



## MARINE SAFETY INFORMATION BULLETIN 27-03

August 7, 2003

### Security Incident Reporting

All owners and operators who are required to develop or have a security plan under Title 33 Code of Federal Regulations part 104 (vessels) or 105 (facilities) should pay particular attention to the requirements in 33 CFR 101.305, which require you to make reports regarding suspicious activity, security breaches, and Transportation Security Incidents. **These requirements are already in effect** and do not depend on whether we have approved your security plan. We are vigorously enforcing 33 CFR 101.305. **To report a security incident call 1-800-424-8802 or locally 904-247-7311.**

#### Sec. 101.305 Reporting.

- (a) **Notification of suspicious activities.** An owner or operator required to have a security plan under part 104, 105, or 106 of this subchapter **shall, without delay, report activities that may result in a transportation security incident** to the National Response Center at the following toll free telephone: 1-800-424-8802, direct telephone: 202-267-2675, fax: 202-267-2165, TDD: 202-267-4477, or Email: [lst-nrcinfo@comdt.uscg.mil](mailto:lst-nrcinfo@comdt.uscg.mil). Any other person or entity is also encouraged to report activities that may result in a transportation security incident to the National Response Center.
- (b) **Notification of breaches of security.** An owner or operator required to have a security plan under parts 104, 105, or 106 of this subchapter **shall, without delay, report breaches of security** to the National Response Center via one of the means listed in paragraph (a) of this section.
- (c) **Notification of transportation security incident (TSI).**
  - (1) Any owner or operator required to have a security plan under part 104 or 105 of this subchapter **shall, without delay, report a TSI** to their local COTP and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed in paragraph (a) of this section.
  - (2) Any owner or operator required to have a security plan under part 106 of this subchapter **shall, without delay, report a TSI to their cognizant District Commander** and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed in paragraph (a) of this section.
- (d) Callers to the National Response Center should be prepared to provide as much of the following information as possible:
  - (1) Their own name and contact information;
  - (2) The name and contact information of the suspicious or responsible party;
  - (3) The location of the incident, as specifically as possible; and
  - (4) The description of the incident or activity involved.

As defined in the new regulations at 33 CFR 101.105, a Transportation Security Incident means “a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.” Although the new regulations do not define Suspicious Activity (33 CFR 101.305(a)) or Breach of Security (33 CFR 101.305(b)),

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## **MSIB 27-03: Security Incident Reporting**

these terms are discussed in the preamble to the federal regulations published in the Federal Register on July 1, 2003, at page 39268 and 29269. Specifically, the preamble states:

"Subpart C, section 101.305 describes the reporting requirements placed on vessel and facility security plan holders. First, it requires that they report suspicious activities that may result in a transportation security incident. These reports are to be made to the National Response Center (NRC), and the regulation lists several methods of contacting the NRC. We also require that security plan holders call the NRC to report breaches of security. This captures a broader range of activities that, while not severe enough to pose a threat of a transportation security incident, are still considered serious. Examples of breaches of security include attempts to smuggle dangerous substances or devices onto a facility or vessel, attempts to break into the facility or vessel, or attempts to tamper with, alter, or mix cargos. They would not, however, include acts of vandalism.

It is advised, although not required, that vessel and facility security plan holders familiarize themselves with the type of information that will be asked of them when placing a call to the NRC. They may do this by visiting the NRC's Web site at <http://www.nrc.uscg.mil>, clicking on "Services," then clicking on "Online Reporting." This will call up a menu of several different types of incidents, such as vessel, pipeline, and aircraft. Clicking on any of these types will open the reporting form.

This section also encourages other persons or entities to call the NRC to report suspicious activities that may result in a security incident.

Vessel and facility security plan holders are also required to report the onset of an actual transportation security incident to their local COTP or, if a facility regulated by part 106 of this subchapter, their District Commander. They must also immediately begin implementing the provisions of their security plan, including contacting any other individuals or entities (such as the NRC or local authorities) listed within their security plan."

The intent of these regulations is clearly expressed in the preamble; please carefully examine your internal processes and procedures and update them to report to us immediately suspicious activity, breaches of security, and transportation security incidents.

If you have questions regarding this bulletin or what should be reported, please contact LCDR Brian Penoyer of my staff at (904) 232-2640 ext. 111 or e-mail him at [bpenoyer@msojax.uscg.mil](mailto:bpenoyer@msojax.uscg.mil). To report a security incident call us at 1-800-424-8802 or locally at 904-247-7311.

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