

## § 104.205

part, for dealing with newly hired employees who have applied for and not yet received a TWIC, are in place.

[USCG–2003–14749, 68 FR 39302, July 1, 2003, as amended by USCG–2003–14749, 68 FR 60513, Oct. 22, 2003; USCG–2006–24196, 72 FR 3579, Jan. 25, 2007]

### § 104.205 Master.

(a) Nothing in this part is intended to permit the Master to be constrained by the Company, the vessel owner or operator, or any other person, from taking or executing any decision which, in the professional judgment of the Master, is necessary to maintain the safety and security of the vessel. This includes denial of access to persons—except those identified as duly authorized by the cognizant government authority—or their effects, and refusal to load cargo, including containers or other closed cargo transport units.

(b) If, in the professional judgment of the Master, a conflict between any safety and security requirements applicable to the vessel arises during its operations, the Master may give precedence to measures intended to maintain the safety of the vessel, and take such temporary security measures as seem best under all circumstances. In such cases:

(1) The Master must, as soon as practicable, inform the nearest COTP. If the vessel is on a foreign voyage, the Master must promptly inform the Coast Guard via the NRC at 1–800–424–8802, direct telephone at 202–267–2675; Fax: 202–267–1322, TDD at 202–267–4477, or E-mail at [lst-nrcinfo@comdt.uscg.mil](mailto:lst-nrcinfo@comdt.uscg.mil) and if subject to the jurisdiction of a foreign government, the relevant maritime authority of that foreign government;

(2) The temporary security measures must, to the highest possible degree, be commensurate with the prevailing Maritime Security (MARSEC) Level; and

(3) The owner or operator must ensure that such conflicts are resolved to the satisfaction of the cognizant COTP, or for vessels on international voyages,

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the Commandant (CG-54), and that the possibility of recurrence is minimized.

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### § 104.210 Company Security Officer (CSO).

(a) *General.* (1) Each vessel owner or operator must designate in writing a CSO.

(2) A vessel owner or operator may designate a single CSO for all its vessels to which this part applies, or may designate more than one CSO, in which case the owner or operator must clearly identify the vessels for which each CSO is responsible.

(3) A CSO may perform other duties within the owner or operator's organization, including the duties of a Vessel Security Officer, provided he or she is able to perform the duties and responsibilities required of a CSO.

(4) The CSO may delegate duties required by this part, but remains responsible for the performance of those duties.

(5) The CSO must maintain a TWIC.

(b) *Qualifications.* (1) The CSO must have general knowledge, through training or equivalent job experience, in the following:

(i) Security administration and organization of the company's vessel(s);

(ii) Vessel, facility, and port operations relevant to that industry;

(iii) Vessel and facility security measures, including the meaning and the consequential requirements of the different Maritime Security (MARSEC) Levels;

(iv) Emergency preparedness and response and contingency planning;

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

(vi) Methods of conducting audits, inspection and control and monitoring techniques; and

(vii) Techniques for security training and education, including security measures and procedures.

(2) In addition to knowledge and training in paragraph (b)(1) of this section, the CSO must have general knowledge through training or equivalent job experience in the following, as appropriate:

- (i) Relevant international conventions, codes, and recommendations;
- (ii) Relevant government legislation and regulations;
- (iii) Responsibilities and functions of other security organizations;
- (iv) Methodology of Vessel Security Assessment;
- (v) Methods of vessel 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) Knowledge of current security threats and patterns;
- (ix) Recognition and detection of dangerous substances and devices;
- (x) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security;
- (xi) Techniques used to circumvent security measures;
- (xii) Methods of physical screening and non-intrusive inspections;
- (xiii) Security drills and exercises, including drills and exercises with facilities; and
- (xiv) Assessment of security drills and exercises.
- (xv) Knowledge of TWIC requirements

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

- (1) Keep the vessel apprised of potential threats or other information relevant to its security;
- (2) Ensure a Vessel Security Assessment (VSA) is carried out;
- (3) Ensure a Vessel Security Plan (VSP) is developed, approved, and maintained;
- (4) Ensure the VSP is modified when necessary;
- (5) Ensure vessel security activities are audited;
- (6) Arrange for Coast Guard inspections under 46 CFR part 2;
- (7) Ensure the timely or prompt correction of problems identified by audits or inspections;
- (8) Enhance security awareness and vigilance within the owner's or operator's organization;

(9) Ensure relevant personnel receive adequate security training;

(10) Ensure communication and cooperation between the vessel and the port and facilities with which the vessel interfaces;

(11) Ensure consistency between security requirements and safety requirements;

(12) Ensure that when sister-vessel or fleet security plans are used, the plan for each vessel reflects the vessel-specific information accurately;

(13) Ensure compliance with an Alternative Security Program or equivalents approved under this subchapter, if appropriate; and

(14) Ensure security measures give particular consideration to the convenience, comfort, and personal privacy of vessel personnel and their ability to maintain their effectiveness over long periods.

(15) Ensure the TWIC program is being properly implemented.

[USCG-2003-14749, 68 FR 39302, July 1, 2003, as amended at 68 FR 60513, Oct. 22, 2003; USCG-2006-24196, 72 FR 3580, Jan. 25, 2007]

#### § 104.215 Vessel Security Officer (VSO).

(a) *General.* (1) A VSO 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 VSO for each such vessel.

(2) For manned vessels, the VSO must be the Master or a member of the crew.

(3) For unmanned vessels, the VSO must be an employee of the company, and the same person may serve as the VSO for more than one unmanned vessel. If a person serves as the VSO for more than one unmanned vessel, the name of each unmanned vessel for which he or she is the VSO must be listed in the Vessel Security Plan (VSP).

(4) The VSO of any unmanned barge and the VSO of any towing vessel interfacing with the barge must coordinate and ensure the implementation of security measures applicable to both vessels during the period of their interface.

(5) The VSO may assign security duties to other vessel personnel; however,