



U.S. COAST GUARD



**Homeland
Security**



Port Operations Handbook 2015 Edition



(This page intentionally left empty)

[National Response Center](#)

(800) 424-8802

[National Strike Force Coordination Center](#)

(252) 331-6000

[Atlantic Strike Team](#)

(609) 724-0008

[Gulf Strike Team](#)

(251) 441-6601

[Pacific Strike Team](#)

(415) 883-3311

[Container Inspection Training and Assistance Team \(CITAT\)](#)

(405) 954-8985

[National Cargo Bureau \(NCB\)](#)

(410) 633-6680

Unit Phone Number: _____

Unit Address: _____

Printing Instructions:**(For most duplex printers)**

- These print options should already be pre-selected, however, if they are not then the “page setup” settings in MS Word should be set for:
 - Landscape
 - Book fold
 - Select print
 - Click the printer “properties” button which should take you to the printer settings menu.
 - Paper/Output – 2 Sided Print, Flip on Short Edge
 - Layout/Watermark – Page Layout Options – Landscape
 - It should print out in booklet format similar to an 840 book/job aid.
 - Staple in the middle

Direct questions or suggestions to the Office of Ports and Facilities, CG-FAC, Coast Guard Headquarters.

<http://www.uscg.mil/hq/cg5/cg544/default.asp>

Introduction and Purpose

This Port Operations Handbook provides excerpts from select Coast Guard regulations, and additional information to help Coast Guard and industry maintain safety and security on the waterfront. Its purpose is to provide information in a convenient size and format. Furthermore, this Handbook does not modify Commandant Instructions, Navigation and Vessel Inspection Circulars or other policies and guidance.

Alexander Hamilton’s earliest reference to what became the United States Coast Guard came in Federalist Paper # 12, in which he famously noted that “A few armed vessels, judiciously stationed at the entrances of our ports, might at a small expense be made useful sentinels of the laws.”

Coast Guard responsibilities in ports grew over time, and in 1917, Commodore Bertholf appointed Captain Godfrey Carden as the first Captain of the Port, in New York. In cooperation with other agencies, organizations, and the private sector, Coast Guard Captains of the Port conduct various activities to promote safety and security on the waterfront, with the recognition that our ports provide economic opportunities, support our national defense, and improve the quality of life for all Americans.

From Alexander Hamilton’s Letter of Instruction, June 4th, 1791:

“[Coast Guard personnel] will keep in mind that their countrymen are freemen, and as such, are impatient of everything that bears the least mark of a domineering spirit... They will endeavor to overcome difficulties, if any are experienced, by address and moderation, rather than vehemence and violence.”

[illegible]

Page 6 **GAR Model Job Aid**
Page 9 **PPE**
Page 9 **Container Opening Safety Procedures**

Page 10 33 CFR 101 Maritime Security: General

Page 29 33 CFR 105 Maritime Security: Facilities

Page 68 Suspicious Activity Reporting

Page 76	<u>33 CFR 126</u> Handling of Dangerous Cargo at Waterfront Facilities
Page 88	<u>33 CFR 127 Subpart B</u> Waterfront Facilities Handling Liquefied Natural Gas
Page 100	<u>33 CFR 154 Subparts C and D</u> Equipment Requirements and Facility Operations
Page 110	<u>33 CFR 155 Subpart C</u> Transfer Personnel, Procedures, Equipment, and Records
Page 119	<u>33 CFR 156 Subpart A</u> Oil and Hazardous Material Transfer Operations Summary of MARPOL requirements (garbage placard)

Page 132 Navigation and Vessel Inspection Circulars (NVIC)
Page 132 Policy Advisory Council (PAC)

Page 134

Page 138 Security
Page 138 Safety
Page 138 Facility/AOR Familiarity

Page 150

No job aid can substitute for good judgment. Use your head!

RISK CALCULATION WORKSHEET

RISK = Severity * Probability * Exposure

<p>Severity is an event's potential consequences measured in terms of degree of damage or injury</p> <p>1= None or slight 2= Minimal 3= Significant 4= Major 5= Catastrophic</p>	<p>Probability is the likelihood that the potential consequences will occur.</p> <p>1= Impossible or remote 2= Unlikely 3= About 50-50 4= Greater than 50% 5= Very likely to happen</p>	<p>Exposure is the amount of time, number of occurrences, number of people and/or amount of equipment involved in an event.</p> <p>1= None or below average 2= Average 3= Above average 4= Great</p>
---	--	--

***Sample risk factors are below. More can be added depending on the mission.*

* Sample risk factors are below. <i>Score can be altered depending on the mission.</i>				
Risk Factor	Severity	Probability	Exposure	TOTAL
slips, trips, falls				
overhead hazards				
water hazards				
noise hazards				
hypothermia and heat stress				
open hatches/fall hazards				
confined spaces				
other atmospheric hazards (welding, CO, H2S, etc)				
electrical shock hazards				
rotating machinery				
vehicle hazards (trucks, forklifts)				
force protection*				
fatigue				
cargo containers				
other				
other				

VALUE (for any individual factor)	DEGREE OF RISK	GUIDANCE
80 - 100	Very High	Stop Operation, do not proceed
60 - 79	High	Correct Immediately
40 - 59	Substantial	Correction Required
20 - 39	Possible	Extra Attention Needed
1 - 19	Slight	Likely Acceptable

* Force protection risks could include hostile forces, highly confrontational owner/operators, or criminal activity unrelated to the operation/inspection (high crime neighborhood)

Notes

[illegible]

Cyber Risk Management

Vessel and facility operators use computers and cyber dependent technologies for navigation, communications, engineering, cargo, ballast, safety, environmental control, and many other purposes. Emergency systems such as security monitoring, fire detection, and alarms increasingly rely on cyber technology. Collectively these technologies enable the MTS to operate with an impressive record of efficiency and reliability.

While these cyber systems create benefits, they also introduce risk. Exploitation, misuse, or simple failure of cyber systems can cause injury or death, harm the marine environment, or disrupt vital trade activity.

To assess and address cyber risks, the Coast Guard recommends that facility and vessel operators:

- Form a risk assessment team of operators, technical specialists, security, safety, and other professionals within the organization. Cyber is not exclusively an “IT” problem – it is a risk factor, and a team approach is needed to find the most effective, least expensive solutions.
- Inventory cyber dependent systems and map their connections to other systems. Note that even systems “not connected to the internet” may have USB ports or other avenues for malware.
- Evaluate the potential consequences to them should they be exploited, misused, or simply fail at the wrong time. High consequence systems should get the most protection.
- Identify ways to reduce vulnerabilities and consequences. In many cases manual backups, training or company policies may be better solutions than technical measures.
- Plan for response and recovery activity. Since we can’t guarantee cyber events won’t occur, plan for notification, response, and recovery activities needed to minimize damage and return to business promptly.

The Department of Homeland Security, the Coast Guard, and other agencies provide resources and information on cyber risk management.

NIST Cybersecurity Framework: <http://www.nist.gov/cyberframework/>
 Computer Emergency Response Team (CERT): <https://www.us-cert.gov/>
 Industrial Control System CERT: <https://ics-cert.us-cert.gov/>
 USCG Homeport Cyber Security: <https://homeport.uscg.mil/>

No job aid can substitute for good judgment. Use your head!

Operational Safety Plan

Use the table below to develop safety procedures for the planned operation:

Risk Factor	Possible safety measures	Check if required
Slips, trips, falls	Remain alert, use flashlights, carry gear in backpacks	
Overhead hazards	Hard hats	
Water hazards	Wear PFDs, use exposure suits for cold water situations	
Noise hazards	Wear hearing protection or double hearing protection	
Hypothermia and heat stress	Proper clothing, rest periods, hydrate regularly	
Open hatches/fall hazards	Ask master/operator about ongoing maintenance	
confined spaces	Stay out unless certified by marine chemist. Use 4 gas meter for any suspect spaces. When in doubt, stay out!	
Other atmospheric hazards (welding, CO, H ₂ S, etc)	Use meters, keep out of suspect areas, use respirators in cases where entry is required to complete the operation	
Electrical shock hazards	Lock out/tag out, secure machinery	
Rotating machinery	Lock out/tag out, secure machinery	
Vehicle hazards (trucks, forklifts)	Identify vehicle routes, wear reflective vests	
Force protection	Operate only with 2 or more personnel, call for backup as needed	
Fatigue	Act like an aviator, know when you are in the bag, including time to RTB. Arrange for relief well in advance	
Cargo containers	Don't climb, use safety straps, and follow all standard safety practices	
Other/notes		
Other/notes		

Team Leader signature: _____

No job aid can substitute for good judgment. Use your head!

Green Amber Red (GAR) Risk Assessment Model

The GAR model is an additional ORM tool that helps the team evaluate systematic risks such as team fitness, the operating environment, and the complexity of the operation rather than individual safety hazards. Leaders may use it individually or in combination with the hazard risk calculation worksheet based on the nature of the operation.

RISK FACTORS	Assign a risk code of 0 for no risk through 10 for maximum risk for each factor
Supervision: Supervisory control should consider how qualified a supervisor is and whether he or she actually is supervising. Even if a person is qualified to perform a task, supervision, even as simple as verifying the correctness of a task, further minimizes risk.	Score:
Planning: Preparation and planning should consider how much information is available, how clear it is, and how much time is available to plan the evolution or evaluate the situation.	Score:
Crew and Watchstander Selection: Crew and watchstander selection should consider the experience of the persons performing the specific event or evolution.	Score:
Crew and Watchstander Fitness: Crew and watchstander fitness should judge the team members' physical and mental state, generally a function of how much rest they have had. Quality of rest should also be considered. Fatigue normally becomes a factor after 18 hours without rest; however, lack of quality sleep builds a deficit that worsens the effects of fatigue.	Score:
Environment: Environment should consider all factors affecting personnel, unit, or resource performance, including time of day, lighting, atmospheric and oceanic conditions, chemical hazards, and proximity to other external and geographic hazards and barriers among other factors.	Score:
Event or Evolution Complexity: Event or evolution complexity considers both the time and resources required to conduct an evolution. Generally, the longer the exposure to a hazard, the greater the risks involved.	Score:
TOTAL: Add the risk scores to come up with a total risk score for each hazard. Then use the table below to determine GAR.	Total Score:

GAR EVALUATION SCALE:

0 10 20 23	24 30 40 44	45 50 60
Green	Amber	Red
(Low Risk)	(Caution)	(High Risk)

- NCB (National Cargo Bureau)
 - www.natcargo.org/
- CFATS (Chemical Facility Anti-Terrorism Standard)
 - <https://www.dhs.gov/chemical-facility-anti-terrorism-standards>
- EPA (Environmental Protection Agency)
 - <http://www.epa.gov/>
- VIPR/TSA (Visible Intermodal Prevention and Response/Transportation Security Agency)
 - <http://www.tsa.gov/about-tsa/visible-intermodal-prevention-and-response-vipr>
- MASFOs (Multi-Agency Strike Force Operation)
- CBP (Customs and Border Protection)
 - <http://www.cbp.gov/>
- USDA (United States Department of Agriculture)
 - <http://www.usda.gov/funding/lapse.htm>
- DOD (Department of Defense)
 - <http://www.defense.gov/>
- FMCSA (Federal Motor Carrier Safety Administration)
 - <http://www.fmcsa.dot.gov/>

Best Practices, Tips, and Hints

- Security
 - Area Maritime Security Committees (AMSC) releases an annual report that is a mechanism to share best practices accomplishments, challenges and concerns across our AMSCs.
<http://www.uscg.mil/hq/cg5/cg544/amsc.asp>
- Safety
 - Harbor Safety Committees (HSC) have developed and maintained websites to coordinate best practices, open communications, and planning efforts between partners in the community. Committees are:
 - [Commonwealth Port Authority \(Saipan\)](#)
 - [Greater Ketchikan Area LEPC](#)
 - [Greater New Orleans Barge Fleeting Association](#)
 - [Guam Chamber of Commerce](#)
 - [Hawaii Ocean Safety Team \(HOST\)](#)
 - [Jacksonville Marine Transportation Exchange](#)
 - [Lower Columbia Region HSC](#)
 - [Marine Exchange of Puget Sound](#)
 - [Marine Exchange of Southern California](#)
 - [Mariners Advisory Committee for the Bay & River Delaware \(MAC\)](#)
 - [Maritime Navigation and Safety Association](#)
 - [Miami River Marine Group](#)
 - [Port of Morgan City](#)
 - [Puget Sound HSC](#)
 - [Savannah Maritime Association](#)
 - [Southeast Texas Waterways Advisory Council](#)
 - [Tennessee River Valley Association](#)
 - [The Harbor Safety Committee of the San Francisco Bay Region](#)
 - [The Maine and New Hampshire Port Safety Forum](#)
 - [Toledo Metropolitan Area Council of Governments](#)
 - [Waterways Association of Pittsburgh](#)
- Facility/AOR Familiarity
 - All MTSA regulated facilities in AOR

Personnel Safety

The minimum PPE is level D (29 CFR 1910.120)

Though not all items below will be necessary for all aspects of the facility inspection, it must be made available in the field to inspectors.

The following constitute Level D equipment:

1. Coveralls
2. Gloves
3. Boots/shoes, chemical-resistant steel toe and shank
4. Boots, outer, chemical-resistant (disposable)
5. Safety glasses or chemical splash goggles
6. Hard hat
7. Hearing Protection
8. Personal Flotation Device (PFD)
9. Reflective Vest

Opening the Container

Load shifts may happen at any stage of the container's journey; many of these shifts can cause heavy or hazardous materials to be put into a position that when the doors are opened, could cause serious or fatal accidents. Follow the necessary steps below to minimize risk:

Safety Walk Around (CIM 16616.11c, Ch 3.D)

- ☐ Check for obvious leaks or severe damage that poses a **safety threat** to the inspection team
- ☐ If any threats to inspection team safety are identified, **STOP** the inspection and notify the Command Center and facility representative immediately

Opening the Container (CIM 16616.11c, Ch 3.D)

- ☐ Remove and record old seals
- ☐ Attached **safety strap** prior to opening the container
- ☐ Open the curbside door to container partially to check for shifted cargo
- ☐ Verify the container is safe to open while the safety strap is still attached to the locking bars. After verification undo safety strap and open both doors.
- ☐ Conduct atmospheric monitoring at tailgate of container
- ☐ If any threats to inspection team safety are identified, **STOP** the inspection and notify the Command Center and facility representative immediately

Ventilate the Container (CIM 16616.11c, Ch 3.D)

- ☐ Verify container ventilated for a minimum of:
 - a. **30 Minutes** for Poison-Inhalation Hazard materials and fumigated shipments
 - b. **15 Minutes** for all other cargos (HM & general)

Security Section

33 CFR 101—MARITIME SECURITY: GENERAL

Contents

[Subpart A—General](#)

[§101.100 Purpose.](#)

[§101.105 Definitions.](#)

[§101.110 Applicability.](#)

[§101.115 Incorporation by reference.](#)

[§101.120 Alternatives.](#)

[§101.125 \[Reserved\]](#)

[§101.130 Equivalent security measures.](#)

[Subpart B—Maritime Security \(MARSEC\) Levels](#)

[§101.200 MARSEC Levels.](#)

[§101.205 \[Reserved\]](#)

[Subpart C—Communication \(Port—Facility—Vessel\)](#)

[§101.300 Preparedness communications.](#)

[§101.305 Reporting.](#)

[§101.310 Additional communication devices.](#)

[Subpart D—Control Measures for Security](#)

[§101.400 Enforcement.](#)

[§101.405 Maritime Security \(MARSEC\) Directives.](#)

[§101.410 Control and Compliance Measures.](#)

[§101.415 Penalties.](#)

[§101.420 Right to appeal.](#)

[Subpart E—Other Provisions](#)

[§101.500 Procedures for authorizing a Recognized Security Organization \(RSO\). \[Reserved\]](#)

[§101.505 Declaration of Security \(DoS\).](#)

[§101.510 Assessment tools.](#)

[§101.514 TWIC Requirement.](#)

[§101.515 TWIC/Personal Identification.](#)

AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 192; Executive Order 12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.

EDITORIAL NOTE: Nomenclature changes to part 101 appear at 73 FR 35009, June 19, 2008.

SOURCE: USCG-2003-14792, 68 FR 39278, July 1, 2003, unless otherwise noted.

33 CFR 101 Subpart A— General

101.100 Purpose.

(a) The purpose of this subchapter is:

- (1) To implement portions of the maritime security regime required by the Maritime Transportation Security Act of 2002, as codified in 46 U.S.C. Chapter 701;

SECTOR LAKE MICHIGAN	2420 S LINCOLN MEMORIAL DR MILWAUKEE, WI 53207- 1997	414-747-7100
SECTOR LONG ISLAND SOUND	120 WOODWARD AVENUE NEW HAVEN, CT 6512	203-468-4401/ - 4402/03/04
SECTOR LOS ANGELES/LONG BEACH	1001 SOUTH SEASIDE AVE SAN PEDRO, CA 90731-0208	310-521-3600
SECTOR LOWER MISSISSIPPI	2 A W WILLIS AVENUE MEMPHIS, TN 38105	901-521-4822
SECTOR MIAMI	100 MACARTHUR CAUSEWAY MIAMI BEACH, FL 33139	305-535-4472/ - 4473/8701
SECTOR MOBILE	1500 15th Street MOBILE, AL 36615-1300	251-441-6215/ -6211
SECTOR NEW ORLEANS	200 HENDEE STREET NEW ORLEANS, LA 70114	504-846-6160
SECTOR NEW YORK	212 COAST GUARD DRIVE STATEN ISLAND, NY 10305	718-354-4037
SECTOR NORTH CAROLINA	721 MEDICAL CENTER DR WILMINGTON, NC 28401	910-772-2200
SECTOR NORTHERN NEW ENGLAND	259 HIGH ST SOUTH PORTLAND, ME 4106	207-767-0320
SECTOR OHIO VALLEY	600 MARTIN LUTHER KING JR LOUISVILLE, KY 40202- 2251	502-779-5422
SECTOR PUGET SOUND	1519 ALASKAN WAY SOUTH SEATTLE, WA 98134-1192	206-217-6200
SECTOR SAN DIEGO	2710 N. HARBOR DRIVE SAN DIEGO, CA 92101	619-278-7030
SECTOR SAN FRANCISCO	1 YERBA BUENA ISLAND SAN FRANCISCO, CA 94130- 9309	415-399-3530
SECTOR SAN JUAN	5 CALLE LA PUNTILLA SAN JUAN, PR 00901-1800	787-729-6800
SECTOR SAULT STE MARIE	337 WATER STREET SAULT STE MARIE, MI 49783	906-635-0967
SECTOR SOUTHEASTERN NEW ENGLAND	1 LITTLE HARBOR ROAD WOODS HOLE, MA 02543- 1099	866-819-9128
SECTOR ST PETERSBURG	600 8TH AVENUE SE SAINT PETERSBURG, FL 33701	727-824-7506
SECTOR UPPER MISSISSIPPI RIVER	1222 SPRUCE STREET ST. LOUIS, MO 63103-2846	314-269-2500

Local Sector/Group Commands		
SECTOR ANCHORAGE	G Wing - BLDG 49000 JBER, AK 99505	907-229-8203
SECTOR BALTIMORE	2401 HAWKINS POINT ROAD BALTIMORE, MD 21226- 1797	410-576-2525
SECTOR BOSTON	455 COMMERCIAL ST BOSTON, MA 2109	617-223-5757
SECTOR BUFFALO	1 FUHRMANN BLVD BUFFALO, NY 14203-3189	716-843-9315
SECTOR CHARLESTON	196 TRADD STREET CHARLESTON, SC 29401	843-724-7600
SECTOR COLUMBIA RIVER	2185 SE AIRPORT ROAD WARRENTON, OR 97146- 9693	503-861-6211
SECTOR CORPUS CHRISTI	8930 OCEAN DR CORPUS CHRISTI, TX 78419	361-939-6227
SECTOR DELAWARE BAY	1 WASHINGTON AVENUE PHILADELPHIA, PA 19147- 4395	215-271-4800
SECTOR DETROIT	100 MT ELLIOTT AVE DETROIT, MI 48207-4380	313-568-9525
SECTOR GUAM	PSC 455 BOX 176 FPO, AP 96540-1056	671-339-6100
SECTOR HAMPTON ROADS	4000 COAST GUARD BLVD PORTSMOUTH, VA 23703- 2199	757-668-5555
SECTOR HONOLULU	400 SAND ISLAND PARKWAY HONOLULU, HI 96819-4398	808-842-2600
SECTOR HOUSTON/GALVESTON	13411 Hillard Street HOUSTON, TX 77034	281-464-4800
SECTOR HUMBOLDT BAY	1001 LYCOMING AVE MCKINLEYVILLE, CA 95519	707-839-6123
SECTOR JACKSONVILLE	4200 OCEAN STREET ATLANTIC BEACH, FL 32233- 2416	904-564-7511/ -7512
SECTOR JUNEAU	PO BOX 25517 JUNEAU, AK 99801	907-463-2000
SECTOR KEY WEST	100 TRUMBO POINT RD KEY WEST, FL 33040-5566	305-292-8727

(2) To align, where appropriate, the requirements of domestic maritime security regulations with the international maritime security standards in the International Convention for the Safety of Life at Sea, 1974 (SOLAS Chapter XI-2) and the International Code for the Security of Ships and of Port Facilities, parts A and B, adopted on 12 December 2002; and

(3) To ensure security arrangements are as compatible as possible for vessels trading internationally.

(b) For those maritime elements of the national transportation system where international standards do not directly apply, the requirements in this subchapter emphasize cooperation and coordination with local port community stakeholders, and are based on existing domestic standards, as well as established industry security practices.

(c) The assessments and plans required by this subchapter are intended for use in implementing security measures at various MARSEC Levels. The specific security measures and their implementation are planning criteria based on a set of assumptions made during the development of the security assessment and plan. These assumptions may not exist during an actual transportation security incident.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60470, Oct. 22, 2003]

101.105 Definitions.

Unless otherwise specified, as used in this subchapter:

Alternative Security Program means a third-party or industry organization developed standard that the Commandant has determined provides an equivalent level of security to that established by this subchapter.

Area Commander means the U.S. Coast Guard officer designated by the Commandant to command a Coast Guard Area as described in 33 CFR part 3.

Area Maritime Security (AMS) Assessment means an analysis that examines and evaluates the infrastructure and operations of a port taking into account possible threats, vulnerabilities, and existing protective measures, procedures and operations.

Area Maritime Security (AMS) Committee means the committee established pursuant to 46 U.S.C. 70112(a)(2)(A). This committee can be the Port Security Committee established pursuant to Navigation and Vessel Inspection Circular (NVIC) 09-02 change 2, available from the cognizant Captain of the Port (COTP) or at <http://www.uscg.mil/hq/cg5/nvic/>.

Area Maritime Security (AMS) Plan means the plan developed pursuant to 46 U.S.C. 70103(b). This plan may be the Port Security plan developed pursuant to NVIC 09-02 provided it meets the requirements of part 103 of this subchapter.

Area of Responsibility (AOR) means a Coast Guard area, district, marine inspection zone or COTP zone described in 33 CFR part 3.

Audit means an evaluation of a security assessment or security plan performed by an owner or operator, the owner or operator's designee, or an approved third-party, intended to identify deficiencies, non-

conformities and/or inadequacies that would render the assessment or plan insufficient.

Barge means a non-self-propelled vessel (46 CFR 24.10-1).

Barge fleet facility means a commercial area, subject to permitting by the Army Corps of Engineers, as provided in 33 CFR part 322, part 330, or pursuant to a regional general permit the purpose of which is for the making up, breaking down, or staging of barge tows.

Breach of security means an incident that has not resulted in a transportation security incident, in which security measures have been circumvented, eluded, or violated.

Bulk or in bulk means a commodity that is loaded or carried on board a vessel without containers or labels, and that is received and handled without mark or count.

Bunkers means a vessel's fuel supply.

Captain of the Port (COTP) means the local officer exercising authority for the COTP zones described in 33 CFR part 3. The COTP is the Federal Maritime Security Coordinator described in 46 U.S.C. 70103(a)(2)(G) and also the Port Facility Security Officer as described in the ISPS Code, part A.

Cargo means any goods, wares, or merchandise carried, or to be carried, for consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel, facility, or OCS facility, except dredge spoils.

Cargo vessel means a vessel that carries, or intends to carry, cargo as defined in this section.

Certain Dangerous Cargo (CDC) means the same as defined in 33 CFR 160.204.

Commandant means the Commandant of the U.S. Coast Guard.

Company means any person or entity that owns any facility, vessel, or OCS facility subject to the requirements of this subchapter, or has assumed the responsibility for operation of any facility, vessel, or OCS facility subject to the requirements of this subchapter, including the duties and responsibilities imposed by this subchapter.

Company Security Officer (CSO) means the person designated by the Company as responsible for the security of the vessel or OCS facility, including implementation and maintenance of the vessel or OCS facility security plan, and for liaison with their respective vessel or facility security officer and the Coast Guard.

Contracting Government means any government of a nation that is a signatory to SOLAS, other than the U.S.

Cruise ship means any vessel over 100 gross register tons, carrying more than 12 passengers for hire which makes voyages lasting more than 24 hours, of which any part is on the high seas. Passengers from cruise ships are embarked or disembarked in the U.S. or its territories. Cruise ships do not include ferries that hold Coast Guard Certificates of Inspection endorsed for "Lakes, Bays, and Sounds", that transit international waters for only short periods of time on frequent schedules.

District Command Centers		
DISTRICT 1 COMMAND CENTER (ME, MA, VT,NH, RI, CT, EASTERN NY, & NORTH EAST NJ)	BLDG. 408 ATLANTIC AVENUE BOSTON, MA 02110-3350	617-223-8555/ - 56/57/58/59
DISTRICT 5 COMMAND CENTER (SOUTHERN NJ, EASTERN PA, MD, VA, NC)	431 CRAWFORD STREET – FEDERAL BLDG. PORTSMOUTH, VA 23704-5004	757-398-6390
DISTRICT 7 COMMAND CENTER (FL, GA, SC)	BRICKELL PLAZA FEDERAL BLDG. 909 SE First Avenue MIAMI, FL 33131-3050	305-415-6800
District 8 COMMAND CENTER (MS, TN, OH RIVER WATERSHEDS)	HALE BOGGS FEDERAL BLDG 500 POYDRAS STREET, SUITE 1240 NEW ORLEANS, LA 70130-3310	504-589-6225
DISTRICT 9 COMMAND CENTER (GREAT LAKES)	1240 EAST 9TH STREET CLEVELAND, OH 44199-2060	216-902-6118/ -6117
DISTRICT 11 COMMAND CENTER (CA, NV, AZ, UT)	COAST GUARD ISLAND BLDG 50-6 ALAMEDA, CA 94501-5100	510-437-3701
DISTRICT 13 COMMAND CENTER (WA,OR, ID, MT)	JACKSON FEDERAL BLDG 915 SECOND AVENUE SEATTLE, WA 98174-1067	206-220-7001
DISTRICT 14 COMMAND CENTER (Hawaii & Guam / Pacific Ocean)	PRINCE KALANIANA'OLE FEDERAL BLDG. 300 ALA MOANA Blvd., 9TH FLOOR HONOLULU, HI 96850-4982	808-535-3333
DISTRICT 17 COMMAND CENTER (Alaska)	P.O. BOX 25517 JUNEAU, AK 99802-5517	907-463-2000

U.S. COAST GUARD DIRECTORY

Unit Office	Locations	Number
NATIONAL COMMAND CENTER (EMERGENCIES ONLY)	COMMANDANT US COAST GUARD HEADQUARTERS 2703 MARTIN LUTHER KING JR AVE SE WASHINGTON DC 20593	800-DAD-SAFE 202-372-2100
MERCHANT MARINER LICENSING & DOCUMENTATION	NATIONAL MARITIME CENTER 100 FORBES DRIVE MARTINSBURG, WV 25404 www.uscg.mil/stcw/	888-I-ASK-NMC (888-427- 5662)
UNIFORM DIST CENTER ORDER LINE & CUSTOMER SERVICE	414 MADISON AVE WOODBINE, NJ 08270-0000 www.uscg.mil/uniform/	800 -874-6841
Washington, DC-Headquarters		
COMDT (CG-FAC)	COMMANDANT CG-FAC US COAST GUARD HEADQUARTERS 2703 MARTIN LUTHER KING JR AVE SE WASHINGTON DC 20593	202-372-1092
COMMANDING OFFICER, PERSONNEL SERVICE AND SUPPORT UNIT	PSSU US COAST GUARD HEADQUARTERS 2703 MARTIN LUTHER KING JR AVE SE WASHINGTON DC 20593	202-372-4000
SUPERVISOR, HEALTH, SAFETY, AND WORKLIFE	HSWL US COAST GUARD HEADQUARTERS 2703 MARTIN LUTHER KING JR AVE SE WASHINGTON DC 20593	202-372-4084

Dangerous goods and/or hazardous substances, for the purposes of this subchapter, means cargoes regulated by parts 126, 127, or 154 of this chapter.

Dangerous substances or devices means any material, substance, or item that reasonably has the potential to cause a transportation security incident.

Declaration of Security (DoS) means an agreement executed between the responsible Vessel and Facility Security Officer, or between Vessel Security Officers in the case of a vessel-to-vessel activity, that provides a means for ensuring that all shared security concerns are properly addressed and security will remain in place throughout the time a vessel is moored to the facility or for the duration of the vessel-to-vessel activity, respectively.

District Commander means the U.S. Coast Guard officer designated by the Commandant to command a Coast Guard District described in 33 CFR part 3.

Drill means a training event that tests at least one component of the AMS, vessel, or facility security plan and is used to maintain a high level of security readiness.

Escorting means ensuring that the escorted individual is continuously accompanied while within a secure area in a manner sufficient to observe whether the escorted individual is engaged in activities other than those for which escorted access was granted. This may be accomplished via having a side-by-side companion or monitoring, depending upon where the escorted individual will be granted access. Individuals without TWICs may not enter restricted areas without having an individual who holds a TWIC as a side-by-side companion, except as provided in §§104.267, 105.257, and 106.262 of this subchapter.

Exercise means a comprehensive training event that involves several of the functional elements of the AMS, vessel, or facility security plan and tests communications, coordination, resource availability, and response.

Facility means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the U.S. and used, operated, or maintained by a public or private entity, including any contiguous or adjoining property under common ownership or operation.

Facility Security Assessment (FSA) means an analysis that examines and evaluates the infrastructure and operations of the facility taking into account possible threats, vulnerabilities, consequences, and existing protective measures, procedures and operations.

Facility Security Officer (FSO) means the person designated as responsible for the development, implementation, revision and maintenance of the facility security plan and for liaison with the COTP and Company and Vessel Security Officers.

Facility Security Plan (FSP) means the plan developed to ensure the application of security measures designed to protect the facility and its servicing vessels or those vessels interfacing with the facility, their cargoes, and persons on board at the respective MARSEC Levels.

Ferry means a vessel which is limited in its use to the carriage of deck passengers or vehicles or both, operates on a short run on a frequent schedule between two or more points over the most direct water route, other than in ocean or coastwise service.

Foreign vessel means a vessel of foreign registry or a vessel operated under the authority of a country, except the U.S., that is engaged in commerce.

General shipyard facility means—

- (1) For operations on land, any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment, or rebuilding of any vessel, including graving docks, building ways, ship lifts, wharves, and pier cranes; the land necessary for any structures or appurtenances; and the equipment necessary for the performance of any function referred to in this definition; and
- (2) For operations other than on land, any vessel, floating drydock, or barge used for, or a type that is usually used for, activities referred to in paragraph (1) of this definition.

Gross register tons (GRT) means the gross ton measurement of the vessel under 46 U.S.C. chapter 145, Regulatory Measurement. For a vessel measured under only 46 U.S.C. chapter 143, Convention Measurement, the vessel's gross tonnage, ITC is used to apply all thresholds expressed in terms of gross register tons.

Gross tonnage, ITC (GT ITC) means the gross tonnage measurement of the vessel under 46 U.S.C. chapter 143, Convention Measurement. Under international conventions, this parameter may be referred to as "gross tonnage (GT)."

Hazardous materials means hazardous materials subject to regulation under 46 CFR parts 148, 150, 151, 153, or 154, or 49 CFR parts 171 through 180.

Infrastructure means facilities, structures, systems, assets, or services so vital to the port and its economy that their disruption, incapacity, or destruction would have a debilitating impact on defense, security, the environment, long-term economic prosperity, public health or safety of the port.

International voyage means a voyage between a country to which SOLAS applies and a port outside that country. A country, as used in this definition, includes every territory for the internal relations of which a contracting government to the convention is responsible or for which the United Nations is the administering authority. For the U.S., the term "territory" includes the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the U.S. under a protectorate or mandate. For the purposes of this subchapter, vessels solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian, are considered on an "international voyage" when on a voyage between a U.S. port and a Canadian port.

ISPS Code means the International Ship and Port Facility Security Code, as incorporated into SOLAS.

