

§ 104.235

33 CFR Ch. I (7–1–08 Edition)

and elements of coordination, resource availability, and response.

(5) Exercises are a full test of the security program and must include the substantial and active participation of relevant company and vessel security personnel, and may include facility security personnel and government authorities depending on the scope and the nature of the exercises.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60513, Oct. 22, 2003]

§ 104.235 Vessel recordkeeping requirements.

(a) Unless otherwise specified in this section, the Vessel Security Officer must keep records of the activities as set out in paragraph (b) of this section for at least 2 years and make them available to the Coast Guard upon request.

(b) Records required by this section may be kept in electronic format. If kept in an electronic format, they must be protected against unauthorized deletion, destruction, or amendment. The following records must be kept:

(1) *Training*. For training under § 104.225, the date of each session, duration of session, a description of the training, and a list of attendees;

(2) *Drills and exercises*. For each drill or exercise, the date held, description of drill or exercise, list of participants; and any best practices or lessons learned which may improve the Vessel Security Plan (VSP);

(3) *Incidents and breaches of security*. Date and time of occurrence, location within the port, location within the vessel, description of incident or breaches, to whom it was reported, and description of the response;

(4) *Changes in Maritime Security (MARSEC) Levels*. Date and time of notification received, and time of compliance with additional requirements;

(5) *Maintenance, calibration, and testing of security equipment*. For each occurrence of maintenance, calibration, and testing, the date and time, and the specific security equipment involved;

(6) *Security threats*. Date and time of occurrence, how the threat was communicated, who received or identified the threat, description of threat, to

whom it was reported, and description of the response;

(7) *Declaration of Security (DoS)*. Manned vessels must keep on board a copy of the last 10 DoSs and a copy of each continuing DoS for at least 90 days after the end of its effective period; and

(8) *Annual audit of the VSP*. For each annual audit, a letter certified by the Company Security Officer or the VSO stating the date the audit was completed.

(c) Any records required by this part must be protected from unauthorized access or disclosure.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60514, Oct. 22, 2003]

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

(a) The vessel owner or operator must ensure that, prior to entering a port or visiting an Outer Continental Shelf (OCS) facility, all measures are taken that are specified in the Vessel Security Plan (VSP) for compliance with the MARSEC Level in effect for the port or the OCS facility.

(b) When notified of an increase in the MARSEC Level, the vessel owner or operator must ensure:

(1) If a higher MARSEC Level is set for the port in which the vessel is located or is about to enter, the vessel complies, without undue delay, with all measures specified in the VSP for compliance with that higher MARSEC Level;

(2) The COTP is notified as required by § 101.300(c) when compliance with the higher MARSEC Level has been implemented;

(3) For vessels in port, that compliance with the higher MARSEC Level has taken place within 12 hours of the notification; and

(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.

(c) For MARSEC Levels 2 and 3, the Vessel Security Officer must brief all vessel personnel of identified threats,