

§ 105.265

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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;
- (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: