

Officer, and Vessel Security Officer positions. A company will not need to establish new internal guidance to satisfy the requirements if it already has guidance in another document that meets the requirements of the ISPS Code.

We reviewed the concept of an independent audit and have addressed it in the Vessel Security interim rule found in today's **Federal Register**. The unique relationship between a towing vessel and its tow has been considered and requirements for both are included in the vessel security requirements found elsewhere in today's **Federal Register**. Fleeting areas are also addressed in the Facility Security interim rule found in today's **Federal Register**.

14. *Vessel Security Requirements*. In the public notice we discussed that the SOLAS amendments (Regulation 4) and the ISPS Code, part A, section 7, require vessels act upon security levels set by Contracting Governments through appropriate protective measures by carrying out certain specified activities (ISPS Code, part A, section 7.2). We also asked whether the security measures should apply to other vessels that were not listed in the notice and whether these activities and protective measures adequately address the security of a vessel.

A very large number of commenters addressed the issue of which vessels the regulations should be applicable to. This issue has been discussed in the *General Information* section above, under the subheading *Applicability of National Maritime Security Initiatives*.

Several commenters noted possible alternative measures to be used in meeting the requirements, which are not specifically listed in the ISPS Code. The requirements in this general interim rule give provisions for both vessels and facilities to use Alternative Security Programs to meet the requirements. We will continue to provide feedback to industry, via Internet Web page and public notice, on all Alternative Security Programs that are approved by the Coast Guard (G-MP) as alternatives.

15. *Vessel Security Assessments (VSA) Requirement*. In the notice we discussed the requirements for a Vessel Security Assessment contained in the ISPS Code and the MTSA. We also discussed our desire to have a Vessel Security Assessment for each vessel that has to develop a security plan. In the notice of public meeting we asked for recommendations on how to conduct a Vessel Security Assessment for a vessel on a domestic voyage, and whether we should consider any existing

alternatives to a Vessel Security Assessment.

Commenters recommended that we allow industry produced assessment tools, or require all assessments to be conducted by an objective third party, while others requested that we develop a template to be used in a self-assessment process. A few commenters claimed that a security assessment had already been done by the Coast Guard and requested that it be used in place of the required Vessel Security Assessment to avoid duplication of effort.

We strongly support the use of third-party assessments and audits to ensure quality as well as consistency. However, we are not including this provision as a mandatory requirement in the Vessel Security interim rule found elsewhere in today's **Federal Register** because the assessment is one part of the vessel security plan that we will be closely reviewing prior to the plan approval. We are assisting in the development of several assessment tools and templates. We recommend that vessel owners and operators seek tools from appropriate industry sectors that support or represent them to aid in completing the security assessments. To reduce the duplication of effort, we also strongly encourage vessel owners and operators to use any information that was previously collected during a security assessment as reference material for completion of the applicable areas of the new assessment.

16. *Vessel Security Plan Requirement*. In the public notice we discussed the development of a Vessel Security Plan that takes into consideration a Vessel Security Assessment, and makes provisions for actions at each of the three MARSEC Levels. In the notice we referenced the vessel security plan requirements in the ISPS Code and asked for suggestions about additional items or best practices to be addressed by the Vessel Security Plan. We also inquired whether an outline would aid you in developing a vessel security plan.

We did not receive comments suggesting additional items be addressed in the Vessel Security Plan, but we did receive multiple industry and organization submissions of their standards for consideration as a vessel security plan best practice. Many commenters stated that allowing an existing industry standard to be used would greatly streamline the review process. A number of others asked if we could provide a "model plan" for them to use. Many commenters also requested the acceptance of fleet-wide plans. Several owners also asked if a vessel and a facility, which have an exclusive

docking arrangement (one in which no other vessels dock at the facility and the vessel only docks at the facility pier), could submit a uniform vessel/facility security plan.

The strong response and industry standards submitted as examples of best practices lead us to believe that the maritime industry is implementing security measures in many sectors. Many of these industry standards did have "model plans" incorporated into them as a development aid. As discussed previously, we will allow organizations to submit their security programs for consideration as an alternative to the requirements in the vessel security interim rule found elsewhere in today's **Federal Register**. The concept of accepting fleet-wide plans or plans that discuss exclusive docking arrangements or a single plan to cover both a terminal and a vessel, could also be considered Alternative Security Programs and be accepted if they meet the specified requirements.

17. *Submission of Vessel Security Plans for Approval*. The public notice discussed the need for a vessel to carry on board an approved Vessel Security Plan. In the notice of meeting, we requested suggestions on how vessel security plan approvals could be streamlined. We also asked if the format we proposed was appropriate or if an alternative process existed that we should consider.

Several commenters questioned the consistency of Vessel Security Plans approved by varying COTPs and asked what safeguards would be in place to ensure consistent enforcement for vessels that operate across COTP boundaries. In contrast, many other commenters felt the approval at the local COTP level would ease the process and allow for someone familiar with the vessel's operations to review the Vessel Security Plan. Finally, some commenters were also curious about the procedure for reviewing foreign vessel security plans.

To ensure a consistent approval process, we have decided that the Marine Safety Center (MSC) will review and approve all vessel security plans. This requirement is included in the Vessel Security interim rule, found in today's **Federal Register**. For those Vessel Security Plans with specific local or regional considerations, we will ensure that the local COTP or District personnel will be able to interject any industry or geographic specific information into the approval process.

It is not our intent to individually approve vessel security plans for foreign SOLAS vessels coming to the U.S. Consistent with our international