant District Commander requires more time than is indicated in the requirements of the interim rule to review a submitted Facility Security Plan, the cognizant District Commander may return to the submitter a written acknowledgement stating that the Coast Guard is currently reviewing the Facility Security Plan submitted for approval, and that the OCS facility may continue to operate so long as the OCS facility remains in compliance with the submitted Facility Security Plan.

If the cognizant District Commander finds that the FSP does not meet the security requirements, the plan would be returned to the OCS facility with either an approval letter stating conditions of the approval, or a disapproval letter along with an explanation of why the plan does not meet the part 106 requirements.

Security plans must be reviewed by the Coast Guard every time:

- The Facility Security Assessment is altered;
- Failures are identified during an exercise of the Facility Security Plan; and
- There is a change in ownership or operational control of the OCS facility or there are amendments to the Facility Security Plan.

Regulatory Assessment

This interim rule is a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and has been reviewed by the Office of Management and Budget under that Order. It requires an assessment of potential costs and benefits under section 6(a)(3) of that Order. It is significant under the regulatory policies and procedures of the Department of Homeland Security. A Regulatory Assessment is available in the docket as indicated under **ADDRESSES**. A summary of the Assessment follows:

Cost Assessment

For the purposes of good business practice or regulations promulgated by other Federal and State agencies, many companies already have spent a substantial amount of money and resources to upgrade and improve security. The costs shown in this assessment do not include security measures these companies have already taken to enhance security.

The Coast Guard realizes that every company engaged in maritime commerce will not implement this interim rule exactly as presented in the