

(9) Ensure OCS facility personnel are not required to engage in or be subjected to screening, of the person or of personal effects, by other OCS facility personnel, unless security clearly requires it;

(10) Provide a designated secure area on board, or in liaison with a vessel interfacing with the OCS facility, for conducting inspections and screening of people and their personal effects; and

(11) Respond to the presence of unauthorized persons on board.

(g) *MARSEC Level 2.* In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the OCS facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved FSP. These additional security measures may include:

(1) Increasing the frequency and detail of screening of people and personal effects embarking onto the OCS facility as specified for MARSEC Level 2 in the approved FSP;

(2) Assigning additional personnel to patrol deck areas during periods of reduced OCS facility operations to deter unauthorized access;

(3) Limiting the number of access points to the OCS facility by closing and securing some access points; or

(4) Deterring waterside access to the OCS facility, which may include, providing boat patrols.

(h) *MARSEC Level 3.* In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC level 3, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in their approved FSP. The additional security measures may include:

(1) Screening all persons and personal effects for dangerous substances and devices;

(2) Being prepared to cooperate with responders;

(3) Limiting access to the OCS facility to a single, controlled access point;

(4) Granting access to only those responding to the security incident or threat thereof;

(5) Suspending embarkation and/or disembarkation of personnel;

(6) Suspending the loading of stores or industrial supplies;

(7) Evacuating the OCS facility; or

(8) Preparing for a full or partial search of the OCS facility.

[USCG-2006-24196, 72 FR 3586, Jan. 25, 2007]

**§ 106.262 Security measures for newly-hired employees.**

(a) Newly-hired OCS facility employees may be granted entry to secure areas of the OCS facility for up to 30 consecutive calendar days prior to receiving their TWIC provided all of the requirements in paragraph (b) of this section are met, and provided that the new hire is accompanied by an individual with a TWIC while within the secure areas of the OCS facility. If TSA does not act upon a TWIC application within 30 days, the cognizant Coast Guard COTP may further extend access to secure areas for another 30 days. The Coast Guard will determine whether, in particular circumstances, certain practices meet the condition of a new hire being accompanied by another individual with a TWIC. The Coast Guard will issue guidance for use in making these determinations.

(b) Newly-hired OCS facility employees may be granted the access provided for in paragraph (a) of this section if:

(1) The new hire has applied for a TWIC in accordance with 49 CFR part 1572 by completing the full enrollment process, paying the user fee, and is not currently engaged in a waiver or appeal process. The OCS facility owner or operator or Facility Security Officer (FSO) must have the new hire sign a statement affirming this, and must retain the signed statement until the new hire receives a TWIC;

(2) The OCS facility owner or operator or the FSO enters the following information on the new hire into the Coast Guard's Homeport Web site (<http://homeport.uscg.mil>):

(i) Full legal name, including middle name if one exists;

(ii) Date of birth;

(iii) Social security number (optional);

(iv) Employer name and 24 hour contact information; and

(v) Date of TWIC enrollment.

(3) The new hire presents an identification credential that meets the requirements of §101.515 of this subchapter;

(4) There are no other circumstances that would cause reasonable suspicion regarding the new hire's ability to obtain a TWIC, and the OCS facility owner or operator or FSO have not been informed by the cognizant COTP that the individual poses a security threat; and

(5) There would be an adverse impact to OCS facility operations if the new hire is not allowed access.

(c) This section does not apply to any individual being hired as a Company Security Officer or FSO, or any individual being hired to perform OCS facility security duties.

(d) The new hire may not begin working at the OCS facility under the provisions of this section until the owner, operator, or FSO receives notification, via Homeport or some other means, the new hire has passed an initial name check.

[USCG-2006-24196, 72 FR 3587, Jan. 25, 2007]

**§ 106.265 Security measures for restricted areas.**

(a) *General.* The OCS facility owner or operator must ensure the designation of restricted areas in order to:

- (1) Prevent or deter unauthorized access;
- (2) Protect persons authorized to be in the OCS facility;
- (3) Protect the OCS facility;
- (4) Protect vessels using and serving the OCS facility;
- (5) Protect sensitive security areas within the OCS facility;
- (6) Protect security and surveillance equipment and systems; and
- (7) Protect stores and industrial supplies from tampering.

(b) *Designation of restricted areas.* The OCS facility owner or operator must ensure restricted areas are designated within the OCS facility. They must also ensure that all restricted areas are clearly marked and indicate that access to the area is restricted and that unauthorized presence within the area constitutes a breach of security. The OCS facility owner or operator may designate the entire OCS facility as a

restricted area. Restricted areas must include, as appropriate:

- (1) Areas containing sensitive security information;
- (2) Areas containing security and surveillance equipment and systems and their controls, and lighting system controls; and
- (3) Areas containing critical OCS facility infrastructure equipment, including:
  - (i) Water supplies;
  - (ii) Telecommunications;
  - (iii) Power distribution system;
  - (iv) Access points for ventilation and air-conditioning systems;
  - (v) Manufacturing areas and control rooms;
  - (vi) Areas designated for loading, unloading or storage of stores and industrial supplies; and
  - (vii) Areas containing hazardous materials.

(c) The OCS facility owner or operator must ensure that the Facility Security Plan (FSP) includes measures for restricted areas to:

- (1) Identify which OCS facility personnel are authorized to have access;
- (2) Determine which persons other than OCS facility personnel are authorized to have access;
- (3) Determine the conditions under which that access may take place;
- (4) Define the extent of any restricted area; and
- (5) Define the times when access restrictions apply.

(d) *MARSEC Level 1.* At MARSEC Level 1, the OCS facility owner or operator must ensure the implementation of security measures to prevent unauthorized access or activities within the area. These security measures may include:

- (1) Restricting access to only authorized personnel;
- (2) Securing all access points not actively used and providing physical barriers to impede movement through the remaining access points;
- (3) Verifying the identification and authorization of all persons seeking entry;
- (4) Using security personnel, automatic intrusion detection devices, surveillance equipment, or surveillance systems to detect unauthorized entry