28-04	Foreign Barges
30-04	Credentialing of Federal, State and Local Officials
31-04	Lightering Operations
33-04 CH 1	Caustic Soda Solution
34-04	Locking of Public Access Facilities
35-04 CH 1	Cruise Ships, Tenders and Public Access Facilities
36-04	VSP Amendments
37-04	Screening Guidance to Private Security Firms and Consultants
39-04	Communications Between Ships Security Officers and Company Security Officers
41-04	Shipyard Security
43-04	Facilities Receiving Vessels from Canada
45-04 CH 1	Timelines for MTSA Required Exercises
48-04	Capability to Continuously Monitor
52-05 CH 1	Personnel Conducting Security Audits
53-05	Towing Vessels Moving Regulated Barges NOT Carrying CDCs
57-05	Exceptions to Part 105 Applicability for Oil and Natural Gas Facilities
60-05	US Flagged Small Passenger Vessels with SOLAS Documents
02-11	Low Risk Commodities

Grey Area Side Bar Reference List

Navigation and Vessel Inspection Circulars (NVIC)

09-02 CH 3	Guidelines for Development of Area Maritime Security Committees and Area Security Plans for U.S. Ports
11-02 CH 1	Recommended Security Guidelines for Facilities
03-03 CH 2	Implementation Guidance for the Regulations Mandated by the Maritime Transportation Security Act of 2002 (MTSA) for Facilities
04-03 CH3	Guidance for Verification of Vessel Security Plans on Domestic Vessels in Accordance with the Regulations Mandated by the Maritime Transportation Security Act (MTSA) of 2002 & International Ship & Port Facility Security (ISPS) Code
05-03	Implementation Guidance for the Maritime Security Regulations Mandated by the Maritime Transportation Security Act of 2002 for the Outer Continental Shelf Facilities
06-04	Voluntary Screening Guidance for Owners or Operators Regulated Under Parts 104, 105 & 106 of Subchapter H of Title 33, Code of Federal Regulations
03-07	Guidance for the Implementation of the Transportation Worker Identification Credential (TWIC) Program in the Maritime Sector
1-11	Guidance Related to Waterfront Liquid Natural Gas (LNG) Facilities

Policy Advisory Council (PAC)

03-03 CH 2	Remote Facilities
10-04	Bulk Cargo Facilities
20-04	Certain Dangerous Cargo Facilities
22-04	Declarations of Security
24-04	Public Access Facilities
26-04	MTSA and ISPS Tonnage Applicability

Maritime Security (MARSEC) Directive means an instruction issued by the Commandant, or his/her delegatee, mandating specific security measures for vessels and facilities that may be involved in a transportation security incident.

Maritime Security (MARSEC) Level means the level set to reflect the prevailing threat environment to the marine elements of the national transportation system, including ports, vessels, facilities, and critical assets and infrastructure located on or adjacent to waters subject to the jurisdiction of the U.S.

MARSEC Level 1 means the level for which minimum appropriate protective security measures shall be maintained at all times.

MARSEC Level 2 means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a transportation security incident.

MARSEC Level 3 means the level for which further specific protective security measures shall be maintained for a limited period of time when a transportation security incident is probable or imminent, although it may not be possible to identify the specific target.

Master means the holder of a valid merchant mariner credential or license that authorizes the individual to serve as a Master, operator, or person in charge of the rated vessel. For the purposes of this subchapter, Master also includes the Person in Charge of a MODU, and the operator of an uninspected towing vessel.

Merchant mariner credential or MMC means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

OCS Facility means any artificial island, installation, or other complex of one or more structures permanently or temporarily attached to the subsoil or seabed of the OCS, erected for the purpose of exploring for, developing or producing oil, natural gas or mineral resources. This definition includes all mobile offshore drilling units (MODUs) not covered under part 104 of this subchapter, when attached to the subsoil or seabed of offshore locations, but does not include deepwater ports, as defined by 33 U.S.C. 1502, or pipelines.

Operator, Uninspected Towing Vessel means an individual who holds a merchant mariner credential or license described in 46 CFR 15.805(a)(5) or 46 CFR 15.810(d).

Owner or operator means any person or entity that owns, or maintains operational control over, any facility, vessel, or OCS facility subject to this subchapter. This includes a towing vessel that has operational control of an unmanned vessel when the unmanned vessel is attached to the towing vessel and a facility that has operational control of an unmanned vessel when the unmanned vessel is not attached to a towing vessel and is moored to the facility; attachment begins with the securing of the first mooring line and ends with the casting-off of the last mooring line.

Passenger vessel means—

- (1) On an international voyage, a vessel carrying more than 12 passengers, including at least one passenger-for-hire; and
- (2) On other than an international voyage:
 - (i) A vessel of at least 100 gross register tons carrying more than 12 passengers, including at least one passenger-for-hire;
 - (ii) A vessel of less than 100 gross register tons carrying more than 6 passengers, including at least one passenger-for-hire;
 - (iii) A vessel that is chartered and carrying more than 12 passengers;
 - (iv) A submersible vessel that is carrying at least one passenger-for-hire; or
 - (v) A wing-in-ground craft, regardless of tonnage, that is carrying at least one passenger-for-hire.

Passenger-for-hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

Personal Identification Number (PIN) means a personally selected number stored electronically on the individual's TWIC.

Public access facility means a facility—

- (1) That is used by the public primarily for purposes such as recreation, entertainment, retail, or tourism, and not for receiving vessels subject to part 104;
- (2) That has minimal infrastructure for servicing vessels subject to part 104 of this chapter; and
- (3) That receives only:
 - (i) Vessels not subject to part 104 of this chapter, or
 - (ii) Passenger vessels, except:
 - (A) Ferries certificated to carry vehicles;
 - (B) Cruise ships; or
 - (C) Passenger vessels subject to SOLAS Chapter XI-1 or SOLAS Chapter XI-2.

Recurring unescorted access means authorization to enter a vessel on a continual basis after an initial personal identity and credential verification.

Registered length means the registered length as defined in 46 CFR part 69.

Restricted areas mean the infrastructures or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection. The entire facility may be designated the restricted area, as long as the entire facility is provided the appropriate level of security.

Review and approval means the process whereby Coast Guard officials evaluate a plan or proposal to determine if it complies with this subchapter and/or provides an equivalent level of security.

Screening means a reasonable examination of persons, cargo, vehicles, or baggage for the protection of the vessel, its passengers and crew.

Summary of MARPOL requirements

Type of Garbage	Ships Outside Special Area	Ships In Special Area	Offshore Platforms (more than 12 nm from land and all ships within 500 m of such platforms)
Food wasted comminuted or ground	Discharge Permitted: ≥ 3 nm from the nearest land, en route and as far as practicable	Discharge Permitted: ≥ 12 nm from the nearest land, en route and as far as practicable	Discharge Permitted
Food waste not comminuted or ground	Discharge Permitted: ≥ 12 nm from the nearest land, en route and as far as practicable	Discharge Prohibited	Discharge Prohibited
Cargo residues(1) not contained in wash water	Discharge Permitted: ≥ 12 nm from the nearest land, en route and as far as practicable	Discharge Prohibited	Discharge Prohibited
Cargo residues(2) not contained in wash water	Discharge Permitted: ≥ 12 nm from the nearest land, en route and as far as practicable	Discharge Permitted: ≥ 12 nm from the nearest land, en route and as far as practicable & subject to two additional conditions (2)	Discharge Prohibited
Cleaning agents & additives (1) contained in cargo hold wash water	Discharge Permitted	Discharge Permitted	Discharge Prohibited
Cleaning agents & additives (1) contained in deck & external surfaces wash water	Discharge Permitted	Discharge Permitted	Discharge Prohibited
Carcasses of animals carried onboard as cargo & which died during voyage	Discharge Permitted as far from the nearest land as possible and en route	Discharge Prohibited	Discharge Prohibited
All other garbage*	Discharge Prohibited	Discharge Prohibited	Discharge Prohibited
Mixed garbage	When garbage is mixed with or contaminated by other substances prohibited from discharge or having different discharge requirements, the more stringent requirements shall apply		

Simplified overview of the discharge provisions of the revised MARPOL Annex V which will enter into force on January 1, 2013

(1) These substances must not be harmful to the marine environment.
(2) According to regulation 6.1.2 of MARPOL Annex V the discharge shall only be allowed if: (a) both the port of departure and the next port of destination are within the special area and the ship will not transit outside the special area between these ports (regulation 6.1.2.2); and (b) if no adequate reception facilities are available at those ports (regulation 6.1.2.3).
*Includes: Plastics, synthetic ropes, fishing gear, plastic garbage bags, incinerator ashes, oiliners, cooking oil, floating damage, lining and packing materials, paper, rags, glass, metal, bottles, crockery and similar refuse

(Approved by the Office of Management and Budget under control number 1625-0095)
 [CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990; CGD 86-034, 55 FR 36256, Sept. 4, 1990; CGD 93-056, 61 FR 41461, Aug. 8, 1996; USCG-2006-25150, 71 FR 39210, July 12, 2006; USCG-1999-5150, 78 FR 42641, July 16, 2013]

The purpose of the screening is to secure the vital government interest of protecting vessels, harbors, and waterfront facilities from destruction, loss, or injury from sabotage or other causes of similar nature. Such screening is intended to ensure that dangerous substances and devices, or other items that pose a real danger of violence or a threat to security are not present.

Secure area means the area on board a vessel or at a facility or outer continental shelf facility over which the owner/operator has implemented security measures for access control in accordance with a Coast Guard approved security plan. It does not include passenger access areas, employee access areas, or public access areas, as those terms are defined in §§104.106, 104.107, and 105.106, respectively, of this subchapter. Vessels operating under the waivers provided for at 46 U.S.C. 8103(b)(3)(A) or (B) have no secure areas. Facilities subject to part 105 of this subchapter located in the Commonwealth of the Northern Mariana Islands and American Samoa have no secure areas. Facilities subject to part 105 of this subchapter may, with approval of the Coast Guard, designate only those portions of their facility that are directly connected to maritime transportation or are at risk of being involved in a transportation security incident as their secure areas.

Security sweep means a walkthrough to visually inspect unrestricted areas to identify unattended packages, briefcases, or luggage and determine that all restricted areas are secure.

Security system means a device or multiple devices designed, installed and operated to monitor, detect, observe or communicate about activity that may pose a security threat in a location or locations on a vessel or facility.

Sensitive security information (SSI) means information within the scope of 49 CFR part 1520.

SOLAS means the International Convention for the Safety of Life at Sea Convention, 1974, as amended.

Survey means an on-scene examination and evaluation of the physical characteristics of a vessel or facility, and its security systems, processes, procedures, and personnel.

Transportation security incident (TSI) means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area.

TWIC means a valid, non-revoked transportation worker identification credential, as defined and explained in 49 CFR part 1572.

TWIC Program means those procedures and systems that a vessel, facility, or outer continental shelf facility (OCS) must implement in order to assess and validate TWICs when maintaining access control.

Unaccompanied baggage means any baggage, including personal effects, that is not being brought on board on behalf of a person who is boarding the vessel.

Unescorted access means having the authority to enter and move about a secure area without escort.

Vessel-to-facility interface means the interaction that occurs when a vessel is directly and immediately affected by actions involving the

movement of persons, cargo, vessel stores, or the provisions of facility services to or from the vessel.

Vessel-to-port interface means the interaction that occurs when a vessel is directly and immediately affected by actions involving the movement of persons, cargo, vessel stores, or the provisions of port services to or from the vessel.

Vessel Security Assessment (VSA) means an analysis that examines and evaluates the vessel and its operations taking into account possible threats, vulnerabilities, consequences, and existing protective measures, procedures and operations.

Vessel Security Plan (VSP) means the plan developed to ensure the application of security measures designed to protect the vessel and the facility that the vessel is servicing or interacting with, the vessel's cargoes, and persons on board at the respective MARSEC Levels.

Vessel Security Officer (VSO) means the person onboard the vessel, accountable to the Master, designated by the Company as responsible for security of the vessel, including implementation and maintenance of the Vessel Security Plan, and for liaison with the Facility Security Officer and the vessel's Company Security Officer.

Vessel stores means—

- (1) Materials that are on board a vessel for the upkeep, maintenance, safety, operation or navigation of the vessel; and
- (2) Materials for the safety or comfort of the vessel's passengers or crew, including any provisions for the vessel's passengers or crew.

Vessel-to-vessel activity means any activity not related to a facility or port that involves the transfer of cargo, vessel stores, or persons from one vessel to another.

Waters subject to the jurisdiction of the U.S., for purposes of this subchapter, includes all waters described in section 2.36(a) of this chapter; the Exclusive Economic Zone, in respect to the living and non-living resources therein; and, in respect to facilities located on the Outer Continental Shelf of the U.S., the waters superjacent thereto. [USCG-2003-14792, 68 FR 39278, July 1, 2003]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §101.105, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

101.110 Applicability.

Unless otherwise specified, this subchapter applies to vessels, structures, and facilities of any kind, located under, in, on, or adjacent to waters subject to the jurisdiction of the U.S.

101.115 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is on file at the Office of

(1) For facilities, annually or not less than 30 days prior to the first transfer conducted past one year from the date of the last tests and inspections;

(2) For a facility in caretaker status, not less than 30 days prior to the first transfer after the facility is removed from caretaker status; and

(3) For vessels, annually or as part of the biennial and mid-period inspections.

(g) If a facility or vessel collects vapor emitted to or from a vessel cargo tank with a vapor control system, the system must not be used unless the following tests and inspections are satisfactorily completed:

- (1) Each vapor hose, vapor collection arm, pressure or vacuum relief valve, and pressure sensor is tested and inspected in accordance with paragraphs (b), (c), and (f) of this section;
- (2) Each remote operating or indicating device is tested for proper operation in accordance with paragraph (f) of this section;
- (3) Each detonation arrester required by 33 CFR 154.2105, 154.2108(b), 154.2109, 154.2110, 154.2111, and 154.2204, or 46 CFR 39.4003, and each flame arrester required by 33 CFR 154.2103, 154.2105(j), and 154.2203 has been inspected internally within the last year, or sooner if operational experience has shown that frequent clogging or rapid deterioration is likely; and
- (4) Each hydrocarbon and oxygen analyzer required by 33 CFR 154.2105(a) and (j), 154.2107(d) and (e), and 154.2110 or 46 CFR 39.4003 is calibrated:

(i) Within the previous two weeks, or

(ii) Within 24 hours prior to operation when the vapor control system is operated less frequently than once a week.

(h) Upon the request of the owner or operator, the COTP may approve alternative methods of compliance to the testing requirements of paragraph (c) of this section if the COTP determines that the alternative methods provide an equal level of protection.

(i) Notwithstanding the general provisions of 33 CFR 156.107(a) relating to the authority of the Captain of the Port to approve alternatives, the owner or operator may request the written approval of the Commandant (CG-ENG), U.S. Coast Guard, 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, for alternative methods of compliance to the testing and inspection requirements of paragraph (g)(3) of this section. The Commandant (CG-ENG) will grant that written approval upon determination that the alternative methods provide an equivalent level of safety and protection from fire, explosion, and detonation. Criteria to consider when evaluating requests for alternative methods may include, but are not limited to: operating and inspection history, type of equipment, new technology, and site-specific conditions that support the requested alternative.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36256, Sept. 4, 1990]

156.170 Equipment tests and inspections.

(a) Except as provided in paragraph (d) of this section, no person may use any equipment listed in paragraph (c) of this section for transfer operations unless the vessel or facility operator, as appropriate, tests and inspects the equipment in accordance with paragraphs (b), (c) and (f) of this section and the equipment is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, the entire external surface of the hose must be accessible.

(c) For the purpose of paragraph (a) of this section:

(1) Each nonmetallic transfer hose must:

(i) Have no unrepaired loose covers, kinks, bulges, soft spots or any other defect which would permit the discharge of oil or hazardous material through the hose material, and no gouges, cuts or slashes that penetrate the first layer of hose reinforcement as defined in §156.120(i).

(ii) Have no external deterioration and, to the extent internal inspection is possible with both ends of the hose open, no internal deterioration;

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least $1\frac{1}{2}$ times the maximum allowable working pressure; and

(iv) Hoses not meeting the requirements of paragraph (c)(1)(i) of this section may be acceptable after a static liquid pressure test is successfully completed in the presence of the COTP. The test medium is not required to be water.

(2) Each transfer system relief valve must open at or below the pressure at which it is set to open;

(3) Each pressure gauge must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each transfer pipe system, including each metallic hose, must not leak under static liquid pressure at least $1\frac{1}{2}$ times the maximum allowable working pressure; and

(5) Each item of remote operating or indicating equipment, such as a remotely operated valve, tank level alarm, or emergency shutdown device, must perform its intended function.

(d) No person may use any hose in underwater service for transfer operations unless the operator of the vessel or facility has tested and inspected it in accordance with paragraph (c)(1) or (c)(4) of this section, as applicable.

(e) The test fluid used for the testing required by this section is limited to liquids that are compatible with the hose tube as recommended by the hose manufacturer.

(f) The frequency of the tests and inspections required by this section must be:

the Coast Guard Port Security Directorate (CG-5P), Coast Guard Headquarters, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this subchapter are as follows:

INTERNATIONAL MARITIME ORGANIZATION (IMO)

Publication Section, 4 Albert Embankment, London SE1 7SR, United Kingdom.

Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter XI of SOLAS 1974, adopted December 12, 2002, (SOLAS Chapter XI-1 or SOLAS Chapter XI-2)	101.120; 101.310; 101.410; 101.505; 104.105; 104.115; 104.120; 104.297; 104.400.
Conference resolution 2, Adoption of the International Code for the Security of Ships and of Port Facilities, parts A and B, adopted on December 12, 2002 (ISPS Code)	101.410; 101.505; 104.105; 104.115; 104.120; 104.297; 104.400.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36282, June 25, 2010; USCG-2013-0397, 78 FR 39173, July 1, 2013]

101.120 Alternatives.

(a) *Alternative Security Agreements.*

(1) The U.S. may conclude in writing, as provided in SOLAS Chapter XI-2, Regulation 11 (Incorporated by reference, see §101.115), a bilateral or multilateral agreements with other Contracting Governments to SOLAS on Alternative Security Arrangements covering short international voyages on fixed routes between facilities subject to the jurisdiction of the U.S. and facilities in the territories of those Contracting Governments.

(2) As further provided in SOLAS Chapter XI-2, Regulation 11, a vessel covered by such an agreement shall not conduct any

vessel-to-vessel activity with any vessel not covered by the agreement.

(b) *Alternative Security Programs.*

(1) Owners and operators of vessels and facilities required to have security plans under part 104, 105, or 106 of this subchapter, other than vessels that are subject to SOLAS Chapter XI, may meet the requirements of an Alternative Security Program that has been reviewed and approved by the Commandant (CG-5P) as meeting the requirements of part 104, 105, or 106, as applicable.

(2) Owners or operators must implement an approved Alternative Security Program in its entirety to be deemed in compliance with either part 104, 105, or 106.

(3) Owners or operators who have implemented an Alternative Security Program must send a letter to the appropriate plan approval authority under part 104, 105, or 106 of this subchapter identifying which Alternative Security Program they have implemented, identifying those vessels or facilities that will implement the Alternative Security Program, and attesting that they are in full compliance therewith. A copy of this letter shall be retained on board the vessel or kept at the facility to which it pertains along with a copy of the Alternative Security Program and a vessel, facility, or Outer Continental Shelf facility specific security assessment report generated under the Alternative Security Program.

(4) Owners or operators shall make available to the Coast Guard, upon request, any information related to implementation of an approved Alternative Security Program.

(c) *Approval of Alternative Security Programs.* You must submit to the Commandant (CG-5P) for review and approval the Alternative Security Program and the following information to assess the adequacy of the proposed Alternative Security Program:

(1) A list of the vessel and facility type that the Alternative Security Program is intended to apply;

(2) A security assessment for the vessel or facility type;

(3) Explanation of how the Alternative Security Program addresses the requirements of parts 104, 105, or 106, as applicable; and

(4) Explanation of how owners and operators must implement the Alternative Security Program in its entirety, including performing an operational and vessel or facility specific assessment and verification of implementation.

(d) *Amendment of Approved Alternative Security Programs.*

(1) Amendments to an Alternative Security Program approved under this section may be initiated by—

(i) The submitter of an Alternative Security Program under paragraph (c) of this section; or

(ii) The Coast Guard upon a determination that an amendment is needed to maintain the security of a vessel or facility. The Coast Guard will give the submitter of an Alternative Security Program written notice and request that the submitter propose amendments addressing any matters

(a) No person may transfer oil or hazardous material to or from a vessel unless each person in charge, designated under §§154.710 and 155.700 of this chapter, has filled out and signed the declaration of inspection form described in paragraph (c) of this section.

(b) No person in charge may sign the declaration of inspection unless he or she has determined by inspection, and indicated by initialing in the appropriate space on the declaration of inspection form, that the facility or vessel, as appropriate, meets §156.120.

(c) The declaration of inspection may be in any form but must contain at least:

(1) The name or other identification of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date and time the transfer operation is started;

(4) A list of the requirements in §156.120 with spaces on the form following each requirement for the person in charge of the vessel or facility to indicate by initialing that the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during transfer operations on the transferring vessel or facility and a space for the date, time of signing, signature, and title of each person in charge during transfer operations on the receiving facility or vessel certifying that all tests and inspections have been completed and that they are both ready to begin transferring product; and

(6) The date and time the transfer operation is completed.

(d) The form for the declaration of inspection may incorporate the declaration-of-inspection requirements under 46 CFR 35.35-30.

(e) The vessel and facility persons in charge shall each have a signed copy of the declaration of inspection available for inspection by the COTP during the transfer operation.

(f) The operators of each vessel and facility engaged in the transfer operation shall retain a signed copy of the declaration of inspection on board the vessel or at the facility for at least 1 month from the date of signature.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36256, Sept. 4, 1990; CGD 93-056, 61 FR 41461, Aug. 8, 1996]

156.160 Supervision by person in charge.

(a) No person may connect or disconnect a hose, top off a tank, or engage in any other critical procedures during the transfer operation unless the person in charge, required by §156.120(s), supervises that procedure.

(b) No person may start the flow of oil or hazardous material to or from a vessel unless instructed to do so by either person in charge.

(c) No person may transfer oil or hazardous material to or from a vessel unless each person in charge is in the immediate vicinity and immediately available to the transfer personnel.

73 FR 79316, Dec. 29, 2008; USCG-1999-5150, 78 FR 42641, July 16, 2013]

156.125 Discharge cleanup.

(a) Each person conducting the transfer operation shall stop the transfer operation whenever oil or hazardous material from any source is discharged:

- (1) In the transfer operation work area; or
- (2) Into the water or upon the adjoining shoreline in the transfer area.

(b) Except as permitted under paragraph (c) of this section, no person may resume the transfer operation after it has been stopped under paragraph (a) of this section, unless:

- (1) Oil or hazardous material discharged in the transfer operation work area is cleaned up; and
- (2) Oil or hazardous material discharged into the water or upon the adjoining shoreline is cleaned up, or is contained and being cleaned up.

(c) The COTP may authorize resuming the transfer operation if it is deemed appropriate.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.130 Connection.

(a) Each person who makes a connection for transfer operations shall:

- (1) Use suitable material in joints and couplings to ensure a leak-free seal;
- (2) Use a bolt in at least every other hole, and in no case less than four bolts, in each temporary bolted connection that uses a flange that meets American National Standards Institute (ANSI) standard flange requirements under §154.500(d)(2) of this chapter;
- (3) Use a bolt in each hole in each temporary bolted connection that uses a flange other than one that meets ANSI standards;
- (4) Use a bolt in each hole of each permanently connected flange;
- (5) Use bolts of the correct size in each bolted connection; and
- (6) Tighten each bolt and nut uniformly to distribute the load and sufficiently to ensure a leak free seal.

(b) A person who makes a connection for transfer operations must not use any bolt that shows signs of strain or is elongated or deteriorated.

(c) Except as provided in paragraph (d) of this section, no person may use a connection for transfer operations unless it is:

- (1) A bolted or full threaded connection; or
- (2) A quick-connect coupling acceptable to the Commandant.

(d) No person may transfer oil or hazardous material to a vessel that has a fill pipe for which containment cannot practically be provided unless an automatic back pressure shutoff nozzle is used.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36256, Sept. 4, 1990]

156.150 Declaration of inspection.

specified in the notice. The submitter will have at least 60 days to submit its proposed amendments.

(2) Proposed amendments must be sent to the Commandant (CG-5P). If initiated by the submitter, the proposed amendment must be submitted at least 30 days before the amendment is to take effect unless the Commandant (CG-5P) allows a shorter period. The Commandant (CG-5P) will approve or disapprove the proposed amendment in accordance with paragraph (f) of this section.

(e) *Validity of Alternative Security Program.* An Alternative Security Program approved under this section is valid for 5 years from the date of its approval.

(f) The Commandant (CG-5P) 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.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60471, Oct. 22, 2003; USCG-2013-0397, 78 FR 39173, July 1, 2013]

101.125 [Reserved]

101.130 Equivalent security measures.

(a) For any measure required by part 104, 105, or 106 of this subchapter, the owner or operator may substitute an equivalent security measure that has been approved by the Commandant (CG-5P) as meeting or exceeding the effectiveness of the required measure. The Commandant (CG-5P) may require that the owner or operator provide data for use in assessing the effectiveness of the proposed equivalent security measure.

(b) Requests for approval of equivalent security measures should be made to the appropriate plan approval authority under parts 104, 105 or 106 of this subchapter.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended by USCG-2013-0397, 78 FR 39173, July 1, 2013]

33 CFR 101 Subpart B—Maritime Security (MARSEC) Levels

101.200 MARSEC Levels.

(a) MARSEC Levels advise the maritime community and the public of the level of risk to the maritime elements of the national transportation system. Ports, under direction of the local COTP, will respond to changes in the MARSEC Level by implementing the measures specified in the AMS Plan. Similarly, vessels and facilities required to have security plans under part 104, 105, or 106 of this subchapter shall implement the measures specified in their security plans for the applicable MARSEC Level.

- b) Unless otherwise directed, each port, vessel, and facility shall operate at MARSEC Level 1.
- (c) The Commandant will set (raise or lower) the MARSEC Level commensurate with risk, and in consideration of any maritime nexus to any active National Terrorism Advisory System (NTAS) alerts. Notwithstanding the NTAS, the Commandant retains discretion to adjust the MARSEC Level when necessary to address any particular security concerns or circumstances related to the maritime elements of the national transportation system.
- (d) The COTP may raise the MARSEC Level for the port, a specific marine operation within the port, or a specific industry within the port, when necessary to address an exigent circumstance immediately affecting the security of the maritime elements of the transportation in his/her area of responsibility. Application of this delegated authority will be pursuant to policies and procedures specified by the Commandant.
- [USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended by USCG-2013-0397, 78 FR 39173, July 1, 2013]

101.205 [Reserved]

33 CFR 101 Subpart C—Communication (Port—Facility—Vessel)

101.300 Preparedness communications.

- (a) *Notification of MARSEC Level change.* The COTP will communicate any changes in the MARSEC Levels through a local Broadcast Notice to Mariners, an electronic means, if available, or as detailed in the AMS Plan.
- (b) *Communication of threats.* When the COTP is made aware of a threat that may cause a transportation security incident, the COTP will, when appropriate, communicate to the port stakeholders, vessels, and facilities in his or her AOR the following details:
- (1) Geographic area potentially impacted by the probable threat;
 - (2) Any appropriate information identifying potential targets;
 - (3) Onset and expected duration of probable threat;
 - (4) Type of probable threat; and
 - (5) Required actions to minimize risk.
- (c) *Attainment.*
- (1) Each owner or operator of a vessel or facility required to have a security plan under parts 104 or 105 of this subchapter affected by a change in the MARSEC Level must ensure confirmation to their local COTP the attainment of measures or actions described in their security plan and any other requirements imposed by the COTP that correspond with the MARSEC Level being imposed by the change.
 - (2) Each owner or operator of a facility required to have a security plan under part 106 of this subchapter affected by a change in the MARSEC Level must ensure confirmation to their cognizant District Commander the attainment of measures or actions described in their security plan and any other requirements

- (6) The tank barge overfill control system, if installed, is connected to the facility, tested, and operating properly;
- (7) The following have been performed not more than 24 hours prior to the start of the transfer operation or in accordance with 33 CFR 154.2150(b):
- (i) Each alarm and automatic shutdown system required by subpart E of part 154 of this chapter and 46 CFR part 39 has been tested and found to be operating properly, and
 - (ii) Analyzers required by 33 CFR 154.2105(a) and (j) and 154.2107(d) and (e) or 46 CFR 39.40-3(a) have been checked for calibration by use of a span gas;
- (8) Each vapor recovery hose has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of vapor through the hose material, and no external gouges, cuts, or slashes that penetrate the first layer of hose reinforcement; and
- (9) The oxygen content in the vapor space of each of the vessel's cargo tanks connected to the vapor collection system, if inerted, is—
- (i) At or below 60 percent by volume of the cargo's minimum oxygen concentration for combustion; or
 - (ii) At or below 8 percent by volume, at the start of cargo transfer, for vapor of crude oil, gasoline blends, or benzene;
- (10) The freezing point of each cargo has been determined. If there is a possibility that the ambient air temperature during transfer operations will be at or below the freezing point of the cargo, adequate precautions have been taken to prevent freezing of vapor or condensate, or to detect and remove the liquid condensate and solids to prevent accumulation;
- (11) If the cargo has the potential to polymerize, adequate precautions have been taken to prevent and detect polymerization of the cargo vapors; and
- (12) The VCS has been cleaned, in accordance with 33 CFR 154.2150(p), between transfers of incompatible cargoes.
- (bb) If the transfer operation involves loading oil, as defined in §151.05 of this chapter, into a cargo tank, the overfill device required by §155.480 of this chapter is installed and operating properly.
- (cc) Smoking is not permitted in the facilities marine transfer area except in designated smoking areas.
- (dd) Welding, hot work operations and smoking are prohibited on vessels during the transfer of flammable or combustible materials, except that smoking may be permitted in accommodation areas designated by the master.
- (Approved by the Office of Management and Budget under control number 1625-0039)
- [CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990; CGD 86-034, 55 FR 36255, Sept. 4, 1990; CGD 90-071a, 59 FR 53291, Oct. 21, 1994; CGD 93-056, 61 FR 41461, Aug. 8, 1996; CGD 79-116, 62 FR 25127, May 8, 1997; USCG-2001-9046, 67 FR 58524, Sept. 17, 2002; USCG-2006-25150, 71 FR 39210, July 12, 2006;

- (2) Conduct the transfer operation in accordance with the facility operations manual or vessel transfer procedures, as appropriate;
- (v) At least one person is at the site of the transfer operation who fluently speaks the language or languages spoken by both persons in charge;
- (w) The person in charge of the transfer on the transferring vessel or facility and the person in charge of it on the receiving vessel or facility have held a conference, to ensure that each person in charge understands—

- (1) The identity of the product to be transferred;
- (2) The sequence of transfer operations;
- (3) The transfer rate;
- (4) The name or title and location of each person participating in the transfer operation;
- (5) Details of the transferring and receiving systems including procedures to ensure that the transfer pressure does not exceed the maximum allowable working pressure (MAWP) for each hose assembly, loading arm and/or transfer pipe system;
- (6) Critical stages of the transfer operation;
- (7) Federal, state, and local rules that apply to the transfer of oil or hazardous material;
- (8) Emergency procedures;
- (9) Discharge containment procedures;
- (10) Discharge reporting procedures;
- (11) Watch or shift arrangement;
- (12) Transfer shutdown procedures; and,
- (13) If the persons use radios, a predetermined frequency for communications during the transfer, agreed upon by both.

- (x) The person in charge of transfer operations on the transferring vessel or facility and the person in charge of transfer operations on the receiving vessel or facility agree to begin the transfer operation;
- (y) Between sunset and sunrise the lighting required by §§154.570 and 155.790 of this chapter is provided; and
- (z) For transfer operations between tank barges from sunset to sunrise, lighting is provided as described in §155.790 of this chapter.
- (aa) A transfer operation which includes collection of vapor emitted to or from a vessel's cargo tanks through a vapor control system (VCS) not located on the vessel must have the following verified by the person in charge:

- (1) Each manual valve in the vapor collection system is correctly positioned to allow the collection of cargo vapor;
- (2) A vapor collection hose or arm is connected to the vessel's vapor connection;
- (3) The electrical insulating device required by §154.810(g) of this chapter or 46 CFR 39.40-3(c) is fitted between the facility vapor connection and the vessel vapor connection;
- (4) The initial transfer rate and the maximum transfer rate are determined;
- (5) The maximum and minimum operating pressures at the facility vapor connection are determined;

imposed by the District Commander or COTP that correspond with the MARSEC Level being imposed by the change.
[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

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, or TDD 202-267-4477. 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.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended by USCG-2004-18057, 69 FR 34925, June 23, 2004; USCG-2005-21531, 70 FR 36349, June 23, 2005; USCG-2006-25150, 71 FR 39208, July 12, 2006; USCG-2008-0179, 73 FR 35009, June 19, 2008]

101.310 Additional communication devices.

(a) *Alert Systems.* Alert systems, such as the ship security alert system required in SOLAS Chapter XI-2, Regulation 6 (Incorporated by reference, see §101.115), may be used to augment communication and may be one of the communication methods listed in a vessel or facility security plan under part 104, 105, or 106 of this subchapter.

) *Automated Identification Systems (AIS)*. AIS may be used to augment communication, and may be one of the communication methods listed in a vessel security plan under part 104 of this subchapter. See 33 CFR part 164 for additional information on AIS device requirements.

33 CFR 101 Subpart D—Control Measures for Security

101.400 Enforcement.

- (a) The rules and regulations in this subchapter are enforced by the COTP under the supervision and general direction of the District Commander, Area Commander, and the Commandant. All authority and power vested in the COTP by the rules and regulations in this subchapter is also vested in, and may be exercised by, the District Commander, Area Commander, and the Commandant.
- (b) The COTP, District Commander, Area Commander, or Commandant may assign the enforcement authority described in paragraph (a) of this section to any other officer or petty officer of the Coast Guard or other designees authorized by the Commandant.
- (c) The provisions in this subchapter do not limit the powers conferred upon Coast Guard commissioned, warrant, or petty officers by any other law or regulation, including but not limited to 33 CFR parts 6, 160, and 165.

