

§ 106.415 Amendment and audit.

(a) *Amendments.* (1) Amendments to a Facility Security Plan (FSP) that are approved by the cognizant District Commander may be initiated by:

(i) The OCS facility owner or operator; or

(ii) The cognizant District Commander, upon a determination that an amendment is needed to maintain the OCS facility's security. The cognizant District Commander will give the OCS facility owner or operator written notice and request that the OCS facility owner or operator propose amendments addressing any matters specified in the notice. The OCS facility owner or operator will have at least 60 days to submit its proposed amendments. Until amendments are approved, the OCS facility owner or operator shall ensure temporary security measures are implemented to the satisfaction of the cognizant District Commander.

(2) Proposed amendments must be sent to the cognizant District Commander. If initiated by the OCS facility owner or operator, the proposed amendment must be submitted at least 30 days before the amendment is to take effect unless the cognizant District Commander allows a shorter period. The cognizant District Commander will approve or disapprove the proposed amendment in accordance with § 106.410 of this subpart.

(3) If the owner or operator has changed, the Facility Security Officer (FSO) must amend the Facility Security Plan (FSP) to include the name and contact information of the new OCS facility owner(s) or operator(s) and submit the affected portion of the FSP for review and approval in accordance with § 106.410 of this subpart.

(b) *Audits.* (1) The FSO must ensure an audit of the FSP is performed annually, beginning no later than one year from the initial date of approval and attach a letter to the FSP certifying that the FSP meets the applicable requirements of this part.

(2) If there is a change in ownership or operations of the OCS facility, or if there have been modifications to the OCS facility, the FSP must be audited including but not limited to physical structure, emergency response procedures, security measures, or operations.

(3) Auditing the FSP as a result of modifications to the OCS facility may be limited to those sections of the FSP affected by the OCS facility modifications.

(4) Unless impracticable due to the size and nature of the company or the OCS facility, personnel conducting

internal audits of the security measures specified in the FSP or evaluating its implementation must:

(i) Have knowledge of methods of conducting audits and inspections, and control and monitoring techniques;

(ii) Not have regularly assigned security duties; and

(iii) Be independent of any security measures being audited.

(5) If the results of an audit require an amendment of either the Facility Security Assessment (FSA) or FSP, the FSO must submit, in accordance with § 106.410 of this subpart, the amendments to the cognizant District Commander for review and approval no later than 30 days after completion of the audit and a letter certifying that the amended FSP meets the applicable requirements of this part.

Dated: June 23, 2003.

Thomas H. Collins,

Admiral, Coast Guard Commandant.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 26, 161, 164, and 165

[USCG-2003-14757]

RIN 1625-AA67

Automatic Identification System; Vessel Carriage Requirement

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments and notice of meeting.

SUMMARY: The Coast Guard is amending port and waterway regulations to reflect vessel carriage requirements and establish technical and performance standards for an Automatic Identification System (AIS). This interim rule will implement the AIS carriage requirements of the Maritime Transportation Security Act of 2002 (MTSA) and the International Maritime Organization requirements adopted under International Convention for the Safety of Life at Sea, 1974, (SOLAS) as amended. The changes will require AIS on all vessels subject to SOLAS, Vessel Traffic Service Users and certain other commercial vessels. The rule will facilitate vessel-to-vessel and vessel-to-shore communications; it will enhance good order and predictability on the waterways, promote safe navigation; and contribute to maritime domain

awareness to protect the security of our nation's ports and waterways.

This rule is one of six interim rules in today's **Federal Register** addressing the requirements for maritime security mandated by the MTSA. These six interim rules implement national maritime security initiatives concerning general provisions, Area Maritime Security (ports), vessels, facilities, Outer Continental Shelf facilities, and the Automatic Identification System. They align domestic maritime security requirements with those of the International Ship and Port Facility Security Code and recent amendments to SOLAS. This rule will benefit persons and property by requiring that certain vessels carry AIS to increase maritime domain awareness and help detect, and respond to unlawful acts that threaten vessels. To best understand these interim rules, first read the one titled "Implementation of National Maritime Security Initiatives." (See USCG-2003-14792).

In view of the benefit-cost ratio presented herein, the Coast Guard will share with Congress any significant information provided by the public that addresses the reasonableness of implementing the statute.

DATES: *Effective date.* This interim rule is effective July 1, 2003. The Coast Guard intends to finalize this rule by November 25, 2003. Material incorporated by reference was approved by the Director of the Federal Register as of July 1, 2003.

Comments. Comments and related material must reach the Docket Management Facility on or before July 31, 2003.

Meeting. A public meeting will be held on July 23, 2003 from 9 a.m. to 5 p.m., in Washington, DC.

ADDRESSES: *Comments.* To ensure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) Electronically to the Docket Management System at <http://dms.dot.gov>.

(2) By mail to the Docket Management Facility (USCG-2003-14757) at the U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) By fax to the Docket Management Facility at 202-493-2251.

(4) By delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.