

Certificate that certifies that the verifications required by part A, Section 19.1, of the International Ship and Port Facility Security (ISPS) Code (Incorporated by reference, see § 101.115 of this subchapter) have been completed will be deemed in compliance with this part, except for §§ 104.240, 104.255, 104.292, and 104.295, as appropriate. This includes ensuring that the vessel meets the applicable requirements of SOLAS Chapter XI-2 (Incorporated by reference, see § 101.115 of this subchapter) and the ISPS Code, part A, having taken into account the relevant provisions of the ISPS Code, part B, and that the vessel is provided with an approved security plan.

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■ 4. Revise § 104.110 to read as follows:

§ 104.110 Exemptions.

(a) This part does not apply to warships, naval auxiliaries, or other vessels owned or operated by a government and used only on government non-commercial service.

(b) A vessel is not subject to this part while the vessel is laid up, dismantled, or otherwise out of commission.

■ 5. Revise § 104.115 to read as follows:

§ 104.115 Compliance dates.

(a) On July 1, 2004, and thereafter, vessel owners or operators must ensure their vessels are operating in compliance with this part.

(b) On or before December 31, 2003, vessel owners or operators not subject to paragraph (c)(1) of this section must submit to the Commanding Officer, Marine Safety Center, for each vessel—

(1) The Vessel Security Plan described in subpart D of this part for review and approval; or

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

(c) On July 1, 2004, and thereafter, owners or operators of foreign vessels must comply with the following—

(1) Vessels subject to the International Convention for Safety of Life at Sea, 1974, (SOLAS), Chapter XI, must carry on board a valid International Ship Security Certificate that certifies that the verifications required by part A, Section 19.1, of the International Ship and Port Facility Security (ISPS) Code (Incorporated by reference, see § 101.115 of this subchapter) have been completed. This includes ensuring that the vessel meets the applicable requirements of SOLAS Chapter XI-2 (Incorporated by reference, see

§ 101.115 of this chapter) and the ISPS Code, part A, having taken into account the relevant provisions of the ISPS Code, part B, and that the vessel is provided with an approved security plan.

(2) Vessels not subject to SOLAS Chapter XI, may comply with this part through an Alternative Security Program or a bilateral arrangement approved by the Coast Guard. If not complying with an approved Alternative Security Program or bilateral arrangement, these vessels must meet the requirements of paragraph (b) of this section.

■ 6. In § 104.120—

■ a. Revise paragraph (a) introductory text to read as set out below;

■ b. In paragraph (a)(3), after the words “a copy of the Alternative Security Program the vessel is using”, add the words “, including a vessel specific security assessment report generated under the Alternative Security Program, as specified in § 101.120(b)(3) of this subchapter,”; and

■ c. Revise paragraph (a)(4) to read as follows:

§ 104.120 Compliance documentation.

(a) Each vessel owner or operator subject to this part must ensure, on or before July 1, 2004, that copies of the following documents are carried on board the vessel and are made available to the Coast Guard upon request:

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(4) For foreign vessels, subject to the International Convention for Safety of Life at Sea, 1974, (SOLAS), Chapter XI, a valid International Ship Security Certificate (ISSC) that attests to the vessel's compliance with SOLAS Chapter XI-2 and the ISPS Code, part A (Incorporated by reference, see § 101.115 of this subchapter) and is issued in accordance with the ISPS Code, part A, section 19. As stated in Section 9.4 of the ISPS Code, part A requires that, in order for the ISSC to be issued, the provisions of part B of the ISPS Code need to be taken into account.

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■ 7. Revise § 104.125 to read as follows:

§ 104.125 Noncompliance.

When a vessel must temporarily deviate from the requirements of this part, the vessel owner or operator must notify the cognizant COTP, and either suspend operations or request and receive permission from the COTP to continue operating.

■ 8. Revise § 104.140(b) to read as follows:

§ 104.140 Alternative Security Programs.

* * * * *

(b) The vessel is not subject to the International Convention for Safety of Life at Sea, 1974; and

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■ 9. In § 104.200—

■ a. Revise paragraph (b)(6) to read as set out below; and

■ b. In paragraph (b)(14)(i), at the end of the word “contractor”, add the letter “s”.

§ 104.200 Owner or operator.

* * * * *

(b) * * *

(6) Ensure coordination of shore leave for vessel personnel or crew change-out, as well as access through the facility of visitors to the vessel (including representatives of seafarers' welfare and labor organizations), with facility operators in advance of a vessel's arrival. Vessel owners or operators may refer to treaties of friendship, commerce, and navigation between the U.S. and other nations in coordinating such leave. The text of these treaties can be found on the U.S. Department of State's Web site at <http://www.state.gov/s/l/24224.htm>;

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§ 104.205 [Amended]

■ 10. In § 104.205(b)(1), after the words “inform the Coast Guard”, add the words “via the NRC” and remove the text “1st-nrcinfo@comdt.uscg.mil” and add, in its place, the text “1st-nrcinfo@comdt.uscg.mil”.

§ 104.210 [Amended]

■ 11. In § 104.210(a)(3), after the words “owner or operator's organization,” add the words “including the duties of a Vessel Security Officer,”.

§ 104.215 [Amended]

■ 12. In § 104.215—

■ a. In paragraph (a)(2), after the words “the VSO must be”, add the words “the Master or”; and

■ b. In paragraph (a)(3), after the words “For unmanned vessels,” add the words “the VSO must be an employee of the company, and” and remove the words “more one than” and add, in their place, the words “more than”.

§ 104.225 [Amended]

■ 13. In § 104.225, in the introductory paragraph, after the words “in the following” add the words “, as appropriate”.

■ 14. In § 104.230—

■ a. Revise paragraph (a) to read as set out below;

■ b. In paragraph (b)(4), after the word “week”, add the word “from”; and

■ c. Add paragraph (b)(5) to read as follows: