

(6) All occurrences or suspected occurrences of unlawful acts and related activities are reported under §120.220; and

(7) Coordination, for implementation of the Vessel Security Plan required by §120.300, takes place with the terminal security officer at each terminal where the vessel embarks or disembarks passengers.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

§ 120.220 What must I do to report an unlawful act and related activity?

(a) Either you or the vessel security officer must report each breach of security, unlawful act, or threat of an unlawful act against any of your passenger vessels to which this part applies, or against any person aboard it, that occurs in a place subject to the jurisdiction of the United States. You must report the incident to both the COTP and to the local office of the Federal Bureau of Investigation (FBI). Also, if your vessel is a U.S.-flag vessel, you must report each such incident that occurs in a place outside the jurisdiction of the United States to the hotline of the Response Center of the Department of Transportation at 1-800-424-0201, or, from within metropolitan Washington, D.C., at 202-267-2675.

(b) Either you or the vessel security officer must file a written report of the incident, using the form "Report on an Unlawful Act," contained in IMO MSC Circular 443, which you or the officer must forward as soon as possible to Commandant (G-MOR), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. You may initially file the report with Commandant (G-MOR) by fax at (202) 267-4085 or -4065.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

Subpart C—Plans and Procedures for Vessel Security

§ 120.300 What is required to be in a Vessel Security Plan?

(a) If your passenger vessel is subject to this part, you must develop and maintain, in writing, for that vessel, an appropriate Vessel Security Plan that—

(1) Is unique to the vessel;

(2) Articulates the program required by §120.200; and

(3) Includes an appendix, for each port where the vessel embarks or disembarks passengers, that contains port-specific security information.

(b) The Vessel Security Plan must be developed and maintained under the guidance in IMO MSC Circular 443, and must establish security measures to take for Security Levels I, II, and III, to—

(1) Deter unauthorized access to the vessel and its restricted areas;

(2) Deter the introduction of prohibited weapons, incendiaries, or explosives aboard the vessel;

(3) Encourage vigilance, as well as general awareness of security, aboard the vessel;

(4) Provide adequate training to members of the crew for security aboard the vessel;

(5) Coordinate responsibilities for security with the operator of each terminal where the vessel embarks or disembarks passengers; and

(6) Provide information to members of the crew and to law-enforcement personnel, in case of an incident affecting security.

(c) You must amend the Vessel Security Plan to address any known deficiencies.

(d) You must restrict the distribution, disclosure, and availability of information contained in the Vessel Security Plan to those persons with an operational need to know.

[CGD91-012, 63 FR 53590, Oct. 6, 1998]

§ 120.303 Who must submit a Terminal Security Plan?

(a) You must submit a Terminal Security Plan whenever—

(1) There is an agreement with the owner or operator of a terminal that you will submit the Plan;

(2) You have exclusive use of the pier and terminal building immediately adjacent to the pier and have complete control of that area;

(3) There is no terminal; or

(4) Passengers embark or disembark but no baggage or stores are loaded or offloaded.

(b) In the situations described in paragraphs (a)(3) and (4) of this section, you may, with the permission of the

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cognizant COTP, use an annex to the vessel's security plan instead of a Terminal Security Plan.

(c) The owner or operator of a terminal must submit a Terminal Security Plan whenever—

(1) There is an agreement with you that the owner or operator of the terminal will submit the Plan;

(2) No security agreement exists; or

(3) (i) At least one vessel other than a passenger vessel uses the terminal;

(ii) More than one passenger vessel line uses the terminal; or

(iii) The terminal loads or offloads baggage or stores.

[CGD91-012, 63 FR 53591, Oct. 6, 1998]

§ 120.305 What is the procedure for examination?

(a) You must submit two copies of each Vessel Security Plan required by § 120.300, or of any Terminal Security Plan or annex required or permitted under § 120.303 or § 128.305 of this chapter, to the Commanding Officer, National Maritime Center (NMC), 4200 Wilson Blvd., Suite 510, Arlington, Virginia 22203, for examination at least 60 days before embarking passengers on a voyage described in § 120.100.

(b) If the Commanding Officer of the NMC, finds that the Vessel Security Plan meets the requirements of § 120.300, he or she will return a copy to you marked "Examined by the Coast Guard."

(c) If the Commanding Officer of the NMC, finds that the Vessel Security Plan does not meet the requirements of § 120.300, he or she will return the Plan with an explanation of why it does not meet them.

(d) No vessel subject to this part may embark or disembark passengers in the United States, unless it holds either a Vessel Security Plan that we have examined or a letter from the Commanding Officer of the NMC, stating that we are currently reviewing the Plan and that normal operations may continue until we have determined

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whether the Plan meets the requirements of § 120.300.

[CGD91-012, 63 FR 53591, Oct. 6, 1998]

§ 120.307 What do I do if I need to amend my Vessel Security Plan?

(a) If your passenger vessel is subject to this part, you must amend your Vessel Security Plan when directed by the Commanding Officer of the NMC, and may amend it on your own initiative.

(b) You must submit each proposed amendment to the Vessel Security Plan you initiate, including changes to any appendix required by § 120.300(a)(3), to the Commanding Officer of the NMC, for review, at least 30 days before the amendment is to take effect, unless he or she allows a shorter period. He or she will examine the amendment and respond according to § 120.305.

(c) The Commanding Officer of the NMC, may direct you to amend your Vessel Security Plan if he or she determines that implementation of the Plan is not providing effective security. Except in an emergency, he or she will issue you a written notice of matters to address and will allow you at least 60 days to submit proposed amendments.

(d) If there is an emergency or other circumstance where the COTP determines that implementation of the Plan is not providing effective security, and the procedures in paragraph (c) of this section are impracticable, the COTP may give you an order to implement increases in security immediately. The order will incorporate a statement of the reasons for it.

[CGD91-012, 63 FR 53591, Oct. 6, 1998]

§ 120.309 What is my right of appeal?

Any person directly affected by a decision or action taken by the Commanding Officer of the NMC, under this part, may appeal that action or decision to the Assistant Commandant for Marine Safety and Environmental Protection [Commandant (G-M)] according to the procedures in 46 CFR 1.03-15.

[CGD91-012, 63 FR 53591, Oct. 6, 1998]

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EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept up-to-date by the Coast Guard, Department of Transportation.

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