

**§ 104.230 Drill and exercise requirements.**

(a) *General.* (1) Drills and exercises must test the proficiency of vessel personnel in assigned security duties at all Maritime Security (MARSEC) Levels and the effective implementation of the Vessel Security Plan (VSP). They must enable the Vessel Security Officer (VSO) to identify any related security deficiencies that need to be addressed.

(2) A drill or exercise required by this section may be satisfied with the implementation of security measures required by the Vessel Security Plan as the result of an increase in the MARSEC Level, provided the vessel reports attainment to the cognizant COTP.

(b) \* \* \*

(5) Notwithstanding paragraph (b)(4) of this section, vessels not subject to SOLAS may conduct drills within 1 week from whenever the percentage of vessel personnel with no prior participation in a vessel security drill on a vessel of similar design and owned or operated by the same company exceeds 25 percent.

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**§ 104.235 [Amended]**

■ 15. In § 104.235—

■ a. In paragraph (b)(1), remove the words “each security training session” and add, in their place, the words “training under § 104.225”; and

■ b. In paragraph (b)(8), after the words “letter certified by”, add the words “the Company Security Officer or”.

■ 16. In § 104.240—

■ a. In paragraph (a), after the words “prior to entering a port”, add the words “or visiting an Outer Continental Shelf (OCS) facility” and, after the words “in effect for the port”, add the words “or the OCS facility”;

■ b. In paragraph (b)(2), remove the word “and”;

■ c. In paragraph (b)(3), at the end of the paragraph, remove the period and add, in its place, the text “; and”; and

■ d. Add paragraph (b)(4) to read as follows:

**§ 104.240 Maritime Security (MARSEC) Level coordination and implementation.**

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(b) \* \* \*

(4) If a higher MARSEC Level is set for the OCS facility with which the vessel is interfacing or is about to visit, the vessel complies, without undue delay, with all measures specified in the VSP for compliance with that higher MARSEC Level.

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■ 17. In § 104.255—

■ a. Revise paragraphs (b)(2), (c), and (d) to read as set out below; and

■ b. In paragraph (g), after the words “vessel-to-vessel” add the word “activity”:

**§ 104.255 Declaration of Security (DoS).**

\* \* \* \* \*

(b) \* \* \*

(2) For a vessel engaging in a vessel-to-vessel activity, prior to the activity, the respective Masters, VSOs, or their designated representatives must coordinate security needs and procedures, and agree upon the contents of the DoS for the period of the vessel-to-vessel activity. Upon the vessel-to-vessel activity and prior to any passenger embarkation or disembarkation or cargo transfer operation, the respective Masters, VSOs, or designated representatives must sign the written DoS.

(c) At MARSEC Levels 2 and 3, the Master, VSO, or designated representative of any manned vessel required to comply with this part must coordinate security needs and procedures, and agree upon the contents of the DoS for the period of the vessel-to-vessel activity. Upon the vessel-to-vessel activity and prior to any passenger embarkation or disembarkation or cargo transfer operation, the respective Masters, VSOs, or designated representatives must sign the written DoS.

(d) At MARSEC Levels 2 and 3, the Master, VSO, or designated representative of any manned vessel required to comply with this part must coordinate security needs and procedures, and agree upon the contents of the DoS for the period the vessel is at the facility. Upon the vessel's arrival to a facility and prior to any passenger embarkation or disembarkation or cargo transfer operation, the respective FSO and Master, VSO, or designated representatives must sign the written DoS.

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**§ 104.265 [Amended]**

■ 18. In § 104.265—

■ a. In paragraph (b) introductory text, after the words “ensure that”, add the words “the following are specified”;

■ b. In paragraph (b)(1), remove the words “to prevent unauthorized access”;

■ c. In paragraph (b)(3), remove the words “are established”;

■ d. In paragraph (c)(5), remove the word “seafarer's” and add, in its place, the word “seafarers”;

■ e. In paragraph (e)(1), after the word “Vessel Security Plan (VSP)” add the words “, except for government-owned vehicles on official business when government personnel present identification credentials for entry”;

■ f. In paragraph (e)(9), remove the words “required to engage in or be”; and

■ g. In paragraph (f)(1), after the word “approved VSP”, add the words “, except for government-owned vehicles on official business when government personnel present identification credentials for entry”.

**§ 104.275 [Amended]**

■ 19. In § 104.275—

■ a. In paragraph (a) introductory text, after the word “facility”, add the words “or another vessel”;

■ b. In paragraph (a)(4), at the end of the paragraph, add the word “and”;

■ c. In paragraph (a)(5), remove the word “Coordinate”, and add, in its place, the words “When there are regular or repeated cargo operations with the same shipper, coordinate” and, at the end of the paragraph, remove the text “; and” and add, in its place, a period;

■ d. Remove paragraph (a)(6);

■ e. In paragraph (b)(1), remove the word “Routinely”, add the words “Unless unsafe to do so, routinely” and, after the words “cargo handling”, add the words “for evidence of tampering”;

■ f. In paragraph (c)(1), after the words “cargo spaces” add the words “for evidence of tampering”;

■ g. In paragraph (c)(5), remove the words “of the use of scanning/detection equipment, mechanical devices, or canines” and add, in their place, the words “and intensity of visual and physical inspections”; and

■ h. In paragraph (d)(2), remove the words “and facilities” and add, in their place, the words “, facilities, and other vessels”.

**§ 104.285 [Amended]**

■ 20. In § 104.285—

■ a. In paragraph (a)(1), after the word “patrols”, add a comma and remove the word “and”;

■ b. In paragraph (b)(4), remove the word “continually” and add, in its place, the word “continuously”; and

■ c. In paragraph (c)(5), remove the word “or” and add, in its place, the word “and”.

■ 21. In § 104.292—

■ a. Redesignate paragraphs (d) and (e) as paragraphs (e) and (f), respectively;

■ b. In newly redesignated paragraph (e)(3), after the words “requirements in § 104.265(e)(3)”, add the words “and (f)(1)”;

■ c. In newly redesignated paragraph (f), after the words “requirements in § 104.265(e)(3)”, add the words “and § 104.265(g)(1)”;

■ d. Add new paragraph (d) to read as follows: