

Security responsibilities for the Company, Vessel, and Facility Security Officers in parts 104, 105, and 106 may be assigned to a dedicated individual if the owners or operators believe that the responsibilities and duties are best served by a person with no other duties.

Two commenters stated that the Facility Security Officer should be allowed to assign the day-to-day security activities to other personnel.

The regulations, allow for the Facility Security Officers to assign security duties to other facility personnel under § 105.205(a)(3).

After further review of § 105.205, we are amending § 105.205(c)(11) to clarify that the responsibilities of the Facility Security Officer includes the execution of any required Declarations of Security with the Masters, Vessel Security Officers, or their designated representatives.

Two commenters suggested that ferries be exempt from the "while at sea" clause in § 104.220(i) that requires company or vessel personnel responsible for security duties to have knowledge on how to test and calibrate security equipment and systems and maintain them, arguing that ferries are not oceangoing and, therefore, typically use a manufacturer's service representative to perform equipment testing and calibration while at the dock. In addition, one commenter requested clarification on whether a manufacturer's technical expert could be used to perform regularly planned maintenance at the ferry terminal.

We disagree with exempting ferry or facility security personnel from understanding how to test, calibrate, or maintain security equipment and systems. However, §§ 104.220 and 105.210 provide the company the flexibility to determine who should have an understanding of how to test, calibrate, and maintain security equipment and systems. By stating "company and vessel personnel responsible for security duties must * * * as appropriate," we have allowed a company to write a Vessel or Facility Security Plan that outlines responsibilities for security equipment and systems. If the company chooses to have company security personnel hold that responsibility, then vessel or facility security personnel would simply have to know how to contact the correct company security personnel and know how to implement interim measures as a result of equipment failures either at sea or in port. Sections 104.220 and 105.210 do not preclude a manufacturer's service representative from performing equipment maintenance, testing, and calibration.

One commenter stated that crowd management and control techniques, under § 105.210(e), should not be required of facility personnel with security duties, stating that this function is solely a responsibility of public responders.

We believe that crowd management and control techniques may be appropriate for facility security personnel with certain security duties. The overall security and safe operation of a facility rests with the owner or operator of that facility. It is not outside the realm of facility personnel's duties to consider security and their role in minimizing risk, including crowd management and control techniques.

Two commenters requested that ferries and their terminals be exempt from conducting physical screening and, therefore, should also be exempt from §§ 104.220(l) and 105.210(l), which require security personnel to know how to screen persons, personal effects, baggage, cargo, and vessel stores.

We disagree with exempting ferries and their terminals from the screening requirement and, therefore, will continue to require that certain security personnel understand the various methods that could be used to conduct physical screening. Because ferries certificated to carry more than 150 passengers and the terminals that serve them may be involved in a transportation security incident, it is imperative that security measures such as access control be implemented. Section 104.292 provides passenger vessels and ferries alternatives to identification checks and passenger screening. However, it does not provide alternatives to the requirements for cargo or vehicle screening. Thus, ferry security personnel assigned to screening duties should know the methods for physical screening. There is no corresponding alternative to § 104.292 for terminals serving ferries carrying more than 150 passengers; therefore, terminal security personnel assigned to screening duties should also know the methods for physical screening.

One commenter suggested exempting ferry terminals from § 105.210(l) concerning methods of physical screening of persons, personal effects, baggage, cargo, and vessel stores because "it is not applicable."

We disagree that all ferry terminals should be exempted, as this comment appears to presuppose that portions of the regulations are not applicable to all ferry terminals. We determined that facilities that receive vessels certificated to carry more than 150 passengers are at risk of being involved in a

transportation security incident and are regulated under § 105.105.

Forty-one commenters requested that §§ 104.225, 105.215, and 106.220 be either reworded or eliminated because the requirement to provide detailed security training to all contractors who work in a vessel or facility or to facility employees, even those with no security responsibilities such as a secretary or clerk, is impractical, if not impossible. The commenters stated that, unless a contractor has specific security duties, a contractor should only need to know how, when, and to whom to report anything unusual as well as how to react during an emergency. One commenter suggested adding a new section that listed specific training requirements for contractors and vendors.

The requirements in §§ 104.225, 105.215, and 106.220 are meant to be basic security and emergency procedure training requirements for all personnel working in a vessel or facility. In most cases, the requirement is similar to the basic safety training given to visitors to ensure they do not enter areas that could be harmful. To reduce the burden of these general training requirements, we allowed vessel and facility owners and operators to recognize equivalent job experience in meeting this requirement. However, we believe contractors need basic security training as much as any other personnel working on the vessel or facility. Depending on the vessel or facility, providing basic security training (e.g., how and when to report information, to whom to report unusual behaviors, how to react during a facility emergency) could be sufficient. To emphasize this, we have amended §§ 104.225, 105.215, and 106.220 to clarify that the owners or operators of vessels and facilities must determine what basic security training requirements are appropriate for their operations.

One commenter agreed with our inclusion of tabletop exercises as a cost-effective means of exercising the security plan.

Eleven commenters requested clarification on drills and exercises. One commenter suggested that an exercise be defined as a tabletop exercise, while a drill be a one-topic, specific exercise that is one-hour in length and is easily incorporated into daily operating activities. The commenter also suggested that the frequency of exercise requirements be extended to once every three years. Additionally, two commenters requested that security drills and exercises be integrated with non-security drills and exercises. Two commenters requested that certain