

owner or operators will need to implement their TWIC provisions no later than April 15, 2009.

[USCG-2003-14759, 68 FR 39345, July 1, 2003, as amended at 68 FR 60557, Oct. 22, 2003; USCG-2006-24196, 72 FR 3585, Jan. 25, 2007; 73 FR 25565, May 7, 2008]

§ 106.115 Compliance documentation.

Each OCS facility owner or operator subject to this part must ensure before 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, including a facility specific security assessment report generated under the Alternative Security Program, as specified in §101.120(b)(3) of this subchapter, 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.

[USCG-2003-14759, 68 FR 39345, July 1, 2003, as amended at 68 FR 60558, Oct. 22, 2003]

§ 106.120 Noncompliance.

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

[USCG-2003-14759, 68 FR 60558, Oct. 22, 2003]

§ 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 security of the OCS facility, its personnel, or visiting vessels.

§ 106.130 Equivalents.

For any measure required by this part, the OCS facility owner or operator may propose an equivalent, as provided in §101.130 of this subchapter.

§ 106.135 Alternative Security Program.

An OCS facility owner or operator may use an Alternative Security Program approved under §101.120 of this subchapter if:

(a) The Alternative Security Program is appropriate to that OCS facility;

(b) The OCS facility does not serve vessels on international voyages; and

(c) The Alternative Security Program is implemented in its entirety.

§ 106.140 Maritime Security (MARSEC) Directive.

All OCS facility owners or operators subject to this part must comply with any instructions contained in a MARSEC Directive issued under §101.405 of this subchapter.

§ 106.145 Right to appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal as described in §101.420 of this subchapter.