

interests. A few commenters also suggested that other control measures would include setting barriers and booms to deter seaward access.

As stated previously, the AMS Plan and the supporting committee is an integral part of the port security initiative. Measures that mitigate security risks to the port for each security level will be a main element of the AMS Plan as discussed in the "Area Maritime Security" (USCG-2003-14733) interim rule found elsewhere in today's **Federal Register**. We have outlined in these requirements a broad range of communication methods intended to include all sections of the port community and requirements for the AMS Committee to evaluate all options available to restrict or control activities in each port at each MARSEC Level. However, the COTP may independently exercise his or her broad statutory and regulatory authority to implement any measures deemed necessary to ensure maritime security.

11. Port Security Training and Exercises. In the notice, we explained that ISPS Code (part A, section 18 and part B, paragraphs 18.1 through 18.6) detail training, drills, and exercise requirements for port facilities. We requested comments on whether the maritime community would participate in port-level security exercises and what type of exercise is most desirable. We also asked for comments on existing port security training programs. Most commenters stated that while they would participate in port-level security exercises, a 12 to 18 months frequency was preferred. They also suggested that the COTP should vary drill schedules to reflect local conditions/threats. Commenters also suggested that only small portions of the Security Plan be exercised at a time and recommended that communications be tested more frequently than other sections of the plan. Some commenters stressed that combining security exercises with port pollution/disaster exercise is preferable, and that tabletop exercises or seminars should be considered in lieu of a full exercise. A few commenters stated that industry already trains security personnel and others commented that there should be no requirements for training. Other commenters recommended self-certified security training at the port-level and some believed Coast Guard auxiliaries need security training.

We believe that exercises and training are imperative to keeping security measures and plan requirements current. To ensure that the entire port community participates, we want to establish exercise programs that are

inclusive and training that is exportable. In the "Area Maritime Security" (USCG-2003-14733) interim rule found elsewhere in today's **Federal Register**, requirements for exercises and drills are included. To add flexibility, provisions have been made to credit tabletop exercises as well as full deployment exercises. We anticipate that security will be a part of all port-level exercises such as pollution response or rescue drills. In addition, due to the nature of most ports, high-profile public events such as marine parades or festivals will likely mean an actual exercise of the ATMS plan that meets the intent of the exercise requirements. While these high-profile public events would require a marine event permit, we will not require that marine event permits be obtained for port-level training exercises. Training requirements for port personnel have not been included in the interim rule. It should be noted however, that the MARAD is developing education and training guidelines for maritime security professionals, some of which are intended for port security personnel. We intend to evaluate these guidelines when developed, and determine at that time whether further requirements are needed to ensure the competency of security personnel at the port-level.

Vessel Security Provisions

12. Incorporation by Reference. In the notice of public meeting, we discussed the concept of accepting national, State, and industry security standards to meet certain security requirement(s), such as a vessel security plan that incorporates the use of motion detection equipment that meets an accepted national standard. We requested that commenters share known national, State, or industry standards that could be used as an equivalent to our requirements in the marine environment and we asked them if they would use such standards, if available.

Many commenters supported our concept noting the flexibility of using existing standards, such as the ones prepared by the intrusion detection and surveillance industries. A few commenters stated that while they supported using existing standards, they were concerned about conflicts and incompatibility between current security equipment and equipment used for shipboard operations, while several others approved of the flexibility of using equivalent standards and stated that as long as we approved the use of the standard they would submit it as an equivalent standard to the requirements. Other commenters stated that they were against the use of industry standards

and feared the Coast Guard would micro-manage vessel security operations.

Traditionally we incorporate by reference equipment standards we feel are appropriate to use in the maritime environment to enable vessel and facility owners and operators the flexibility to use standards they are familiar with as well as ones that are appropriate to meet the requirements. In the maritime security regulations for subchapter H found in today's **Federal Register**, there are no national, State, or industry equipment standards incorporated by reference because specific standards were not identified. However, a section in this interim rule (part 101) has been reserved for listing equipment standards for incorporation, if found appropriate in the future.

13. Obligations of the Company. In the public notice we discussed the concepts in SOLAS amendments (Regulation 4 and 5) and the ISPS Code (part A, section 6, and part B, paragraphs 6.1 through 6.8) that obligate the company for certain requirements. We requested comments on these obligations and whether they were sufficient to address maritime security. We also asked for comments on how to treat the special relationship between towing companies and barges.

Many commenters felt that this provision would clarify the companies' responsibility to the vessel and address any potential manning issues, while a few comments stated that the requirements for a company were "excessive" or that the ISPS Code did not address the requirements needed. Many comments stated that an independent audit of the Vessel Security Plan would be valuable in determining if the company's obligations and responsibilities were addressed and properly implemented.

In regards to the relationship between tows and barges, a large number of comments stated that the towing vessel should be responsible for the security of the barge while it is under their control. Several other comments recommended that security at fleeting areas be regulated.

We support holding the company to security-related obligations that will ensure companies and the vessels communicate on issues related to security, and help to ensure that any problems are resolved in an efficient manner. We believe proper implementation cannot work without the company and the vessel fulfilling their obligations as stated in the ISPS code. The company is essential to ensuring that the right people with the right skills are in the Company Security