

if it complies with this subchapter and/or provides an equivalent level of security.

*Screening* means a reasonable examination of persons, cargo, vehicles, or baggage for the protection of the vessel, its passengers and crew. The purpose of the screening is to secure the vital government interest of protecting vessels, harbors, and waterfront facilities from destruction, loss, or injury from sabotage or other causes of similar nature. Such screening is intended to ensure that dangerous substances and devices, or other items that pose a real danger of violence or a threat to security are not present.

*Security sweep* means a walkthrough to visually inspect unrestricted areas to identify unattended packages, briefcases, or luggage and determine that all restricted areas are secure.

*Security system* means a device or multiple devices designed, installed and operated to monitor, detect, observe or communicate about activity that may pose a security threat in a location or locations on a vessel or facility.

*Sensitive security information (SSI)* means information within the scope of 49 CFR part 1520.

*SOLAS* means the International Convention for the Safety of Life at Sea Convention, 1974, as amended.

*Survey* means an on-scene examination and evaluation of the physical characteristics of a vessel or facility, and its security systems, processes, procedures, and personnel.

*Transportation security incident (TSI)* means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

*Unaccompanied baggage* means any baggage, including personal effects, which are not with the passenger, crewmember or any other person at the point of inspection or screening prior to boarding the vessel.

*Vessel-to-facility interface* means the interaction that occurs when a vessel is directly and immediately affected by actions involving the movement of persons, goods or the provisions of facility services to or from the vessel.

*Vessel-to-port interface* means the interaction that occurs when a vessel is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the vessel.

*Vessel Security Assessment (VSA)* means an analysis that examines and evaluates the vessel and its operations taking into account possible threats, vulnerabilities, consequences, and

existing protective measures, procedures and operations.

*Vessel Security Plan (VSP)* means the plan developed to ensure the application of security measures designed to protect the vessel and the facility that the vessel is servicing or interacting with, the vessel's cargoes, and persons on board at the respective MARSEC Levels.

*Vessel Security Officer (VSO)* means the person onboard the vessel, accountable to the Master, designated by the Company as responsible for security of the vessel, including implementation and maintenance of the Vessel Security Plan, and for liaison with the Facility Security Officer and the vessel's Company Security Officer.

*Vessel stores* means—

(1) Materials that are on board a vessel for the upkeep, maintenance, safety, operation or navigation of the vessel; and

(2) Materials for the safety or comfort of the vessel's passengers or crew, including any provisions for the vessel's passengers or crew.

*Vessel-to-vessel activity* means any activity not related to a facility or port that involves the transfer of goods or persons from one vessel to another.

*Waters subject to the jurisdiction of the U.S.*, for purposes of this subchapter, means the navigable waters of the U.S., as defined in 46 U.S.C. 2101(17a); the Exclusive Economic Zone in respect to the living and non-living resources therein; and in respect to facilities located on the Outer Continental Shelf of the U.S., the waters superadjacent thereto.

#### § 101.110 Applicability.

Unless otherwise specified, this subchapter applies to vessels, structures, and facilities of any kind, located under, in, on, or adjacent to waters subject to the jurisdiction of the U.S.

#### § 101.115 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC, and at the Office of the Coast Guard Port Security Directorate (G-MP), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593—

0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subchapter are as follows:

#### International Maritime Organization (IMO)

Publication Section, 4 Albert Embankment, London SE1 7SR, United Kingdom.

Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter XI of SOLAS 1974, adopted December 12, 2002, (SOLAS Chapter XI-1 or SOLAS Chapter XI-2).	101.120; 101.310; 101.410; 101.505; 104.105; 104.115; 104.120; 104.297; 104.400.
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Conference resolution 2, Adoption of the International Code for the Security of Ships and of Port Facilities, parts A and B, adopted on December 12, 2002 (ISPS Code).	101.410; 101.505; 104.105; 104.115; 104.120; 104.297; 104.400.
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#### § 101.120 Alternatives.

(a) *Alternative Security Agreements.*

(1) The U.S. may conclude in writing, as provided in SOLAS Chapter XI-2, Regulation 11 (Incorporated by reference, see § 101.115), a bilateral or multilateral agreements with other Contracting Governments to SOLAS on Alternative Security Arrangements covering short international voyages on fixed routes between facilities subject to the jurisdiction of the U.S. and facilities in the territories of those Contracting Governments.

(2) As further provided in SOLAS Chapter XI-2, Regulation 11, a vessel covered by such an agreement shall not conduct any vessel-to-vessel activity with any vessel not covered by the agreement.

(b) *Alternative Security Programs.* (1) Owners and operators of vessels and facilities required to have security plans under part 104, 105, or 106 of this subchapter, other than vessels that engage on international voyages and facilities that serve only vessels on international voyages, may meet an Alternative Security Program that has been reviewed and approved by the Commandant (G-MP) as meeting the requirements of part 104, 105, or 106, as applicable.