101.405 Maritime Security (MARSEC) Directives.

- (a)
 - (1) When the Coast Guard determines that additional security measures are necessary to respond to a threat assessment or to a specific threat against the maritime elements of the national transportation system, the Coast Guard may issue a MARSEC Directive setting forth mandatory measures. Only the Commandant or his/her delegatee may issue MARSEC Directives under this section. Prior to issuing a MARSEC Directive, the Commandant or his/her delegatee will consult with those Federal agencies having an interest in the subject matter of that MARSEC Directive. All MARSEC Directives issued under this section shall be marked as sensitive security information (SSI) in accordance with 49 CFR part 1520.
 - (2) When a MARSEC Directive is issued, the Coast Guard will immediately publish a notice in the FEDERAL REGISTER, and affected owners and operators will need to go to their local COTP or cognizant District Commander to acquire a copy of the MARSEC Directive. COTPs and District Commanders will require owners or operators to prove that they are a person required by 49 CFR 1520.5(a) to restrict disclosure of and access to sensitive security information, and that under 49 CFR 1520.5(b), they have a need to know sensitive security information.
- (b) Each owner or operator of a vessel or facility to whom a MARSEC Directive applies is required to comply with the relevant instructions contained in a MARSEC Directive issued under this section within the time prescribed by that MARSEC Directive.

- (f) The end of each hose and loading arm that is not connected for the transfer of oil or hazardous material is blanked off using the closure devices required by §§154.520 and 155.805 of this chapter;
- (g) The transfer system is attached to a fixed connection on the vessel and the facility except that when a vessel is receiving fuel, an automatic back pressure shutoff nozzle may be used;
- (h) Each overboard discharge or sea suction valve that is connected to the vessel's transfer or cargo tank system is sealed or lashed in the closed position; except when used to receive or discharge ballast in compliance with 33 CFR Part 157;
- (i) Each transfer hose has no unrepaired loose covers, kinks, bulges, soft spots, or any other defect which would permit the discharge of oil or hazardous material through the hose material and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members of the hose, consisting of fabric, cord and/or metal);
- (j) Each hose or loading arm in use meets §§154.500 and 154.510 of this chapter, respectively;
- (k) Each connection meets §156.130;
- (l) Any monitoring devices required by §154.525 of this chapter are installed and operating properly;
- (m) The discharge containment equipment required by §154.545 of this chapter is readily accessible or deployed as applicable;
- (n) The discharge containment required by §§154.530, 155.310, and 155.320 of this chapter, as applicable, is in place and periodically drained to provide the required capacity;
- (o) Each drain and scupper is closed by the mechanical means required by §155.310;
- (p) All connections in the transfer system are leak free except that a component in the transfer system, such as the packing glands of a pump, may leak at a rate that does not exceed the capacity of the discharge containment provided during the transfer operation;
- (q) The communications required by §§154.560 and 155.785 of this chapter are operable for the transfer operation;
- (r) The emergency means of shutdown required by §§154.550 and 155.780 of this chapter, as applicable, is in position and operable;
- (s) There is a person in charge on the transferring vessel or facility and the receiving vessel or facility except as otherwise authorized under §156.115;
- (t) Each person in charge required by paragraph (s) of this section:
 - (1) Is at the site of the transfer operation and immediately available to the transfer personnel;
 - (2) Has in his or her possession a copy of the facility operations manual or vessel transfer procedures, as appropriate; and
 - (3) Conducts the transfer operation in accordance with the facility operations manual or vessel transfer procedures, as appropriate;
- (u) The personnel required, under the facility operations manual and the vessel transfer procedures, to conduct the transfer operation:
 - (1) Are on duty; and

between two or more vessels and a facility unless authorized by the COTP.

(b) No person may serve as the person in charge of both a vessel and a facility during transfer operations unless authorized by the COTP.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.118 Advance notice of transfer.

(a) The COTP may require a facility operator to notify the COTP of the time and place of each transfer operation at least 4 hours before it begins for facilities that:

- (1) Are mobile;
- (2) Are in a remote location;
- (3) Have a prior history of oil or hazardous material spills; or
- (4) Conduct infrequent transfer operations.

(b) In the case of a vessel to vessel transfer, the COTP may require a vessel operator of a lightering or fueling vessel to notify the COTP of the time and place of each transfer operation, as specified by the COTP, at least 4 hours before it begins.

(c) No person may conduct such transfer operations until advance notice has been given as specified by the COTP.

NOTE: The notification may be accomplished by submitting a written schedule, periodically updated to be current.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.120 Requirements for transfer.

A transfer is considered to begin when the person in charge on the transferring vessel or facility and the person in charge on the receiving facility or vessel first meet to begin completing the declaration of inspection, as required by §156.150 of this part. No person shall conduct an oil or hazardous material transfer operation unless:

- (a) The vessel's moorings are strong enough to hold during all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;
- (b) Transfer hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on the hose, loading arm, or transfer piping system;
- (c) Each hose is supported to prevent kinking or other damage to the hose and strain on its coupling.
- (d) Each part of the transfer system is aligned to allow the flow of oil or hazardous material;
- (e) Each part of the transfer system not necessary for the transfer operation is securely blanked or shut off;

c) Each owner or operator of a vessel or facility required to have a security plan under parts 104, 105 or 106 of this subchapter that receives a MARSEC Directive must:

- (1) Within the time prescribed in the MARSEC Directive, acknowledge receipt of the MARSEC Directive to their local COTP or, if a facility regulated under part 106 of this subchapter, to their cognizant District Commander; and
- (2) Within the time prescribed in the MARSEC Directive, specify the method by which the measures in the MARSEC Directive have been implemented (or will be implemented, if the MARSEC Directive is not yet effective).

(d) In the event that the owner or operator of a vessel or facility required to have a security plan under part 104, 105, or 106 of this subchapter is unable to implement the measures in the MARSEC Directive, the owner or operator must submit proposed equivalent security measures and the basis for submitting the equivalent security measures to the COTP or, if a facility regulated under part 106 of this subchapter, to their cognizant District Commander, for approval.

(e) The owner or operator must submit the proposed equivalent security measures within the time prescribed in the MARSEC Directive. The owner or operator must implement any equivalent security measures approved by the COTP, or, if a facility regulated under part 106 of this subchapter, by their cognizant District Commander. [USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

101.410 Control and Compliance Measures.

(a) The COTP may exercise authority pursuant to 33 CFR parts 6, 160 and 165, as appropriate, to rectify non-compliance with this subchapter. COTPs or their designees are the officers duly authorized to exercise control and compliance measures under SOLAS Chapter XI-2, Regulation 9, and the ISPS Code (Incorporated by reference, see §101.115).

(b) Control and compliance measures for vessels not in compliance with this subchapter may include, but are not limited to, one or more of the following:

- (1) Inspection of the vessel;
- (2) Delay of the vessel;
- (3) Detention of the vessel;
- (4) Restriction of vessel operations;
- (5) Denial of port entry;
- (6) Expulsion from port;
- (7) Lesser administrative and corrective measures; or
- (8) Suspension or revocation of a security plan approved by the U.S., thereby making that vessel ineligible to operate in, on, or under waters subject to the jurisdiction of the U.S. in accordance with 46 U.S.C. 70103(c)(5).

(c) Control and compliance measures for facilities not in compliance with this subchapter may include, but are not limited to, one or more of the following:

- 1) Restrictions on facility access;
- (2) Conditions on facility operations;
- (3) Suspension of facility operations;
- (4) Lesser administrative and corrective measures; or
- (5) Suspension or revocation of security plan approval, thereby making that facility ineligible to operate in, on, under or adjacent to waters subject to the jurisdiction of the U.S. in accordance with 46 U.S.C. 70103(c)(5).

(d) Control and compliance measures under this section may be imposed on a vessel when it has called on a facility or at a port that does not maintain adequate security measures to ensure that the level of security to be achieved by this subchapter has not been compromised.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

101.415 Penalties.

(a) *Civil and criminal penalty.* Violation of any order or other requirement imposed under section 101.405 of this part is punishable by the civil and criminal penalties prescribed in 33 U.S.C. 1232 or 50 U.S.C. 192, as appropriate.

(b) *Civil penalty.* As provided in 46 U.S.C. 70119, any person who does not comply with any other applicable requirement under this subchapter, including a Maritime Security Directive, shall be liable to the U.S. for a civil penalty of not more than \$ 25,000 for each violation. Enforcement and administration of this provision will be in accordance with 33 CFR 1.07.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended by USCG-2008-0179, 73 FR 35009, June 19, 2008]

101.420 Right to appeal.

(a) Any person directly affected by a decision or action taken by a COTP under this subchapter, may appeal that action or decision to the cognizant District Commander according to the procedures in 46 CFR 1.03-15.

(b) Any person directly affected by a decision or action taken by a District Commander, whether made under this subchapter generally or pursuant to paragraph (a) of this section, with the exception of those decisions made under §101.410 of this subpart, may appeal that decision or action to the Commandant (CG-5P), according to the procedures in 46 CFR 1.03-15. Appeals of District Commander decisions or actions made under §101.410 of this subpart should be made to the Commandant (CG-CVC), according to the procedures in 46 CFR 1.03-15.

(c) Any person directly affected by a decision or action taken by the Commanding Officer, Marine Safety Center, under this subchapter, may appeal that action or decision to the Commandant (CG-5P) according to the procedures in 46 CFR 1.03-15.

(d) Decisions made by Commandant (CG-5P), whether made under this subchapter generally or pursuant to the appeal provisions of this section, are considered final agency action.

finds there is a condition requiring action to prevent the discharge or threat of discharge of oil or hazardous material, or when the COTP or OCMI is unable to verify compliance with the regulations through an inspection. A suspension order:

- (a) May be effective immediately;
- (b) Is issued in writing unless it is effective immediately and then it may be issued orally and followed up in writing;
- (c) Includes a statement of each condition requiring correction to—
 - (1) Prevent the discharge of oil or hazardous material; or
 - (2) Comply with §154.735 of this chapter; and
- (d) Is withdrawn when the COTP, OCMI, or District Commander, as applicable, determines that the condition requiring action to prevent the discharge or threat of discharge of oil or hazardous material has been corrected or no longer exists.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.113 Compliance with suspension order.

(a) No vessel or facility operator to whom a suspension order has been issued may conduct transfer operations from the time the order is effective until that order is withdrawn by the applicable COTP, OCMI, or by the District Commander.

(b) The vessel or facility operator may request reconsideration of the suspension order either orally or in writing to the COTP or OCMI who issued it. The request may contain supporting documentation and evidence that the vessel or facility operator wishes to have considered.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the suspension order was issued. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. The appeal does not stay the effect of the suspension order while the COTP or OCMI ruling is being reviewed. The District Commander issues a ruling after reviewing the appeal.

(d) The ruling by the District Commander is final agency action.

(e) If the delay in presenting a written appeal under paragraph (c) of this section would have a significant adverse impact on the appellant, the appeal may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the District Commander to whom the oral appeal was made, containing, at a minimum the basis for the appeal and a summary of the material presented orally.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.115 Person in charge: Limitations.

(a) No person may serve as the person in charge of transfer operations on more than one vessel at a time during transfers between vessels or

safety and protection from pollution by oil or hazardous material; and

(iii) The likelihood of oil or hazardous material being discharged as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption and proposed procedures, methods or equipment standards.

(c) The exemption may specify the procedures, methods, or equipment standards that will apply.

(d) An exemption is granted or denied in writing. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is a final agency action.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 86-034, 55 FR 36255, Sept. 4, 1990; CGD 93-081, 60 FR 45017, Aug. 29, 1995; CGD 96-026, 61 FR 33666, June 28, 1996; CGD 93-056, 61 FR 41461, Aug. 8, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002]

156.111 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the *FEDERAL REGISTER*; and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Compliance (CG-543), 2100 2nd St. SW., Stop 7581, Washington, DC 20593-7581 and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

Oil Companies International Marine Forum (OCIMF)

15th Floor, 96 Victoria Street, London SW1E 5JW, England.

Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988—156.330.

International Chamber of Shipping

12 Carthusian Street, London EC1M 6EB, England.

Guide to Helicopter/Ship Operations, Third Edition, 1989—156.330.

[CGD 93-081, 60 FR 45017, Aug. 29, 1995, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; 69 FR 18803, Apr. 9, 2004; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2010-0351, 75 FR 36285, June 25, 2010]

156.112 Suspension order.

The COTP or OCMI may issue a suspension order to suspend transfer operations to the vessel or facility operator when the COTP or OCMI

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003; 68 FR 62502, Nov. 4, 2003; USCG-2008-0179, 73 FR 35009, June 19, 2008; USCG-2013-0397, 78 FR 39173, July 1, 2013]

33 CFR 101 Subpart E—Other Provisions

101.500 Procedures for authorizing a Recognized Security Organization (RSO). [Reserved]

101.505 Declaration of Security (DoS).

(a) The purpose of a DoS, as described in SOLAS Chapter XI-2, Regulation 10, and the ISPS Code (Incorporated by reference, see §101.115), is to state the agreement reached between a vessel and a facility, or between vessels in the case of a vessel-to-vessel activity, as to the respective security measures each must undertake during a specific vessel-to-facility interface, during a series of interfaces between the vessel and the facility, or during a vessel-to-vessel activity.

(b) Details as to who must complete a DoS, when a DoS must be completed, and how long a DoS must be retained are included in parts 104 through 106 of this subchapter. A DoS must, at a minimum, include the information found in the ISPS Code, part B, appendix 1 (Incorporated by reference, see §101.115).

(c) All vessels and facilities required to comply with parts 104, 105, and 106 of this subchapter must, at a minimum, comply with the DoS requirements of the MARSEC Level set for the port.

(d) The COTP may also require a DoS be completed for vessels and facilities during periods of critical port operations, special marine events, or when vessels give notification of a higher MARSEC Level than that set in the COTP's Area of Responsibility (AOR).

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

101.510 Assessment tools.

Ports, vessels, and facilities required to conduct security assessments by part 103, 104, 105, or 106 of this subchapter may use any assessment tool that meets the standards set out in part 103, 104, 105, or 106, as applicable. These tools may include USCG assessment tools, which are available from the cognizant COTP or at <http://www.uscg.mil/hq/g-m/nvic>, as set out in the following:

(a) Navigation and Vessel Inspection Circular titled, "Guidelines for Port Security Committees, and Port Security Plans Required for U.S. Ports" (NVIC 9-02 change 3);

(b) Navigation and Vessel Inspection Circular titled, "Security Guidelines for Vessels", (NVIC 10-02 change 1); and

(c) Navigation and Vessel Inspection Circular titled, "Security Guidelines for Facilities", (NVIC 11-02 change 1).

[USCG-2012-0306, 77 FR 37313, June 21, 2012, as amended by USCG-2013-0397, 78 FR 39173, July 1, 2013]

101.514 TWIC Requirement.

(a) All persons requiring unescorted access to secure areas of vessels, facilities, and OCS facilities regulated by parts 104, 105 or 106 of this subchapter must possess a TWIC before such access is granted, except as otherwise noted in this section. A TWIC must be obtained via the procedures established by TSA in 49 CFR part 1572.

(b) Federal officials are not required to obtain or possess a TWIC. Except in cases of emergencies or other exigent circumstances, in order to gain unescorted access to a secure area of a vessel, facility, or OCS facility regulated by parts 104, 105 or 106 of this subchapter, a federal official must present his/her agency issued, HSPD 12 compliant credential. Until each agency issues its HSPD 12 compliant cards, Federal officials may gain unescorted access by using their agency's official credential. The COTP will advise facilities and vessels within his or her area of responsibility as agencies come into compliance with HSPD 12.

(c) Law enforcement officials at the State or local level are not required to obtain or possess a TWIC to gain unescorted access to secure areas. They may, however, voluntarily obtain a TWIC where their offices fall within or where they require frequent unescorted access to a secure area of a vessel, facility or OCS facility.

(d) Emergency responders at the State, or local level are not required to obtain or possess a TWIC to gain unescorted access to secure areas during an emergency situation. They may, however, voluntarily obtain a TWIC where their offices fall within or where they desire frequent unescorted access to a secure area of a vessel, facility or OCS facility in non-emergency situations.

(e) Before April 15, 2009, mariners do not need to obtain or possess a TWIC but may be provided unescorted access to secure areas of vessels, facilities, and OCS facilities regulated by parts 104, 105 or 106 of this subchapter if they are able to show one of the following:

- (1) A valid Merchant Mariner Document (MMD);
- (2) A valid Merchant Mariner License and a valid photo identification; or
- (3) A valid Certificate of Registry and a valid photo identification.

[USCG-2006-24196, 72 FR 3578, Jan. 25, 2007, as amended at 73 FR 25565, May 7, 2008]

101.515 TWIC/Personal Identification.

(a) Persons not described in §101.514 of this part shall be required to present personal identification in order to gain entry to a vessel, facility, and OCS facility regulated by parts 104, 105 or 106 of this subchapter. These individuals must be under escort, as that term is defined in §101.105 of this part, while inside a secure area. This personal identification must, at a minimum, meet the following requirements:

- (1) Be laminated or otherwise secure against tampering;
- (2) Contain the individual's full name (full first and last names, middle initial is acceptable);
- (3) Contain a photo that accurately depicts that individual's current facial appearance; and
- (4) Bear the name of the issuing authority.

156.100 Applicability.

This subpart applies to the transfer of oil or hazardous material on the navigable waters or contiguous zone of the United States to, from, or within each vessel with a capacity of 250 barrels or more; except that, this subpart does not apply to transfer operations within a public vessel.

[CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.105 Definitions.

Except as specifically stated in a section, the definitions in §154.105 of this chapter apply to this subpart.

[CGD 90-071a, 59 FR 53291, Oct. 21, 1994]

156.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a vessel or facility operator in lieu of any requirements in this part if:

- (1) Compliance with the requirement is economically or physically impractical;
- (2) The vessel or facility operator submits a written request for the alternative at least 30 days before operations under the alternative are proposed, unless the COTP authorizes a shorter time; and
- (3) The alternative provides an equivalent level of safety and protection from pollution by oil or hazardous material, which is documented in the request.

(b) The COTP takes final approval or disapproval action on any alternative requested, in writing, within 30 days of receipt of the request.

[CGD 75-124, 45 FR 7177, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

156.110 Exemptions.

(a) The Assistant Commandant for Marine Safety, Security and Environmental Protection, acting for the Commandant, may grant an exemption or partial exemption from compliance with any requirement in this part, and the District Commander may grant an exemption or partial exemption from compliance with any operating condition or requirement in subpart C of this part, if:

- (1) The vessel or facility operator submits an application for exemption via the COTP at least 30 days before operations under the exemption are proposed, unless the COTP authorizes a shorter time; and
- (2) It is determined, from the application, that:
 - (i) Compliance with a specific requirement is economically or physically impractical;
 - (ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of

(a) Each end of each transfer hose on board which is not connected for the transfer of oil or hazardous material must be blanked off with butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP or OCMI.

(b) New, unused hose is exempt from the requirement in paragraph (a) of this section.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.810 Tank vessel security.

Operators of tank vessels carrying more oil cargo residue than normal in any cargo tank must assign a surveillance person or persons responsible for maintaining standard vessel security.

[USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

155.815 Tank vessel integrity.

(a) Except as provided in paragraph (b) of this section, a tank vessel underway or at anchor must have all closure mechanisms on the following openings properly closed:

- (1) Expansion trunk hatches;
- (2) Ullage openings;
- (3) Sounding ports;
- (4) Tank cleaning openings; and
- (5) Any other tank vessel openings that maintain the seaworthy condition of the tank vessel and prevent the inadvertent release of oil or hazardous material in the event of a tank vessel accident.

(b) No person may open any of the closure mechanisms in paragraph (a) of this section while the tank vessel is underway or at anchor except when authorized and supervised by a licensed or credentialed officer or the tankerman required by 46 CFR 31.15-5(a).

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990; USCG-2006-24371, 74 FR 11212, Mar. 16, 2009]

155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMI of:

- (a) The name of each person currently designated as a person in charge of transfer operations.
- (b) The date and result of the most recent test and inspection of each item tested or inspected as required by §156.170 of this chapter;
- (c) The hose information required by §154.500(e) and (g) of this chapter unless that information is marked on the hose; and
- (d) The Declaration of Inspection as required by §156.150(f) of this chapter.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

33 CFR 156 Subpart A—Oil and Hazardous Material Transfer Operations

(b) The issuing authority in paragraph (a)(4) of this section must be:

(1) A government authority, or an organization authorized to act on behalf of a government authority; or

(2) The individual's employer, union, or trade association.

(c) Vessel, facility, and OCS facility owners and operators must permit law enforcement officials, in the performance of their official duties, who present proper identification in accordance with this section and §101.514 of this part to enter or board that vessel, facility, or OCS facility at any time, without delay or obstruction. Law enforcement officials, upon entering or boarding a vessel, facility, or OCS facility, will, as soon as practicable, explain their mission to the Master, owner, or operator, or their designated agent.

(d) *Inspection of credential.*

(1) Each person who has been issued or possesses a TWIC must present the TWIC for inspection upon a request from TSA, the Coast Guard, or other authorized DHS representative; an authorized representative of the National Transportation Safety Board; or a Federal, State, or local law enforcement officer.

(2) Each person who has been issued or who possesses a TWIC must allow his or her TWIC to be read by a reader and must submit his or her reference biometric, such as a fingerprint, and any other required information, such as a PIN, to the reader, upon a request from TSA, the Coast Guard, other authorized DHS representative; or a Federal, State, or local law enforcement officer.

[USCG-2006-24196, 72 FR 3578, Jan. 25, 2007]

33 CFR 105—MARITIME SECURITY: FACILITIES

Contents

[Subpart A—General](#)

[§105.100 Definitions.](#)

[§105.105 Applicability.](#)

[§105.106 Public access areas.](#)

[§105.110 Exemptions.](#)

[§105.115 Compliance dates.](#)

[§105.120 Compliance documentation.](#)

[§105.125 Noncompliance.](#)

[§105.130 Waivers.](#)

[§105.135 Equivalents.](#)

[§105.140 Alternative Security Program.](#)

[§105.145 Maritime Security \(MARSEC\) Directive.](#)

[§105.150 Right to appeal.](#)

[Subpart B—Facility Security Requirements](#)

[§105.200 Owner or operator.](#)

[§105.205 Facility Security Officer \(FSO\).](#)

[§105.210 Facility personnel with security duties.](#)

[§105.215 Security training for all other facility personnel.](#)

[§105.220 Drill and exercise requirements.](#)

[§105.225 Facility recordkeeping requirements.](#)
[§105.230 Maritime Security \(MARSEC\) Level coordination and implementation.](#)
[§105.235 Communications.](#)
[§105.240 Procedures for interfacing with vessels.](#)
[§105.245 Declaration of Security \(DoS\).](#)
[§105.250 Security systems and equipment maintenance.](#)
[§105.255 Security measures for access control.](#)
[§105.257 Security measures for newly-hired employees.](#)
[§105.260 Security measures for restricted areas.](#)
[§105.265 Security measures for handling cargo.](#)
[§105.270 Security measures for delivery of vessel stores and bunkers.](#)
[§105.275 Security measures for monitoring.](#)
[§105.280 Security incident procedures.](#)
[§105.285 Additional requirements—passenger and ferry facilities.](#)
[§105.290 Additional requirements—cruise ship terminals.](#)
[§105.295 Additional requirements—Certain Dangerous Cargo \(CDC\) facilities.](#)
[§105.296 Additional requirements—barge fleet facilities.](#)
Subpart C—Facility Security Assessment (FSA)
[§105.300 General.](#)
[§105.305 Facility Security Assessment \(FSA\) requirements.](#)
[§105.310 Submission requirements.](#)
Subpart D—Facility Security Plan (FSP)
[§105.400 General.](#)
[§105.405 Format and content of the Facility Security Plan \(FSP\).](#)
[§105.410 Submission and approval.](#)
[§105.415 Amendment and audit.](#)
Appendix A to Part 105—Facility Vulnerability and Security Measures Summary (Form CG-6025)

AUTHORITY: 33 U.S.C. 1226, 1231; 46 U.S.C. 70103; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1.
 SOURCE: USCG-2003-14732, 68 FR 39322, July 1, 2003, unless otherwise noted.

33 CFR 105 Subpart A—General

105.100 Definitions.

Except as specifically stated in this subpart, the definitions in part 101 of this subchapter apply to this part.

105.105 Applicability.

- (a) The requirements in this part apply to the owner or operator of any U.S.:
- (1) Facility subject to 33 CFR parts 126, 127, or 154;
 - (2) Facility that receives vessels certificated to carry more than 150 passengers, except those vessels not carrying and not embarking or disembarking passengers at the facility;

155.785 Communications.

- (a) During vessel to vessel transfers, each tank vessel with a capacity of 250 or more barrels of cargo that is carrying oil or hazardous material must have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels.
- (b) Each vessel must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.
- (c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather.
- (d) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be intrinsically safe, as defined in 46 CFR 110.15-100(i), and meet Class I, Division I, Group D requirements as defined in 46 CFR 111.80.
 [CGD 75-124, 45 FR 7175, Jan. 31, 1980; 45 FR 43705, June 30, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.790 Deck lighting.

- (a) A self-propelled vessel with a capacity of 250 or more barrels of oil or hazardous material that is conducting transfer operations between sunset and sunrise must have deck lighting that adequately illuminates—
- (1) Each transfer operations work area and each transfer connection point in use on the vessel; and
 - (2) Each transfer operations work area and each transfer connection point in use on each barge, if any, moored to the vessel to or from which oil or hazardous material is being transferred;
- (b) Where the illumination is apparently inadequate the OCMI or COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the deck the illumination must measure at least:
- (1) 5.0 foot candles at transfer connection points; and
 - (2) 1.0 foot candle in transfer operations work areas.
- (c) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.
 [CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.800 Transfer hose.

Hose used to transfer oil or hazardous material must meet the requirements of §154.500 of this chapter.
 [CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.805 Closure devices.

COTP or OCMI shall notify the vessel operator of any amendment required or adopted, or the COTP or OCMI may rescind the notice. The amendment becomes effective 30 days after the vessel operator receives the notice, unless the vessel operator petitions the Commandant to review the COTP or OCMI notice, in which case its effective date is delayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing via the COTP or OCMI who issued the requirement to amend.

(c) If the COTP or OCMI finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he or she may issue an amendment effective on the date the vessel operator receives notice of it. In such a case, the COTP or OCMI includes a brief statement of the reasons for the findings in the notice, and the vessel operator may petition the Commandant, in any manner, to review the amendment. The petition does not postpone the amendment.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.770 Draining into bilges.

No person may intentionally drain oil or hazardous material from any source into the bilge of a vessel.

[CGD 86-034, 55 FR 36255, Sept. 4, 1990]

155.775 Maximum cargo level of oil.

(a) For the purposes of this section, "oil" has the same meaning as provided in §151.05 of this chapter.

(b) A cargo tank on a tank vessel may not be filled with oil higher than—

- (1) 98.5 percent of the cargo tank volume; or
- (2) The level at which the overfill alarm required by §155.480 is set.

[CGD 90-071a, 59 FR 53291, Oct. 21, 1994]

155.780 Emergency shutdown.

(a) A tank vessel with a capacity of 250 or more barrels that is carrying oil or hazardous material as cargo must have on board an emergency means to enable the person in charge of a transfer operation to a facility, to another vessel, or within the vessel to stop the flow of oil or hazardous material.

(b) The means to stop the flow may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow of oil or hazardous material if the oil or hazardous material could siphon through the stopped pump.

(c) The means to stop the flow must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the transfer operation.

[CGD 86-034, 55 FR 36255, Sept. 4, 1990]

(3) Facility that receives vessels subject to the International Convention for Safety of Life at Sea, 1974, chapter XI;

(4) Facility that receives foreign cargo vessels greater than 100 gross register tons;

(5) Facility that receives U.S. cargo vessels, greater than 100 gross register tons, subject to 46 CFR chapter I, subchapter I, except for those facilities that receive only commercial fishing vessels inspected under 46 CFR part 105; or

(6) Barge fleeting facility that receives barges carrying, in bulk, cargoes regulated by 46 CFR chapter I, subchapters D or O, or Certain Dangerous Cargoes.

(b) An owner or operator of any facility not covered in paragraph (a) of this section is subject to parts 101 through 103 of this subchapter.

(c) This part does not apply to the owner or operator of the following U.S. facilities:

(1) A facility owned or operated by the U.S. that is used primarily for military purposes.

(2) An oil and natural gas production, exploration, or development facility regulated by 33 CFR parts 126 or 154 if:

- (i) The facility is engaged solely in the exploration, development, or production of oil and natural gas; and
- (ii) The facility does not meet or exceed the operating conditions in §106.105 of this subchapter;

(3) A facility that supports the production, exploration, or development of oil and natural gas regulated by 33 CFR parts 126 or 154 if:

- (i) The facility is engaged solely in the support of exploration, development, or production of oil and natural gas and transports or stores quantities of hazardous materials that do not meet or exceed those specified in 49 CFR 172.800(b)(1) through (b)(6); or
- (ii) The facility stores less than 42,000 gallons of cargo regulated by 33 CFR part 154;

(4) A mobile facility regulated by 33 CFR part 154; or

(5) An isolated facility that receives materials regulated by 33 CFR parts 126 or 154 by vessel due to the lack of road access to the facility and does not distribute the material through secondary marine transfers.

(d) The TWIC requirements found in this part do not apply to mariners employed aboard vessels moored at U.S. facilities only when they are working immediately adjacent to their vessels in the conduct of vessel activities.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003; USCG-2006-24196, 72 FR 55048, Sept. 28, 2007]

105.106 Public access areas.

(a) A facility serving ferries or passenger vessels certificated to carry more than 150 passengers, other than cruise ships, may designate an area within the facility as a public access area.

