

prevent its unauthorized deletion, destruction, or amendment.

§ 104.405 Format of the Vessel Security Plan (VSP).

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

- (1) Security organization of the vessel;
- (2) Personnel training;
- (3) Drills and exercises;
- (4) Records and documentation;
- (5) Response to change in MARSEC Level;
- (6) Procedures for interfacing with facilities and other vessels;
- (7) Declarations 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 handling cargo;
- (13) Security measures for delivery of vessel stores and bunkers;
- (14) Security measures for monitoring;
- (15) Security incident procedures;
- (16) Audits and Vessel Security Plan (VSP) amendments; and
- (17) Vessel Security Assessment (VSA) Report.

(b) The VSP must describe in detail how the requirements of subpart B of this part will be met.

§ 104.410 Submission and approval.

(a) On or before December 29, 2003, each vessel owner or operator must either:

(1) Submit one copy of their Vessel Security Plan (VSP) for review and approval to the Commanding Officer, Marine Safety Center (MSC) and a letter certifying that the VSP meets applicable requirements of this part; or

(2) If implementing a Coast Guard approved Alternative Security Program, meet the requirements in § 101.120(b) of this subchapter.

(b) Vessels built on or after July 1, 2004, must comply with the requirements in paragraph (a) of this section 60 days prior to beginning operations.

(c) The Commanding Officer, Marine Safety Center (MSC), 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, or

(2) Disapprove it, returning a copy to the submitter with a brief statement of the reasons for disapproval.

(d) A VSP may be submitted and approved to cover more than one vessel where the vessel design and operations are similar.

(e) Each company or vessel, owner or operator, that submits one VSP to cover two or more vessels of similar design and operation must address vessel-specific information that includes the physical and operational characteristics of each vessel.

(f) A plan that is approved by the MSC is valid for 5 years from the date of its approval.

§ 104.415 Amendment and audit.

(a) *Amendments.* (1) Amendments to a Vessel Security Plan that are approved by the MSC may be initiated by:

- (i) The vessel owner or operator; or
- (ii) The Coast Guard upon a determination that an amendment is needed to maintain the vessel's security. The Coast Guard will give the vessel owner or operator written notice and request that the vessel owner or operator propose amendments addressing any matters specified in the notice. The company owner or operator will have at least 60 days to submit its proposed amendments. Until amendments are approved, the company owner or operator shall ensure temporary security measures are implemented to the satisfaction of the Coast Guard.

(2) Proposed amendments must be sent to the marine safety center at the address shown in § 104.400(b) of this part. If initiated by the company or vessel, owner or operator, the proposed amendment must be submitted at least 30 days before the amendment is to take effect unless the Marine Safety Center (MSC) allows a shorter period. The MSC will approve or disapprove the proposed amendment in accordance with § 104.410 of this part.

(3) If the owner or operator has changed, the Vessel Security Officer (VSO) must amend the Vessel Security Plan (VSP) to include the name and contact information of the new vessel owner or operator and submit the affected portion of the VSP for review and approval in accordance with § 104.410 of this part.

(b) *Audits.* (1) The CSO or VSO must ensure an audit of the VSP is performed annually, beginning no later than one

year from the initial date of approval and attach a letter to the VSP certifying that the VSP meets the applicable requirements of this part.

(2) The VSP must be audited if there is a change in the company's or vessel's ownership or operator, or if there have been modifications to the vessel, including but not limited to physical structure, emergency response procedures, security measures, or operations.

(3) Auditing the VSP as a result of modifications to the vessel may be limited to those sections of the VSP affected by the vessel modifications.

(4) Unless impracticable due to the size and nature of the company or the vessel, personnel conducting internal audits of the security measures specified in the VSP 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 amendment of either the VSA or VSP, the VSO or CSO must submit, in accordance with § 104.410 of this part, the amendments to the MSC for review and approval no later than 30 days after completion of the audit and a letter certifying that the amended VSP meets the applicable requirements of this part.

PART 160—PORTS AND WATERWAY SAFETY—GENERAL

■ 2. Revise the authority citation for part 160 to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation 0170. Subpart D is also issued under the authority of 33 U.S.C. 125 and 46 U.S.C. 3715.

■ 3. In § 160.203, add paragraph (f) to read as follows:

§ 160.203 Exemptions.

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(f) U.S. vessels need not submit the International Ship and Port Facility Code (ISPS) Notice information (Entry (9) to Table 160.206).

■ 4. In § 160.206, in the table in paragraph (a), add paragraph (9) to read as follows:

§ 160.206 Information required in an NOA.

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