

(b) Heating equipment will not ignite combustible material;

(c) Each chimney and appliance has a spark arrestor if it uses solid fuel or is located where sparks may ignite combustible material; and

(d) All rubbish, debris, and waste go into appropriate receptacles.

[CGD 88-049, 60 FR 39796, Aug. 3, 1995, as amended by CGD 97-023, 62 FR 33363, June 19, 1997]

## PART 128—SECURITY OF PASSENGER TERMINALS

### Subpart A—General

Sec.

- 128.100 Does this part apply to me?  
 128.110 Definitions.  
 128.120 Incorporation by reference.

### Subpart B—Security Program

- 128.200 What must my Terminal Security Plan cover?  
 128.210 What are the responsibilities of my terminal security officer?  
 128.220 What must I do to report an unlawful act and related activity?

### Subpart C—Plans and Procedures for Terminal Security

- 128.300 What is required to be in a Terminal Security Plan?  
 128.305 Who must submit a Terminal Security Plan?  
 128.307 What is the procedure for examination?  
 128.309 What do I do if I need to amend my Terminal Security Plan?  
 128.311 What is my right of appeal?

AUTHORITY: 33 U.S.C. 1231; 49 CFR 1.46.

SOURCE: CGD 91-012, 61 FR 37654, July 18, 1996, unless otherwise noted.

EDITORIAL NOTE: For a document relating to clarification of part 128, see 61 FR 51597, Oct. 3, 1996.

### Subpart A—General

#### § 128.100 Does this part apply to me?

This part applies to all passenger terminals in the United States or its territories when being used for the assembling, processing, embarking, or disembarking of passengers or baggage for passenger vessels over 100 gross tons, carrying more than 12 passengers for hire; making a voyage lasting more

than 24 hours, any part of which is on the high seas. It does not apply to terminals when serving ferries that hold Coast Guard Certificates of Inspection endorsed for “Lakes, Bays, and Sounds”, and that transit international waters for only short periods of time, on frequent schedules.

#### § 128.110 Definitions.

The definitions in part 120 of this chapter apply to this part, except for the definition of *You*. As used in this part:

*You* means the owner or operator of a passenger terminal.

[CGD 91-012, 63 FR 53591, Oct. 6, 1998]

#### § 128.120 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and must make the material available to the public. All approved material may be inspected at the U.S. Coast Guard, (CG-521), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). Copies may be obtained from IMO, 4 Albert Embankment, London SE1 7 SR.

(b) The materials approved for incorporation by reference in this part and the sections affected are:

#### INTERNATIONAL MARITIME ORGANIZATION (IMO)

- 4 Albert Embankment, London SE1 7SR  
 MSC Circular 443, Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships September 26, 1986—128.220, 128.300

[CGD 91-012, 61 FR 37654, July 18, 1996, as amended by USCG-2002-12471, 67 FR 41332, June 18, 2002; 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36283, June 25, 2010]