

§ 101.510

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:

(a) DHS/TSA's vulnerability self-assessment tool located at <http://www.tsa.gov/risk>; and

(b) USCG assessment tools, available from the cognizant COTP or at <http://www.uscg.mil/hq/g-m/nvic>, as set out in the following:

(1) Navigation and Vessel Inspection Circular titled, "Guidelines for Port Security Committees, and Port Security Plans Required for U.S. Ports" (NVIC 9-02 change 2);

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

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

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003; USCG-2008-0179, 73 FR 35009, June 19, 2008]

§ 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.

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

- (1) A government authority, or an organization authorized to act of 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]

**PART 102—MARITIME SECURITY:
NATIONAL MARITIME TRANSPORTATION SECURITY [RESERVED]**

**PART 103—MARITIME SECURITY:
AREA MARITIME SECURITY**

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