

§ 104.410

amended to describe their TWIC procedures until the next regularly scheduled resubmission of the VSP.

[USCG-2003-14749, 68 FR 39302, July 1, 2003, as amended by USCG-2006-24196, 72 FR 3582, Jan. 25, 2007]

§ 104.410 Submission and approval.

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

(1) Submit one copy of their Vessel Security Plan (VSP), in English, 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 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) 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;

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

(3) 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.

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

[USCG-2003-14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60515, Oct. 22, 2003; USCG-2004-19963, 70 FR 74669, Dec. 16, 2005]

§ 104.415 Amendment and audit.

(a) *Amendments.* (1) Amendments to a Vessel Security Plan that are approved by the Marine Safety Center (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 MSC 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 MSC allows a shorter period. The MSC will approve or disapprove the proposed amendment in accordance with § 104.410 of this part.

(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.

(4) 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.

[USCG-2003-14749, 68 FR 39302, July 1, 2003; 68 FR 41915, July 16, 2003, as amended at 68 FR 60515, Oct. 22, 2003]

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APPENDIX A TO PART 105—FACILITY VULNERABILITY AND SECURITY MEASURE SUMMARY (CG-6025).