

■ b. In paragraph (b), remove the date “June 30, 2004” and add, in its place, the date “July 1, 2004”:

§ 105.115 Compliance dates.

(a) On or before December 31, 2003, facility owners or operators must submit to the cognizant COTP for each facility—

(1) The Facility Security Plan described in subpart D of this part for review and approval; or

(2) If intending to operate under an approved Alternative Security Program, a letter signed by the facility owner or operator stating which approved Alternative Security Program the owner or operator intends to use.

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§ 105.120 [Amended]

■ 7. In § 105.120—

■ a. In the introductory text, remove the words “no later than” and add, in their place, the words “on or before”; and

■ b. In paragraph (c), after the words “a copy of the Alternative Security Program the facility is using”, add the words “, including a facility specific security assessment report generated under the Alternative Security Program, as specified in § 101.120(b)(3) of this subchapter,”.

■ 8. Revise § 105.125 to read as follows:

§ 105.125 Noncompliance.

When a facility must temporarily deviate from the requirements of this part, the facility owner or operator must notify the cognizant COTP, and either suspend operations or request and receive permission from the COTP to continue operating.

■ 9. In § 105.200—

■ a. Revise paragraph (b)(7) to read as set out below;

■ b. In paragraph (b)(8), remove the word “and”;

■ c. Revise paragraph (b)(9) to read as set out below; and

■ d. Add paragraphs (b)(10) and (b)(11) to read as follows:

§ 105.200 Owner or operator.

* * * * *

(b) * * *

(7) Ensure coordination of shore leave for vessel personnel or crew change-out, as well as access through the facility for visitors to the vessel (including representatives of seafarers’ welfare and labor organizations), with vessel operators in advance of a vessel’s arrival. In coordinating such leave, facility owners or operators may refer to treaties of friendship, commerce, and navigation between the U.S. and other nations. The text of these treaties can be found on the U.S. Department of State’s

website at <http://www.state.gov/s/l/24224.htm>;

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(9) Ensure security for unattended vessels moored at the facility;

(10) Ensure the report of all breaches of security and transportation security incidents to the National Response Center in accordance with part 101 of this chapter; and

(11) Ensure consistency between security requirements and safety requirements.

§ 105.205 [Amended]

■ 10. In § 105.205—

■ a. In paragraph (b)(2)(iv), remove the word “Risk” and add, in its place, the word “Security”;

■ b. In paragraph (c)(3), after the words “if necessary”, remove the word “if” and add, in its place, the word “that”; and

■ c. In paragraph (c)(11), remove the words “Vessel Security Officers” and add, in their place, the words “Masters, Vessel Security Officers or their designated representatives”.

§ 105.215 [Amended]

■ 11. In § 105.215, in the introductory paragraph, after the words “in the following”, add the words “, as appropriate”.

■ 12. In § 105.220, revise paragraph (a) to read as follows:

§ 105.220 Drill and exercise requirements.

(a) *General.* (1) Drills and exercises must test the proficiency of facility personnel in assigned security duties at all MARSEC Levels and the effective implementation of the Facility Security Plan (FSP). They must enable the Facility Security Officer (FSO) to identify any related security deficiencies that need to be addressed.

(2) A drill or exercise required by this section may be satisfied with the implementation of security measures required by the FSP as the result of an increase in the MARSEC Level, provided the facility reports attainment to the cognizant COTP.

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§ 105.225 [Amended]

■ 13. In § 105.225(b)(1), remove the words “each security training session” and add, in their place, the words “training under § 105.210”.

■ 14. Revise § 105.245(d) to read as follows:

§ 105.245 Declaration of Security (DoS).

* * * * *

(d) At MARSEC Levels 2 and 3, the FSOs, or their designated representatives, of facilities interfacing

with manned vessels subject to part 104, of this subchapter must sign and implement DoSs as required in (b)(1) and (2) of this section.

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§ 105.255 [Amended]

■ 15. In § 105.255—

■ a. In paragraph (b), after the words “ensure that”, add the words “the following are specified”;

■ b. In paragraph (b)(3), remove the words “are established”;

■ c. In paragraph (c)(2), after the word “vessels”, add the words “or other transportation conveyances”;

■ d. In paragraph (e)(1), remove the words “including delivery vehicles” and, after the words “approved FSP” add the words “, excluding government-owned vehicles on official business when government personnel present identification credentials for entry”; and

■ e. In paragraph (f)(7), remove the word “Screening” and add, in its place, the words “Except for government-owned vehicles on official business when government personnel present identification credentials for entry, screening”.

■ 16. In § 105.265—

■ a. In paragraph (a)(2), after the words “stored at the facility”, add the words “without the knowing consent of the facility owner or operator”;

■ b. Revise paragraphs (a)(8) and (a)(9) to read as set out below;

■ c. Remove paragraph (a)(10);

■ d. In paragraph (b)(1), remove the word “Routinely”, and add, in its place, the words “Unless unsafe to do so, routinely” and remove the words “to deter” and add, in their place, the words “for evidence of”;

■ e. In paragraph (c)(1), remove the word “port” and remove the words “dangerous substances and devices to the facility and vessel” and add, in their place, the words “evidence of tampering”; and

■ f. Revise paragraph (c)(5) to read as follows:

§ 105.265 Security measures for handling cargo.

(a) * * *

(8) When there are regular or repeated cargo operations with the same shipper, coordinate security measures with the shipper or other responsible party in accordance with an established agreement and procedure; and

(9) Create, update, and maintain a continuous inventory of all dangerous goods and hazardous substances from receipt to delivery within the facility, giving the location of those dangerous goods and hazardous substances.

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