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(2) You have exclusive use of the pier and terminal building immediately adjacent to the pier and have 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, you may, with the permission of the cognizant COTP, use an annex to the vessel's security plan instead of a Terminal Security Plan.

(c) The owner or operator of a terminal must submit a Terminal Security Plan whenever—

(1) There is an agreement with you that the owner or operator of the terminal 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.

[CGD91-012, 63 FR 53591, Oct. 6, 1998]

§ 120.305 What is the procedure for examination?

(a) You must submit two copies of each Vessel Security Plan required by § 120.300, or of any Terminal Security Plan or annex required or permitted under § 120.303 or § 128.305 of this chapter, to the Commanding Officer, Marine Safety Center (MSC), 400 Seventh Street, SW., room 6302, Nassif Building, Washington, DC 20590-0001, for examination at least 60 days before embarking passengers on a voyage described in § 120.100.

(b) If the Commanding Officer, Marine Safety Center, finds that the Vessel Security Plan meets the requirements of § 120.300, he or she will return a copy to you marked "Examined by the Coast Guard."

(c) If the Commanding Officer, Marine Safety Center, finds that the Vessel Security Plan does not meet the requirements of § 120.300, he or she will return the Plan with an explanation of why it does not meet them.

(d) No vessel subject to this part may embark or disembark passengers in the United States, unless it holds either a Vessel Security Plan that we have ex-

amined or a letter from the Commanding Officer, Marine Safety Center, stating that we are currently reviewing the Plan and that normal operations may continue until we have determined whether the Plan meets the requirements of § 120.300.

[CGD91-012, 63 FR 53591, Oct. 6, 1998, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 120.307 What do I do if I need to amend my Vessel Security Plan?

(a) If your passenger vessel is subject to this part, you must amend your Vessel Security Plan when directed by the Commanding Officer, Marine Safety Center, and may amend it on your own initiative.

(b) You must submit each proposed amendment to the Vessel Security Plan you initiate, including changes to any appendix required by § 120.300(a)(3), to the Commanding Officer, Marine Safety Center, for review, at least 30 days before the amendment is to take effect, unless he or she allows a shorter period. He or she will examine the amendment and respond according to § 120.305.

(c) The Commanding Officer, Marine Safety Center, may direct you to amend your Vessel 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 where the COTP determines that implementation of the Plan is not providing effective security, and the procedures in paragraph (c) of this section are 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.

[CGD91-012, 63 FR 53591, Oct. 6, 1998, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

§ 120.309 What is my right of appeal?

Any person directly affected by a decision or action taken by the Commanding Officer, Marine Safety Center, under this part, may appeal that action

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or decision to the Assistant Commandant for Marine Safety, Security and Environmental Protection [Com-

mandant (G-M)] according to the procedures in 46 CFR 1.03-15.

[CGD91-012, 63 FR 53591, Oct. 6, 1998, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001; USCG-2002-12471, 67 FR 41332, June 18, 2002]

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EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept up-to-date by the Coast Guard, Department of Homeland Security, and is updated as of July 1, 2004.

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