(b) A public access area is a defined space within a facility that is open to all persons and provides pedestrian access through the facility from public thoroughfares to the vessel.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60540, Oct. 22, 2003]

105.110 Exemptions.

- (a) An owner or operator of any barge fleeting facility subject to this part is exempt from complying with §105.265, Security measures for handling cargo; and §105.270, Security measures for delivery of vessel stores and bunkers.
- (b) A public access area designated under §105.106 is exempt from the requirements for screening of persons, baggage, and personal effects and identification of persons in §105.255(c), (e)(1), (e)(3), (f)(1), and (g)(1) and §105.285(a)(1).
- (c) An owner or operator of any general shipyard facility as defined in §101.105 is exempt from the requirements of this part unless the facility:
- (1) Is subject to parts 126, 127, or 154 of this chapter; or
 - (2) Provides any other service to vessels subject to part 104 of this subchapter not related to construction, repair, rehabilitation, refurbishment, or rebuilding.
- (d) *Public access facility.*
- (1) The COTP may exempt a public access facility from the requirements of this part, including establishing conditions for which such an exemption is granted, to ensure that adequate security is maintained.
 - (2) The owner or operator of any public access facility exempted under this section must:
 - (i) Comply with any COTP conditions for the exemption; and
 - (ii) Ensure that the cognizant COTP has the appropriate information for contacting the individual with security responsibilities for the public access facility at all times.
 - (3) The cognizant COTP may withdraw the exemption for a public access facility at any time the owner or operator fails to comply with any requirement of the COTP as a condition of the exemption or any measure ordered by the COTP pursuant to existing COTP authority.
- (e) An owner or operator of a facility is not subject to this part if the facility receives only vessels to be laid-up, dismantled, or otherwise placed out of commission provided that the vessels are not carrying and do not receive cargo or passengers at that facility.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60540, Oct. 22, 2003]

105.115 Compliance dates.

- (a) On or before December 31, 2003, facility owners or operators must submit to the cognizant COTP for each facility—
- (1) The Facility Security Plan described in subpart D of this part for review and approval; or

- (1) A line diagram of the vessel's vapor collection system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arresters, and detonation arresters, if fitted;
 - (2) The location of spill valves and rupture disks, if fitted;
 - (3) The maximum allowable transfer rate determined in accordance with 46 CFR 39.3001(d)(1) through (3);
 - (4) The initial transfer rate for each tank that complies with 46 CFR 39.3001(g);
 - (5) A table or graph of transfer rates and corresponding vapor collection system pressure drops calculated in accordance with 46 CFR 39.3001(c);
 - (6) The relief settings of each spill valve, rupture disk, and pressure-vacuum relief valve; and
 - (7) A description of and procedures for operating the vapor collection system, including the:
 - (i) Pre-transfer equipment inspection requirements;
 - (ii) Vapor line connection;
 - (iii) Closed gauging system;
 - (iv) High level alarm system, if fitted; and
 - (v) Independent automatic shutdown system, if fitted.
- (e) If a cargo tank of a tank vessel is fitted with an overfill device, the transfer procedures must contain a description of the overfill device, including:
- (1) The tank overfill device system and specific procedures for the person in charge to—
 - (i) Monitor the level of cargo in the tank; and
 - (ii) Shut down transfer operations in time to ensure that the cargo level in each tank does not exceed the maximum amount permitted by §155.775(b).
 - (2) Pre-transfer overfill device equipment inspection and test requirements.
- (Approved by the Office of Management and Budget under control number 1625-0030)
[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25445, June 21, 1990; CGD 86-034, 55 FR 36254, Sept. 4, 1990; CGD 92-027, 58 FR 39662, July 26, 1993; CGD 90-071a, 59 FR 53291, Oct. 21, 1994; USCG-2006-25150, 71 FR 39210, July 12, 2006; USCG-1999-5150, 78 FR 42641, July 16, 2013]

155.760 Amendment of transfer procedures.

- (a) The COTP or OCMI may require the vessel operator of any vessel that is required to have transfer procedures under §155.720 to amend those procedures if the COTP or OCMI finds that the transfer procedures do not meet the requirements of this part.
- (b) The COTP or OCMI shall notify the vessel operator in writing of any inadequacies in the oil transfer procedures. The vessel operator may submit written information, views, and arguments on and proposals for amending the procedures within 14 days from the date of the COTP or OCMI notice. After considering all relevant material presented, the

- (1) A list of each product transferred to or from the vessel, including the following information:
 - (i) Generic or chemical name;
 - (ii) Cargo information as described in §154.310(a)(5)(ii) of this chapter; and
 - (iii) Applicability of transfer procedures;
- (2) A description of each transfer system on the vessel including:
 - (i) A line diagram of the vessel's transfer piping, including the location of each valve, pump, control device, vent, and overflow;
 - (ii) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the transfer system; and
 - (iii) A description of and procedures for emptying the discharge containment system required by §§155.310 and 155.320;
- (3) The number of persons required to be on duty during transfer operations;
- (4) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each transfer operation;
- (5) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil or hazardous material;
- (6) Procedures for operating the emergency shutdown and communications means required by §§155.780 and 155.785, respectively;
- (7) Procedures for topping off tanks;
- (8) Procedures for ensuring that all valves used during the transfer operations are closed upon completion of transfer;
- (9) Procedures for reporting discharges of oil or hazardous material into the water; and
- (10) Procedures for closing and opening the vessel openings in §155.815.
- (11) Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers or other symbols representing all such products and the location in the transfer procedures where a chart or list of the symbols used and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer.
- (b) Exemptions or alternatives granted must be placed in the front of the transfer procedures.
- (c) The vessel operator shall incorporate each amendment to the transfer procedures under §155.760 in the procedures with the related existing requirement, or at the end of the procedures if not related to an existing requirement.
- (d) If a vessel is fitted with a vapor control system, the transfer procedures must contain a description of the vapor collection system on the vessel which includes:

- (2) If intending to operate under an approved Alternative Security Program, a letter signed by the facility owner or operator stating which approved Alternative Security Program the owner or operator intends to use.
 - (b) On or before July 1, 2004, each facility owner or operator must be operating in compliance with this part.
 - (c) Facility owners or operators wishing to designate only those portions of their facility that are directly connected to maritime transportation or are at risk of being involved in a transportation security incident as their secure area(s) must do so by submitting an amendment to their Facility Security Plan to their cognizant COTP, in accordance with §105.415 of this part, by September 4, 2007.
 - (d) Persons required to obtain a TWIC under this part may enroll beginning after the date set by the Coast Guard in a Notice to be published in the FEDERAL REGISTER. This notice will be directed to all facilities and vessels within a specific COTP zone.
 - (e) Facility owners or operators must be operating in accordance with the TWIC provisions in this part by the date set by the Coast Guard in a Notice to be published in the FEDERAL REGISTER. This Notice will be published at least 90 days before compliance must begin, and will be directed to all facilities within a specific Captain of the Port zone, based on whether enrollment has been completed in that zone. Unless an earlier compliance date is specified in this manner, all facility owner or operators will need to implement their TWIC provisions no later than April 15, 2009.
- [USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60540, Oct. 22, 2003; USCG-2004-19963, 70 FR 74669, Dec. 16, 2005; USCG-2006-24196, 72 FR 3582, Jan. 25, 2007; 72 FR 38486, July 13, 2007; 73 FR 25565, May 7, 2008]

105.120 Compliance documentation.

- Each facility owner or operator subject to this part must ensure, on or before July 1, 2004, that copies of the following documentation are available at the facility and are made available to the Coast Guard upon request:
- (a) The approved Facility Security Plan (FSP), as well as any approved revisions or amendments thereto, and a letter of approval from the COTP dated within the last 5 years;
 - (b) The FSP submitted for approval and an acknowledgement letter from the COTP stating that the Coast Guard is currently reviewing the FSP submitted for approval, and that the facility may continue to operate so long as the facility remains in compliance with the submitted FSP; or
 - (c) For facilities operating under a Coast Guard-approved Alternative Security Program as provided in §105.140, a copy of the Alternative Security Program the facility is using, including a facility specific security assessment report generated under the Alternative Security Program, as specified in §101.120(b)(3) of this subchapter, and a letter signed by the facility owner or operator, stating which Alternative Security

Program the facility is using and certifying that the facility is in full compliance with that program.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003]

105.125 Noncompliance.

When a facility must temporarily deviate from the requirements of this part, the facility owner or operator must notify the cognizant COTP, and either suspend operations or request and receive permission from the COTP to continue operating.
[USCG-2003-14732, 68 FR 60541, Oct. 22, 2003]

105.130 Waivers.

Any facility owner or operator may apply for a waiver of any requirement of this part that the facility owner or operator considers unnecessary in light of the nature or operating conditions of the facility, prior to operating. A request for a waiver must be submitted in writing with justification to the Commandant (CG-5P) at 2100 2nd St. SW., Stop 7581, Washington, DC 20593-7581. The Commandant (CG-5P) may require the facility owner or operator to provide data for use in determining the validity of the requested waiver. The Commandant (CG-5P) may grant, in writing, a waiver with or without conditions only if the waiver will not reduce the overall security of the facility, its employees, visiting vessels, or ports.
[USCG-2003-14732, 68 FR 39322, July 1, 2003; 68 FR 41916, July 16, 2003; USCG-2008-0179, 73 FR 35009, June 19, 2008; USCG-2010-0351, 75 FR 36282, June 25, 2010; USCG-2013-0397, 78 FR 39173, July 1, 2013]

105.135 Equivalents.

For any measure required by this part, the facility owner or operator may propose an equivalent as provided in §101.130 of this subchapter.

105.140 Alternative Security Program.

- (a) A facility owner or operator may use an Alternative Security Program approved under §101.120 of this subchapter if:
 - (1) The Alternative Security Program is appropriate to that facility;
 - (2) The Alternative Security Program is implemented in its entirety.
- (b) A facility owner or operator using an Alternative Security Program approved under §101.120 of this subchapter must complete and submit to the cognizant COTP a Facility Vulnerability and Security Measures Summary (Form CG-6025) in Appendix A to Part 105—Facility Vulnerability and Security (CG-6025).

105.145 Maritime Security (MARSEC) Directive.

Each facility owner or operator subject to this part must comply with any instructions contained in a MARSEC Directive issued under §101.405 of this subchapter.

credentials, licenses, documents, certificates, or endorsements required in paragraphs (a) through (f) of this section, if he or she is a National Fire Protection Association Certificated Marine Chemist.
[CGD 79-116, 60 FR 17141, Apr. 4, 1995, as amended by CGD 79-116, 61 FR 25126, May 8, 1997; CGD 79-116, 63 FR 35826, July 1, 1998; USCG-2006-24371, 74 FR 11212, Mar. 16, 2009]

155.715 Contents of letter of designation as a person-in-charge of the transfer of fuel oil.

The letter of instruction required in §155.710(e)(2) must designate the holder as a person-in-charge of the transfer of fuel oil and state that the holder has received sufficient formal instruction from the operator or agent of the vessel to ensure his or her ability to safely and adequately carry out the duties and responsibilities of the PIC described in 33 CFR 156.120 and 156.150.
[CGD 79-116, 63 FR 35826, July 1, 1998]

155.720 Transfer procedures.

The operator of a vessel with a capacity of 250 or more barrels of oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154 shall provide transfer procedures that meet the requirements of this part and part 156 of this chapter for transferring—
(a) To or from the vessel; and
(b) From tank to tank within the vessel.
[CGD 86-034, 55 FR 36254, Sept. 4, 1990, as amended by CGD 79-116, 62 FR 25127, May 8, 1997]

155.730 Compliance with transfer procedures.

The vessel operator of each vessel required by §155.720 to have transfer procedures shall maintain them current and shall require vessel personnel to use the transfer procedures for each transfer operation.
[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

155.740 Availability of transfer procedures.

The transfer procedures required by §155.720 must be:
(a) Available for inspection by the COTP or OCMI whenever the vessel is in operation;
(b) Legibly printed in a language or languages understood by personnel engaged in transfer operations; and
(c) Permanently posted or available at a place where the procedures can be easily seen and used by members of the crew when engaged in transfer operations.
[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

155.750 Contents of transfer procedures.

(a) The transfer procedures required by §155.720 must contain, either in the order listed or by use of a cross-reference index page:

(3) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—

- (i) Fluently speaks the language spoken by each PIC;
- (ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and
- (iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning; and

(4) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(e) The operator or agent of each vessel to which this section applies shall verify to his or her satisfaction that the PIC of any transfer of fuel oil requiring a Declaration of Inspection—

- (1) On each inspected vessel required by 46 CFR chapter I to have an officer aboard, holds a valid license or merchant mariner credential issued under 46 CFR chapter I, subchapter B, authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel, or holds a valid merchant mariner's document or merchant Mariner credential endorsed as Tankerman-PIC;
- (2) On each uninspected vessel, either complies with the requirements of paragraph (e)(1) of this section or carries a letter satisfying the requirements of §155.715 and designating him or her as a PIC, unless equivalent evidence is immediately available aboard the vessel or at his or her place of employment.
- (3) On each tank barge, for its own engine-driven pumps, either complies with paragraph (e)(1) or (2) of this section or has been instructed by the operator or agent of the vessel both in his or her duties and in the Federal statutes and regulations on water pollution that apply to the vessel; or
- (4) On each foreign vessel, holds a license or certificate issued by a flag state party to STCW, or other form of evidence acceptable to the Coast Guard, attesting the qualifications of the PIC to act as master, mate, pilot, operator, engineer, or tankerman aboard that vessel.

(f) Except as provided in paragraph (g) of this section, the operator or agent of each self-propelled tank vessel carrying oil or hazardous material in bulk shall verify to his or her satisfaction that the PIC of the transfer of oil or hazardous material in bulk to or from a vessel, or of cargo-tank cleaning, holds a Tankerman-PIC endorsement on his or her MMD or merchant mariner credential and either a license, officer endorsement, or a Certificate issued by a flag state party to STCW authorizing service as a master, mate, pilot, engineer, or operator aboard that vessel.

(g) The PIC of a cargo-tank cleaning on a vessel at a tank-cleaning facility or shipyard need not hold any of the merchant mariner

105.150 Right to appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal as described in §101.420 of this subchapter.

33 CFR 105 Subpart B—Facility Security Requirements

105.200 Owner or operator.

(a) Each facility owner or operator must ensure that the facility operates in compliance with the requirements of this part.

(b) For each facility, the facility owner or operator must:

- (1) Define the security organizational structure and provide each person exercising security duties and responsibilities within that structure the support needed to fulfill those obligations;
- (2) Designate, in writing, by name or by title, a Facility Security Officer (FSO) and identify how the officer can be contacted at any time;
- (3) Ensure that a Facility Security Assessment (FSA) is conducted;
- (4) Ensure the development and submission for approval of an FSP;
- (5) Ensure that the facility operates in compliance with the approved FSP;
- (6) Ensure that the TWIC program is properly implemented as set forth in this part, including:
 - (i) Ensuring that only individuals who hold a TWIC and are authorized to be in the secure area in accordance with the FSP are permitted to escort;
 - (ii) Identifying what action is to be taken by an escort, or other authorized individual, should individuals under escort engage in activities other than those for which escorted access was granted; and
 - (iii) Notifying facility employees, and passengers if applicable, of what parts of the facility are secure areas and public access areas, as applicable, and ensuring such areas are clearly marked.
- (7) Ensure that restricted areas are controlled and TWIC provisions are coordinated, if applied to such restricted areas;
- (8) Ensure that adequate coordination of security issues takes place between the facility and vessels that call on it, including the execution of a Declaration of Security (DoS) as required by this part;
- (9) Ensure coordination of shore leave for vessel personnel or crew change-out, as well as access through the facility for visitors to the vessel (including representatives of seafarers' welfare and labor organizations), with vessel operators in advance of a vessel's arrival. In coordinating such leave, facility owners or operators may refer to treaties of friendship, commerce, and navigation between the U.S. and other nations;

- (10) Ensure, within 12 hours of notification of an increase in MARSEC Level, implementation of the additional security measures required for the new MARSEC Level;
- (11) Ensure security for unattended vessels moored at the facility;
- (12) Ensure the report of all breaches of security and transportation security incidents to the National Response Center in accordance with part 101 of this chapter;
- (13) Ensure consistency between security requirements and safety requirements;
- (14) Inform facility personnel of their responsibility to apply for and maintain a TWIC, including the deadlines and methods for such applications, and of their obligation to inform TSA of any event that would render them ineligible for a TWIC, or which would invalidate their existing TWIC;
- (15) Ensure that protocols consistent with section 105.255(c) of this part, for dealing with individuals requiring access who report a lost, damaged, or stolen TWIC, or who have applied for and not yet received a TWIC, are in place; and
- (16) If applicable, ensure that protocols consistent with §105.257 of this part, for dealing with newly hired employees who have applied for and not yet received a TWIC, are in place.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003; USCG-2006-24196, 72 FR 3582, Jan. 25, 2007; USCG-2013-0397, 78 FR 39173, July 1, 2013]

105.205 Facility Security Officer (FSO).

(a) *General.*

- (1) The FSO may perform other duties within the owner's or operator's organization, provided he or she is able to perform the duties and responsibilities required of the FSO.
- (2) The same person may serve as the FSO for more than one facility, provided the facilities are in the same COTP zone and are not more than 50 miles apart. If a person serves as the FSO for more than one facility, the name of each facility for which he or she is the FSO must be listed in the Facility Security Plan (FSP) of each facility for which or she is the FSO.
- (3) The FSO may assign security duties to other facility personnel; however, the FSO retains the responsibility for these duties.
- (4) The FSO must maintain a TWIC.

(b) *Qualifications.*

- (1) The FSO must have general knowledge, through training or equivalent job experience, in the following:
 - (i) Security organization of the facility;
 - (ii) General vessel and facility operations and conditions;
 - (iii) Vessel and facility security measures, including the meaning and the requirements of the different MARSEC Levels;
 - (iv) Emergency preparedness, response, and contingency planning;

- monitoring systems, the procedures for reporting pollution incidents, and, if installed, the systems for crude-oil washing, inert gas, and vapor control, to safely conduct either a transfer of liquid cargo in bulk or cargo-tank cleaning;
- (2) Except as provided in paragraph (g) of this section, holds a license or other document issued by the flag state or its authorized agent authorizing service as master, mate, pilot, engineer, or operator on that vessel;
- (3) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;
- (4) Is capable of reading, speaking, and understanding in English, or a language mutually-agreed-upon with the shoreside PIC of the transfer, all instructions needed to commence, conduct, and complete a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning, except that the use of an interpreter meets this requirement if the interpreter—
 - (i) Fluently speaks the language spoken by each PIC;
 - (ii) Is immediately available to the PIC on the tankship at all times during the transfer or cargo-tank cleaning; and
 - (iii) Is knowledgeable about, and conversant with terminology of, ships, transfers, and cargo-tank cleaning;
- and
- (5) Is capable of effectively communicating with all crewmembers involved in the transfer or cargo-tank cleaning, with or without an interpreter.

(d) On each foreign tank barge, the operator or agent of the vessel shall verify to his or her satisfaction that each PIC either of the transfer of liquid cargo in bulk or of cargo-tank cleaning—

- (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;
- (2) Except as provided in paragraph (g) of this section, holds a Dangerous-Cargo Endorsement or Certificate issued by a flag state party to STCW, or other form of evidence acceptable to the Coast Guard, attesting the PIC's meeting the requirements of Chapter V of STCW as a PIC of the transfer of fuel oil, of the transfer of liquid cargo in bulk, or of cargo-tank cleaning;

cargo in bulk or of cargo-tank cleaning, shall verify to his or her satisfaction that each person designated as a PIC—

- (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the Crude-Oil Washing (COW), inert-gas, and vapor-control systems—to safely conduct a transfer of fuel oil, a transfer of liquid cargo in bulk, or cargo-tank cleaning;
- (2) Except as provided in paragraph (g) of this section, holds a license or officer endorsement issued under 46 CFR part 10 authorizing service aboard a vessel certified for voyages beyond any Boundary Line described in 46 CFR part 7, except on tankships or self-propelled tank vessels not certified for voyages beyond the Boundary Line; and
- (3) Except as provided in paragraph (g) of this section and 46 CFR 13.113 (a) or (c), holds a Tankerman-PIC endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product.

(b) On each tank barge required to be inspected under 46 U.S.C. 3703, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall verify to his or her satisfaction that each PIC—

- (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged—including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and monitoring systems, the procedures for reporting pollution incidents, and, if installed, the COW, inert-gas, and vapor-control systems—to safely conduct either a transfer of liquid cargo in bulk or cargo-tank cleaning; and
- (2) Except as provided in paragraph (g) of this section and 46 CFR part 13.113 (a) or (c), holds a Tankerman-PIC or Tankerman-PIC (Barge) endorsement issued under 46 CFR part 13 that authorizes the holder to supervise the transfer of fuel oil, the transfer of liquid cargo in bulk, or cargo-tank cleaning, as appropriate to the product and vessel.

(c) On each foreign tankship, the operator or agent of the vessel shall verify to his or her satisfaction that each PIC either of a transfer of liquid cargo in bulk or of cargo-tank cleaning—

- (1) Has sufficient training and experience with the relevant characteristics of the vessel on which he or she is engaged, including the cargo for transfer, the cargo-containment system, the cargo system (including transfer procedures, and shipboard-emergency equipment and procedures), the control and

(v) Security equipment and systems, and their operational limitations; and

(vi) Methods of conducting audits, inspections, control, and monitoring techniques.

(2) In addition to knowledge and training required in paragraph (b)(1) of this section, the FSO must have knowledge of and receive training in the following, as appropriate:

- (i) Relevant international laws and codes, and recommendations;
- (ii) Relevant government legislation and regulations;
- (iii) Responsibilities and functions of local, State, and Federal law enforcement agencies;
- (iv) Security assessment methodology;
- (v) Methods of facility security surveys and inspections;
- (vi) Instruction techniques for security training and education, including security measures and procedures;
- (vii) Handling sensitive security information and security related communications;
- (viii) Current security threats and patterns;
- (ix) Recognizing and detecting dangerous substances and devices;
- (x) Recognizing characteristics and behavioral patterns of persons who are likely to threaten security;
- (xi) Techniques used to circumvent security measures;
- (xii) Conducting physical searches and non-intrusive inspections;
- (xiii) Conducting security drills and exercises, including exercises with vessels; and
- (xiv) Assessing security drills and exercises.
- (xv) Knowledge of TWIC requirements.

(c) *Responsibilities.* In addition to those responsibilities and duties specified elsewhere in this part, the FSO must, for each facility for which he or she has been designated:

- (1) Ensure that the Facility Security Assessment (FSA) is conducted;
- (2) Ensure the development and implementation of a FSP;
- (3) Ensure that an annual audit is conducted, and if necessary that the FSA and FSP are updated;
- (4) Ensure the FSP is exercised per §105.220 of this part;
- (5) Ensure that regular security inspections of the facility are conducted;
- (6) Ensure the security awareness and vigilance of the facility personnel;
- (7) Ensure adequate training to personnel performing facility security duties;
- (8) Ensure that occurrences that threaten the security of the facility are recorded and reported to the owner or operator;
- (9) Ensure the maintenance of records required by this part;
- (10) Ensure the preparation and the submission of any reports as required by this part;

- (11) Ensure the execution of any required Declarations of Security with Masters, Vessel Security Officers or their designated representatives;
- (12) Ensure the coordination of security services in accordance with the approved FSP;
- (13) Ensure that security equipment is properly operated, tested, calibrated, and maintained;
- (14) Ensure the recording and reporting of attainment changes in MARSEC Levels to the owner or operator and the cognizant COTP;
- (15) When requested, ensure that the Vessel Security Officers receive assistance in confirming the identity of visitors and service providers seeking to board the vessel through the facility;
- (16) Ensure notification, as soon as possible, to law enforcement personnel and other emergency responders to permit a timely response to any transportation security incident;
- (17) Ensure that the FSP is submitted to the cognizant COTP for approval, as well as any plans to change the facility or facility infrastructure prior to amending the FSP; and
- (18) Ensure that all facility personnel are briefed of changes in security conditions at the facility.
- (19) Ensure the TWIC program is being properly implemented.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003; USCG-2006-24196, 72 FR 3583, Jan. 25, 2007]

105.210 Facility personnel with security duties.

Facility personnel responsible for security duties must maintain a TWIC, and must have knowledge, through training or equivalent job experience, in the following, as appropriate:

- (a) Knowledge of current security threats and patterns;
- (b) Recognition and detection of dangerous substances and devices;
- (c) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security;
- (d) Techniques used to circumvent security measures;
- (e) Crowd management and control techniques;
- (f) Security related communications;
- (g) Knowledge of emergency procedures and contingency plans;
- (h) Operation of security equipment and systems;
- (i) Testing, calibration, and maintenance of security equipment and systems;
- (j) Inspection, control, and monitoring techniques;
- (k) Relevant provisions of the Facility Security Plan (FSP);
- (l) Methods of physical screening of persons, personal effects, baggage, cargo, and vessel stores; and
- (m) The meaning and the consequential requirements of the different MARSEC Levels.
- (n) Familiar with all relevant aspects of the TWIC program and how to carry them out.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended by USCG-2006-24196, 72 FR 3583, Jan. 25, 2007]

- (c) The date and result of the most recent test or examination of each item tested or examined under §156.170 of this chapter;
- (d) The hose information required by §154.500 (e) and (g) except that marked on the hose;
- (e) The record of all examinations of the facility by the COTP within the last 3 years;
- (f) The Declaration of Inspection required by §156.150(f) of this chapter;
- (g) A record of all repairs made within the last three years involving any component of the facility's vapor control system required by subpart P of this part;
- (h) A record of all automatic shut downs of the facility's vapor control system within the last 3 years; and
- (i) Plans, calculations, and specifications of the facility's vapor control system certified under 33 CFR 154.2020 through 154.2025.
- (j) If they are not marked as such, documentation that the portable radio devices in use at the facility under §154.560 of this part are intrinsically safe.

(Approved by the Office of Management and Budget under control number 1625-0060)

[CGD 75-124, 45 FR 7173, Jan. 31, 1980, as amended by CGD 88-102, 55 FR 25429, June 21, 1990; CGD 86-034, 55 FR 36254, Sept. 4, 1990; CGD 93-056, 61 FR 41461, Aug. 8, 1996; USCG-2006-25150, 71 FR 39209, July 12, 2006; USCG-1999-5150, 78 FR 42618, July 16, 2013]

154.750 Compliance with operations manual.

The facility operator shall require facility personnel to use the procedures in the operations manual prescribed by §154.300 for operations under this part.

[CGD 75-124, 45 FR 7174, Jan. 31, 1980]

33 CFR 155 Subpart C—Transfer Personnel, Procedures, Equipment, and Records

155.700 Designation of person in charge.

Each operator or agent of a vessel with a capacity of 250 or more barrels of fuel oil, cargo oil, hazardous material, or liquefied gas as regulated in Table 4 of 46 CFR part 154, or each person who arranges for and hires a person to be in charge of a transfer of fuel oil, of a transfer of liquid cargo in bulk, or of cargo-tank cleaning, shall designate, either by name or by position in the crew, the person in charge (PIC) of each transfer to or from the vessel and of each tank-cleaning.

[CGD 79-116, 62 FR 25126, May 8, 1997]

155.710 Qualifications of person in charge.

(a) On each tankship required to be documented under the laws of the United States, the operator or agent of the vessel, or the person who arranges and hires a person to be in charge either of a transfer of liquid

(s) Tank-cleaning or gas-freeing operations conducted by the facility on vessels carrying oil residues or mixtures must be conducted in accordance with sections 11.3 and 11.4 of OCIMF ISGOTT (incorporated by reference, see 33 CFR 154.106), except that—

- (1) Prohibitions in ISGOTT against the use of recirculated wash water do not apply if the wash water is first processed to remove product residues;
- (2) The provisions in ISGOTT section 11.3.6.10 that removal of sludge, scale, and sediment do not apply if personnel use breathing apparatuses which protect them from the tank atmosphere; and
- (3) Upon the request of the facility owner or operator in accordance with 33 CFR 154.107, the COTP may approve the use of alternate standards to ISGOTT if the COTP determines that the alternative standards provide an equal level of protection to the ISGOTT standards.

(t) Guards are stationed, or equivalent controls acceptable to the COTP are used to detect fires, report emergency conditions, and ensure that access to the marine transfer area is limited to—

- (1) Personnel who work at the facility including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business;
- (2) Coast Guard personnel;
- (3) Other Federal, State, or local governmental officials; and
- (4) Other persons authorized by the operator.

(u) Smoking shall be prohibited at the facility except that facility owners or operators may authorize smoking in designated areas if—

- (1) Smoking areas are designated in accordance with local ordinances and regulations;
- (2) Signs are conspicuously posted marking such authorized smoking areas; and
- (3) “No Smoking” signs are conspicuously posted elsewhere on the facility.

(v) Warning signs shall be displayed on the facility at each shoreside entry to the dock or berth, without obstruction, at all times for fixed facilities and for mobile facilities during coupling, transfer operation, and uncoupling. The warning signs shall conform to 46 CFR 151.45-2(e)(1) or 46 CFR 153.955.

[CGD 86-034, 55 FR 36253, Sept. 4, 1990, as amended by CGD 93-056, 61 FR 41460, Aug. 8, 1996; USCG-2001-8661, 74 FR 45022, Aug. 31, 2009; USCG-1999-5150, 78 FR 42618, July 16, 2013]

154.740 Records.

Each facility operator shall maintain at the facility and make available for examination by the COTP:

- (a) A copy of the letter of intent for the facility;
- (b) The name of each person designated as a person in charge of transfer operations at the facility and certification that each person in charge has completed the training requirements of §154.710 of this part;

105.215 Security training for all other facility personnel.

All other facility personnel, including contractors, whether part-time, full-time, temporary, or permanent, must have knowledge of, through training or equivalent job experience, in the following, as appropriate:

- (a) Relevant provisions of the Facility Security Plan (FSP);
 - (b) The meaning and the consequential requirements of the different MARSEC Levels as they apply to them, including emergency procedures and contingency plans;
 - (c) Recognition and detection of dangerous substances and devices;
 - (d) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security; and
 - (e) Techniques used to circumvent security measures.
- (f) Familiar with all relevant aspects of the TWIC program and how to carry them out.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003; USCG-2006-24196, 72 FR 3583, Jan. 25, 2007]

105.220 Drill and exercise requirements.

(a) General.

- (1) Drills and exercises must test the proficiency of facility personnel in assigned security duties at all MARSEC Levels and the effective implementation of the Facility Security Plan (FSP). They must enable the Facility Security Officer (FSO) to identify any related security deficiencies that need to be addressed.
- (2) A drill or exercise required by this section may be satisfied with the implementation of security measures required by the FSP as the result of an increase in the MARSEC Level, provided the facility reports attainment to the cognizant COTP.

(b) Drills.

- (1) The FSO must ensure that at least one security drill is conducted every 3 months. Security drills may be held in conjunction with non-security drills, where appropriate.
- (2) Drills must test individual elements of the FSP, including response to security threats and incidents. Drills should take into account the types of operations of the facility, facility personnel changes, the type of vessel the facility is serving, and other relevant circumstances. Examples of drills include unauthorized entry to a restricted area, response to alarms, and notification of law enforcement authorities.
- (3) If a vessel is moored at the facility on the date the facility has planned to conduct any drills, the facility cannot require the vessel or vessel personnel to be a part of or participate in the facility's scheduled drill.

(c) Exercises.

- (1) Exercises must be conducted at least once each calendar year, with no more than 18 months between exercises.
- (2) Exercises may be:
 - (i) Full scale or live;
 - (ii) Tabletop simulation or seminar;
 - (iii) Combined with other appropriate exercises; or

(iv) A combination of the elements in paragraphs (c)(2)(i) through (iii) of this section.

(3) Exercises may be facility-specific or part of a cooperative exercise program with applicable facility and vessel security plans or comprehensive port exercises.

(4) Each exercise must test communication and notification procedures, and elements of coordination, resource availability, and response.

(5) Exercises are a full test of the security program and must include substantial and active participation of FSOs, and may include government authorities and vessels visiting the facility. Requests for participation of Company and Vessel Security Officers in joint exercises should consider the security and work implications for the vessel.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003]

105.225 Facility recordkeeping requirements.

(a) Unless otherwise specified in this section, the Facility Security Officer (FSO) 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 §105.210, 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 Facility Security Plan (FSP);
- (3) *Incidents and breaches of security.* For each incident or breach of security, the date and time of occurrence, location within the facility, description of incident or breaches, to whom it was reported, and description of the response;
- (4) *Changes in MARSEC Levels.* For each change in MARSEC Level, the 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, record the date and time, and the specific security equipment involved;
- (6) *Security threats.* For each security threat, the 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;

(1) Use solid fuel; or

(2) Are located where sparks constitute a hazard to nearby combustible material.

(l) All welding or hot work conducted on or at the facility is the responsibility of the facility operator. The COTP may require that the operator of the facility notify the COTP before any welding or hot work operations are conducted. Any welding or hot work operations conducted on or at the facility must be conducted in accordance with NFPA 51B (incorporated by reference; see §154.106). The facility operator shall ensure that the following additional conditions or criteria are met:

- (1) Welding or hot work is prohibited during gas freeing operations, within 30.5 meters (100 feet) of bulk cargo operations involving flammable or combustible materials, within 30.5 meters (100 feet) of fueling operations, or within 30.5 meters (100 feet) of explosives or 15.25 meters (50 feet) of other hazardous materials.
- (2) If the welding or hot work is on the boundary of a compartment (*i.e.*, bulkhead, wall or deck) an additional fire watch shall be stationed in the adjoining compartment.
- (3) Personnel on fire watch shall have no other duties except to watch for the presence of fire and to prevent the development of hazardous conditions.
- (4) Flammable vapors, liquids or solids must first be completely removed from any container, pipe or transfer line subject to welding or hot work.
- (5) Tanks used for storage of flammable or combustible substances must be tested and certified gas free prior to starting hot work.
- (6) Proper safety precautions in relation to purging, inserting, or venting shall be followed for hot work on containers;
- (7) All local laws and ordinances shall be observed;
- (8) In case of fire or other hazard, all cutting, welding or other hot work equipment shall be completely secured.

(m) Heating equipment has sufficient clearance to prevent unsafe heating of nearby combustible material.

(n) Automotive equipment having an internal combustion engine is not refueled on a pier, wharf, or other similar structure.

(o) There are no open fires or open flame lamps.

(p) Electric wiring and equipment is maintained in a safe condition so as to prevent fires.

(q) Electrical wiring and electrical equipment installed after October 4, 1990, meet NFPA 70 (1987) (incorporated by reference, see 33 CFR 154.106).

(r) Electrical equipment, fittings, and devices installed after October 4, 1990, show approval for that use by—

- (1) Underwriters Laboratories;
- (2) Factory Mutual Research Corporation; or
- (3) Canadian Standards Association.

1910.1200) or the Environmental Protection Agency (EPA) (40 CFR 311.1), or to meet the requirements of subpart F of this part may be used to satisfy the requirements in paragraphs (c) and (d) of this section, as long as the training addresses the requirements in paragraphs (c) and (d) of this section.
(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))
[CGD 71-160R, 37 FR 28253, Dec. 21, 1972, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990; CGD 93-056, 61 FR 41460, Aug. 8, 1996]

154.730 Persons in charge: Evidence of designation.

Each person in charge shall carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.
(Sec. 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1161(j)(1)(C); EO 11548, 3 CFR, 1966-1970 Comp., p. 949; 49 CFR 1.46(m))
[CGD 71-160R, 37 FR 28253, Dec. 21, 1972]

154.735 Safety requirements.

Each operator of a facility to which this part applies shall ensure that the following safety requirements are met at the facility:

- (a) Access to the facility by firefighting personnel, fire trucks, or other emergency personnel is not impeded.
- (b) Materials which are classified as hazardous under 49 CFR parts 170 through 179 are kept only in the quantities needed for the operation or maintenance of the facility and are stored in storage compartments.
- (c) Gasoline or other fuel is not stored on a pier, wharf, or other similar structure.
- (d) A sufficient number of fire extinguishers approved by an independent laboratory listed in 46 CFR 162.028-5 for fighting small, localized fires are in place throughout the facility and maintained in a ready condition.
- (e) The location of each hydrant, standpipe, hose station, fire extinguisher, and fire alarm box is conspicuously marked and readily accessible.
- (f) Each piece of protective equipment is ready to operate.
- (g) Signs indicating that smoking is prohibited are posted in areas where smoking is not permitted.
- (h) Trucks and other motor vehicles are operated or parked only in designated locations.
- (i) All rubbish is kept in receptacles.
- (j) All equipment with internal combustion engines used on the facility—
 - (1) Does not constitute a fire hazard; and
 - (2) Has a fire extinguisher attached that is approved by an independent laboratory listed in 46 CFR 162.028-5, unless such a fire extinguisher is readily accessible nearby on the facility.
- (k) Spark arresters are provided on chimneys or appliances which—

(7) *Declaration of Security (DoS)* A copy of each single-visit DoS 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 FSP.* For each annual audit, a letter certified by the FSO stating the date the audit was completed.
(c) Any record required by this part must be protected from unauthorized access or disclosure.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003]

105.230 Maritime Security (MARSEC) Level coordination and implementation.

(a) The facility owner or operator must ensure the facility operates in compliance with the security requirements in this part for the MARSEC Level in effect for the port.
(b) When notified of an increase in the MARSEC Level, the facility owner and operator must ensure:

- (1) Vessels moored to the facility and vessels scheduled to arrive at the facility within 96 hours of the MARSEC Level change are notified of the new MARSEC Level and the Declaration of Security is revised as necessary;
- (2) The facility complies with the required additional security measures within 12 hours; and
- (3) The facility reports compliance or noncompliance to the COTP.

(c) For MARSEC Levels 2 and 3, the Facility Security Officer must inform all facility personnel about identified threats, and emphasize reporting procedures and stress the need for increased vigilance.
(d) An owner or operator whose facility is not in compliance with the requirements of this section, must inform the COTP and obtain approval prior to interfacing with a vessel or continuing operations.
(e) At MARSEC Level 3, in addition to the requirements in this part, a facility owner or operator may be required to implement additional measures, pursuant to 33 CFR part 6, 160, or 165, as appropriate, which may include but are not limited to:

- (1) Use of waterborne security patrol;
- (2) Use of armed security personnel to control access to the facility and to deter, to the maximum extent practical, a transportation security incident; and
- (3) Examination of piers, wharves, and similar structures at the facility for the presence of dangerous substances or devices underwater or other threats.

