

(DHS) (e.g., the Transportation Security Administration (TSA)) and the Department of Transportation (e.g., the Maritime Administration (MARAD)), held seven public meetings in areas of high maritime interest to engage the public in discussions about the impact of its maritime security requirements. Prior to issuing this interim rule, the Coast Guard wanted to receive preliminary comments that helped to structure the rulemakings published today. The seven public meetings were announced in a "notice of meeting; request for comment" document that was published in the **Federal Register** on December 20, 2002 (67 FR 78742). The comprehensive notice of meeting requested comments addressing 40 issues as well as comments on the concepts presented in the ISPS Code and the MTSA. Comments made during the public meetings and those submitted to the public docket are available in the public docket (USCG-2002-14069) for review at the locations under **ADDRESSES**. A discussion of these comments is contained in this preamble under the *Discussion of Comments to Maritime Security Public Meetings*. The Coast Guard plans to publish a final rule by November 2003. This date is critical to meeting the timeline set in the MTSA for finalizing these security requirements. It is just as critical in order to uniformly implement the ISPS Code and SOLAS amendments.

To comply with the mandates of the MTSA, the Coast Guard is implementing portions of section 102 of the MTSA (46 U.S.C. sections 70102, 70103b through 70103d, 70104, 70114, and 70117) through this and a series of five other interim rules published elsewhere in today's **Federal Register**. Within this common preamble, we will generally discuss each of the six interim rules. This common preamble will also discuss the National Maritime Transportation Security Plan, found in 46 U.S.C. 70103a, transportation security cards, found in 46 U.S.C. 70105, and foreign port assessments, found in 46 U.S.C. 70108, as they relate to the requirements established in the six interim rules.

Organization

As already stated, we have segmented the maritime security regulations into six separate interim rules. The entire series of rulemakings establishes a new subchapter H, containing six new parts, in Title 33 of the Code of Federal Regulations. For the ease of reading and comprehension, the rulemakings were written to highlight each segment of the maritime community and structured based on the organization of the

regulations rather than in one single interim rule. A brief description of each of the six interim rules follows:

1. *Implementation of National Maritime Security Initiatives*. This general discussion includes the introduction of the new subchapter H into Title 33 of the Code of Federal Regulations. It also discusses the General Provisions within part 101 of that subchapter, and reserves part 102 for the National Maritime Security plan and Advisory Committee requirements. This discussion covers the overall methodology we used to determine the appropriate application of security measures in accordance with the MTSA. A summary of the costs and benefits associated with implementing security requirements used for subchapter H are presented as well as a discussion of the security-related benefit for AIS. The requirements set out in this interim rule include the definitions for the entire subchapter and the provisions that pertain to all parts. It is strongly recommended that this interim rule be read prior to consulting one or more of the other specific parts or the AIS interim rule, which are published elsewhere in today's **Federal Register**, to ensure terms and applicability issues are understood. Additionally, the preamble to this interim rule includes a discussion of the comments made during the public meetings held on Maritime Security in January and February of 2003 and the comments submitted to the docket [USCG-2002-14069] that were received by February 28, 2003. All comments received after February 28, 2003, will be considered prior to the issuance of the final rules.

2. *Area Maritime Security (AMS)*. The discussion in the preamble of the "Area Maritime Security" (USCG-2003-14733) interim rule found elsewhere in today's **Federal Register** relates to the provisions within part 103 of subchapter H. Discussions about cost and benefit assessment for the Area Maritime Security regulations are also found in the Area Maritime Security preamble.

3. *Vessel Security*. The discussion in the preamble of the "Vessel Security" (USCG-2003-14749) interim rule found elsewhere in today's **Federal Register** relates to the provisions within part 104, titled Vessel Security, of subchapter H. It also includes a discussion of the additional parts of 33 CFR and 46 CFR amended or revised by the Vessel Security interim rule. Discussions about cost and benefit assessments for the vessel security regulations are found in the preamble of the interim rule "Vessel Security." Consistent with customary international law, the requirements in

part 104 do not apply to vessels engaged in innocent passage through the territorial sea of the U.S. or in transit passage through the navigable waters of the U.S. that form part of an international strait.

4. *Facility Security*. The discussion in the preamble of the "Facility Security" (USCG-2003-14732) interim rule found elsewhere in today's **Federal Register** relates to the provisions within part 105, titled Facility Security, of subchapter H. Discussions about cost and benefit assessments for the facility security regulations are found in the preamble of the interim rule "Facility Security."

5. *Outer Continental Shelf (OCS) Facility Security*. The discussion in the preamble of the "Outer Continental Shelf Facility Security" (USCG-2003-14759) interim rule found elsewhere in today's **Federal Register** relates to the provisions within part 106, titled "Outer Continental Shelf Facility Security," of subchapter H. Discussions about cost and benefit assessments for the OCS facility security regulations are found in the preamble of the interim rule "Outer Continental Shelf Facility Security."

6. *Automatic Identification Systems (AIS)*. The discussion in the preamble of the "Automatic Identification System; Vessel Carriage Requirement" (USCG-2003-14757) interim rule found elsewhere in today's **Federal Register** relates to the provisions within 33 CFR parts 26, 161, 164, and 165. These requirements relate to the fitting of AIS on certain vessels as mandated in 46 U.S.C. 70114 and MTSA section 102(e). Discussions about cost and benefit assessments for the AIS regulations with respect to both safety and security are found in the preamble of the interim rule "Automatic Identification System; Vessel Carriage Requirement."

Coordination With the SOLAS Requirements

For each interim rule, the requirements of the MTSA Section 102 align, where appropriate, with the security requirements embodied in the SOLAS amendments and the ISPS Code; however, the MTSA has broader application that includes domestic vessels and facilities. Thus, where appropriate, the Coast Guard intends to implement the MTSA through the requirements in the SOLAS amendments and the ISPS Code, parts A and B, for all vessels and facilities that are currently required to meet SOLAS, as well as those vessels on international voyages that fall below the mandated 500 gross tonnage, ITC (International Convention on Tonnage Measurement of Ships, 1969 (ITC)) threshold and facilities that are at risk of being