

§ 104.292 Additional requirements—passenger vessels and ferries.

(d) Owners and operators of passenger vessels and ferries covered by this part that use public access facilities, as that term is defined in § 101.105 of this subchapter, must address security measures for the interface of the vessel and the public access facility, in accordance with the appropriate Area Maritime Security Plan.

§ 104.297 [Amended]

■ 22. In § 104.297(c), remove the words “prior to July 1, 2004” and add, in their place, the words “on or before July 1, 2004”.

§ 104.300 [Amended]

■ 23. In § 104.300(d)(8), after the words “Vessel-to-vessel”, add the word “activity”.

§ 104.305 [Amended]

- 24. In § 104.305—
- a. In the introductory text to paragraphs (d)(3), (d)(4), and (d)(5), after the word “VSA”, add the word “report”;
- b. In § 104.305(d)(3)(iv) after the words “dangerous goods” remove the word “or” and replace with the word “and”; and
- c. Redesignate paragraph (d)(6) as paragraph (e) and, in the second sentence, after the words “The VSA”, add the words “, the VSA report,”.
- 25. Add § 104.310(c) to read as follows:

§ 104.310 Submission requirements.

(c) The VSA must be reviewed and revalidated, and the VSA report must be updated, each time the VSP is submitted for reapproval or revisions.

§ 104.400 [Amended]

- 26. In § 104.400—
- a. In paragraph (a)(2), after the words “Must be written in English” add the words “, although a translation of the VSP in the working language of vessel personnel may also be developed”.
- b. Revise paragraph (b) to read as follows:

§ 104.400 General.

(b) The VSP must be submitted to the Commanding Officer, Marine Safety Center (MSC) 400 Seventh Street, SW., Room 6302, Nassif Building, Washington, DC 20590-0001, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>. Owners or operators of foreign flag vessels that are subject to SOLAS

Chapter XI must comply with this part by carrying on board a valid International Ship Security Certificate that certifies that the verifications required by Section 19.1 of part A of the ISPS Code (Incorporated by reference, see § 101.115 of this subchapter) have been completed. 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.

■ 27. In § 104.410—

- a. Revise the introductory text for paragraph (a) to read as set out below;
- b. In paragraph (a)(1), after the words “Vessel Security Plan (VSP)”, add the words “, in English,”;
- c. Revise paragraphs (a)(2) and (b) to read as set out below;
- d. In paragraph (c)(1), remove the words “, or” and add, in their place, a semicolon;
- e. Redesignate paragraph (c)(2) as paragraph (c)(3);
- f. Add new paragraph (c)(2) to read as follows:

§ 104.410 Submission and approval.

(a) In accordance with § 104.115, on or before December 31, 2003, each vessel owner or operator must either:

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

(b) Owners or operators of vessels not in service on or before December 31, 2003, must comply with the requirements in paragraph (a) of this section 60 days prior to beginning operations or by December 31, 2003, whichever is later.

(c) Return it for revision, returning a copy to the submitter with brief descriptions of the required revisions; or

■ 28. In § 104.415—

- a. In paragraph (a)(1), remove the text “MSC” and, add in its place, the words “Marine Safety Center (MSC)”;
- b. In paragraph (a)(2), remove the words “Marine Safety Center” and the words “Marine Safety Center (MSC)” and add, in their place, the text “MSC”; and
- c. Redesignate paragraph (a)(3) as (a)(4) and add new paragraph (a)(3) to read as follows:

§ 104.415 Amendment and audit.

(3) Nothing in this section should be construed as limiting the vessel owner

or operator from the timely implementation of such additional security measures not enumerated in the approved VSP as necessary to address exigent security situations. In such cases, the owner or operator must notify the MSC by the most rapid means practicable as to the nature of the additional measures, the circumstances that prompted these additional measures, and the period of time these additional measures are expected to be in place.

46 CFR Chapter I**PART 2—VESSEL INSPECTIONS**

■ 29. The authority citation for part 2 continues to read as follows:

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 3103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; Executive Order 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. Note prec. 1).

■ 30. Add § 2.01–25(a)(2)(viii) to read as follows:

§ 2.01–25 International Convention for Safety of Life at Sea, 1974.

- (a) * * *
- (2) * * *
- (viii) International Ship Security Certificate (ISSC).

Dated: October 8, 2003.

Thomas H. Collins,

Admiral, U.S. Coast Guard Commandant.

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DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 105**

[USCG–2003–14732]

RIN 1625–AA43

Facility Security

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This final rule adopts, with changes, the temporary interim rule published on July 1, 2003, that provides security measures for certain facilities in U.S. ports. It also requires owners or operators of facilities to designate security officers for facilities, develop security plans based on security