105.235 Communications.

(a) The Facility Security Officer must have a means to effectively notify facility personnel of changes in security conditions at the facility.
(b) Communication systems and procedures must allow effective and continuous communications between the facility security personnel, vessels interfacing with the facility, the cognizant COTP, and national and local authorities with security responsibilities.

- (c) At each active facility access point, provide a means of contacting police, security control, or an emergency operations center, by telephones, cellular phones, and/or portable radios, or other equivalent means.
- (d) Facility communications systems must have a backup means for both internal and external communications.

105.240 Procedures for interfacing with vessels.

The facility owner or operator must ensure that there are measures for interfacing with vessels at all MARSEC Levels.

105.245 Declaration of Security (DoS).

- (a) Each facility owner or operator must ensure procedures are established for requesting a DoS and for handling DoS requests from a vessel.
- (b) At MARSEC Level 1, a facility receiving a cruise ship or a manned vessel carrying Certain Dangerous Cargo, in bulk, must comply with the following:
 - (1) Prior to the arrival of a vessel to the facility, the Facility Security Officer (FSO) and Master, Vessel Security Officer (VSO), or their designated representatives must coordinate security needs and procedures, and agree upon the contents of the DoS for the period of time the vessel is at the facility; and
 - (2) Upon the arrival of the vessel at the facility, the FSO and Master, VSO, or their designated representative, must sign the written DoS.
- (c) Neither the facility nor the vessel may embark or disembark passengers, nor transfer cargo or vessel stores until the DoS has been signed and implemented.
- (d) At MARSEC Levels 2 and 3, the FSOs, or their designated representatives, of facilities interfacing with manned vessels subject to part 104, of this subchapter must sign and implement DoSs as required in (b)(1) and (2) of this section.
- (e) At MARSEC Levels 1 and 2, FSOs of facilities that frequently interface with the same vessel may implement a continuing DoS for multiple visits, provided that:
 - (1) The DoS is valid for a specific MARSEC Level;
 - (2) The effective period at MARSEC Level 1 does not exceed 90 days; and
 - (3) The effective period at MARSEC Level 2 does not exceed 30 days.
- (f) When the MARSEC Level increases beyond that contained in the DoS, the continuing DoS is void and a new DoS must be executed in accordance with this section.
- (g) A copy of all currently valid continuing DoSs must be kept with the Facility Security Plan.
- (h) The COTP may require, at any time, at any MARSEC Level, any facility subject to this part to implement a DoS with the VSO prior to any vessel-to-facility interface when he or she deems it necessary.

33 CFR 154 Subpart D—Facility Operations

Contents

- [§154.700 General.](#)
- [§154.710 Persons in charge: Designation and qualification.](#)
- [§154.730 Persons in charge: Evidence of designation.](#)
- [§154.735 Safety requirements.](#)
- [§154.740 Records.](#)
- [§154.750 Compliance with operations manual.](#)

154.700 General.

No person may operate a facility unless the equipment, personnel, and operating procedures of that facility meet the requirements of this part.

[CGD 75-124, 45 FR 7173, Jan. 31, 1980]

154.710 Persons in charge: Designation and qualification.

No person may serve, and the facility operator may not use the services of a person, as person in charge of facility transfer operations unless:

- (a) The facility operator has designated that person as a person in charge;
- (b) The person has had at least 48 hours of experience in transfer operations at a facility in operations to which this part applies. The person also has enough experience at the facility for which qualification is desired to enable the facility operator to determine that the person's experience is adequate;
- (c) The person has completed a training and qualification program established by the facility operator and described in the Operations Manual in accordance with §154.310(a)(21), that provides the person with the knowledge and training necessary to properly operate the transfer equipment at the facility, perform the duties described in paragraph (d) of this section, follow the procedures required by this part, and fulfill the duties required of a person in charge during an emergency, except that the COTP may approve alternative experience and training requirements for new facilities; and
- (d) The facility operator must certify that each person in charge has the knowledge of, and skills necessary to—
 - (1) The hazards of each product to be transferred;
 - (2) The rules in this part and in part 156 of this chapter;
 - (3) The facility operating procedures as described in the operations manual;
 - (4) Vessel transfer systems, in general;
 - (5) Vessel transfer control systems, in general;
 - (6) Each facility transfer control system to be used;
 - (7) Follow local discharge reporting procedures; and
 - (8) Carry out the facility's response plan for discharge reporting and containment.
- (e) Training conducted to comply with the hazard communication programs required by the Occupational Safety and Health Administration (OSHA) of the Department of Labor (DOL) (29 CFR

transfer operation and the person in charge of the facility transfer operation.

(b) Each facility must have a means, which may be the communications system itself, that enables a person on board a vessel or on the facility to effectively indicate the desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather at the facility.

(d) A facility may use the system in §154.550(a)(2) to meet the requirement of paragraph (a) of this section.

(e) Portable radio devices used to comply with paragraph (a) of this section during the transfer of flammable or combustible liquids must be marked as intrinsically safe by the manufacturer of the device and certified as intrinsically safe by a national testing laboratory or other certification organization approved by the Commandant as defined in 46 CFR 111.105-11. As an alternative to the marking requirement, facility operators may maintain documentation at the facility certifying that the portable radio devices in use at the facility are in compliance with this section.

[CGD 75-124, 45 FR 7172, Jan. 31, 1980; 45 FR 43705, June 30, 1980, as amended by CGD 93-056, 61 FR 41460, Aug. 8, 1996]

154.570 Lighting.

(a) Except as provided in paragraph (c) of this section, for operations between sunset and sunrise, a facility must have fixed lighting that adequately illuminates:

- (1) Each transfer connection point on the facility;
- (2) Each transfer connection point in use on any barge moored at the facility to or from which oil or hazardous material is being transferred;
- (3) Each transfer operations work area on the facility; and
- (4) Each transfer operation work area on any barge moored at the facility to or from which oil or hazardous material is being transferred.

(b) Where the illumination is apparently inadequate, the COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the barge deck or walking surface, illumination must measure at least:

- (1) 5.0 foot candles at transfer connection points; and
- (2) 1.0 foot candle in transfer operations work areas.

(c) For small or remote facilities, the COTP may authorize operations with an adequate level of illumination provided by the vessel or by portable means.

(d) Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.

[CGD 75-124, 45 FR 7172, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990]

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003]

105.250 Security systems and equipment maintenance.

(a) Security systems and equipment must be in good working order and inspected, tested, calibrated, and maintained according to manufacturers' recommendations.

(b) Security systems must be regularly tested in accordance with the manufacturers' recommendations; noted deficiencies corrected promptly; and the results recorded as required in §105.225 of this subpart.

(c) The FSP must include procedures for identifying and responding to security system and equipment failures or malfunctions.

105.255 Security measures for access control.

(a) *General.* The facility owner or operator must ensure the implementation of security measures to:

- (1) Deter the unauthorized introduction of dangerous substances and devices, including any device intended to damage or destroy persons, vessels, facilities, or ports;
- (2) Secure dangerous substances and devices that are authorized by the owner or operator to be on the facility;
- (3) Control access to the facility; and
- (4) Prevent an unescorted individual from entering an area of the facility that is designated as a secure area unless the individual holds a duly issued TWIC and is authorized to be in the area.

(b) The facility owner or operator must ensure that the following are specified:

- (1) The locations where restrictions or prohibitions that prevent unauthorized access are applied for each MARSEC Level, including those points where TWIC access control provisions will be applied. Each location allowing means of access to the facility must be addressed;
- (2) The types of restrictions or prohibitions to be applied and the means of enforcing them;
- (3) The means used to establish the identity of individuals not in possession of a TWIC, in accordance with §101.515 of this subchapter, and procedures for escorting them;
- (4) Procedures for identifying authorized and unauthorized persons at any MARSEC level; and
- (5) The locations where persons, personal effects and vehicle screenings are to be conducted. The designated screening areas should be covered to provide for continuous operations regardless of the weather conditions.

(c) The facility owner or operator must ensure that a TWIC program is implemented as follows:

- (1) All persons seeking unescorted access to secure areas must present their TWIC for inspection before being allowed unescorted access, in accordance with §101.514 of this subchapter. Inspection must include:

- (i) A match of the photo on the TWIC to the individual presenting the TWIC;
 - (ii) Verification that the TWIC has not expired; and
 - (iii) A visual check of the various security features present on the card to determine whether the TWIC has been tampered with or forged.
- (2) If an individual cannot present a TWIC because it has been lost, damaged or stolen, and he or she has previously been granted unescorted access to the facility and is known to have had a valid TWIC, the individual may be given unescorted access to secure areas for a period of no longer than 7 consecutive calendar days if:
- (i) The individual has reported the TWIC as lost, damaged, or stolen to TSA as required in 49 CFR 1572.19(f);
 - (ii) The individual can present another identification credential that meets the requirements of §101.515 of this subchapter; and
 - (iii) There are no other suspicious circumstances associated with the individual's claim of loss or theft.
- (3) If an individual cannot present his or her TWIC for any other reason than outlined in paragraph (c)(2) of this section, he or she may not be granted unescorted access to the secure area. The individual must be under escort, as that term is defined in part 101 of this subchapter, at all times when inside of a secure area.
- (4) With the exception of persons granted access according to paragraph (c)(2) of this section, all persons granted unescorted access to secure areas of the facility must be able to produce his or her TWIC upon request.
- (5) There must be disciplinary measures in place to prevent fraud and abuse.
- (6) The facility's TWIC program should be coordinated, when practicable, with identification and TWIC access control measures of vessels or other transportation conveyances that use the facility.
- (d) If the facility owner or operator uses a separate identification system, ensure that it complies and is coordinated with TWIC provisions in this part.
- (e) The facility owner or operator must establish in the approved Facility Security Plan (FSP) the frequency of application of any access controls, particularly if they are to be applied on a random or occasional basis.
- (f) **MARSEC Level 1.** The facility owner or operator must ensure the following security measures are implemented at the facility:
- (1) Implement TWIC as set out in paragraph (c) of this section.
 - (2) Screen persons, baggage (including carry-on items), personal effects, and vehicles, for dangerous substances and devices at the rate specified in the approved FSP, excluding government-owned vehicles on official business when government personnel present identification credentials for entry;

- (1) The environmental sensitivity of the area requires the added protection;
 - (2) The products transferred at the facility pose a significant threat to the environment;
 - (3) The past record of discharges at the facility is poor; or
 - (4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil or hazardous material; and
 - (5) The use of vessel containment provides the only practical means to reduce the extent of environmental damage.
- (e) Equipment and procedures maintained to satisfy the provisions of this chapter may be utilized in the planning requirements of subpart F and subpart H of this part.
- [CGD 75-124, 45 FR 7172, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990; CGD 93-056, 61 FR 41460, Aug. 8, 1996; USCG-1999-5149, 65 FR 40825, June 30, 2000]

154.550 Emergency shutdown.

- (a) The facility must have an emergency means to enable the person in charge of the transfer on board the vessel, at that person's usual operating station, to stop the flow of oil or hazardous material from the facility to the vessel. The means must be—
- (1) An electrical, pneumatic, or mechanical linkage to the facility; or
 - (2) An electronic voice communications system continuously operated by a person on the facility who can stop the flow of oil or hazardous material immediately.
- (b) The point in the transfer system at which the emergency means stops the flow of oil or hazardous material on the facility must be located near the dock manifold connection to minimize the loss of oil or hazardous material in the event of the rupture or failure of the hose, loading arm, or manifold valve.
- (c) For oil transfers, the means used to stop the flow under paragraph (a) of this section must stop that flow within—
- (1) 60 seconds on any facility or portion of a facility that first transferred oil on or before November 1, 1980; and
 - (2) 30 seconds on any facility that first transfers oil after November 1, 1980.
- (d) For hazardous material transfers, the means used to stop the flow under paragraph (a) of this section must stop that flow within—
- (1) 60 seconds on any facility or portion of a facility that first transferred hazardous material before October 4, 1990; and
 - (2) 30 seconds on any facility that first transfers hazardous material on or after October 4, 1990.
- [CGD 86-034, 55 FR 36253, Sept. 4, 1990]

154.560 Communications.

- (a) Each facility must have a means that enables continuous two-way voice communication between the person in charge of the vessel

this section must have a capacity of at least:

- (1) Two barrels if it serves one or more hoses of 6-inch inside diameter or smaller, or loading arms of 6-inch nominal pipe size diameter or smaller;
- (2) Three barrels if it serves one or more hoses with an inside diameter of more than 6-inches, but less than 12 inches, or loading arms with a nominal pipe size diameter of more than 6 inches, but less than 12 inches; or
- (3) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger, or loading arms of 12-inch nominal pipe size diameter or larger.

(c) The facility may use portable means of not less than $\frac{1}{2}$ barrel capacity each to meet the requirements of paragraph (a) of this section for part or all of the facility if the COTP finds that fixed means to contain oil or hazardous material discharges are not feasible.

(d) A mobile facility may have portable means of not less than five gallons capacity to meet the requirements of paragraph (a) of this section.

(e) Fixed or portable containment may be used to meet the requirements of paragraph (a)(3) of this section.

[CGD 75-124, 45 FR 7172, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990; CGD 93-056, 61 FR 41460, Aug. 8, 1996]

154.540 Discharge removal.

Each facility to which this part applies must have a means to safely remove discharged oil or hazardous material, within one hour of completion of the transfer, from the containment required by §154.530 of this part without discharging the oil or hazardous material into the water.

[CGD 93-056, 61 FR 41460, Aug. 8, 1996]

154.545 Discharge containment equipment.

(a) Each facility must have ready access to enough containment material and equipment to contain any oil or hazardous material discharged on the water from operations at that facility.

(b) For the purpose of this section, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) Each facility must establish time limits, subject to approval by the COTP, for deployment of the containment material and equipment required by paragraph (a) of this section considering:

- (1) Oil or hazardous material handling rates;
- (2) Oil or hazardous material capacity susceptible to being spilled;
- (3) Frequency of facility operations;
- (4) Tidal and current conditions;
- (5) Facility age and configuration; and
- (6) Past record of discharges.

(d) The COTP may require a facility to surround each vessel conducting an oil or hazardous material transfer operation with containment material before commencing a transfer operation if—

(3) Conspicuously post signs that describe security measures currently in effect and clearly state that:

- (i) Entering the facility is deemed valid consent to screening or inspection; and
- (ii) Failure to consent or submit to screening or inspection will result in denial or revocation of authorization to enter.

(4) Check the identification of any person not holding a TWIC and seeking entry to the facility, including vessel passengers, vendors, personnel duly authorized by the cognizant government authorities, and visitors. This check shall include confirming the reason for boarding by examining at least one of the following:

- (i) Joining instructions;
- (ii) Passenger tickets;
- (iii) Boarding passes;
- (iv) Work orders, pilot orders, or surveyor orders;
- (v) Government identification; or
- (vi) Visitor badges issued in accordance with an identification system implemented under paragraph (d) of this section.

(5) Deny or revoke a person's authorization to be on the facility if the person is unable or unwilling, upon the request of facility personnel or a law enforcement officer, to establish his or her identity in accordance with this part or to account for his or her presence. Any such incident must be reported in compliance with this part;

(6) Designate restricted areas and provide appropriate access controls for these areas;

(7) Identify access points that must be secured or attended to deter unauthorized access;

(8) Deter unauthorized access to the facility and to designated restricted areas within the facility;

(9) Screen by hand or device, such as x-ray, all unaccompanied baggage prior to loading onto a vessel; and

(10) Secure unaccompanied baggage after screening in a designated restricted area and maintain security control during transfers between the facility and a vessel.

(g) *MARSEC Level 2*. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 2 in their approved FSP. These additional security measures may include:

- (1) Increasing the frequency and detail of the screening of persons, baggage, and personal effects for dangerous substances and devices entering the facility;
- (2) X-ray screening of all unaccompanied baggage;
- (3) Assigning additional personnel to guard access points and patrol the perimeter of the facility to deter unauthorized access;
- (4) Limiting the number of access points to the facility by closing and securing some access points and providing physical barriers to impede movement through the remaining access points;

- (5) Denying access to visitors who do not have a verified destination;
- (6) Deterring waterside access to the facility, which may include, using waterborne patrols to enhance security around the facility; or
- (7) Except for government-owned vehicles on official business when government personnel present identification credentials for entry, screening vehicles and their contents for dangerous substances and devices at the rate specified for MARSEC Level 2 in the approved FSP.

(h) *MARSEC Level 3*. In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC level 3, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in their approved FSP. These additional security measures may include:

- (1) Screening all persons, baggage, and personal effects for dangerous substances and devices;
- (2) Performing one or more of the following on unaccompanied baggage:
 - (i) Screen unaccompanied baggage more extensively; for example, x-raying from two or more angles;
 - (ii) Prepare to restrict or suspend handling of unaccompanied baggage; or
 - (iii) Refuse to accept unaccompanied baggage.
- (3) Being prepared to cooperate with responders and facilities;
- (4) Granting access to only those responding to the security incident or threat thereof;
- (5) Suspending access to the facility;
- (6) Suspending cargo operations;
- (7) Evacuating the facility;
- (8) Restricting pedestrian or vehicular movement on the grounds of the facility; or
- (9) Increasing security patrols within the facility.

[USCG-2006-24196, 72 FR 3583, Jan. 25, 2007]

105.257 Security measures for newly-hired employees.

- (a) Newly-hired facility employees may be granted entry to secure areas of the facility for up to 30 consecutive calendar days prior to receiving their TWIC provided all of the requirements in paragraph (b) of this section are met, and provided that the new hire is accompanied by an individual with a TWIC while within the secure areas of the facility. If TSA does not act upon a TWIC application within 30 days, the cognizant Coast Guard COTP may further extend access to secure areas for another 30 days. The Coast Guard will determine whether, in particular circumstances, certain practices meet the condition of a new hire being accompanied by another individual with a TWIC. The Coast Guard will issue guidance for use in making these determinations.
- (b) Newly-hired facility employees may be granted the access provided for in paragraph (a) of this section if:

- (b) The manufacturer's certification that the standard in paragraph (a) of this section has been met must be permanently marked on the loading arm or recorded elsewhere at the facility with the loading arm marked to identify it with that information.
 - (c) Each mechanical loading arm used for transferring oil or hazardous material must have a means of being drained or closed before being disconnected after transfer operations are completed.
- [CGD 75-124, 45 FR 7172, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990; USCG-2001-8661, 74 FR 45022, Aug. 31, 2009]

154.520 Closure devices.

- (a) Except as provided in paragraph (b) of this section, each facility to which this part applies must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP to blank off the ends of each hose or loading arm that is not connected for the transfer of oil or hazardous material. Such hoses and/or loading arms must be blanked off during the transfer of oil or hazardous material. A suitable material in the joints and couplings shall be installed on each end of the hose assembly or loading arm not being used for transfer to ensure a leak-free seal.
 - (b) A new, unused hose, and a hose that has been cleaned and is gas free, is exempt from the requirements of paragraph (a) of this section.
- [CGD 93-056, 61 FR 41459, Aug. 8, 1996]

154.525 Monitoring devices.

- The COTP may require the facility to install monitoring devices if the installation of monitoring devices at the facility would significantly limit the size of a discharge of oil or hazardous material and either:
- (a) The environmental sensitivity of the area requires added protection;
 - (b) The products transferred at the facility pose a significant threat to the environment; or
 - (c) The size or complexity of the transfer operation poses a significant potential for a discharge of oil or hazardous material.
- [CGD 75-124, 45 FR 7172, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36253, Sept. 4, 1990]

154.530 Small discharge containment.

- (a) Except as provided in paragraphs (c), (d), and (e) of this section, each facility to which this part applies must have fixed catchments, curbing, or other fixed means to contain oil or hazardous material discharged in at least—
 - (1) Each hose handling and loading arm area (that area on the facility that is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection);
 - (2) Each hose connection manifold area; and
 - (3) Under each hose connection that will be coupled or uncoupled as part of the transfer operation during coupling, uncoupling, and transfer.
- (b) The discharge containment means required by paragraph (a) of

(a) The minimum design burst pressure for each hose assembly must be at least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, at the point where the hose is installed.

(b) The maximum allowable working pressure (MAWP) for each hose assembly must be more than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, at the point where the hose is installed.

(c) Each nonmetallic hose must be usable for oil or hazardous material service.

(d) Each hose assembly must either have—

- (1) Full threaded connections;
- (2) Flanges that meet ANSI B16.5 or ANSI B16.24 (both incorporated by reference, see 33 CFR 154.106); or
- (3) Quick-disconnect couplings that meet ASTM F1122 (incorporated by reference, see 33 CFR 154.106).

(e) Each hose must be marked with one of the following:

- (1) The name of each product for which the hose may be used; or
- (2) For oil products, the words “OIL SERVICE”; or
- (3) For hazardous materials, the words “HAZMAT SERVICE—SEE LIST” followed immediately by a letter, number or other symbol that corresponds to a list or chart contained in the facility's operations manual or the vessel's transfer procedure documents which identifies the products that may be transferred through a hose bearing that symbol.

(f) Each hose also must be marked with the following, except that the information required by paragraphs (f)(2) and (3) of this section need not be marked on the hose if it is recorded in the hose records of the vessel or facility, and the hose is marked to identify it with that information:

- (1) Maximum allowable working pressure;
- (2) Date of manufacture; and
- (3) Date of the latest test required by 33 CFR 156.170.

(g) The hose burst pressure and the pressure used for the test required by 33 CFR 156.170 must not be marked on the hose and must be recorded elsewhere at the facility as described in paragraph (f) of this section.

(h) Each hose used to transfer fuel to a vessel that has a fill pipe for which containment cannot practically be provided must be equipped with an automatic back pressure shutoff nozzle.

[USCG-1999-5150, 78 FR 42617, July 16, 2013]

154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil or hazardous material and placed into service after June 30, 1973, must meet the design, fabrication, material, inspection, and testing requirements in ANSI B31.3 (incorporated by reference; see §154.106).

(1) The new hire has applied for a TWIC in accordance with 49 CFR part 1572 by completing the full enrollment process, paying the user fee, and is not currently engaged in a waiver or appeal process. The facility owner or operator or the Facility Security Officer (FSO) must have the new hire sign a statement affirming this, and must retain the signed statement until the new hire receives a TWIC;

(2) The facility owner or operator or the FSO enters the following information on the new hire into the Coast Guard's Homeport website (<http://homeport.uscg.mil>):

- (i) Full legal name, including middle name if one exists;
- (ii) Date of birth;
- (iii) Social security number (optional);
- (iv) Employer name and 24 hour contact information; and
- (v) Date of TWIC enrollment.

(3) The new hire presents an identification credential that meets the requirements of §101.515 of this subchapter;

(4) There are no other circumstances that would cause reasonable suspicion regarding the new hire's ability to obtain a TWIC, and the facility owner or operator or FSO have not been informed by the cognizant COTP that the new hire poses a security threat; and

(5) There would be an adverse impact to facility operations if the new hire is not allowed access.

(c) This section does not apply to any individual being hired as a FSO, or any individual being hired to perform facility security duties.

(d) The new hire may not begin working at the facility under the provisions of this section until the owner, operator, or FSO receives notification, via Homeport or some other means, the new hire has passed an initial name check.

[USCG-2006-24196, 72 FR 3584, Jan. 25, 2007, as amended by USCG-2013-0397, 78 FR 39173, July 1, 2013; 78 FR 41305, July 10, 2013]

105.260 Security measures for restricted areas.

(a) *General.* The facility owner or operator must ensure the designation of restricted areas in order to:

- (1) Prevent or deter unauthorized access;
- (2) Protect persons authorized to be in the facility;
- (3) Protect the facility;
- (4) Protect vessels using and serving the facility;
- (5) Protect sensitive security areas within the facility;
- (6) Protect security and surveillance equipment and systems; and
- (7) Protect cargo and vessel stores from tampering.

(b) *Designation of Restricted Areas.* The facility owner or operator must ensure restricted areas are designated within the facility. They must also ensure that all restricted areas are clearly marked and indicate that access to the area is restricted and that unauthorized presence within the area constitutes a breach of security. The facility owner or operator may also designate the entire facility as a restricted area. Restricted areas must include, as appropriate:

- (1) Shore areas immediately adjacent to each vessel moored at the facility;
 - (2) Areas containing sensitive security information, including cargo documentation;
 - (3) Areas containing security and surveillance equipment and systems and their controls, and lighting system controls; and
 - (4) Areas containing critical facility infrastructure, including:
 - (i) Water supplies;
 - (ii) Telecommunications;
 - (iii) Electrical system; and
 - (iv) Access points for ventilation and air-conditioning systems;
 - (5) Manufacturing or processing areas and control rooms;
 - (6) Locations in the facility where access by vehicles and personnel should be restricted;
 - (7) Areas designated for loading, unloading or storage of cargo and stores; and
 - (8) Areas containing cargo consisting of dangerous goods or hazardous substances, including certain dangerous cargoes.
- (c) The owner or operator must ensure that all restricted areas have clearly established security measures to:
- (1) Identify which facility personnel are authorized to have access;
 - (2) Determine which persons other than facility personnel are authorized to have access;
 - (3) Determine the conditions under which that access may take place;
 - (4) Define the extent of any restricted area;
 - (5) Define the times when access restrictions apply;
 - (6) Clearly mark all restricted areas and indicate that access to the area is restricted and that unauthorized presence within the area constitutes a breach of security;
 - (7) Control the entry, parking, loading and unloading of vehicles;
 - (8) Control the movement and storage of cargo and vessel stores; and
 - (9) Control unaccompanied baggage or personal effects.
- (d) *MARSEC Level 1*. At MARSEC Level 1, the facility owner or operator must ensure the implementation of security measures to prevent unauthorized access or activities within the area. These security measures may include:
- (1) Restricting access to only authorized personnel;
 - (2) Securing all access points not actively used and providing physical barriers to impede movement through the remaining access points;
 - (3) Assigning personnel to control access to restricted areas;
 - (4) Verifying the identification and authorization of all persons and all vehicles seeking entry;
 - (5) Patrolling or monitoring the perimeter of restricted areas;
 - (6) Using security personnel, automatic intrusion detection devices, surveillance equipment, or surveillance systems to detect unauthorized entry or movement within restricted areas;

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.705 Security systems.

The operator shall ensure that security patrols of the marine transfer area for LNG are conducted once every hour, or that a manned television monitoring system is used, to detect—

- (a) Unauthorized personnel;
- (b) Fires; and
- (c) LNG releases.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.707 Security personnel.

The operator shall ensure that no person is assigned security patrol duty unless that person has been instructed on security violation procedures.

127.709 Protective enclosures.

The following must be within a fence or wall that prevents trespassing:

- (a) Impounding spaces.
- (b) Control rooms and stations.
- (c) Electrical power sources.

127.711 Communications.

The marine transfer area for LNG must have a means of direct communications between the security patrol and other operating or security personnel on duty on the waterfront facility handling LNG.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

33 CFR 154 Subpart C—Equipment Requirements

Contents

[§154.500 Hose assemblies.](#)
[§154.510 Loading arms.](#)
[§154.520 Closure devices.](#)
[§154.525 Monitoring devices.](#)
[§154.530 Small discharge containment.](#)
[§154.540 Discharge removal.](#)
[§154.545 Discharge containment equipment.](#)
[§154.550 Emergency shutdown.](#)
[§154.560 Communications.](#)
[§154.570 Lighting.](#)

154.500 Hose assemblies.

Each hose assembly used for transferring oil or hazardous material must meet the following requirements:

The marine transfer area for LNG must have an international shore connection that is in accordance with ASTM F 1121 (incorporated by reference, see §127.003), a 2½ inch fire hydrant, and 2½ inch fire hose of sufficient length to connect the fire hydrant to the international shore connection on the vessel.

[CGD 88-032, 56 FR 35819, July 29, 1991, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995; USCG-2000-7223, 65 FR 40057, June 29, 2000]

127.613 Smoking.

In the marine transfer area for LNG, the operator shall ensure that no person smokes when there is LNG present.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.615 Fires.

In the marine transfer area for LNG, the operator shall ensure that there are no fires when there is LNG present.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.617 Hotwork.

The operator shall ensure that no person conducts welding, torch cutting, or other hotwork unless that person has a permit from the COTP.

SECURITY

127.701 Security on existing facilities.

The operator shall ensure that any security procedure and arrangement on existing facilities, that were in use when LNG transfer operations were last conducted, be continued and maintained, or upgraded, whenever LNG transfer operations are conducted.

127.703 Access to the marine transfer area for LNG.

The operator shall ensure that—

(a) Access to the marine transfer area for LNG from the shoreside and the waterside is limited to—

- (1) Personnel who work at the waterfront facility handling LNG including persons assigned for transfer operations, vessel personnel, and delivery and service personnel in the course of their business;
- (2) Coast Guard personnel; and
- (3) Other persons authorized by the operator; and

(b) No person is allowed into the marine transfer area for LNG unless that person is identified by a waterfront facility handling LNG-issued identification card or other identification card displaying his or her photograph, or is an escorted visitor displaying an identifying badge.

(7) Directing the parking, loading, and unloading of vehicles within a restricted area;

(8) Controlling unaccompanied baggage and or personal effects after screening;

(9) Designating restricted areas for performing inspections of cargo and vessel stores while awaiting loading; and

(10) Designating temporary restricted areas to accommodate facility operations. If temporary restricted areas are designated, the FSP must include a requirement to conduct a security sweep of the designated temporary restricted area both before and after the area has been established.

(e) *MARSEC Level 2*. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in their approved FSP. These additional security measures may include:

- (1) Increasing the intensity and frequency of monitoring and access controls on existing restricted access areas;
- (2) Enhancing the effectiveness of the barriers or fencing surrounding restricted areas, by the use of patrols or automatic intrusion detection devices;
- (3) Reducing the number of access points to restricted areas, and enhancing the controls applied at the remaining accesses;
- (4) Restricting parking adjacent to vessels;
- (5) Further restricting access to the restricted areas and movements and storage within them;
- (6) Using continuously monitored and recorded surveillance equipment;
- (7) Enhancing the number and frequency of patrols, including waterborne patrols undertaken on the boundaries of the restricted areas and within the areas; or
- (8) Establishing and restricting access to areas adjacent to the restricted areas.

(f) *MARSEC Level 3*. In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in their approved FSP. These additional security measures may include:

- (1) Restricting access to additional areas;
- (2) Prohibiting access to restricted areas, or
- (3) Searching restricted areas as part of a security sweep of all or part of the facility.

105.265 Security measures for handling cargo.

(a) *General*. The facility owner or operator must ensure that security measures relating to cargo handling, some of which may have to be applied in liaison with the vessel, are implemented in order to:

- (1) Deter tampering;

- (2) Prevent cargo that is not meant for carriage from being accepted and stored at the facility without the knowing consent of the facility owner or operator;
- (3) Identify cargo that is approved for loading onto vessels interfacing with the facility;
- (4) Include cargo control procedures at access points to the facility;
- (5) Identify cargo that is accepted for temporary storage in a restricted area while awaiting loading or pick up;
- (6) Restrict the entry of cargo to the facility that does not have a confirmed date for loading, as appropriate;
- (7) Ensure the release of cargo only to the carrier specified in the cargo documentation;
- (8) When there are regular or repeated cargo operations with the same shipper, coordinate security measures with the shipper or other responsible party in accordance with an established agreement and procedure; and
- (9) Create, update, and maintain a continuous inventory of all dangerous goods and hazardous substances from receipt to delivery within the facility, giving the location of those dangerous goods and hazardous substances.

(b) *MARSEC Level 1.* At MARSEC Level 1, the facility owner or operator must ensure the implementation of measures to:

- (1) Unless unsafe to do so, routinely check cargo, cargo transport units, and cargo storage areas within the facility prior to, and during, cargo handling operations for evidence of tampering;
- (2) Check that cargo, containers, or other cargo transport units entering the facility match the delivery note or equivalent cargo documentation;
- (3) Screen vehicles; and
- (4) Check seals and other methods used to prevent tampering upon entering the facility and upon storage within the facility.

(c) *MARSEC Level 2.* In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved FSP. These additional security measures may include:

- (1) Conducting check of cargo, containers or other cargo transport units, and cargo storage areas within the facility for evidence of tampering;
- (2) Intensifying checks, as appropriate, to ensure that only the documented cargo enters the facility, is temporarily stored there, and then loaded onto the vessel;
- (3) Intensifying the screening of vehicles;
- (4) Increasing frequency and detail in checking of seals and other methods used to prevent tampering;
- (5) Coordinating enhanced security measures with the shipper or other responsible party in accordance with an established agreement and procedures;

127.607 Fire main systems.

- (a) Each marine transfer area for LNG must have a fire main system that provides at least two water streams to each part of the LNG transfer piping and connections, one of which must be from a single length of hose or from a fire monitor.
- (b) The fire main must have at least one isolation valve at each branch connection and at least one isolation valve downstream of each branch connection to isolate damaged sections.
- (c) The fire main system must have the capacity to supply—
 - (1) Simultaneously all fire hydrants, standpipes, and fire monitors in the system; and
 - (2) At a Pitot tube pressure of 618 kilonewtons per square meter (75 p.s.i.), the two outlets having the greatest pressure drop between the source of water and the hose or monitor nozzle, when only those two outlets are open.
- (d) If the source of water for the fire main system is capable of supplying a pressure greater than the system's design working pressure, the system must have at least one pressure relief device.
- (e) Each fire hydrant or standpipe must have at least one length of hose of sufficient length to meet paragraph (a) of this section.
- (f) Each length of hose must—
 - (1) Be 1½ inches or more in diameter and 30.5 meters (100 feet) or less in length;
 - (2) Be on a hose rack or reel;
 - (3) Be connected to the hydrant or standpipe at all times; and
 - (4) Have a Coast Guard approved combination solid stream and water spray fire hose nozzle.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.609 Dry chemical systems.

