

Frequently Asked Questions

Am I covered by this rule?

Yes, you are covered if you own or operate a US facility meeting the applicability provisions in 33 Code of Federal Regulations (CFR) 105.105.

Generally, these include facilities that:

- handle explosives, liquefied natural or hazardous gas, or other Certain Dangerous Cargoes (CDCs)
- transfer oil or hazardous materials
- handle vessels covered by Chapter XI of the International Convention for the Safety of Life at Sea (SOLAS)
- handle passenger vessels certificated to carry more than 150 passengers (if vessels actually embark or disembark passengers there)
- handle cargo vessels greater than 100 gross register tons
- handle barges that carry cargoes regulated by 46 CFR, chapter I, subchapter D or O, or CDCs

What action must I take if I am covered by the rule?



You have to conduct a Facility Security Assessment and submit a Facility Security Plan (FSP) to the

Coast Guard for approval. Existing facilities must submit their FSP by December 31, 2003. Your facility must comply with the rule's other security requirements, including the implementation of the security measures listed in your approved FSP, by July 1, 2004.

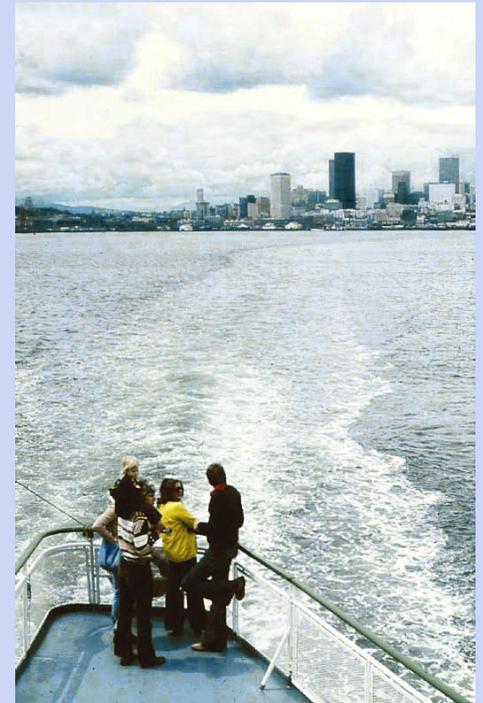
	Small Entity Compliance Guide
If you have questions on this rule, contact:	
The Maritime Security Help Desk	
Phone: 202.366.9991	
Email: uscgregs@comdt.uscg.mil	

On the front cover: Photo courtesy of the Washington State Ferries.



Small Entity Compliance Guide

Facility Security Rule



33 CFR Part 105

United States Coast Guard

The Basics

The Coast Guard has developed rules that require owners and operators of certain facilities in US ports to conduct Facility Security Assessments (FSAs), develop written Facility Security Plans (FSPs), and implement the security measures in their plan. Owners and operators must also name Facility Security Officers. These rules are part of **international efforts** to increase the security of maritime transportation.

The facility security rule is issued under the Maritime Transportation Security Act of 2002 (MTSA). It is part of a comprehensive framework for the security of vessels, ports, and facilities located on or adjacent to US waters. Other MTSA rules cover **port security, vessels, certain offshore platforms, and automatic identification systems (AIS)** for vessels.

A temporary interim rule on facility security took effect on **July 1, 2003**. A final rule, replacing the temporary interim rule, becomes effective on **November 25, 2003**. This Compliance Guide, issued under the Small Business Regulatory Enforcement Act of 1996, provides a plain-language overview of the final rule, **but you should refer to the final rule directly for details**.

Do I have to coordinate with vessels?

Vessels have to comply with their own set of similar rules. Vessels and facilities will have to agree on a form called a Declaration of Security, especially at higher Maritime Security (MARSEC) Levels and for vessels carrying CDCs. The Declaration of Security assigns responsibility for all security measures.

What specific security measures must be used at my facility?

Your FSP must state how you will implement security measures to ensure your facility's physical, passenger, cargo, and personnel security. The rules set goals in each of these areas, but are flexible and performance-based. In other words, you decide, with the Coast Guard's approval, which methods work best for your particular facility.

Are there alternatives to the rule for small businesses?

Yes, there are provisions in the rules for Alternative Security Programs, equivalents, and waivers. Contact your local Coast Guard Captain of the Port (COTP) or the contact person listed in this brochure for details.

How will security measures change based on the threat level?

Your approved FSP must include security measures that increase with the threat of a transportation security incident. The Coast Guard's MARSEC Level increases with the threat level. It also relates to the Department of Homeland Security's Homeland Security Advisory System (HSAS) levels as pictured. The Facility Security Officer named in your FSP is responsible for implementing these measures.

HSAS / MARSEC Relationship	
HSAS Blue, Green & Yellow	MARSEC Level 1
HSAS Orange	MARSEC Level 2
HSAS Red	MARSEC Level 3

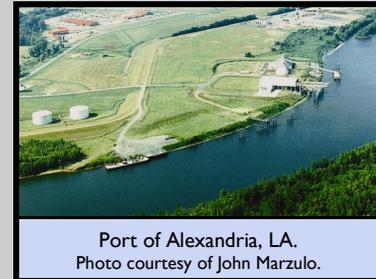
Our downtown pier receives passenger vessels and is fully open to the public, with no fences or buildings. Is it considered a facility?

Yes, it is considered a facility. However, your facility may request to be designated as a Public Access Facility with the approval of the COTP. Nevertheless, even if your facility is designated a Public Access Facility, conditions to ensure that adequate security is maintained may apply. See 33 CFR 105.106 for further details.



How to Find This Rule

The official facility security rule appears in the Code of Federal Regulations (CFR) in part 105 of title 33 after November 25, 2003. The CFR is available through your local library or on the web at www.gpo.gov/ecfr.



Port of Alexandria, LA.
Photo courtesy of John Marzulo.

To view a copy of the facility security rule, you may also visit the Coast Guard's port

security website, www.uscg.mil/hq/g-m/mp/index.htm.

For additional details on the rulemaking record, including the final rule and regulatory analysis, visit the website dms.dot.gov. The docket number for this rule is USCG-2003-14732.