

**§ 106.405**

**33 CFR Ch. I (7–1–10 Edition)**

**§ 106.405 Format and content of the Facility Security Plan (FSP).**

(a) An OCS facility owner or operator must ensure that the FSP consists of the individual sections listed in this paragraph (a). If the FSP does not follow the order as it appears in this paragraph, the OCS facility owner or operator must ensure that the FSP contains an index identifying the location of each of the following sections:

- (1) Security organization of the OCS facility;
- (2) Personnel training;
- (3) Drills and exercises;
- (4) Records and documentation;
- (5) Response to change in MARSEC Level;
- (6) Procedures for interfacing with vessels;
- (7) Declaration of Security (DoS);
- (8) Communications;
- (9) Security systems and equipment maintenance;
- (10) Security measures for access control;
- (11) Security measures for restricted areas;
- (12) Security measures for delivery of stores and industrial supplies;
- (13) Security measures for monitoring;
- (14) Security incident procedures;
- (15) Audits and FSP amendments; and
- (16) Facility Security Assessment (FSA) report.

(b) The FSP must describe in detail how the requirements of Subpart B of this part will be met. FSPs that have been approved by the Coast Guard prior to March 26, 2007 do not need to be amended to describe their TWIC procedures until the next regularly scheduled resubmission of the FSP.

[USCG–2003–14759, 68 FR 39345, July 1, 2003; 68 FR 41917, July 16, 2003, as amended by USCG–2006–24196, 72 FR 3587, Jan. 25, 2007]

**§ 106.410 Submission and approval.**

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

- (1) Submit one copy of the Facility Security Plan (FSP) for review and approval to the cognizant District Commander and a letter certifying that the

FSP meets the applicable requirements of this part; or

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

(b) Owners or operators of OCS 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) The cognizant District Commander will examine each submission for compliance with this part and either:

- (1) Approve it and specify any conditions of approval, returning to the submitter a letter stating its acceptance and any conditions;
- (2) Return it for revision, returning a copy to the submitter with brief descriptions of the required revisions; or
- (3) Disapprove it, returning a copy to the submitter with a brief statement of the reasons for disapproval.

(d) An FSP may be submitted and approved to cover more than one OCS facility where they share similarities in physical characteristics, location, and operations.

(e) Each OCS facility owner or operator that submits one FSP to cover two or more OCS facilities of similar design, location, and operation must address OCS facility-specific information that includes the physical and operational characteristics of each OCS facility.

(f) An FSP that is approved by the cognizant District Commander is valid for 5 years from the date of its approval. The cognizant District Commander will issue an approval letter, as indicated in § 106.115 of this part.

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

**§ 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) Nothing in this section should be construed as limiting the OCS facility owner or operator from the timely implementation of such additional security measures not enumerated in the approved FSP as necessary to address exigent security situations. In such cases, the owner or operator must notify the cognizant District Commander by the most rapid means practicable as to the nature of the additional measures, the circumstances that prompted these additional measures, and the period of time these additional measures are expected to be in place.

(4) 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.

[USCG-2003-14759, 68 FR 39345, July 1, 2003, as amended at 68 FR 60559, Oct. 22, 2003]

## **PART 107—NATIONAL VESSEL AND FACILITY CONTROL MEASURES AND LIMITED ACCESS AREAS**

### **Subpart A [Reserved]**

### **Subpart B—Unauthorized Entry Into Cuban Territorial Waters**

Sec.	
107.200	Definitions.
107.205	Purpose and delegation.
107.210	Applicability.
107.215	Regulations.
107.220	Permits.
107.225	Appeals.
107.230	Enforcement.
107.240	Continuation.