

obligations under SOLAS and the ISPS Code, we will deem flag administration approval of a ship security plan to constitute approval under 46 U.S.C. 70103, provided the ship security plan complies with SOLAS and ISPS Code, part A, having fully applied the relevant provisions of ISPS Code, part B. Compliance by foreign SOLAS vessels will be addressed under the Port State Control program, with plans being reviewed by the vessel's flag administration as required by SOLAS and the ISPS Code.

However, in certain cases, foreign vessel operators may be required to submit the vessel security plan to the U.S. for approval, as required in the Vessel Security interim rule found elsewhere in today's **Federal Register**. These foreign vessels are an exception because they fall outside of the tonnage or route thresholds for SOLAS obligations, yet trade with us and, for security consistency, should meet the same security requirements as those vessels covered under domestic law.

18. *Existing Security Measures for Certain Vessels.* As mentioned in the notice of meeting, we are evaluating the need for retaining existing security requirements that are contained in 33 CFR part 120, for certain vessels (e.g., large passenger vessels) that could be involved in a transportation security incident. More specifically, the notice asked whether additional security requirements are needed for certain vessel types.

Many commenters noted that the standards of the ISPS Code provided more than adequate security measures and could be considered equivalent to the existing 33 CFR part 120 requirements.

Because we are still evaluating the equivalency of 33 CFR 120 to the requirements in the Vessel Security interim rule found elsewhere in today's **Federal Register**, we do not intend to revise 33 CFR part 120 at this time. However, in the future, this part may be revised or entirely deleted. This will consolidate the security requirements for all vessels in subchapter H.

19. *Vessel Security Recordkeeping.* In the notice of meeting, we requested suggestions or best practices related to recordkeeping. We also asked whether we should prescribe a format for these records.

Numerous commenters asked that industry standards be accepted for recordkeeping and that companies and vessels be allowed to decide where to keep records. Several commenters questioned the need to keep records for two years, while others stated that there was no need to keep records. Several

commenters asked that a format not be specified but that the Coast Guard provide clear guidance on what type of information should be kept.

We believe that industries have developed suitable internal guidance for keeping records. These records are essential to ensuring compliance and for this reason we are requiring security records be maintained for 2 years. Specific guidance on what type of information must be kept is included in the Vessel Security interim rule found in today's **Federal Register**, with flexibility to choose their format and where the records are kept.

20. *Company Security Officer Designation.* In the notice of public meeting, we asked whether Company Security Officers should be required to attend training and if company certification is appropriate to verify the Company Security Officer's qualifications. We also acknowledged that many companies already have training programs in place.

Several commenters stated that it was reasonable for the company to train and certificate the Company Security Officer, while other commenters believed it was a conflict of interest. Others commented on whether records should even be kept; some stated that no records should be kept and some recommended that the records should be kept for a period of 1 to 3 years.

We recognize there are no approved courses for the Company Security Officer at this time. In the absence of approved formal training, we intend to allow companies to certify that personnel holding the Company Security Officer position have received appropriate training or possess the job experience required to fulfill their Company Security Officer duties, based on the requirements in the Vessel Security interim rule found in today's **Federal Register**.

We believe that the Company Security Officer's participation in exercises is critical to improving security. In order to ensure the Company Security Officer has participated in appropriate port-level exercises, we are requiring records, including a list of participants, to be kept for 2 years.

In addition to the questions we asked in the notice of meeting, we received several comments outside of those questions regarding the Company Security Officer. Several commenters expressed confusion about the requirements for a Company Security Officer. To clarify, a company with a large fleet may decide to group its vessels and assign a Company Security Officer to each group. This company would then have several Company

Security Officers, one Company Security Officer per vessel group. While the Company Security Officers are responsible for the security of the vessels in their group, they may not act as Vessel Security Officer, except as exempted by the requirements in Vessel Security interim rule found in today's **Federal Register**.

21. *Vessel Security Officer*

Designation. In the notice of public meeting, we asked whether Vessel Security Officers should be required to attend training and if company certification is appropriate to verify the Vessel Security Officer's qualifications. We also acknowledged that many companies already have training programs in place.

Numerous commenters supported allowing company certification and felt formalized training was a good system to certificate personnel. A small group of commenters saw no need for any formalized training or company certification. We did not receive any comments to our request for suggestions for certain classes of vessels being allowed an alternative to a Vessel Security Officer.

We recognize that Vessel Security Officer security training is not currently formalized, however, it would be beneficial as previously discussed in the *Discussion of Comments* to Maritime Security Public Meetings section of this preamble. In the absence of approved formal training, we intend to allow companies to certify that personnel holding the Vessel Security Officer position have received appropriate training or possess the job experience required to fulfill their Vessel Security Officer duties, based on the requirements in the Vessel Security interim rule found in today's **Federal Register**. Although we did not receive any suggestions on alternatives to a Vessel Security Officer, provisions within the Vessel Security requirements found elsewhere in today's **Federal Register**, do not preclude a Company Security Officer from also acting as a Vessel Security Officer.

22. *Security Training and Drill Requirements for Vessel Personnel.* In the notice of public meeting we requested comments on whether we should require vessel security personnel to attend formal training. We discussed the concept of allowing the company, and its Company Security Officer, Vessel Security Officer, Facility Security Officer, or Vessel Master to certificate security officers and train the vessel personnel in accordance with the requirements. We also asked if prescribing the format for training records would assist the companies.