

“interface” wherever it appears and add, in its place, the word “activity”;

■ f. In the definition for “Passenger vessel”, paragraph (1), after the word “passengers” add the words “, including at least one passenger-for-hire”;

■ g. In the definitions for “Vessel-to-facility interface”, “Vessel-to-port interface”, and “Vessel-to-vessel activity” remove the word “goods” wherever it appears and add, in its place, the words “cargo, vessel stores,”;

■ h. Revise the definitions for “Dangerous substances or devices”, “International voyage”, “Owner or operator”, “Unaccompanied baggage”, and “Waters subject to the jurisdiction of the U.S.” to read as set out below; and

■ i. Add, in alphabetical order, definitions for “Breach of security”, “Cargo vessel”, “Dangerous goods and/or hazardous substances”, “General shipyard facility”, and “Public access facility” to read as follows:

§ 101.105 Definitions.

* * * * *

Breach of security means an incident that has not resulted in a transportation security incident, in which security measures have been circumvented, eluded, or violated.

* * * * *

Cargo vessel means a vessel that carries, or intends to carry, cargo as defined in this section.

* * * * *

Dangerous goods and/or hazardous substances, for the purposes of this subchapter, means cargoes regulated by parts 126, 127, or 154 of this chapter.

Dangerous substances or devices means any material, substance, or item that reasonably has the potential to cause a transportation security incident.

* * * * *

General shipyard facility means—

(1) For operations on land, any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment, or rebuilding of any vessel, including graving docks, building ways, ship lifts, wharves, and pier cranes; the land necessary for any structures or appurtenances; and the equipment necessary for the performance of any function referred to in this definition; and

(2) For operations other than on land, any vessel, floating drydock, or barge used for, or a type that is usually used for, activities referred to in paragraph (1) of this definition.

* * * * *

International voyage means a voyage between a country to which SOLAS applies and a port outside that country.

A country, as used in this definition, includes every territory for the internal relations of which a contracting government to the convention is responsible or for which the United Nations is the administering authority. For the U.S., the term “territory” includes the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the U.S. under a protectorate or mandate. For the purposes of this subchapter, vessels solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian, are considered on an “international voyage” when on a voyage between a U.S. port and a Canadian port.

* * * * *

Owner or operator means any person or entity that owns, or maintains operational control over, any facility, vessel, or OCS facility subject to this subchapter. This includes a towing vessel that has operational control of an unmanned vessel when the unmanned vessel is attached to the towing vessel and a facility that has operational control of an unmanned vessel when the unmanned vessel is not attached to a towing vessel and is moored to the facility; attachment begins with the securing of the first mooring line and ends with the casting-off of the last mooring line.

* * * * *

Public access facility means a facility—

(1) That is used by the public primarily for purposes such as recreation, entertainment, retail, or tourism, and not for receiving vessels subject to part 104;

(2) That has minimal infrastructure for servicing vessels subject to part 104 of this chapter; and

(3) That receives only:

(i) Vessels not subject to part 104 of this chapter, or

(ii) Passenger vessels, except:

(A) Ferries certificated to carry vehicles;

(B) Cruise ships; or

(C) Passenger vessels subject to SOLAS Chapter XI.

* * * * *

Unaccompanied baggage means any baggage, including personal effects, that is not being brought on board on behalf of a person who is boarding the vessel.

* * * * *

Waters subject to the jurisdiction of the U.S., for purposes of this subchapter, includes all waters described in section 2.36(a) of this

chapter; the Exclusive Economic Zone, in respect to the living and non-living resources therein; and, in respect to facilities located on the Outer Continental Shelf of the U.S., the waters superjacent thereto.

■ 7. In § 101.120—

■ a. In paragraph (b)(1), remove the words “engage on international voyages and facilities that serve only vessels on international voyages” and add, in their place, the words “are subject to SOLAS Chapter XI”;

■ b. In paragraph (b)(3), add the following words to the end of the last sentence: “and a vessel, facility, or Outer Continental Shelf facility specific security assessment report generated under the Alternative Security Program”;

■ c. Add paragraph (b)(4) to read as set out below;

■ d. Revise paragraph (d) to read as set out below;

■ e. Add paragraphs (e) and (f) to read as follows:

§ 101.120 Alternatives.

* * * * *

(b) * * *

(4) Owners or operators shall make available to the Coast Guard, upon request, any information related to implementation of an approved Alternative Security Program.

* * * * *

(d) *Amendment of Approved Alternative Security Programs.* (1) Amendments to an Alternative Security Program approved under this section may be initiated by—

(i) The submitter of an Alternative Security Program under paragraph (c) of this section; or

(ii) The Coast Guard upon a determination that an amendment is needed to maintain the security of a vessel or facility. The Coast Guard will give the submitter of an Alternative Security Program written notice and request that the submitter propose amendments addressing any matters specified in the notice. The submitter will have at least 60 days to submit its proposed amendments.

(2) Proposed amendments must be sent to the Commandant (G-MP). If initiated by the submitter, the proposed amendment must be submitted at least 30 days before the amendment is to take effect unless the Commandant (G-MP) allows a shorter period. The Commandant (G-MP) will approve or disapprove the proposed amendment in accordance with paragraph (f) of this section.

(e) *Validity of Alternative Security Program.* An Alternative Security