- (a) Each marine transfer area for LNG must have a dry chemical system that provides at least two dry chemical discharges to the area surrounding the loading arms, one of which must be—
 - (1) From a monitor; and
 - (2) Actuated and, except for pre-aimed monitors, controlled from a location other than the monitor location.
- (b) The dry chemical system must have the capacity to supply simultaneously or sequentially each hose or monitor in the system for 45 seconds.
- (c) Each dry chemical hose station must have at least one length of hose that—
 - (1) Is on a hose rack or reel; and
 - (2) Has a nozzle with a valve that starts and stops the flow of dry chemical.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.611 International shore connection.

- (6) First aid procedures for—
 - (i) Frostbite;
 - (ii) Burns;
 - (iii) Cardio-pulmonary resuscitation; and
 - (iv) Transporting injured personnel.

(c) The personnel who received training under paragraphs (a) and (b) of this section receive refresher training in the same subjects at least once every five years.

FIREFIGHTING

127.601 Fire equipment: General.

- (a) Fire equipment and systems provided in addition to the requirements in this subpart must meet the requirements of this subpart.
- (b) The following must be red or some other conspicuous color and be in locations that are readily accessible:
 - (1) Hydrants and standpipes.
 - (2) Hose stations.
 - (3) Portable fire extinguishers.
 - (4) Fire monitors.
- (c) Fire equipment, if applicable, must bear the approval of Underwriters Laboratories, Inc., the Factory Mutual Research Corp., or the Coast Guard.

127.603 Portable fire extinguishers.

Each marine transfer area for LNG must have—

- (a) Portable fire extinguishers that meet 9-6.1 of NFPA 59A and Chapter 3 of NFPA 10; and
 - (b) At least one portable fire extinguisher in each designated parking area.
- [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.605 Emergency outfits.

- (a) There must be an emergency outfit for each person whose duties include fighting fires, but there must be at least two emergency outfits. Each emergency outfit must include—
 - (1) One explosion-proof flashlight;
 - (2) Boots and gloves of rubber or other electrically nonconducting material;
 - (3) A rigid helmet that protects the head against impact;
 - (4) Water resistant clothing that also protects the body against fire; and
 - (5) U.S. Bureau of Mines approved self-contained breathing apparatus.
- (b) Emergency outfits under paragraph (a) of this section must be in locations that are readily accessible and marked for easy recognition.

- (6) Increasing the frequency and intensity of visual and physical inspections; or
- (7) Limiting the number of locations where dangerous goods and hazardous substances, including certain dangerous cargoes, can be stored.

(d) *MARSEC Level 3*. In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved FSP. These additional security measures may include:

- (1) Restricting or suspending cargo movements or operations within all or part of the facility or specific vessels;
- (2) Being prepared to cooperate with responders and vessels; or
- (3) Verifying the inventory and location of any dangerous goods and hazardous substances, including certain dangerous cargoes, held within the facility and their location.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60541, Oct. 22, 2003]

105.270 Security measures for delivery of vessel stores and bunkers.

(a) *General*. The facility owner or operator must ensure that security measures relating to the delivery of vessel stores and bunkers are implemented to:

- (1) Check vessel stores for package integrity;
- (2) Prevent vessel stores from being accepted without inspection;
- (3) Deter tampering;
- (4) For vessels that routinely use a facility, establish and execute standing arrangements between the vessel, its suppliers, and a facility regarding notification and the timing of deliveries and their documentation; and
- (5) Check vessel stores by the following means:
 - (i) Visual examination;
 - (ii) Physical examination;
 - (iii) Detection devices, such as scanners; or
 - (iv) Canines.

(b) *MARSEC Level 1*. At MARSEC Level 1, the facility owner or operator must ensure the implementation of measures to:

- (1) Screen vessel stores at the rate specified in the approved Facility Security Plan (FSP);
- (2) Require advance notification of vessel stores or bunkers delivery, including a list of stores, delivery vehicle driver information, and vehicle registration information;
- (3) Screen delivery vehicles at the frequencies specified in the approved FSP; and
- (4) Escort delivery vehicles within the facility at the rate specified by the approved FSP.

(c) *MARSEC Level 2*. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must also ensure the implementation of additional security

measures, as specified for MARSEC Level 2 in the approved FSP. These additional security measures may include:

- (1) Detailed screening of vessel stores;
- (2) Detailed screening of all delivery vehicles;
- (3) Coordinating with vessel personnel to check the order against the delivery note prior to entry to the facility;
- (4) Ensuring delivery vehicles are escorted within the facility; or
- (5) Restricting or prohibiting the entry of vessel stores that will not leave the facility within a specified period.

(d) *MARSEC Level 3*. In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the facility owner and operator must ensure implementation of additional security measures, as specified for MARSEC Level 3 in the approved FSP. Examples of these additional security measures may include:

- (1) Checking all vessel stores more extensively;
- (2) Restricting or suspending delivery of vessel stores; or
- (3) Refusing to accept vessel stores on the facility.

105.275 Security measures for monitoring.

(a) *General*. The facility owner or operator must ensure the implementation of security measures in this section and have the capability to continuously monitor, through a combination of lighting, security guards, waterborne patrols, automatic intrusion-detection devices, or surveillance equipment, as specified in the approved Facility Security Plan (FSP), the:

- (1) Facility and its approaches, on land and water;
- (2) Restricted areas within the facility; and
- (3) Vessels at the facility and areas surrounding the vessels.

(b) *MARSEC Level 1*. At MARSEC Level 1, the facility owner or operator must ensure the security measures in this section are implemented at all times, including the period from sunset to sunrise and periods of limited visibility. For each facility, ensure monitoring capability that:

- (1) When automatic intrusion-detection devices are used, activates an audible or visual alarm, or both, at a location that is continuously attended or monitored;
- (2) Is able to function continually, including consideration of the possible effects of weather or of a power disruption;
- (3) Monitors the facility area, including shore and waterside access to it;
- (4) Monitors access points, barriers and restricted areas;
- (5) Monitors access and movements adjacent to vessels using the facility, including augmentation of lighting provided by the vessel itself; and
- (6) Limits lighting effects, such as glare, and their impact on safety, navigation, and other security activities.

(c) *MARSEC Level 2*. In addition to the security measures for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved FSP. These additional measures may include:

- (1) The equipment continues to meet the applicable requirements in this subpart and in NFPA 59A; and
 - (2) Safety is not compromised; and
- (b) Welding is done in accordance with NFPA 51B and NFPA 59A, Chapter 6, Section 6-3.4.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.407 Testing.

(a) The operator shall pressure test under paragraph (b) of this section the transfer system, including piping, hoses, and loading arms, and verify the set pressure of the safety and relief valves—

- (1) After the system or the valves are altered;
- (2) After the system or the valves are repaired;
- (3) After any increase in the MAWP; or
- (4) For those components that are not continuously kept at cryogenic temperature, at least once each calendar year, with intervals between testing not exceeding 15 months.

(b) The pressure for the transfer system test under paragraph (a) of this section must be at 1.1 times the MAWP and be held for a minimum of 30 minutes.

127.409 Records.

(a) The operator shall keep on file the following information:

- (1) A description of the components tested under §127.407.
- (2) The date and results of the test under §127.407.
- (3) A description of any corrective action taken after the test.

(b) The information required by this section must be retained for 24 months.

PERSONNEL TRAINING

127.501 Applicability.

The training required by this subpart must be completed before LNG is transferred.

127.503 Training: General.

The operator shall ensure that each of the following is met:

- (a) All full-time employees have training in the following subjects:
 - (1) Basic LNG firefighting procedures.
 - (2) LNG properties and hazards.

(b) In addition to the training under paragraph (a) of this section, each person assigned for transfer operations has training in the following subjects:

- (1) The examined *Operations Manual* and examined *Emergency Manual*.
- (2) Advanced LNG firefighting procedures.
- (3) Security violations.
- (4) LNG vessel design and cargo transfer operations.
- (5) LNG release response procedures.

- (1) Be in continuous communication with the person in charge of transfer operations on the vessel;
- (2) Ensure that an inspection of the transfer piping and equipment for leaks, frost, defects, and other symptoms of safety and operational problems is conducted at least once every transfer;
- (3) Ensure that transfer operations are discontinued—
 - (i) Before electrical storms or uncontrolled fires are adjacent to the marine transfer area for LNG; and
 - (ii) As soon as a fire is detected; and
- (4) Ensure that the lighting systems are turned on between sunset and sunrise.

NOTE: Vessel transfer requirements are published in 46 CFR Part 154. [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.321 Release of LNG.

- (a) The operator of the waterfront facility handling LNG shall ensure that—
- (1) No person releases LNG into the navigable waters of the United States; and
 - (2) If there is a release of LNG, vessels near the facility are notified of the release by the activation of the warning alarm.
- (b) If there is a release of LNG, the person in charge of shoreside transfer operations shall—
- (1) Immediately notify the person in charge of cargo transfer on the vessel of the intent to shutdown;
 - (2) Shutdown transfer operations;
 - (3) Notify the COTP of the release; and
 - (4) Not resume transfer operations until authorized by the COTP.
- [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

MAINTENANCE

127.401 Maintenance: General.

The operator of the waterfront facility handling LNG shall ensure that the equipment required under this part is maintained in a safe condition so that it does not cause a release or ignition of LNG. [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.403 Inspections.

The operator shall conduct a visual inspection for defects of each pressure-relief device not capable of being tested, at least once each calendar year, with intervals between inspections not exceeding 15 months, and make all repairs in accordance with §127.405.

127.405 Repairs.

- The operator shall ensure that—
- (a) Equipment repairs are made so that—

- (1) Increasing the coverage and intensity of surveillance equipment, including the provision of additional surveillance coverage;
 - (2) Increasing the frequency of foot, vehicle or waterborne patrols;
 - (3) Assigning additional security personnel to monitor and patrol; or
 - (4) Increasing the coverage and intensity of lighting, including the provision of additional lighting and coverage.
- (d) *MARSEC Level 3.* In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the facility owner or operator must also ensure implementation of additional security measures, as specified for MARSEC Level 3 in the approved FSP. These additional security measures may include:
- (1) Switching on all lighting within, or illuminating the vicinity of, the facility;
 - (2) Switching on all surveillance equipment capable of recording activities within or adjacent to the facility;
 - (3) Maximizing the length of time such surveillance equipment can continue to record; or
 - (4) Complying with the instructions issued by those responding to the security incident.
- [USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

105.280 Security incident procedures.

For each MARSEC Level, the facility owner or operator must ensure the Facility Security Officer and facility security personnel are able to:

- (a) Respond to security threats or breaches of security and maintain critical facility and vessel-to-facility interface operations;
- (b) Evacuate the facility in case of security threats or breaches of security;
- (c) Report security incidents as required in §101.305 of this subchapter;
- (d) Brief all facility personnel on possible threats and the need for vigilance, soliciting their assistance in reporting suspicious persons, objects, or activities; and
- (e) Secure non-critical operations in order to focus response on critical operations.

105.285 Additional requirements-passenger and ferry facilities.

- (a) At all MARSEC Levels, the owner or operator of a passenger or ferry facility must ensure, in coordination with a vessel moored at the facility, that the following security measures are implemented in addition to the requirements of this part:
- (1) Establish separate areas to segregate unchecked persons and personal effects from checked persons and personal effects;
 - (2) Ensure that a defined percentage of vehicles to be loaded aboard are screened prior to loading, in accordance with a MARSEC Directive or other orders issued by the Coast Guard;

- (3) Ensure that all unaccompanied vehicles to be loaded on passenger vessels are screened prior to loading;
- (4) Deny passenger access to secure and restricted areas unless escorted by authorized facility security personnel; and
- (5) In a facility with a public access area designated under §105.106, provide sufficient security personnel to monitor all persons within the area.

(b) At MARSEC Level 2, in addition to the requirements in paragraph (a) of this section, the owner or operator of a passenger or ferry facility with a public access area designated under §105.106 must increase the intensity of monitoring of the public access area.

(c) At MARSEC Level 3, in addition to the requirements in paragraph (a) of this section, the owner or operator of a passenger or ferry facility with a public access area designated under §105.106 must increase the intensity of monitoring and assign additional security personnel to monitor the public access area.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003; USCG-2006-24196, 72 FR 3584, Jan. 25, 2007]

105.290 Additional requirements—cruise ship terminals.

At all MARSEC Levels, in coordination with a vessel moored at the facility, the facility owner or operator must ensure the following security measures:

- (a) Screen all persons, baggage, and personal effects for dangerous substances and devices;
- (b) Check the identification of all persons seeking to enter the facility. Persons holding a TWIC shall be checked as set forth in this part. For persons not holding a TWIC, this check includes confirming the reason for boarding by examining passenger tickets, boarding passes, government identification or visitor badges, or work orders;
- (c) Designate holding, waiting, or embarkation areas within the facility's secure area to segregate screened persons and their personal effects awaiting embarkation from unscreened persons and their personal effects;
- (d) Provide additional security personnel to designated holding, waiting, or embarkation areas within the facility's secure area; and
- (e) Deny individuals not holding a TWIC access to secure and restricted areas unless escorted.

[USCG-2006-24196, 72 FR 3585, Jan. 25, 2007]

105.295 Additional requirements—Certain Dangerous Cargo (CDC) facilities.

(a) At all MARSEC Levels, owners or operators of CDC facilities must ensure the implementation of the following security measures in addition to the requirements of this part:

- (1) Escort all visitors, contractors, vendors, and other non-facility employees at all times while on the facility, if access identification is not provided. Escort provisions do not apply to prearranged cargo deliveries;
- (2) Control the parking, loading, and unloading of vehicles within a facility;

- (f) Ensure that warning signs that warn that LNG is being transferred, are displayed;
- (g) Eliminate all ignition sources in the marine transfer area for LNG;
- (h) Ensure that personnel are on duty in accordance with the examined *Operations Manual*; and
- (i) Test the following to determine that they are operable:
 - (1) The sensing and alarm systems.
 - (2) The emergency shutdown system.
 - (3) The communication systems.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.317 Declaration of inspection.

(a) After the preliminary transfer inspection under §127.315 has been satisfactorily completed, the person in charge of shoreside transfer operations shall ensure that no person transfers LNG until a Declaration of Inspection that meets paragraph (c) of this section is executed and signed in duplicate.

(b) The person in charge of shoreside transfer operations shall give one signed copy of the Declaration of Inspection to the person in charge of transfer operations on the vessel, and shall retain one signed copy at the waterfront facility handling LNG for 30 days after completion of the transfer.

(c) Each Declaration of Inspection must contain—

- (1) The name of the vessel and the waterfront facility handling LNG;
- (2) The date and time that transfer operations begin;
- (3) A list of the requirements in §127.315 with the initials of the person in charge of shoreside transfer operations after each requirement, indicating that the requirement is met;
- (4) The signature of the person in charge of shoreside transfer operations and the date and time of signing, indicating that he or she is ready to begin transfer operations; and
- (5) The signature of each relief person in charge and the date and time of each relief.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.319 LNG transfer.

During LNG transfer operations, the following must be met:

(a) The operator of the waterfront facility handling LNG shall ensure that—

- (1) The marine transfer area for LNG is under the supervision of a person in charge, who has no other assigned duties during the transfer operation;
- (2) Personnel transferring fuel or oily waste are not involved in LNG transfer; and
- (3) No vessels are moored outboard of any LNG vessel without the permission of the COTP.

(b) The person in charge of shoreside transfer operations shall—

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.311 Motor vehicles.

- (a) The operator shall designate and mark parking spaces that—
 - (1) Do not block fire lanes;
 - (2) Do not impede any exits;
 - (3) Are not located in any impounding space; and
 - (4) Are not within 15 meters (49.2 feet) of any storage tank or loading flange.
- (b) During transfer operations, no person may—
 - (1) Stop or park a motor vehicle in a space that is not designated a parking space; or
 - (2) Refuel any motor vehicle.

127.313 Bulk storage.

- (a) The operator shall ensure that only the following flammable materials are stored in the marine transfer area for LNG:
 - (1) LNG.
 - (2) LPG.
 - (3) Vessel fuel.
 - (4) Oily waste from vessels.
 - (5) Solvents, lubricants, paints, and other fuels in the amount used for one day's operations and maintenance.
 - (b) Flammable liquids must be stored in accordance with Chapter 4 of NFPA 30.
- [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.315 Preliminary transfer inspection.

- Before transferring LNG, the person in charge of shoreside transfer operations shall—
- (a) Inspect the transfer piping and equipment to be used during the transfer and replace any worn or inoperable parts;
 - (b) For each of the vessel's cargo tanks from which cargo will be transferred, note the pressure, temperature, and volume to ensure they are safe for transfer;
 - (c) Review and agree with the person in charge of cargo transfer on the vessel to—
 - (1) The sequence of transfer operations;
 - (2) The transfer rate;
 - (3) The duties, location, and watches of each person assigned for transfer operations; and
 - (4) Emergency procedures from the examined *Emergency Manual*;
 - (d) Ensure that transfer connections allow the vessel to move to the limits of its moorings without placing strain on the loading arm or transfer piping system;
 - (e) Ensure that each part of the transfer system is aligned to allow the flow of LNG to the desired location;

- (3) Require security personnel to record or report their presence at key points during their patrols;
- (4) Search unmanned or unmonitored waterfront areas for dangerous substances and devices prior to a vessel's arrival at the facility; and
- (5) Provide an alternate or independent power source for security and communications systems.

- (b) At MARSEC Level 2, in addition to the requirements for MARSEC Level 1, owners or operators of CDC facilities must ensure the implementation of the following security measures:

- (1) Release cargo only in the presence of the Facility Security Officer (FSO) or a designated representative of the FSO; and
- (2) Continuously patrol restricted areas.

- (c) At MARSEC Level 3, in addition to the requirements for MARSEC Level 1 and MARSEC Level 2, owners or operators of CDC facilities must ensure the facilities are continuously guarded and restricted areas are patrolled.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

105.296 Additional requirements—barge fleeting facilities.

- (a) At MARSEC Level 1, in addition to the requirements of this part, an owner or operator of a barge fleeting facility must ensure the implementation of the following security measures:
 - (1) Designate one or more restricted areas within the barge fleeting facility to handle those barges carrying, in bulk, cargoes regulated by 46 CFR chapter I, subchapters D or O, or Certain Dangerous Cargoes;
 - (2) Maintain a current list of vessels and cargoes in the designated restricted area; and
 - (3) Ensure that at least one towing vessel is available to service the fleeting facility for every 100 barges within the facility.
 - (4) Control access to the barges once tied to the fleeting area by implementing TWIC as described in §105.255 of this part.
 - (b) At MARSEC Level 2, in addition to the requirements of this part and MARSEC Level 1 requirements, an owner or operator of a barge fleeting facility must ensure security personnel are assigned to monitor or patrol the designated restricted area within the barge fleeting facility.
 - (c) At MARSEC Level 3, in addition to the requirements of this part and MARSEC Level 2 requirements, an owner or operator of a barge fleeting facility must ensure that both land and waterside perimeters of the designated restricted area within the barge fleeting facility are continuously monitored or patrolled.
- [USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003; USCG-2006-24196, 72 FR 3585, Jan. 25, 2007]

33 CFR 105 Subpart C—Facility Security Assessment (FSA)

105.300 General.

- (a) The Facility Security Assessment (FSA) is a written document that is based on the collection of background information, the completion of an on-scene survey and an analysis of that information.
- (b) A common FSA may be conducted for more than one similar facility provided the FSA reflects any facility-specific characteristics that are unique.
- (c) Third parties may be used in any aspect of the FSA if they have the appropriate skills and if the Facility Security Officer (FSO) reviews and accepts their work.
- (d) Those involved in a FSA must be able to draw upon expert assistance in the following areas, as appropriate:
 - (1) Knowledge of current security threats and patterns;
 - (2) Recognition and detection of dangerous substances and devices;
 - (3) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security;
 - (4) Techniques used to circumvent security measures;
 - (5) Methods used to cause a security incident;
 - (6) Effects of dangerous substances and devices on structures and facility services;
 - (7) Facility security requirements;
 - (8) Facility and vessel interface business practices;
 - (9) Contingency planning, emergency preparedness, and response;
 - (10) Physical security requirements;
 - (11) Radio and telecommunications systems, including computer systems and networks;
 - (12) Marine or civil engineering; and
 - (13) Facility and vessel operations.

105.305 Facility Security Assessment (FSA) requirements.

- (a) *Background.* The facility owner or operator must ensure that the following background information, if applicable, is provided to the person or persons who will conduct the assessment:
 - (1) The general layout of the facility, including:
 - (i) The location of each active and inactive access point to the facility;
 - (ii) The number, reliability, and security duties of facility personnel;
 - (iii) Security doors, barriers, and lighting;
 - (iv) The location of restricted areas;
 - (v) The emergency and stand-by equipment available to maintain essential services;
 - (vi) The maintenance equipment, cargo spaces, storage areas, and unaccompanied baggage storage;
 - (vii) Location of escape and evacuation routes and assembly stations; and
 - (viii) Existing security and safety equipment for protection of personnel and visitors;
 - (2) Response procedures for fire or other emergency conditions;

- (a) A description of the transfer system including mooring areas, transfer connections, control rooms, and diagrams of the piping and electrical systems;
- (b) The duties of each person assigned for transfer operations;
- (c) The maximum relief valve setting or maximum allowable working pressure of the transfer system;
- (d) The facility telephone numbers of facility supervisors, persons in charge of shoreside transfer operations, personnel on watch in the marine transfer area for LNG, and security personnel;
- (e) A description of the security systems for the marine transfer area for LNG;
- (f) The procedures for—
 - (1) Transfer operations including gauging, cool down, pumping, venting, and shutdown;
 - (2) Transfer operations start-up and shutdown;
 - (3) Security violations; and
 - (4) The communications systems; and
- (g) A description of the training programs established under §127.503. [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.307 Emergency Manual.

Each *Emergency Manual* must contain—

- (a) LNG release response procedures, including contacting local response organizations;
- (b) Emergency shutdown procedures;
- (c) A description of the fire equipment and systems and their operating procedures;
- (d) A description of the emergency lighting and emergency power systems;
- (e) The telephone numbers of local Coast Guard units, hospitals, fire departments, police departments, and other emergency response organizations;
- (f) If the waterfront facility handling LNG has personnel shelters, the location of and provisions in each shelter;
- (g) First aid procedures and if there are first aid stations, the locations of each station; and
- (h) Emergency procedures for mooring and unmooring a vessel. [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.309 Operations Manual and Emergency Manual: Use.

The operator shall ensure that—

- (a) LNG transfer operations are not conducted unless the waterfront facility handling LNG has an examined *Operations Manual* and examined *Emergency Manual*;
- (b) Each transfer operation is conducted in accordance with the examined *Operations Manual*; and
- (c) Each emergency response is in accordance with the examined *Emergency Manual*.

(b) Is activated automatically when the fixed sensors under §127.201(b) measure LNG concentrations exceeding 40% of the lower flammable limit.

127.207 Warning alarms.

- (a) The marine transfer area for LNG must have a rotating or flashing amber light with a minimum effective flash intensity, in the horizontal plane, of 5000 candelas. At least 50% of the required effective flash intensity must be maintained in all directions from 1.0 degree above to 1.0 degree below the horizontal plane.
- (b) The marine transfer area for LNG must have a siren with a minimum $\frac{1}{3}$ -octave band sound pressure level at 1 meter of 125 decibels referenced to 0.0002 microbars. The siren must be located so that the sound signal produced is audible over 360 degrees in a horizontal plane.
- (c) Each light and siren must be located so that the warning alarm is not obstructed for a distance of 1.6 km (1 mile) in all directions.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

OPERATIONS

127.301 Persons in charge of shoreside transfer operations: Qualifications and certification.

- (a) No person may serve, and the operator of the waterfront facility handling LNG may not use the services of any person, as a person in charge of shoreside transfer operations, unless that person—
 - (1) Has at least 48 hours of LNG transfer experience;
 - (2) Knows the hazards of LNG;
 - (3) Knows the rules of this subpart; and
 - (4) Knows the procedures in the examined *Operations Manual* and the examined *Emergency Manual*.
- (b) Before a person in charge of shoreside transfer operations supervises a transfer, the operator shall certify in writing that the criteria in paragraph (a) of this section are met. The operator shall maintain a copy of each current certification available for inspection at the waterfront facility handling LNG.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.303 Compliance with suspension order.

If an order to suspend is given to the operator or owner of the waterfront facility handling LNG, no LNG transfer operations may be conducted at the facility until the order is withdrawn by the COTP.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.305 Operations Manual.

Each *Operations Manual* must contain—

- (3) Procedures for monitoring facility and vessel personnel, vendors, repair technicians, and dock workers;
- (4) Existing contracts with private security companies and existing agreements with local or municipal agencies;
- (5) Procedures for controlling keys and other access prevention systems;
- (6) Procedures for cargo and vessel stores operations;
- (7) Response capability to security incidents;
- (8) Threat assessments, including the purpose and methodology of the assessment, for the port in which the facility is located or at which passengers embark or disembark;
- (9) Previous reports on security needs; and
- (10) Any other existing security procedures and systems, equipment, communications, and facility personnel.

(b) *On-scene survey.* The facility owner or operator must ensure that an on-scene survey of each facility is conducted. The on-scene survey examines and evaluates existing facility protective measures, procedures, and operations to verify or collect the information required in paragraph (a) of this section.

(c) *Analysis and recommendations.* In conducting the FSA, the facility owner or operator must ensure that the FSO analyzes the facility background information and the on-scene survey, and considering the requirements of this part, provides recommendations to establish and prioritize the security measures that should be included in the FSP. The analysis must consider:

- (1) Each vulnerability found during the on-scene survey including but not limited to:
 - (i) Waterside and shore-side access to the facility and vessel berthing at the facility;
 - (ii) Structural integrity of the piers, facilities, and associated structures;
 - (iii) Existing security measures and procedures, including identification systems;
 - (iv) Existing security measures and procedures relating to services and utilities;
 - (v) Measures to protect radio and telecommunication equipment, including computer systems and networks;
 - (vi) Adjacent areas that may be exploited during or for an attack;
 - (vii) Areas that may, if damaged or used for illicit observation, pose a risk to people, property, or operations within the facility;
 - (viii) Existing agreements with private security companies providing waterside and shore-side security services;
 - (ix) Any conflicting policies between safety and security measures and procedures;
 - (x) Any conflicting facility operations and security duty assignments;
 - (xi) Any enforcement and personnel constraints;

- (xii) Any deficiencies identified during daily operations or training and drills; and
- (xiii) Any deficiencies identified following security incidents or alerts, the report of security concerns, the exercise of control measures, or audits;
- (2) Possible security threats, including but not limited to:
 - (i) Damage to or destruction of the facility or of a vessel moored at the facility;
 - (ii) Hijacking or seizure of a vessel moored at the facility or of persons on board;
 - (iii) Tampering with cargo, essential equipment or systems, or stores of a vessel moored at the facility;
 - (iv) Unauthorized access or use including the presence of stowaways;
 - (v) Smuggling dangerous substances and devices to the facility;
 - (vi) Use of a vessel moored at the facility to carry those intending to cause a security incident and their equipment;
 - (vii) Use of a vessel moored at the facility as a weapon or as a means to cause damage or destruction;
 - (viii) Impact on the facility and its operations due to a blockage of entrances, locks, and approaches; and
 - (ix) Use of the facility as a transfer point for nuclear, biological, radiological, explosive, or chemical weapons;
- (3) Threat assessments by Government agencies;
- (4) Vulnerabilities, including human factors, in the facility's infrastructure, policies and procedures;
- (5) Any particular aspects of the facility, including the vessels using the facility, which make it likely to be the target of an attack;
- (6) Likely consequences in terms of loss of life, damage to property, and economic disruption, including disruption to transportation systems, of an attack on or at the facility; and
- (7) Locations where access restrictions or prohibitions will be applied for each MARSEC Level.
- (d) *FSA report.*
 - (1) The facility owner or operator must ensure that a written FSA report is prepared and included as part of the FSP. The report must contain:
 - (i) A summary of how the on-scene survey was conducted;
 - (ii) A description of existing security measures, including inspection, control and monitoring equipment, personnel identification documents and communication, alarm, lighting, access control, and similar systems;
 - (iii) A description of each vulnerability found during the on-scene survey;
 - (iv) A description of security measures that could be used to address each vulnerability;
 - (v) A list of the key facility operations that are important to protect; and

(b) Each ship-to-shore communication system must be a dedicated system that allows voice communication between the person in charge of transfer operations on the vessel, the person in charge of shoreside transfer operations, and personnel in the control room.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

127.113 Warning signs.

- (a) The marine transfer area for LNG must have warning signs that—
 - (1) Meet paragraph (b) of this section;
 - (2) Can be seen from the shore and the water; and
 - (3) Have the following text:
 - Warning
 - Dangerous Cargo
 - No Visitors
 - No Smoking
 - No Open Lights
 - (b) Each letter in the words on the sign must be—
 - (1) Block style;
 - (2) Black on a white background; and
 - (3) 7.6 centimeters (3 inches) high.
- [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

EQUIPMENT

127.201 Sensing and alarm systems.

- (a) Fixed sensors must have audio and visual alarms in the control room and audio alarms nearby.
- (b) Fixed sensors that continuously monitor for LNG vapors must—
 - (1) Be in each enclosed area where vapor or gas may accumulate; and
 - (2) Meet Section 9-4 of NFPA 59A.
- (c) Fixed sensors that continuously monitor for flame, heat, or products of combustion must—
 - (1) Be in each enclosed or covered Class I, Division 1, hazardous location defined in Section 500-5(a) of NFPA 70 and each area in which flammable or combustible material is stored; and
 - (2) Meet Section 9-4 of NFPA 59A.

127.203 Portable gas detectors.

The marine transfer area for LNG must have at least two portable gas detectors capable of measuring 0-100% of the lower flammable limit of methane.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.205 Emergency shutdown.

Each transfer system must have an emergency shutdown system that—
(a) Can be activated manually; and

127.105 Layout and spacing of marine transfer area for LNG.

(a) LNG impounding spaces must be located so that the heat flux from a fire over the impounding spaces does not cause structural damage to an LNG vessel moored or berthed at the waterfront facility handling LNG.

(b) Each LNG loading flange must be located at least 300 meters (984.3 feet) from the following which are primarily intended for the use of the general public or railways:

(1) Each bridge crossing a navigable waterway.

(2) Each entrance to any tunnel under a navigable waterway.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39796, Aug. 3, 1995]

127.107 Electrical power systems.

(a) The electrical power system must have a power source and a separate emergency power source, so that failure of one source does not affect the capability of the other source. The system must meet the National Electrical Code, NFPA 70.

(b) The emergency power source must provide enough power for the operation of the—

(1) Emergency shutdown system;

(2) Communications equipment;

(3) Firefighting equipment; and

(4) Emergency lighting.

(c) If an auxiliary generator is used as an emergency power source, it must meet Section 700-12 of NFPA 70.

127.109 Lighting systems.

(a) The marine transfer area for LNG must have a lighting system and separate emergency lighting.

(b) All outdoor lighting must be located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterways.

(c) The lighting system must provide an average illumination on a horizontal plane one meter (3.3 feet) above the deck that is—

(1) 54 lux (five foot-candles) at any loading flange; and

(2) 11 lux (one foot-candle) at each work area.

(d) The emergency lighting must provide lighting for the operation of the—

(1) Emergency shutdown system;

(2) Communications equipment; and

(3) Firefighting equipment.

[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

127.111 Communications systems.

(a) The marine transfer area for LNG must have a ship-to-shore communication system and a separate emergency ship-to-shore communication system.

(vi) A list of identified weaknesses, including human factors, in the infrastructure, policies, and procedures of the facility.

(2) A FSA report must describe the following elements within the facility:

(i) Physical security;

(ii) Structural integrity;

(iii) Personnel protection systems;

(iv) Procedural policies;

(v) Radio and telecommunication systems, including computer systems and networks;

(vi) Relevant transportation infrastructure; and

(vii) Utilities.

(3) The FSA report must list the persons, activities, services, and operations that are important to protect, in each of the following categories:

(i) Facility personnel;

(ii) Passengers, visitors, vendors, repair technicians, vessel personnel, etc.;

(iii) Capacity to maintain emergency response;

(iv) Cargo, particularly dangerous goods and hazardous substances;

(v) Delivery of vessel stores;

(vi) Any facility security communication and surveillance systems; and

(vii) Any other facility security systems, if any.

(4) The FSA report must account for any vulnerabilities in the following areas:

(i) Conflicts between safety and security measures;

(ii) Conflicts between duties and security assignments;

(iii) The impact of watch-keeping duties and risk of fatigue on facility personnel alertness and performance;

(iv) Security training deficiencies; and

(v) Security equipment and systems, including communication systems.

(5) The FSA report must discuss and evaluate key facility measures and operations, including:

(i) Ensuring performance of all security duties;

(ii) Controlling access to the facility, through the use of identification systems or otherwise;

(iii) Controlling the embarkation of vessel personnel and other persons and their effects (including personal effects and baggage whether accompanied or unaccompanied);

(iv) Procedures for the handling of cargo and the delivery of vessel stores;

(v) Monitoring restricted areas to ensure that only authorized persons have access;

(vi) Monitoring the facility and areas adjacent to the pier; and

(vii) The ready availability of security communications, information, and equipment.

