

regulation are not considered unnecessary obstacles.

Environment

We have considered the environmental impact of this interim rule and concluded that under figure 2–1, paragraph (34)(a) and (34)(c), of Commandant Instruction M16475.ID, this interim rule is categorically excluded from further environmental documentation. This interim rule concerns security assessments, plans, training for personnel, and the establishment of security positions that will contribute to a higher level of marine safety and security for OCS facilities extracting oil or gas. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES** or **SUPPLEMENTARY INFORMATION**.

This rulemaking will not significantly impact the coastal zone. Further, the rulemaking and the execution of this interim rule will be done in conjunction with appropriate State coastal authorities. The Coast Guard will therefore, comply with the requirements of the Coastal Zone Management Act while furthering its intent to protect the coastal zone.

List of Subjects in 33 CFR Part 106

Facilities, Maritime security, Outer Continental Shelf, Reporting and recordkeeping requirements, Security measures.

■ For the reasons discussed in the preamble, the Coast Guard is adding part 106 to subchapter H of chapter I of title 33 of the CFR.

PART 106—OUTER CONTINENTAL SHELF (OCS) FACILITY SECURITY

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- 106.400 General.
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- 106.415 Amendment and audit.

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.

Subpart A—General

§ 106.100 Definitions.

Except as specifically stated in this subpart, the definitions in part 101 of this subchapter apply to this part.

§ 106.105 Applicability.

The requirements in this part apply to owners and operators of any fixed or floating facility, including MODUs not subject to part 104 of this subchapter, operating on the Outer Continental Shelf (OCS) of the United States for the purposes of engaging in the exploration, development, or production of oil, natural gas, or mineral resources that are regulated by 33 CFR subchapter N, that meet the following operating conditions:

- (a) Hosts more than 150 persons for 12 hours or more in each 24-hour period continuously for 30 days or more;
- (b) Produces greater than 100,000 barrels of oil per day; or
- (c) Produces greater than 200 million cubic feet of natural gas per day.

§ 106.110 Compliance dates.

(a) On or before December 29, 2003, each Outer Continental Shelf (OCS) facility owner or operator must submit for each OCS facility a Facility Security Plan (FSP) described in subpart D of this part for review and approval to the cognizant District Commander.

(b) On or before June 25, 2004, each OCS facility owner or operator must be operating in compliance with this part.

(c) OCS facilities built on or after July 1, 2004, must submit for approval an FSP 60 days prior to beginning operations.

§ 106.115 Compliance documentation.

Each OCS facility owner or operator subject to this part must ensure that no later than July 1, 2004, that copies of the following documentation are available at the OCS facility and are made available to the Coast Guard upon request:

(a) The approved Facility Security Plan (FSP) and any approved revisions or amendments thereto, and a letter of approval from the cognizant District Commander dated within the last 5 years;

(b) The FSP submitted for approval and current written acknowledgment from the cognizant District Commander, stating that the Coast Guard is currently reviewing the FSP submitted for approval and that the OCS facility may continue to operate so long as the OCS facility remains in compliance with the submitted FSP; or

(c) For OCS facilities operating under a Coast Guard-approved Alternative Security Program as provided in § 106.135, a copy of the Alternative Security Program the OCS facility is using and a letter signed by the OCS facility owner or operator, stating which Alternative Security Program the OCS facility is using and certifying that the OCS facility is in full compliance with that program.

§ 106.120 Noncompliance.

When an OCS facility is not in compliance with the requirements of this part, the OCS facility owner or operator must notify the cognizant District Commander and request a waiver to continue operations.

§ 106.125 Waivers.

Any OCS facility owner or operator may apply for a waiver of any requirement of this part that the OCS facility owner or operator considers unnecessary in light of the nature or operating conditions of the OCS facility. A request for a waiver must be submitted in writing with justification to the cognizant District Commander. The cognizant District Commander may require the OCS facility owner or operator to provide additional data for use in determining the validity of the requested waiver. The cognizant District Commander may grant a waiver, in writing, with or without conditions only if the waiver will not reduce the overall