

requirements, the IMO is developing model courses that identify the key competencies for each of the three security officer positions. The U.S. and India have been asked by the IMO to develop these model courses by September 2003.

In addition to the ongoing international training initiatives, section 109 of the MTSA requires the Secretary of Transportation to develop standards and curricula to allow for the education, training, and certification of maritime security personnel. This task has been delegated to MARAD, which has charged a group of experts at the U.S. Merchant Marine Academy (USMMA) with developing the training requirements for the three security officer positions as well as the requirements for any other personnel with security duties. The USMMA working group has developed a base-level curriculum for maritime security education. This curriculum was refined through public outreach that included an international conference hosted by MARAD at the USMMA on March 20, 2003.

The "Conference on Maritime Security Standards and Curricula" drew 136 delegates from the U.S. and numerous other countries. The meeting focused on the framework for seven model courses that had been provided to attendees prior to the conference. The seven model course frameworks discussed were:

1. "Vessel Security Officer;"
2. "Company Security Officer;"
3. "Facility Security Officer;"
4. "Maritime Security for Vessel Personnel with Specific Security Duties;"
5. "Maritime Security for Facility Personnel with Specific Security Duties;"
6. "Maritime Security for Military, Security and Law Enforcement Personnel;" and
7. "Maritime Security Awareness."

The discussions also included issues related to certification of personnel and quality control of training courses. A panel consisting of the USMMA working group members and representatives from the Coast Guard, TSA and MARAD also responded to questions and comments from participants as part of the conference forum.

Ongoing interagency collaboration and efforts to harmonize international and U.S. requirements have led to the expansion of this project to include the development of three model maritime security courses for the IMO. In cooperation with the government of India, the working group prepared and

submitted draft model courses for the Ship Security Officer, the Company Security Officer, and the Port Facility Security Officer to the IMO by May 30, 2003. Following review by an IMO validation panel, the finalized courses will be forwarded to the IMO not later than September 8, 2003.

Therefore, the requirements in the vessel security and facility security interim rules found elsewhere in today's **Federal Register** require the Vessel Security Officer, Company Security Officer and Facility Security Officer positions to have designated personnel and company-certified qualifications until other training provisions are complete. For company-certified qualifications, we anticipate that owners and operators will use the model courses as guidance. Further work on training requirements and implementation of the security measures may indicate a need to require formal training for these positions, which could be promulgated under a separate rulemaking.

Commenters requested that the process used to determine the applicability of security requirements and their value be explained. We have discussed the initial assessment and subsequent application of these interim rules in the *Applicability of National Maritime Security Initiatives* discussion above. Additionally we have discussed the value of implementing security measures throughout the maritime community in the *Benefit Assessment* section of this rule.

Some commenters were concerned about the idea of applying international standards to domestic trade. In the public notice of meeting, we included an appendix that had the ISPS Code and the new security-related SOLAS amendments. We took this approach to provide the public with an opportunity to comment on a body of work that substantially represented the international security requirements and current best practices for maritime security. As stated previously, we had been working on security-related issues and discussed or required security measures on vessels and facilities since well before the development of the ISPS Code or the MTSA. We took these requirements and discussions further by proposing comprehensive measures for security in our submission to the MSC76 IMO meeting in May 2002.

These proposals were developed with respect to security as a system, because fundamental security must be universal—terrorists attack foreign and domestic targets without bias. The flexibility to tailor security plans and measures based on a security

assessment is a key to ensuring that a vessel, on either a domestic or non-domestic route, has operational security sufficient to deter, to the maximum extent practical, a transportation security incident. The fact that domestic transportation links are as viable as international avenues for a terrorist attack makes this systems approach even more important, *i.e.*, foreign and domestic vessels must have security measures in place on the same timeframe, making it more difficult to transfer the threat of a transportation security incident to a "softer" target. Finally, the application of ISPS, part B, to all vessels ensures a consistency of security measures implemented while in U.S. ports.

Specific Comments on the 40 Issues Listed in the Public Notice

In the notice, we specifically requested response to 40 issues, helping to shape the regulations published in all six interim rules. A discussion of the responses to each of the issues raised in the notice follows.

1. *Obligations of Contracting Government with Respect to Security.* The SOLAS amendments (Regulation 3) and ISPS Code (part A, section 4, and part B, paragraph 4) lay out a series of requirements for Contracting Governments and Administrations to mandate security levels that are appropriate for their vessels and ports. In the notice, we explained our intention to implement these requirements in coordination with the Homeland Security Advisory System (HSAS) and asked for comments on how to relay information to the maritime community on changes in security levels, as well as methods to provide the public a forum to report suspicious acts.

Many commenters viewed as imperative that the threat and security level information be provided quickly and by all means available, including secure Web sites or e-mail. They also felt that the information should be provided to all components of the maritime community, including recreational boaters and shore-side personnel, should be formalized, and should be provided proactively. In this interim rule, the process for this communication is formalized through the AMS Plan, which will include all forms of communication available to the COTP in coordination with the private sector, State, local, and Federal agencies. Therefore, a standard communication method will be established across the nation, complemented with regional methods to ensure wide dissemination of threat information and security requirements.