

Subpart C—Plans and Procedures for Terminal Security

§ 128.300 What is required to be in a Terminal Security Plan?

(a) If your passenger terminal is subject to this part, you must develop and maintain, in writing, for that terminal, an appropriate Terminal Security Plan that articulates the program required by § 128.200.

(b) The Terminal Security Plan must be developed and maintained under the guidance in IMO MSC Circular 443 and must address the security of passengers aboard passenger vessels subject to part 120 of this chapter, of members of crews of such vessels, and of employees of the terminal, by establishing security measures to take for Security Levels I, II, and III, to—

(1) Deter unauthorized access to the terminal and its restricted areas and to any passenger vessel moored at the terminal;

(2) Deter the introduction of prohibited weapons, incendiaries, and explosives into the terminal and its restricted areas and onto any passenger vessel moored at the terminal;

(3) Encourage vigilance, as well as general awareness of security, at the terminal;

(4) Provide adequate security training to employees of the terminal;

(5) Coordinate responsibilities for security with the operator of each vessel that embarks or disembarks passengers at the terminal; and

(6) Provide information to employees of the terminal and to law-enforcement personnel, in case of an incident affecting security.

(c) You must amend the Terminal Security Plan to address any known deficiencies.

(d) You must restrict the distribution, disclosure, and availability of information contained in the Terminal Security Plan to those persons with an operational need to know.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.305 Who must submit a Terminal Security Plan?

(a) The owner or operator of the vessel must submit a Terminal Security Plan whenever—

(1) There is an agreement with you that the owner or operator of the vessel will submit the Plan;

(2) The owner or operator of the vessel has exclusive use of the pier and terminal building immediately adjacent to the pier and has complete control of that area;

(3) There is no terminal; or

(4) Passengers embark or disembark but no baggage or stores are loaded or offloaded.

(b) In the situations described in paragraphs (a)(3) and (4) of this section, the owner or operator of the vessel may, with the permission of the cognizant COTP, use an annex to the vessel's security plan instead of a Terminal Security Plan.

(c) You must submit a Terminal Security Plan whenever—

(1) There is an agreement with the owner or operator of the vessel that you will submit the Plan;

(2) No security agreement exists; or

(3)(i) At least one vessel other than a passenger vessel uses the terminal;

(ii) More than one passenger vessel line uses the terminal; or

(iii) The terminal loads or offloads baggage or stores.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.307 What is the procedure for examination?

(a) Unless a plan for your passenger terminal will be submitted by an entity other than yourself under § 128.305 or § 120.303 of this chapter, you must submit two copies of each Terminal Security Plan required by § 128.300 to the COTP for examination at least 60 days before transferring passengers to or from a vessel subject to part 120 of this chapter.

(b) If the COTP finds that the Terminal Security Plan meets the requirements of § 128.300, he or she will return a copy to you marked "Examined by the Coast Guard."

(c) If the COTP finds that the Terminal Security Plan does not meet the requirements of § 128.300, he or she will return the Plan with an explanation of why it does not meet them.

(d) No terminal subject to this part may transfer passengers to or from a passenger vessel subject to part 120 of this chapter, unless it holds either a

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Terminal Security Plan that we have examined or a letter from the COTP stating that we are currently reviewing the Plan and that normal operations may continue until the COTP has determined whether the Plan meets the requirements of § 128.300.

[CGD 91-012, 63 FR 53592, Oct. 6, 1998]

§ 128.309 What do I do if I need to amend my Terminal Security Plan?

(a) If your passenger terminal is subject to this part, you must amend your Terminal Security Plan when directed by the COTP, and may amend it on your own initiative.

(b) You must submit each proposed amendment to the Terminal Security Plan you initiate to the COTP for review at least 30 days before the amendment is to take effect, unless he or she allows a shorter period. The COTP will examine the amendment and respond according to § 128.307.

(c) The COTP may direct you to amend your Terminal Security Plan if he or she determines that implementation of the Plan is not providing effective security. Except in an emergency,

he or she will issue you a written notice of matters to address and will allow you at least 60 days to submit proposed amendments.

(d) If there is an emergency or other circumstance that makes the procedures in paragraph (c) of this section impracticable, the COTP may give you an order to implement increases in security immediately. The order will incorporate a statement of the reasons for it.

[CGD 91-012, 63 FR 53593, Oct. 6, 1998]

§ 128.311 What is my right of appeal?

Any person directly affected by a decision or action taken by the COTP under this part, may appeal that action or decision to the cognizant District Commander according to the procedures in 46 CFR 1.03-15; the District Commander's decision on appeal may be further appealed to the Commandant according to the procedures in 46 CFR 1.03-25.

[CGD 91-012, 61 FR 37654, July 18, 1996. Redesignated by CGD 91-012, 63 FR 53592, Oct. 6, 1998]