

(c) * * *

(5) Coordinating enhanced security measures with the shipper or other responsible party in accordance with an established agreement and procedures;

* * * * *

§ 105.275 [Amended]

■ 17. In § 105.275(a) introductory text, after the word “patrols,”, remove the word “and”.

■ 18. In § 105.285—

■ a. In paragraph (a) introductory text, remove the words “At MARSEC Level 1” and add, in their place, the words “At all MARSEC Levels”;

■ b. In paragraph (a)(1), remove the words “In a facility with no public access area designated under § 105.106, establish” and, add in their place, the word “Establish”;

■ c. In paragraph (a)(5), remove the words “and conduct screening of persons and personal effects, as needed”; and

■ d. Revise paragraphs (b) and (c) to read as follows:

§ 105.285 Additional requirements—passenger and ferry facilities.

* * * * *

(b) At MARSEC Level 2, in addition to the requirements in paragraph (a) of this section, the owner or operator of a passenger or ferry facility with a public access area designated under § 105.106 must increase the intensity of monitoring of the public access area.

(c) At MARSEC Level 3, in addition to the requirements in paragraph (a) of this section, the owner or operator of a passenger or ferry facility with a public access area designated under § 105.106 must increase the intensity of monitoring and assign additional security personnel to monitor the public access area.

§ 105.295 [Amended]

■ 19. In § 105.295(b)(2), remove the words “guard or”.

■ 20. Revise § 105.296(a)(1) to read as follows:

§ 105.296 Additional requirements—barge facilities.

(a) * * *

(1) Designate one or more restricted areas within the barge fleeting facility to handle those barges carrying, in bulk, cargoes regulated by 46 CFR chapter I, subchapters D or O, or Certain Dangerous Cargoes;

* * * * *

■ 21. In § 105.305—

■ a. In paragraph (c)(2)(viii) remove the word “Blockage” and add, in its place, the words “Impact on the facility and its operations due to a blockage”;

■ b. Revise paragraph (c)(2)(ix) to read as set out below; and

■ c. Add paragraphs (d)(3), (d)(4), (d)(5), and (e) to read as follows:

§ 105.305 Facility Security Assessment (FSA) requirements.

* * * * *

(c) * * *

(2) * * *

(ix) Use of the facility as a transfer point for nuclear, biological, radiological, explosive, or chemical weapons;

* * * * *

(d) * * *

(3) The FSA report must list the persons, activities, services, and operations that are important to protect, in each of the following categories:

(i) Facility personnel;

(ii) Passengers, visitors, vendors, repair technicians, vessel personnel, etc.;

(iii) Capacity to maintain emergency response;

(iv) Cargo, particularly dangerous goods and hazardous substances;

(v) Delivery of vessel stores;

(vi) Any facility security communication and surveillance systems; and

(vii) Any other facility security systems, if any.

(4) The FSA report must account for any vulnerabilities in the following areas:

(i) Conflicts between safety and security measures;

(ii) Conflicts between duties and security assignments;

(iii) The impact of watch-keeping duties and risk of fatigue on facility personnel alertness and performance;

(iv) Security training deficiencies; and

(v) Security equipment and systems, including communication systems.

(5) The FSA report must discuss and evaluate key facility measures and operations, including:

(i) Ensuring performance of all security duties;

(ii) Controlling access to the facility, through the use of identification systems or otherwise;

(iii) Controlling the embarkation of vessel personnel and other persons and their effects (including personal effects and baggage whether accompanied or unaccompanied);

(iv) Procedures for the handling of cargo and the delivery of vessel stores;

(v) Monitoring restricted areas to ensure that only authorized persons have access;

(vi) Monitoring the facility and areas adjacent to the pier; and

(vii) The ready availability of security communications, information, and equipment.

(e) The FSA, FSA report, and FSP must be protected from unauthorized access or disclosure.

■ 22. In § 105.310—

■ a. In paragraph (a), remove the words “§ 105.415 of this part” and add, in its place, the text “§ 105.410 of this part”; and

■ b. Add paragraph (c) to read as follows:

§ 105.310 Submission requirements.

* * * * *

(c) The FSA must be reviewed and validated, and the FSA report must be updated each time the FSP is submitted for reapproval or revisions.

§ 105.400 [Amended]

■ 23. In § 105.400(b), in the second sentence remove the word “Format”, and add, in its place, the word “Information”.

■ 24. In § 105.410—

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

■ b. In paragraph (c)(1), remove the text “, or” and add, in its place, a semicolon;

■ c. Redesignate paragraph (c)(2) as paragraph (c)(3);

■ d. Add new paragraph (c)(2) to read as follows:

§ 105.410 Submission and approval.

(a) On or before December 31, 2003, the owner or operator of each facility currently in operation must either:

(1) Submit one copy of their Facility Security Plan (FSP) for review and approval to the cognizant COTP and a letter certifying that the FSP meets applicable requirements of this part; or

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

(b) Owners or operators of facilities not in service on or before December 31, 2003, must comply with the requirements in paragraph (a) of this section 60 days prior to beginning operations or by December 31, 2003, whichever is later.

(c) * * *

(2) Return it for revision, returning a copy to the submitter with brief descriptions of the required revisions; or

* * * * *

■ 25. In § 105.415—

■ a. In paragraph (a)(1), remove the word “FSP” and add, in its place, the words “Facility Security Plan (FSP)”;

■ b. In paragraph (a)(2), remove the words “§ 105.415 of this subpart” and add, in their place, the words “§ 105.410 of this subpart”;

■ c. Redesignate paragraph (a)(3) as (a)(4);