(e) The FSA, FSA report, and FSP must be protected from unauthorized access or disclosure.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

105.310 Submission requirements.

- (a) A completed FSA report must be submitted with the Facility Security Plan required in §105.410 of this part.
- (b) A facility owner or operator may generate and submit a report that contains the Facility Security Assessment for more than one facility subject to this part, to the extent that they share similarities in design and operations, if authorized and approved by the cognizant COTP.
- (c) The FSA must be reviewed and validated, and the FSA report must be updated each time the FSP is submitted for reapproval or revisions.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

33 CFR 105 Subpart D—Facility Security Plan (FSP)

105.400 General.

- (a) The Facility Security Officer (FSO) must ensure a Facility Security Plan (FSP) is developed and implemented for each facility for which he or she is designated as FSO. The FSP:
 - (1) Must identify the FSO by name and position, and provide 24-hour contact information;
 - (2) Must be written in English;
 - (3) Must address each vulnerability identified in the Facility Security Assessment (FSA);
 - (4) Must describe security measures for each MARSEC Level; and
 - (5) May cover more than one facility to the extent that they share similarities in design and operations, if authorized and approved by the cognizant COTP.
- (b) The FSP must be submitted for approval to the cognizant COTP in a written or electronic format. Information for submitting the FSP electronically can be found at https://homeport.uscg.mil/cgi-bin/st/portal/uscg_docs/MyCG/Editorial/20090220/FSP_Submissi_FAQ05DEC.pdf?id=00388e15db7e7bf4b1fc3556059dac7c3e063b57&user_id=c5535d2497d5d673ff261157e034a1ea.
- (c) The FSP is sensitive security information and must be protected in accordance with 49 CFR part 1520.
- (d) If the FSP is kept in an electronic format, procedures must be in place to prevent its unauthorized deletion, destruction, or amendment.
[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003; USCG-2013-0397, 78 FR 39173, July 1, 2013]

105.405 Format and content of the Facility Security Plan (FSP).

- (a) A facility owner or operator must ensure that the FSP consists of the individual sections listed in this paragraph (a). If the FSP does not follow

126.35 Primary responsibility.

Nothing contained in the rules, regulations, conditions, and designations in this part shall be construed as relieving the masters, owners, operators, and agents of vessels, docks, piers, wharves, or other waterfront facilities from their primary responsibility for the security of such vessels, docks, piers, wharves, or waterfront facilities.
[CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

126.37 Separability.

If any provision of the rules, regulations, conditions, or designations contained in this part or the application of such provision to any person, waterfront facility, or circumstances shall be held invalid, the validity of the remainder of the rules, regulations, conditions, or designations contained in this part and applicability of such provision to other persons, waterfront facilities, or circumstances, shall not be affected thereby. [CGFR 51-37, 16 FR 8680, Aug. 28, 1951]

33 CFR 127—Waterfront Facilities Handling Liquefied Natural Gas

127.101 Design and construction: General.

The marine transfer area for LNG must meet the following criteria in NFPA 59A:

- (a) Chapter 2, Sections 2-1.2 and 2-3.
- (b) Chapter 4, Section 4-1.3.
- (c) Chapter 6.
- (d) Chapter 7, Sections 7-6 and 7-7.
- (e) Chapter 8, except Sections 8-3, 8-5 and 8-7.2.
[CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended by CGD 88-049, 60 FR 39795, Aug. 3, 1995]

127.103 Piers and wharves.

- (a) If the waterfront facility handling LNG is in a region subject to earthquakes, the piers and wharves must be designed to resist earthquake forces.
 - (b) Substructures, except moorings and breasting dolphins, that support or are within 5 meters (16.4 feet) of any pipe or equipment containing LNG, or are within 15 meters (49.2 feet) of a loading flange, must—
 - (1) Be made of concrete or steel; and
 - (2) Have a fire endurance rating of not less than two hours.
 - (c) LNG or LPG storage tanks must have the minimum volume necessary for—
 - (1) Surge protection;
 - (2) Pump suction supply; or
 - (3) Other process needs.
- [CGD 78-038, 53 FR 3376, Feb. 7, 1988, as amended at CGD 88-049, 60 FR 39796, Aug. 3, 1995]

- (c) Before conducting welding or hotwork, flammable vapors, liquids, or solids must be completely removed from any container, pipe, or transfer line being worked on.
 - (d) Before conducting welding or hotwork on tanks, tanks used for storage of flammable or combustible substances must be tested and certified gas free.
 - (e) All welding and hotwork must be conducted according to NFPA 51B. (Incorporated by reference, see §126.5.)
 - (f) Welding or hotwork is prohibited during gas freeing operations within 30.5 meters (100 feet) of bulk cargo operations involving flammable or combustible materials, within 30.5 meters (100 feet) of fueling operations, within 30.5 meters (100 feet) of explosives, or within 15.25 meters (50 feet) of other hazardous materials.
 - (g) If the welding or hotwork is on the boundary of a compartment (*i.e.*, bulkhead, wall, or deck), a fire watch, in addition to that called for in NFPA 51B, must be stationed in the adjoining compartment.
 - (h) Personnel on fire watch must have no other duties except to watch for the presence of fire and to prevent the development of hazardous conditions.
 - (i) All safety precautions in relation to purging, inerting, or venting for all hotwork on containers must be followed.
 - (j) All local laws and ordinances must be followed.
 - (k) If a fire or other hazard occurs, all cutting, welding, or other hotwork equipment must be shut down.
- [USCG-1998-4302, 68 FR 55442, Sept. 26, 2003]

126.31 Termination or suspension of general permit.

The Captain of the Port is hereby authorized to terminate or to suspend the general permit granted by §126.27 in respect to any particular designated waterfront facility whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension shall be given to the permittee in writing. After such termination, the general permit may be revived by the District Commander with respect to such particular waterfront facility upon a finding by him that the cause of termination no longer exists and is unlikely to recur. After such suspension, the general permit shall be revived by the Captain of the Port with respect to such particular waterfront facility when the cause of suspension no longer exists, and he shall so advise the permittee in writing.

[CGFR 51-37, 16 FR 8680, Aug. 28, 1951, as amended by CGFR 69-89, 34 FR 17479, Oct. 29, 1969]

126.33 Penalties for handling dangerous cargo without permit.

Handling, storing, stowing, loading, discharging, or transporting any dangerous cargo covered by §126.27 under circumstances not covered by the general permit granted in §126.27 or when such general permit is not in force will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. sec. 1232).

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

the order as it appears in the list, the facility owner or operator must ensure that the FSP contains an index identifying the location of each of the following sections:

- (1) Security administration and organization of the facility;
- (2) Personnel training;
- (3) Drills and exercises;
- (4) Records and documentation;
- (5) Response to change in MARSEC Level;
- (6) Procedures for interfacing with vessels;
- (7) Declaration of Security (DoS);
- (8) Communications;
- (9) Security systems and equipment maintenance;
- (10) Security measures for access control, including designated public access areas;
- (11) Security measures for restricted areas;
- (12) Security measures for handling cargo;
- (13) Security measures for delivery of vessel stores and bunkers;
- (14) Security measures for monitoring;
- (15) Security incident procedures;
- (16) Audits and security plan amendments;
- (17) Facility Security Assessment (FSA) report; and
- (18) Facility Vulnerability and Security Measures Summary (Form CG-6025) in appendix A to part 105-Facility Vulnerability and Security Measures Summary (CG-6025).

(b) The FSP must describe in detail how the requirements of subpart B of this part will be met. FSPs that have been approved by the Coast Guard prior to March 26, 2007, do not need to be amended to describe their TWIC procedures until the next regularly scheduled resubmission of the FSP.

(c) The Facility Vulnerability and Security Measures Summary (Form CG-6025) must be completed using information in the FSA concerning identified vulnerabilities and information in the FSP concerning security measures in mitigation of these vulnerabilities.

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended by USCG-2006-24196, 72 FR 3585, Jan. 25, 2007]

105.410 Submission and approval.

(a) On or before December 31, 2003, the owner or operator of each facility currently in operation must either:

- (1) Submit one copy of their Facility Security Plan (FSP) for review and approval to the cognizant COTP and a letter certifying that the FSP meets applicable requirements of this part; or
- (2) If intending to operate under an Approved Alternative Security Program, a letter signed by the facility owner or operator stating which approved Alternative Security Program the owner or operator intends to use.

(b) Owners or operators of facilities 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 cognizant COTP 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) An FSP may be submitted and approved to cover more than one facility where they share similarities in design and operations, if authorized and approved by each cognizant COTP.

(e) Each facility owner or operator that submits one FSP to cover two or more facilities of similar design and operation must address facility-specific information that includes the design and operational characteristics of each facility and must complete a separate Facility Vulnerability and Security Measures Summary (Form CG-6025), in Appendix A to Part 105—Facility Vulnerability and Security Measures Summary (CG-6025), for each facility covered by the plan.

(f) A FSP that is approved by the cognizant COTP is valid for five years from the date of its approval.

[USCG-2003-14732, 68 FR 39322, July 1, 2003; 68 FR 41916, July 16, 2003, as amended at 68 FR 60542, Oct. 22, 2003; USCG-2004-19963, 70 FR 74669, Dec. 16, 2005; USCG-2013-0397, 78 FR 39173, July 1, 2013]

105.415 Amendment and audit.

(a) Amendments.

(1) Amendments to a Facility Security Plan (FSP) that is approved by the cognizant COTP may be initiated by:

- (i) The facility owner or operator; or
- (ii) The cognizant COTP upon a determination that an amendment is needed to maintain the facility's security. The cognizant COTP, who will give the facility owner or operator written notice and request that the facility owner or operator propose amendments addressing any matters specified in the notice. The facility owner or operator will have at least 60 days to submit its proposed amendments. Until amendments are approved, the facility owner or operator shall ensure temporary security measures are implemented to the satisfaction of the COTP.

(2) Proposed amendments must be submitted to the cognizant COTP. If initiated by the facility owner or operator, the proposed amendment must be submitted at least 30 days before the amendment is to take effect unless the cognizant COTP allows a shorter period. The cognizant COTP will approve or disapprove the proposed amendment in accordance with §105.410 of this subpart.

(3) Nothing in this section should be construed as limiting the facility owner or operator from the timely implementation of such additional security measures not enumerated in the approved FSP as necessary to address exigent security situations. In such cases,

(8) Open drains, traps, pits or pockets which could be filled with molten ammonium nitrate if a fire occurred (and thus become potential detonators for the storage piles) must be eliminated or plugged.

NOTE: See 49 CFR 176.415 for permit requirements for nitro carbo nitrate and certain ammonium nitrates.

[CGD 78-023, 44 FR 4644, Jan. 22, 1979]

126.29 Supervision and control of dangerous cargo.

(a) *Authority.* The Captain of the Port is authorized to require that any transaction of handling, storing, stowing, loading, discharging, or transporting the dangerous cargo covered by this subchapter shall be undertaken and continued only under the immediate supervision and control of the Captain of the Port or his duly authorized representative. In case the Captain of the Port exercises such authority, all directions, instructions, and orders of the Captain of the Port or his representative, not inconsistent with this part, with respect to such handling, storing, stowing, loading, discharging, and transporting; with respect to the operation of the waterfront facility; with respect to vessels handling, stowing, loading, or discharging of dangerous cargo at anchorages when the operations are under the immediate control and supervision of the Captain of the Port or his duly authorized representative; with respect to the ingress and egress of persons, articles, and things and to their presence on the waterfront facility or vessel; and with respect to vessels approaching, moored at, and departing from the waterfront facility, shall be promptly obeyed.

(b) *Reporting discharge of dangerous liquid commodities into the waters of the United States.* To enhance the safety of the port and to protect vessels, their cargo, and waterfront facilities therein, the discharge into the navigable waters of the United States of petroleum products, petroleum byproducts or other dangerous liquid commodities which may create a hazard or toxic condition in the port area will be immediately reported to the Captain of the Port or District Commander by the owner or master of the vessel from which the discharge occurred, or the owner or operator of a waterfront facility from which the discharge occurred.

[CGFR 69-89, 34 FR 17478, Oct. 29, 1969]

126.30 What are the conditions for conducting welding and hotwork?

(a) The facility operator must ensure that all welding or hotwork conducted at the facility meets the requirements of this section. Each operator of a vessel moored to the facility must ensure that all welding or hotwork conducted on the vessel meets the requirements of this section.

(b) The COTP may require an operator of a facility or of a vessel moored at the facility to notify the COTP before conducting welding or hotwork. Regardless of whether or not the COTP required notice, the facility operator must notify the COTP before conducting welding or hotwork on a vessel when containerized dangerous cargo is located within the distances listed in paragraph (f) of this section.

- (i) Corrosive liquids (Class 8) and liquid oxidizers (Division 5.1) must be handled and stored so that, in the event of a leak from their packaging, they would not come in contact with organic materials.
- (j) Dangerous cargo stored on the facility must be arranged in a manner that retards the spread of fire, such as by interspersing dangerous cargo with inert or fire retardant material.
- (k) Dangerous cargo stored on the facility, but not intended for use on the facility, must be packaged, marked, and labeled according to 49 CFR parts 171 through 180, as if the cargo was in transportation.
- (l) Class 7 (Radioactive) material must be stored as specified in 49 CFR 173.447.
- [CGD 78-023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 75-238, 44 FR 63676, Nov. 5, 1979; CGD 75-238, 45 FR 57394, Aug. 28, 1980; CGD 92-050, 59 FR 39965, Aug. 5, 1994; USCG-1998-4302, 68 FR 55442, Sept. 26, 2003]

126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.

- (a) When any item of ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate, described and defined as an oxidizer by the regulations of 49 CFR part 173 is handled, stored, stowed, loaded, discharged or transported on a waterfront facility, the following provisions shall apply:
- (1) All outside containers shall be marked with the proper shipping name of the nitrate packed within the container.
- (2) The building on a waterfront facility used for storage of any of these materials shall be of such construction as to afford good ventilation.
- (3) Storage of any of these materials shall be at a safe distance from electric wiring, steam pipes, radiators or any heating mechanism.
- (4) These materials shall be separated by a fire resistant wall or by a distance of at least 30 feet from organic materials or other chemicals and substances which could cause contamination such as flammable liquids, combustible liquids, corrosive liquids, chlorates, permanganates, finely divided metals, caustic soda, charcoal, sulfur, cotton, coal, fats, fish oils or vegetable oils.
- (5) Storage of any of these materials shall be in a clean area upon clean wood dunnage, or on pallets over a clean floor. In the case of a concrete floor, storage may be made directly on the floor if it is first covered with a moisture barrier such as a polyethylene sheet or asphaltic laminated paper.
- (6) Any spilled material shall be promptly and thoroughly cleaned up and removed from the waterfront facility. If any spilled material has remained in contact with a wooden floor for any length of time the floor shall be scrubbed with water and all spilled material shall be thoroughly dissolved and flushed away.
- (7) An abundance of water for firefighting shall be readily available.

- the owner or operator must notify the cognizant COTP 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 there is a change in the owner or operator, the Facility Security Officer (FSO) must amend the FSP to include the name and contact information of the new facility owner or operator and submit the affected portion of the FSP for review and approval in accordance with §105.410 if this subpart.
- (b) *Audits.*
- (1) The FSO must ensure an audit of the FSP is performed annually, beginning no later than one year from the initial date of approval, and attach a letter to the FSP certifying that the FSP meets the applicable requirements of this part.
- (2) The FSP must be audited if there is a change in the facility's ownership or operator, or if there have been modifications to the facility, including but not limited to physical structure, emergency response procedures, security measures, or operations.
- (3) Auditing the FSP as a result of modifications to the facility may be limited to those sections of the FSP affected by the facility modifications.
- (4) Unless impracticable due to the size and nature of the company or the facility, personnel conducting internal audits of the security measures specified in the FSP or evaluating its implementation must:
- (i) Have knowledge of methods for conducting audits and inspections, and security, 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 FSA or FSP, the FSO must submit, in accordance with §105.410 of this subpart, the amendments to the cognizant COTP for review and approval no later than 30 days after completion of the audit and a letter certifying that the amended FSP meets the applicable requirements of this part.
- [USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60542, Oct. 22, 2003]

Appendix A to Part 105—Facility Vulnerability and Security Measures Summary (Form CG-6025)

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6025 (Rev. 03-09)		FACILITY VULNERABILITY AND SECURITY MEASURES SUMMARY		OMB APPROVAL NO. 1625-0077
An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.				
The Coast Guard estimates that the average burden for this report is 60 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-5442), U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0077), Washington, DC 20503.				
FACILITY IDENTIFICATION				
1. Name of Facility				
2. Address of Facility		3. Latitude		
		4. Longitude		
		5. Captain of the Port Zone		
6. Type of Operation (check all that apply)				
<input type="checkbox"/> Barge Fleetling <input type="checkbox"/> Bulk Oil (PETROLEUM) Refinery <input type="checkbox"/> CDC* - Material Poisonous by Inhalation (PIH-TIH) <input type="checkbox"/> Passengers (Cruise) <input type="checkbox"/> Break Bulk (HAZMAT) <input type="checkbox"/> CDC*-Ammonia, Anhydrous <input type="checkbox"/> CDC* - Other <input type="checkbox"/> Passengers (Ferry) <input type="checkbox"/> Break Bulk (non-HAZMAT) <input type="checkbox"/> CDC* - Chlorine <input type="checkbox"/> Chemical Production <input type="checkbox"/> Passengers (Other) <input type="checkbox"/> Bulk Dry (HAZMAT) <input type="checkbox"/> CDC* - LNG <input type="checkbox"/> Container <input type="checkbox"/> Radioactive Material - Class 7 <input type="checkbox"/> Bulk Dry (non-HAZMAT) <input type="checkbox"/> CDC* - LPG <input type="checkbox"/> Explosives <input type="checkbox"/> Ro-Ro <input type="checkbox"/> Bulk Liquid (HAZMAT) <input type="checkbox"/> CDC* - other LHGs <input type="checkbox"/> Military Supply <input type="checkbox"/> If other, explain below: <input type="checkbox"/> Bulk Liquid (non-HAZMAT) <input type="checkbox"/> Offshore Support <input type="checkbox"/> Bulk Oil (PETROLEUM) Storage/Transfer * Certain Dangerous Cargo				
VULNERABILITY AND SECURITY MEASURES				
7a. Vulnerability		7b. Vulnerability Category		
8a. Selected Security Measures (MARSEC Level 1)		<input type="checkbox"/> If other, explain		
		8b. Security Measures Category		
9a. Selected Security Measures (MARSEC Level 2)		<input type="checkbox"/> If other, explain		
10a. Selected Security Measures (MARSEC Level 3)		10b. Security Measures Category		
		<input type="checkbox"/> If other, explain		
VULNERABILITY AND SECURITY MEASURES				
7a. Vulnerability		7b. Vulnerability Category		
8a. Selected Security Measures (MARSEC Level 1)		<input type="checkbox"/> If other, explain		
		8b. Security Measures Category		
9a. Selected Security Measures (MARSEC Level 2)		<input type="checkbox"/> If other, explain		
10a. Selected Security Measures (MARSEC Level 3)		10b. Security Measures Category		
		<input type="checkbox"/> If other, explain		
U.S. Dept. of Homeland Security, USCG, CG-6025 (Rev. 03-09)				
				<input type="button" value="Reset"/>

[View or download PDF](http://www.ecfr.gov/graphics/pdfs/er22oc03.000.pdf)
<http://www.ecfr.gov/graphics/pdfs/er22oc03.000.pdf>

A general permit is hereby issued for the handling, storing, stowing, loading, discharging or transporting of dangerous cargo (other than designated dangerous cargo) in bulk, portable tanks, containers, or packagings, at designated waterfront facilities, conditioned upon the observance and fulfillment of the following:

- (a) The conditions set forth in §126.15 shall at all times be strictly observed.
- (b) You must notify the COTP before you handle, store, stow, load, discharge, or transport, in the net weight amounts specified, the following dangerous cargo, except when contained within transport units or railroad or highway vehicles being transported across or on the waterfront facility solely for transfer to or from a railroad-car ferry, highway-vehicle ferry, or carfloat:

- (1) Class 1, Division 1.3 and Division 1.5 (Explosive) materials, with a net explosive quantity in excess of 36,400 kg (40 net tons) at any one time.
 - (2) Class 2, Division 2.1 (Flammable Gas) materials in bulk packaging; or Division 2.3 (Poison Gas) materials in excess of 72,800 kg (80 net tons) at any one time.
 - (3) A Class 7 (Radioactive) material in a highway route controlled quantity, as defined in 49 CFR 173.403.
 - (4) Flammable solids or oxidizers, in excess of 100 net tons at any one time.
 - (5) Flammable gases, in excess of 10 net tons at any one time.
 - (6) Poisons (Class A).
 - (7) A bulk shipment of a cargo of particular hazard.
- (c) No Class 1 (explosive) materials (as defined in 49 CFR 173.50) or other dangerous cargoes prohibited from, or not permitted for, transportation by 46 CFR part 148 or 49 CFR parts 171 through 179 may be present on the waterfront facility.
- (d) Break-bulk dangerous cargo must be segregated according to 49 CFR 176.83(a) through (c). No separation is required for break-bulk dangerous cargo in limited-quantity packaging.
- (e) Transport units and portable tanks containing dangerous cargo must be segregated according to 49 CFR 176.83(a), (b), and (f). The requirements for vertical segregation and for on-deck, horizontal segregation in 49 CFR 176.83(f) apply. No separation is required for transport units containing dangerous cargo only in limited quantity packaging.
- (f) Break-bulk dangerous cargo must be segregated from transport units containing dangerous cargo according to 49 CFR 176.83(e).
- (g) Solid dangerous bulk cargo must be separated to prevent the interaction of incompatible materials in the event of an accident. Cargo not required to be segregated, when in break-bulk form, is not required to be segregated, when in bulk form. Dangerous cargo in break-bulk form must be segregated from solid dangerous cargo in bulk according to 49 CFR 176.83.
- (h) Materials that are dangerous when wet (Division 4.3), water-soluble oxidizers (Division 5.1), and corrosive solids (Class 8) must be stored in a manner that prevents them from coming into contact with water.

conditions shall specify that the limits so established shall not be exceeded.
[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

126.21 Permitted transactions.

All permits issued pursuant to §126.19 are hereby conditioned upon the observance and fulfillment of the following:

(a) The conditions set forth in §126.15 shall at all times be strictly observed.

(b) No amount of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, in excess of the maximum quantity established by local, municipal, territorial, or State authorities shall be present on the waterfront facility and vessels moored thereto.

(c) Designated dangerous cargo shall not be brought onto the waterfront facility from shore except when laden within a railroad car or highway vehicle and shall remain in such railroad car or highway vehicle except when removed as an incident of its prompt transshipment. Designated dangerous cargo shall not be brought onto the waterfront facility from a vessel except as an incident of its prompt transshipment by railroad car or highway vehicle.

(d) No other dangerous cargo shall be on the waterfront facility during the period of transactions involving designated dangerous cargo, unless its presence is authorized by the Captain of the Port. This shall not apply to maintenance stores and supplies on the waterfront facility in conformity with §126.15(g).
[CGFR 53-27, 18 FR 5348, Sept. 3, 1953, as amended by CGD 92-050, 59 FR 39965, Aug. 5, 1994]

126.23 Termination or suspension of permits.

Any permit issued pursuant to §126.19 shall terminate automatically at the conclusion of the transaction for which the permit has been issued and may be terminated, or suspended, prior thereto by the Captain of the Port whenever he deems that the security or safety of the port or vessels or waterfront facilities therein so requires. Confirmation of such termination or suspension by the Captain of the Port shall be given to the permittee in writing.
[CGFR 51-37, 16 FR 8679, Aug. 28, 1951]

126.25 Penalties for handling designated dangerous cargo without permit.

Handling, loading, discharging, or transporting any designated dangerous cargo without a permit, as provided under §126.17, being in force, will subject persons responsible therefore to the civil or criminal penalties provided in Section 13 of the Ports and Waterways Safety Act, as amended (33 U.S.C. 1232).
[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

126.27 General permit for handling dangerous cargo.

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD CG-6025A (08/03)		VULNERABILITY AND SECURITY MEASURES ADDENDUM		OMB APPROVAL NO. 1625-0077	
An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.					
The Coast Guard estimates that the average burden for this report is 60 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MIP), U.S. Coast Guard, 2100 2nd St, SW, Washington D.C. 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0077), Washington, DC 20503.					
This form may only be used in addition to form CG-6025, never alone.					
NAME OF FACILITY (Use same Name as Block 1., of CG-6025)					
7a. Vulnerability		7b. Vulnerability Category			
		<input type="checkbox"/> If other, explain			
8a. Selected Security Measures (MARSEC Level 1)		8b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
9a. Selected Security Measures (MARSEC Level 2)		9b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
10a. Selected Security Measures (MARSEC Level 3)		10b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
7a. Vulnerability		7b. Vulnerability Category			
		<input type="checkbox"/> If other, explain			
8a. Selected Security Measures (MARSEC Level 1)		8b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
9a. Selected Security Measures (MARSEC Level 2)		9b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
10a. Selected Security Measures (MARSEC Level 3)		10b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
7a. Vulnerability		7b. Vulnerability Category			
		<input type="checkbox"/> If other, explain			
8a. Selected Security Measures (MARSEC Level 1)		8b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
9a. Selected Security Measures (MARSEC Level 2)		9b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
10a. Selected Security Measures (MARSEC Level 3)		10b. Security Measures Category			
		<input type="checkbox"/> If other, explain			
					Reset

[View or download PDF](http://www.ecfr.gov/graphics/pdfs/er01iy03.002.pdf)
<http://www.ecfr.gov/graphics/pdfs/er01iy03.002.pdf>

INSTRUCTIONS FOR THE CG-6025 FACILITY VULNERABILITY AND SECURITY MEASURES SUMMARY

This form satisfies the requirements for Facility Vulnerability and Security Measures Summary submission found in the Code of Federal Regulations for Facility Security, Form CG-6025A, Vulnerability and Security Measures Addendum, may be used as a continuation of form CG-6025, in order to submit additional vulnerabilities and security measures. If a facility owner or operator submits Facility Vulnerability and Security Measures Summary pertaining to more than one facility, form CG-6025, shall be submitted to document each additional facility.

BLOCK 1	Self-Explanatory.	BLOCK 7b	Enter the vulnerability identification code from the KEY to categorically identify the vulnerability you described. More than one category may be used. If you select other, please explain in the box provided.
BLOCK 2	Street Address.	BLOCK 8a	Enter a concise description of a selected security measure identified in the plan for MARSEC Level 1 that will mitigate the vulnerability you addressed.
BLOCK 3	If available, provide latitude to nearest tenth of a minute.	BLOCK 8b	Enter the security measures identification code from the KEY to categorically identify the security measure you described. More than one category may be used. If you select other, please explain in the box provided.
BLOCK 4	If available, provide longitude to nearest tenth of a minute.	BLOCK 9a	Enter a concise description of additional selected security measures, if any, that will be applied during MARSEC Level 2 that will mitigate the vulnerability you addressed.
BLOCK 5	Provide the Captain of the Port Zone from the list below in which your facility resides. Their respective zones are described in 33 CFR Part 3.	BLOCK 9b	Enter the security measures identification code from the KEY to categorically identify the security measure you described. More than one category may be used. If you select other, please explain in the box provided.
BLOCK 6	Check all applicable operations that are conducted at your facility. For example, a container terminal would most likely need to indicate the following types of operation: CDC - Ammonia, Anhydrous; CDC - Chlorine; CDC - Material Poisonous by Inhalation (PIH-TIH); CDC-Other; Container; Explosives; Radioactive Material - Class 7; and Ro-Ro. If you select other, please explain in the box provided.	BLOCK 10a	Enter a concise description of additional selected security measures, if any, that will be applied during MARSEC Level 3 that will mitigate the vulnerability you addressed.
BLOCK 7a	Enter a concise description of a vulnerability identified in your facility's assessment. Provide location information if appropriate.	BLOCK 10b	Enter the security measures identification code from the KEY to categorically identify the security measure you described. More than one category may be used. If you select other, please explain in the box provided.

CAPTAIN OF THE PORT ZONE:

Baltimore	Honolulu	New Orleans	San Diego
Boston	Houston-Galveston	New York	San Francisco Bay
Buffalo	Jacksonville	North Carolina	San Juan
Cape Fear River	Key West	Northern New England	Sault St. Marie
Charleston	Lake Michigan	Ohio Valley	Savannah
Corpus Christi	Long Island Sound	Pittsburgh	Southeast Alaska
Delaware Bay	Los Angeles-Long Beach	Port Arthur	Southeastern New England
Detroit	Lower Mississippi River	Portland, Oregon	St. Petersburg
Duluth	Miami	Prince William Sound	Upper Mississippi River
Guam	Mobile	Puget Sound	Western Alaska
Hampton Roads	Morgan City		

U.S. Dept. of Homeland Security, USCG, CG-6025 (Rev. 03-09)

[View or download PDF](#)

<http://www.ecfr.gov/graphics/pdfs/en01iy03.003.pdf>

(2) *Containers.* Containers packed with dangerous cargo that are vertically stacked must be stacked no more than four high.
[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

126.16 Conditions for designating a "facility of particular hazard."

(a) *Basic requirements.* The facility shall comply with all the conditions in §126.15 except where specifically waived by §126.11.

(b) *Warning alarms.* Warning alarms shall be installed at the waterside of such a facility to warn approaching or transiting water traffic of immediate danger in the event of fire or cargo release. Warning alarms shall be of the siren type, or the emergency rotating flashing light type, and be of sufficient intensity to be heard, or seen, a distance of 1 mile during normal facility working conditions. The alarm signal shall not conflict with local municipal prescription.

[CGFR 67-93, 32 FR 20774, Dec. 23, 1967]

126.17 Permits required for handling designated dangerous cargo.

Designated dangerous cargo may be handled, loaded, discharged, or transported at any designated waterfront facility only if a permit therefore has been issued by the Captain of the Port. This permit requirement may be waived, at the discretion of the Captain of the Port, when such cargoes are contained within railroad cars or highway vehicles which are moved on or across a waterfront facility used primarily for the transfer of railroad cars or highway vehicles to or from a railroad or highway vehicle ferry or carfloat; provided such designated cargoes are not removed from, or placed in, the railroad car or highway vehicle while it is in or on such waterfront facility.

[CGFR 58-43, 23 FR 8542, Nov. 1, 1958]

126.19 Issuance of permits for handling designated dangerous cargo.

Upon the application of the owners or operators of a designated waterfront facility or of their authorized representatives, the Captain of the Port is authorized to issue a permit for each transaction of handling, loading, discharging, or transporting designated dangerous cargo at such waterfront facility provided the following requirements are met:

(a) The facility shall comply in all respect with the regulations in this subchapter.

(b) The quantity of designated dangerous cargo, except Class 1 (explosive) materials shipped by or for the Armed Forces of the United States, on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness established by local, municipal, territorial, or State authorities. Each permit issued under these conditions shall specify that the limits so established shall not be exceeded.

(c) The quantity of designated dangerous cargo consisting of Class 1 (explosive) materials shipped by or for the Armed Forces of the United States on the waterfront facility and vessels moored thereto shall not exceed the limits as to maximum quantity, isolation and remoteness as established by the Captain of the Port. Each permit issued under these

(9) *Material handling equipment, trucks, and other motor vehicles.* When dangerous cargo is being transferred or stored on the facility, material handling equipment, trucks, and other motor vehicles operated by internal combustion engines must meet the requirements of NFPA 307, chapter 9.

(10) *Smoking.* Smoking is allowed on the facility where permitted under State or local law. Signs must be posted marking authorized smoking areas. “No Smoking” signs must be conspicuously posted elsewhere on the facility.

(11) *Rubbish and waste material.* All rubbish, debris, and waste materials must be placed in adequate receptacles.

(12) *Adequacy of equipment, materials, and standards.* The COTP may determine that any equipment, material, or standard is not reasonably adequate under the circumstances. If so, the COTP informs the owner or operator in writing and provides an opportunity for the owner or operator to have the deficiency corrected.

(b) All designated waterfront facilities that handle dangerous cargo, not in transport units, must also meet the following:

(1) *Arrangement of cargo, freight, merchandise, or material.*

Cargo, freight, merchandise, and other items or material on the facility must be arranged to provide access for firefighting and clearance for fire prevention according to NFPA 307, chapter 8-5.

(2) *Portable fire extinguishers.* Each facility must have and maintain, in adequate quantities and locations, portable fire extinguishers that meet the requirements of NFPA 10. These extinguishers must be inspected and maintained in accordance with NFPA 10.

(3) *Electrical systems.* All new electrical equipment and wiring installed on the facility must be of the same type and installed as specified under NFPA 70. All defective or dangerous electrical equipment and wiring must be promptly repaired, replaced, or permanently disconnected.

(4) *Heating equipment and other sources of ignition.* Open fires and open-flame lamps are prohibited on the facility. Heating equipment must meet NFPA 307, chapter 9-4.

(5) *Maintenance stores and supplies.* Hazardous material(s) used in the operation or maintenance of the facility may be stored only in amounts necessary for normal operating conditions. These materials must be stored in compartments that are remote from combustible material; constructed to provide safe storage; and kept clean and free of scrap materials, empty containers, soiled wiping rags, waste, and other debris. Flammable liquids must be stored according to NFPA 30, chapter 4. (Incorporated by reference, see §126.5.)

(c) All designated waterfront facilities that handle dangerous cargo in transport units must also meet the following:

(1) *Terminal yards.* Terminal yards must conform to the standards in NFPA 307, chapter 5.

VULNERABILITY CATEGORY:		KEY	
Physical Security	PHS	That part of security concerned with physical measures designed to safeguard personnel; to prevent unauthorized access to equipment, installations, material, and documents; and to safeguard them against terrorism, espionage, sabotage, damage, and theft.	
Structural Integrity	STI	The design and material construction characteristics of piers, facilities, and associated structures.	
Transportation Infrastructure	TRI	Infrastructure that may be exploited during an attack, other than utilities.	
Utilities	UTI	The essential equipment and services that are vital to the operation of the facility.	
Radio & Telecommunications	RAT	That part of security concerned with measures to protect radio and telecommunication equipment, including computer systems and networks.	
Personnel Protection Systems	PPS	Equipment, Gear, or Systems designed to protect facility personnel (i.e. weapons, body armor).	
Procedural Policies	PRP	Plans, Policies, and Procedures for specific operations.	
Coordination and Information Sharing	CIS	The ability to coordinate and receive/share information with local state federal agencies and other commercial entities.	
Preparedness	PRE	Implementation of Plans, Policies, and Procedures through Training, Drills, and Exercises conducted to improve security awareness, prevention, and response.	
SECURITY MEASURES			
Access Control	ACC	Lighting	LIT
Barriers	BAR	Patrols	PAT
Cargo Control	CAC	Planning, Policies, & Procedures	PPP
Communications	COM	Redundancy	RED
Coordination	COR	Response	RES
Credentialing	CRE	Stand-off Distance	SOD
Detection	DET	Structural Hardening	STH
Guard Force	GUF	Surveillance	SUR
IT Security	ITS	Training	TRA
Inspections	INS	Vessels/Vehicles	VEV
Intelligence	INT		

[View or download PDF](#)

<http://www.ecfr.gov/graphics/pdfs/en01jy03.004.pdf>

[USCG-2003-14732, 68 FR 39322, July 1, 2003, as amended at 68 FR 60543, Oct. 22, 2003]

Alternative Security Program (ASP)

Following the publication of the Maritime Transportation Security Act (MTSA) of 2002, stakeholder organizations submitted and had approved by Commandant, Alternative Security Programs (ASPs) for their members. Since the first ASP approval, the number of facilities and vessels that have implemented ASPs in lieu of individual Facility/Vessel Security Plans has grown substantially. Because of the wide use of these security programs, many questions regarding their implementation and maintenance, as well as CG procedures for inspections, continue to arise.

An Alternative Security Program is a third-party or industry organization-developed standard that the Commandant has determined provides an equivalent level of security to that established by the implementing regulations of MTSA. These regulations are found in parts 104 and 105 of Title 33 Code of Federal Regulations (33 CFR parts 104/105).

ASPs are intended for use by a collection of vessels or facilities grouped by a business model without concern for geographic location or size. They contain security measures that are geared towards activities that are unique to a particular marine sector, i.e., facilities that handle only grain, gaming vessels, or vessel ASPs that cover towing vessels and barges. These groups of facilities and/or vessels all have a common denominator allowing one security program to be adopted and implemented for businesses of a like nature.

Alternative Security Programs are not intended for use by vessels subject to SOLAS Chapter XI-2.

Information Security

Security assessments, security plans/programs and their amendments contain information that, if released to the general public, could compromise the safety or security of facilities and vessels within those ports. This information is known as Sensitive Security Information (SSI). The handling of SSI materials is governed through 49 CFR part 1520, titled "Protection of Sensitive Security Information."

Under these regulations, only persons with a "need to know," as defined in 49 CFR part 1520.11, will have access to SSI materials, which are also protected from disclosure under a FOIA request. When SSI is released to unauthorized persons, a report must be filed with the Department of Homeland Security. Such unauthorized release is grounds for civil penalties and other enforcement or corrective actions.

subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232). [CGFR 57-52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78-023, 44 FR 4643, Jan. 22, 1979]

126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see §126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7-8.7.

(4) *Lighting.* If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see §126.5.) and must be located or shielded so that it cannot be mistaken for an aid to navigation and does not interfere with navigation on waterways.

(5) *International shore connection.* If the facility conducts cargo operations involving foreign-flag vessels, the facility must have an international shore connection meeting ASTM F-1121. (Incorporated by reference, see §126.5.)

(6) *Access to the facility.* Whenever dangerous cargo is transferred or stored on the facility, access to the facility must be limited to—

- (i) Personnel working on the facility or vessel;
- (ii) Delivery and service personnel authorized to conduct their business;
- (iii) Coast Guard and other Federal, State, and local officials;
- (iv) Local emergency personnel, such as police officers and firemen; and
- (v) Other persons authorized by the owner or operator of the facility.

(7) *Security measures.* Guards must be stationed, or equivalent controls acceptable to the COTP must be used, to deter and detect unlawful entrance; to detect and report fire hazards, fires, and releases of dangerous cargoes and hazardous materials; to check the readiness of protective equipment; and to report other emergency situations at the facility.

(8) *Coast Guard personnel.* At any time, Coast Guard personnel must be allowed to enter the facility to conduct inspections or board vessels moored at the facility.

NFPA 51B, Standard for Fire Prevention in Use of Cutting and Welding Processes, 1994 Edition	126.30
NFPA 70, National Electrical Code, 1996	126.15
NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 1995 Edition	126.15

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003, as amended at 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36283, June 25, 2010; USCG-2012-0866, 78 FR 13248, Feb. 27, 2013]

126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78-023, 44 FR 4643, Jan. 22, 1979]

126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

- (1) That compliance with the requirement is economically or physically impractical; and
- (2) That the alternative requested provides an equivalent or greater level of safety.

(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

[USCG-1998-4302, 68 FR 55441, Sept. 26, 2003]

126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in §126.15, unless waived under provisions of §126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will

Submitting an ASP to Commandant for Approval

The Final Rule, published October 22, 2003, which addressed the implementation of MTSA, permitted trade organizations and industry groups representing owners or operators to request approval for the use of an ASP.

An approved ASP must address all requirements in 33 CFR parts 104 or 105, as applicable.

A trade organization or industry group wishing approval for an ASP must submit that document to Commandant (CG-FAC-2) at Coast Guard Headquarters located in Washington, DC.

ASPs must be submitted in accordance with 33 CFR part 101.120(c). Each ASP must contain:

A list of the vessel and/or facility types to which the ASP will apply. (As an example, one ASP could cover passenger ferry terminals not handling vehicles and passenger ferry terminals that handle vehicles – such as the Passenger Vessel Association. One ASP can cover towing vessels, tugs and barges – such as the American Waterways Operators.)

A security assessment for the vessel and/or facility type.

An explanation of how the ASP addresses the requirements contained in 33 CFR parts 104, 105, and/or 106, as applicable.

A specific explanation of how the owner and/or operator will implement each portion of the ASP. The ASP must explain which parts of the program are applicable to various facilities, and require facility owners to activate/implement all parts of the program that apply to that type of facility.

The ASP must instruct the user on what vessel or facility-specific information must be added to the security program.

It is recommended an index cross-referencing applicable sections of the regulations with the specific paragraphs or sections of the ASP be included.

ASPs and any accompanying documents may be submitted via a password protected copy placed on a CD. With prior discussion and permission, a password protected copy of the ASP may be submitted via email.

In addition to the ASP itself, each package must contain a point of contact, a mailing address, and the telephone number of the submitter.

For the postal service or a package delivery service, please use the following address:

US COAST GUARD HEADQUARTERS
 COMMANDANT (CG-FAC-2) STOP 7501
 2703 MARTIN LUTHER KING JR AVE SE
 WASHINGTON DC 20593-7501

ASPs that have been copied to a CD should not be placed in the mail. CDs are often destroyed by the screening process they pass through before being delivered to a Federal Agency.

HQ Actions upon Receipt

Applications will be reviewed in order of receipt. The reviewer will work with the submitter to make sure the ASP is in full compliance with the requirements of 33 CFR part 104 and/or 105. When the application is approved, a letter is issued by the COMDT (CG-5P) Director of Prevention Policy and mailed to the submitter stating the ASP's acceptance and any conditions that may apply. Coast Guard Headquarters COMDT (CG-FAC-2) will retain and file the application documentation.

Facility Compliance

Prior to conducting regulated operations, Facility owners/operators must provide the following information to the cognizant Captain of the Port (COTP):

A letter signed by the owner/operator stating which ASP is being utilized and certifying that the facility is in full compliance with that program;
 A list of facilities that will be operating under the ASP;
 A site-specific Facility Security Assessment (FSA) Report and a completed CG-6025 – Facility Vulnerability and Security Measures Summary;
 All site-specific information, such as the name & contact information for the Facility Security Officer, a list of access points to the facility, a list of restricted areas, etc; and
 All site-specific security measures implemented to meet the requirements in the ASP.

Any additional information added to the Commandant approved ASP that was not included in the security program submitted to CGHQ by the sponsoring organization must be presented to the COTP for approval.

The COTP is under no regulatory obligation to send a letter in return. However, the appropriate ASP approval letter issued by Coast Guard Headquarters is often scanned into MISLE in the documents section of each facility operating under an ASP.

Waterfront facility means all piers, wharves, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in the immediate proximity to these structures; buildings on or contiguous to these structures; and the equipment and materials on or in these structures or buildings. The term does not include facilities directly operated by the Department of Defense.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003, as amended by USCG-2008-0179, 73 FR 35013, June 19, 2008]

126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, we must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Vessel and Facility Operating Standards Division (CG-522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected, are as follows:

ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, http://www.astm.org .	
ASTM F1121-87 (Reapproved 2010), Standard Specification for International Shore Connections for Marine Fire Applications, (approved March 1, 2010)	126.15
National Fire Protection Association (NFPA), One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101:	
NFPA 10, Standard for Portable Fire Extinguishers, 1998 Edition	126.15
NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition	126.15
NFPA 14, Standard for the Installation of Standpipe and Hose Systems, 1996 Edition	126.15
NFPA 30, Flammable and Combustible Liquids Code, 1996	126.15

Bulk means without mark or count and directly loaded or unloaded to or from a hold or tank on a vessel without the use of containers or break-bulk packaging.

Captain of the port or COTP means the officer of the Coast Guard, under the command of a District Commander, is designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within an assigned area.

Cargo of particular hazard means any of the following:

- (1) Division 1.1 and 1.2 explosives, as defined in 49 CFR 173.50, for which a permit is required under 33 CFR 126.17.
- (2) Ammonium nitrate products, division 5.1 (oxidizing) materials listed in 49 CFR 176.410, for which a permit is required under 49 CFR 176.415.
- (3) Division 4.3 dangerous when wet products as defined in 49 CFR 173.124, in excess of 60 mt.
- (4) Division 2.3 and 6.1 poison inhalation hazard products as defined in 49 CFR 173.115 and 173.132, respectively.
- (5) Class 7 highway route controlled quantity radioactive material or fissile material, controlled shipment, as defined in 49 CFR 173.403.

Commandant means the Commandant of the United States Coast Guard.

Container means a reusable container that has a volume of 1.81 cubic meters (64 cubic feet) or more, is designed and constructed to permit being lifted with its contents intact, and is intended primarily for containment of packages (in unit form) during transportation.

Dangerous cargo means all hazardous materials listed in 49 CFR parts 170 through 179, except those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101, and all cargo listed in 46 CFR part 148.

Designated dangerous cargo means Division 1.1 and 1.2 explosives as defined in 49 CFR 173.50.

Designated waterfront facility means a waterfront facility designated under §126.13 for the handling, storing, loading, and discharging of any hazardous material(s) subject to the Dangerous Cargoes Regulations (49 CFR parts 170 through 179), except for those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and for those materials carried as bulk liquids.

Facility of particular hazard means a designated waterfront facility that is authorized to handle a cargo of particular hazard.

Facility operator means the person or company who owns, operates, or is responsible for the operation of a waterfront facility.

Net tons means net weight in tons.

Net weight, in reference to material in a package, tank, or container, means the weight of the contents of a package, tank, or container and does not include the weight of any packaging material or containing devices.

Transport unit means a transport vehicle or a container.

While the sponsoring organization must resubmit their ASP for approval every 5 years, there is no requirement for the operator to periodically resubmit their letter. However, the security assessment must be updated and resubmitted to the COTP as specified in the ASP but at a minimum every 5 years when the ASP sponsoring organization submits the ASP for its 5-year renewal. Owners/Operators using an ASP must be members in good standing of the sponsoring organization.

NOTE: If an FSP or VSP requires an amendment, initiated by either the owner/operator or the Coast Guard, only the affected portions of the security plan need be submitted for approval. An amendment to an FSP or VSP does not change the 5-year "expiration" date of the security plan. However, if an ASP requires an amendment, the entire program must be re-submitted to HQ and the entire program, including all appendices must be reviewed. Because of this, when an ASP is amended, the 5-year expiration date is reset beginning from the date of the amendment approval.

Documentation required to be kept at the facility

Facilities must keep certain documentation on-site to be made available to the CG upon request. This documentation consists of:

A copy of the ASP that has been implemented; including any annexes or appendices added by the facility;

A copy of the FSA Report;

A copy of the completed CG-6025; and

A copy of the letter that was sent to the COTP as described in the "Compliance" section of this document.

Vessel Compliance

Prior to conducting regulated operations vessel owners/operators must provide to the Marine Safety Center (MSC) the following information:

A letter signed by the owner/operator stating which ASP is being utilized and certifying that the vessel is in full compliance with that program;

A list of vessel names, including official numbers that will be operating under the ASP; and

A contact name, phone number and email address.

Although there is no regulatory requirement to do so, the MSC sends an acknowledgement to the submitter of the letter, which is scanned into MISLE in the documents section of every vessel operating under an ASP.

Documentation to be kept onboard the vessel

Vessels must keep certain documentation onboard to be made available to the CG upon request. This documentation consists of:

- A copy of the ASP that has been implemented.
- A copy of the Vessel Security Assessment (VSA) Report as specified in 33 CFR 101.120(b)(3).
- A copy of the letter that was sent to the MSC as described in the "Compliance" section.

If the ASP is a combination program both the COTP and the MSC must be notified as described above.

Role of the COTP

Although the COTP is not involved in the review/approval process of ASPs this fact does not diminish his/her responsibility to ensure that all facilities and vessels are operating in compliance with their approved FSP, VSP or ASP.

These actions consist of:

- Ensuring that the facility utilizing a particular ASP is appropriate to the business model;
- Reviewing the FSA Report & CG-6025 for accuracy and completeness;
- Ensuring that all vulnerabilities are mitigated by the ASP or by measures listed on the CG-6025;
- Approving the facility footprint, secure and restricted areas, as appropriate; and
- Approving all additions to the ASP inserted by the Facility owner/operator.

An approved ASP contains the minimum security posture that a facility must maintain at each MARSEC level. It is not unusual for facilities to implement additional security measures to address site-specific vulnerabilities. These are the additions that must be approved by the COTP along with any other insertions in the ASP that were not included in the document submitted to the CG Headquarters for review and approval. If it is deemed that the security measures listed in an approved ASP do not provide sufficient mitigation of identified vulnerabilities, the COTP may require additional measures to lessen the risk or determine that the ASP is not appropriate for that particular facility or vessel.

Safety & Environmental Section

33 CFR 126—HANDLING OF DANGEROUS CARGO AT WATERFRONT FACILITIES

Contents

- [§126.1 What does this part apply to?](#)
- [§126.3 Definitions.](#)
- [§126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?](#)
- [§126.11 Waiver authority based on local or unusual conditions.](#)
- [§126.12 How do I request the use of an alternative method of complying with a requirement in this part?](#)
- [§126.13 Designation of waterfront facilities.](#)
- [§126.15 What conditions must a designated waterfront facility meet?](#)
- [§126.16 Conditions for designating a "facility of particular hazard."](#)
- [§126.17 Permits required for handling designated dangerous cargo.](#)
- [§126.19 Issuance of permits for handling designated dangerous cargo.](#)
- [§126.21 Permitted transactions.](#)
- [§126.23 Termination or suspension of permits.](#)
- [§126.25 Penalties for handling designated dangerous cargo without permit.](#)
- [§126.27 General permit for handling dangerous cargo.](#)
- [§126.28 Ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate; general provisions.](#)
- [§126.29 Supervision and control of dangerous cargo.](#)
- [§126.30 What are the conditions for conducting welding and hotwork?](#)
- [§126.31 Termination or suspension of general permit.](#)
- [§126.33 Penalties for handling dangerous cargo without permit.](#)
- [§126.35 Primary responsibility.](#)
- [§126.37 Separability.](#)

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

126.1 What does this part apply to?

This part applies to waterfront facilities handling packaged and bulk-solid dangerous cargo and to vessels at those facilities.
[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003]

126.3 Definitions.

As used in this part—
Break-bulk means packages that are handled individually, palletized, or unitized for purposes of transportation, as opposed to materials in bulk and containerized freight.

SUSPICIOUS ACTIVITY REPORT (continued)

SUSPECT ACTIVITIES					
MOVEMENT	ACTIONS	KEY WORDS or PHRASES	WEAPON		
Standing Walking Running Hiding Driving Parked Swimming Watercraft	Observation Note Taking Photo Taking Videotaping Questioning People Theft Narcotics Fishing / Hunting Unknown	Suspicious words (explain)	NONE Handgun Shotgun Rifle Simulated / Toy Gun Brick/Rock Knife Explosives Vehicle Rope / Wire Bodily Force Poison / Drugs Incendiary Device		
VEHICLE					
MAKE	MODEL	DOORS	COLOR		VIN
		Two Four Hatch Truck			
TAG NO.	STATE	IDENTIFYING CHARACTERISTICS (Damage, Stickers, Htch, Winch, etc.)			
VESSEL					
VESSEL NAME	TYPE	QTY	HULL NO.	COLOR	OWNER or OPERATOR
	Recreational Passenger Vessel Tanker Container Freighter Barge Crew Boat Offshore Supply Vessel				
APPROXIMATE LENGTH	FLAG STATE	IDENTIFYING CHARACTERISTICS(Dock Number, Condition, Markings, Antennas, etc.)			
SUMMARY OF SUSPICIOUS ACTIVITY INCIDENT (Attach additional pages if necessary)					

Compliance Verifications for MTSA-Regulated Facilities & Vessels Operating Under an ASP

Facilities and vessels utilizing an ASP must be inspected as established by the Safe Port Act of 2006. In preparation for an inspection, Marine Inspectors and Facility Inspectors should review MISLE data to include MTSA compliance information prior to arriving at a vessel or facility. If the MISLE data is incomplete for a vessel, the Vessel Security Division may be contacted by calling the Marine Safety Center. If the inspector needs information regarding an ASP for facilities or a combination program, the Office of Port and Facility Compliance may be contacted (CG-FAC-2).

For vessel ASPs, a Marine Inspector is to lead and complete any exams or audits using the ASP itself – not the CFR. Examples of approved vessel ASPs include the American Waterways Operators (AWO), the Lake Carriers Association (LCA), Offshore Marine Service Association (OMSA).

For facilities operating under an ASP, a Facility Inspector is to lead and complete any exams or audits using the ASP itself – not the CFR. Examples of facility ASPs are the American Chemistry Council (ACC), the Electric Sector ASP (ESASP), the Greater New Orleans Barge Fleeting Association (GNOBFA), and the North American Export Grain Association (NAEGA). The NAEGA ASP is also utilized by the National Grain & Feed Association member facilities.

If the ASP is a combination program the compliance exam should include verification of both the vessel and facility at each inspection. When the facility has minimal infrastructure such as a ticket booth on a pier and the majority of the security duties are performed by the vessel crew, it is recommended that a Marine Inspector be the primary inspector assisted by a Facility Inspector, as appropriate and as resources permit. For a combination ASP that covers regulated facilities with greater infrastructure such as gaming vessels, Marine Inspectors’ assistance to Facility Inspectors should be scaled to match the facility-vessel operation. Examples of combination programs include the American Gaming Association (AGA), the Passenger Vessel Association (PVA) and the Washington State Ferries (WSF).

When conducting compliance verification exams of facilities and vessels employing an ASP, Marine and Facility Inspectors are to verify compliance through a comparison of implemented security measures and those outlined in the approved ASP. Because an ASP is approved on the basis of a holistic ability to meet the intent of MTSA, as appropriate for an industry segment, every ASP may

not contain all specific requirements detailed in 33 CFR parts 104 and/or 105.

Deficiencies

Deficiencies identified during the inspection should be documented on form CG-835 if not corrected prior to the conclusion of the inspection. Any requirement issued should properly describe how the deficiency does not comply with a specific requirement of the relevant ASP and may list the location of that requirement in the ASP document. Vessel Inspectors may cite §104.140(c) indicating that the ASP has not been implemented in its entirety. Facility Inspectors may cite §105.140(a)(2). Inspectors should not issue requirements that restrict operation or reduce passenger count unless the deficiency significantly impacts security in such a way that the vessel or facility is no longer in substantial compliance with their ASP.

If all measures in the approved ASP have been properly implemented but security vulnerabilities still exist, the cognizant COTP should contact CG-FAC-2 and request an amendment in accordance with §101.120(d). No requirements should be placed on the facility or vessel pending outcome of Headquarters determination on the need for an ASP amendment.

Bottom Line

The distinction between the words “plan” and “program” likely contributes to confusion. Approved ASPs, in some cases, do not and are not required to “mirror” regulation – but, in reality, they do except for one or two instances. ASPs allow the end-user to implement an existing security program – as an alternative to creating an individual facility or vessel-specific security plan.

ASPs were created for the benefit of both the Coast Guard & industry owner/operators. Member facilities and/or vessels can utilize a Commandant-approved security program with security measures that address specific needs of their operations.

	SUSPICIOUS ACTIVITY REPORT		
Any incident related to terrorism or possible terrorist activity requires IMMEDIATE TELEPHONIC NOTIFICATION to the National Response Center at (800) 424-8802. This would include bomb threats, suspicious letters or packages, and incidents related to the intentional release of chemical, biological or radioactive agents. This Suspicious Activity Report is to assist the gathering of valuable information on suspicious or questionable activity on or around your area of operations.			
INCIDENT			
Name of Person Making Report & Employer Phone Number		Name of Person Witnessing Suspicious Activity (if same as person making report, leave blank.) Phone Number	Date of Incident Time of Incident
General Summary of Suspicious Activity			
LOCATION			
DESCRIPTION			
Cross Streets and	Address	Highway / Road Number (if applicable) Mile Marker	Terrain On-road Roadside Wetlands Farmland Marsh Beach Ashore In-water
		LAT & LONG (For Land & Sea) North degrees _____ West degrees _____	
Additional Description			
PERSON(S)			
DESCRIPTION			
Race	Sex	Age	Weight
Build / Body	Hair Length / Style	Facial Hair / Complexion	Teeth / Speech
Clothing / Appearance Description		Scars / Birthmarks / Deformities	
		Person was ALONE ACCOMPANIED (if accompanied, include additional ID info on back of form.)	
IDENTIFICATION			
Name of Individual		Nickname / Alias	
Address of Individual		Date of Birth	
Identification Type DRIVERS LICENSE PASSPORT SEAMAN'S BOOK IDENTIFICATION CARD U.S. VISA FOREIGN ID		Identification Number(s)	Country/State of Origin
Report Suspicious Activities to: Local Law Enforcement @ 911			
National Response Center: (800) 424-8802			

Never use race or religion as an indicator of suspicious activity. Always rely on the idea that what you are observing is like a puzzle. If your instincts suspect suspicious activity, and you have observed a person's/group's actions that you can report to back up your instincts and feelings, then you can report your observations using the CYMBALS method described below.

People

Vehicles

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> • Color (hair, eyes, skin) • Year (of birth, approximate age) • Make (race, ethnicity) • Body (height, weight, build, etc) • Attire (clothing, description, dress, etc) • Looks (hair, scars, tattoos, facial hair, etc) • Male or female | <ul style="list-style-type: none"> • Color (paint, markings, etc) • Year (of manufacture, approximate age) • Make (make and model of boat) • Body (length, type: cruiser, runabout, PWC, etc) • Accessories (name, antennas, flag, inboard/outboard) • License / registration number • State of registration | <ul style="list-style-type: none"> • Color (pain, markings, etc) • Year (of manufacture, approximate age) • Make (make and model of vehicle) • Body (sedan, truck, SUV, 4/2 door, etc) • Anything else (dents, stickers, rims, etc) • License plate number • State of registration |
|---|---|---|

Reset

RIGHTS OF APPEAL

[46 Code of Federal Regulations Subpart 1.03-15](#)

[33 Code of Federal Regulations Subpart 101.420](#); [127.015](#); [128.311](#); [154.1075](#); [160.7](#)

Any person directly affected by a decision or action of an OCMI or an order or direction of a COTP may, after requesting reconsideration to the cognizant OCMI, make a formal appeal, via the office of the cognizant OCMI, to the District Commander of the district in which the cognizant OCMI is located.

When requesting that a decision, action, order or direction be reconsidered or reviewed, such request must be made within 30 days after the decision is rendered or the action is taken.

When making a formal appeal, such appeal must be submitted in writing and received by the authority to whom the appeal is required to be made within 30 days after the decision, action, order or direction being appealed, or within 30 days after the last administrative action required by this subpart. Upon written request and for good cause, the 30 day time limit may be extended by the authority to whom the appeal is required to be made.

A formal appeal must contain a description of the decision, action, order or direction being appealed and the appellant's reason(s) why the decision, action, order or direction should be set aside or revised.

Formal appeals made to the Commandant shall be addressed to:

- (1) Commandant (CG-543) for appeals involving vessel inspection issues, load line issues, and vessel manning issues; or
- (2) Commandant (CG-544) for appeals involving facility safety and/or security inspection issues.

Failure to submit a formal appeal in accordance with these procedures and time limits results in the decision, action, order or direction becoming final agency action.

surveillance include fixed, mobile, progressive, creative, overt and covert.)

ELICITATION involves asking detailed questions in an attempt to gain knowledge of hidden or proprietary information. Things to keep in mind:

Listen carefully when engaged in a conversation with a stranger. When they begin to ask or inquire about guarded information you may be involved in, you can suspect that elicitation is being used. Remember, the conversation may seem totally innocent.

Avoid becoming a victim of elicitation by sharing proprietary, classified or guarded information only with those that possess a need to know; without exception. If you suspect that you are being targeted, simply reply to the elicitor's questions with an inquiring question of your own. TESTS OF SECURITY are a tools used to develop timelines of authoritative response to a particular incident or occurrence. Staging an incident can be done to determine access vulnerability and/or establish a timeline for later use. Examples include (but are not limited to):

- Bomb threats
- Small fires (trash can/dumpster)
- Abandoned packages

A test of security is likely to occur in close proximity of a potential target or an integral component in the plan to attack a potential target. SUSPICIOUS BEHAVIOR is displayed behavior that is out of place or out of character with the environment. Behavior is the key enabler. What activity is the person(s) engaging in that is out of place with the immediate environment (their surroundings)? If the activity is out of character, then that activity may be considered suspicious. Remember, People are not Suspicious, Behavior is!

Report What You Find to be Unusual!

First, call the National Response Center at 877-24WATCH. For immediate danger to life or property, call 911, or call the U. S. Coast Guard on Marine Channel 16.

Never approach someone you fear may be about to commit a crime. Make some notes, such as the person's appearance, clothing, vehicle license plate, and the type of boat, vehicle or aircraft involved. Take a picture if you can, but keep your distance if the situation seems hostile.

Provide Details:

Be specific with details whenever you report something amiss to authorities. Generalized descriptions and concerns don't provide sufficient information and may not carry the appropriate sense of urgency.

Details Carry Weight:

For Example: "I'm at the Safe Haven Marina and just saw [something dangerous] loaded from a White SUV into a turquoise Boston Whaler with the registration number of CF1234YZ. I can't read the SUV's plate number, but I think it's an out-of-state plate. The boat operator seems

bay, and I'm sure the area is heavily patrolled by the Coast Guard and police." She then presses you for more details about the type of land and water patrols, their frequency and their scheduling. The person may be asking legitimate questions, but may also be gathering information for a potential terrorist attack.

Suspicious Conditions -- Physical Breaches of Security

A chain link security fence topped by barbed wire has been erected around the abutments of a bridge you pass by every day. One day you notice that there is a large hole in the fence, large enough to allow a person to climb through. Even though you don't observe either anyone in the area or any object placed inside the fence, you are aware that the hole is large enough for an adult to crawl through.

Several hundred feet down the road, you also notice a car or truck parked in an unusual place -- very close to another security fence at a waterfront shipping facility. The vehicle could be used as a platform for terrorists or criminals to facilitate climbing over the fence to gain access to the secured area.

Both of these are suspicious conditions and physical breaches of security that should be reported, so the fence can be repaired and the vehicle moved.

Person Renting a Boat -- Examine the Totality of Conduct

You work at a business that rents small boats by the hour. In the process of renting a boat for the day "to do some fishing," two men ask about the "best fishing spots" on the bay and, pointing in the direction of the Navy Base to the north, ask if that might not be a good place to fish. You tell them, "No, the best fishing is in the South Bay area." They fill out the paperwork, and pay you the required deposit and "full day" rate with a credit card. Neither of them seems all that interested in the terms of the contract, nor in the fact that they are not entitled to a partial refund if they return before the end of the day. You then help them load the boat with obviously brand-new fishing equipment and two large coolers, and take the time to remind them, "It might be a good idea to buy some bait." After you check them out on operation of the boat, they leave the dock and head north in the direction of the Navy Base. The whole situation starts to seem strange to you, including the fact that the person's recently-issued drivers license provided as proof of identity, the bank credit card used for payment, and the license plate on their vehicle were from three different states. Individually, each of the oddities in this situation do not rise to the level of "suspicious behavior," but when viewed in their totality they do.

Identifying Suspicious Activity

Identifying suspicious activity starts with understanding the steps a terrorist group takes to plan an attack. The acronym SETS will help you understand the basic steps and indicators.

SURVEILLANCE involves photographing, videotaping, drawing and/or mapping or other means of monitoring a potential target. (Types of

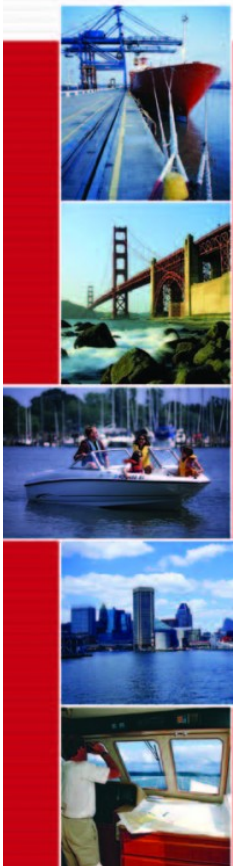
Suspicious Activity Reporting

The U.S. Coast Guard asks you to take part in

AMERICA'S WATERWAY WATCH




Help Keep America's Waterways Safe and Secure



To Report Suspicious Activity
Call the
National Response Center
800-424-8802
or
877-24WATCH

For Immediate Danger
to Life or Property
911



For More Information
Visit
www.AmericasWaterwayWatch.com

Where Should I Look for "Suspicious Activity"?

Watch for suspicious activities of vessels and individuals in locations such as:

- Under and around bridges, tunnels, or overpasses
- Near commercial areas or services like ports, fuel docks, cruise ships, or marinas.
- Near industrial facilities like power plants and oil, chemical, or water intake facilities.
- Near military bases and vessels, other government facilities, or security zones
- In and around passenger terminals, ferries, and day cruise lines
- Near railroad lines serving any of the above listed facilities.

You are NOT expected to patrol any particular area. Your expertise in recognizing suspicious activity is derived from your familiarity with surroundings you operate within while engaged in your normal work or recreation around the waterfront.

What is Suspicious Activity?

What do we mean by suspicious activity? Suspicious Activity is a pattern of behavior that arouses a "gut feeling" that something is not right. Trust your intuition, but remember it is the behavior of individuals that is suspicious, not their ethnic, religious, or national origin. For example, suppose you see people of an obviously different ethnic or national background fishing off a pier or near a secure facility. The mere fact that they are "different" is not important. People fishing near the water by itself is obviously not a suspicious activity. In fact, if they weren't fishing that might be a trigger to alert you they were engaging in Suspicious Activity.

Keeping in mind that **"People aren't suspicious, behavior is,"** here are some situational examples of behaviors and activities that may help you determine what is suspicious and, thus, what should be reported:

Unusual Operation of a Small Boat, Accompanied by Videotaping/Still Photography

You observe a boat being operated aimlessly (with no apparent destination). The boat is occupied by three young to middle-aged people -- not a "family" as usually seen cruising these waters. A little while later you see the same boat, this time with two occupants, and it's movement is repetitive. It circles around bridge abutments for a while, and makes several passes alongside a shore side power plant, moored commercial vessels, and a ferry passenger terminal. You notice that the passenger is taking still and video pictures of the facilities. Later, you observe the boat picking up the third person from a public dock near the bridge. He boards the boat carrying a video camera and a notebook. These actions could indicate initial surveillance of a potential target and subsequent attack.

People Taking Still Photographs or Videotaping from the Shore

A white mid-sized four-door sedan pulls into a "view" area near a railway bridge, drops off two passengers, and departs. One of the passengers begins taking video pictures of the bridge, as well as a commuter train and a long freight train, which, headed in opposite directions, pass each other on the bridge about 15 minutes later. (As a frequent and long-time marina worker, you know this happens every weekday throughout the year). The second person appears to be taking notes, and occasionally glances at his left wrist as if checking a watch. You continue down river, returning to your home marina just a quarter mile South. As you pull into the service dock, you notice what appears to be the same white sedan parked at water's edge in the marina parking lot. The driver is outside the car, and is in the process of packing a large video camera into its storage case. A few minutes later, he gets into his vehicle and drives away. People photographing or videotaping potential terrorist targets are engaged in activities that should be considered suspicious.

Person Running Away/Fleeing

You notice a person running away from an area close to a secure facility. Some questions should come to mind: Does this person's behavior or dress indicate he is more than the usual jogger? Does he appear to be someone just in a hurry, or does his running have a heightened sense of urgency or tension about it? It would be suspicious if he were looking about furtively, as if he were concerned about being observed or pursued.

Person(s) Engaged in Surveillance

You work in a business in the immediate vicinity of a ferry terminal, and you ride the ferry to and from work every day. One day you observe a particular person taking pictures of the shore side -- unusual for people riding the ferry during "commute time." While at work you notice the same person board a ferry to a different destination, and return a few hours later. The next day you see the same person loitering around the terminal as passengers pass through security while boarding ferries -- at one point the person joins a group lining up to board a ferry, takes some pictures, but leaves the group without boarding. During the day you see this person making two round-trip ferry rides -- once wearing a large backpack, and once carrying a oversized briefcase. Over several days you notice the same person engaged in varied activity, at different times, all in the vicinity of the ferry terminal. Could the activity be completely innocent and explainable? Of course. Could the person be engaged in surveillance in preparation for a terrorist attack? Perhaps. Is the behavior suspicious enough to report? Yes!

Person(s) Asking Unusual Questions

While you are working on a customer's boat, a stranger approaches you and strikes up a conversation. She says she is interested in renting dock space for her boat at the marina, and says, "I guess my boat will be pretty secure here since it's very close to the power plant across the