

Several commenters agreed that the company and its Company Security Officer, Vessel Security Officer, Facility Security Officer or Vessel Master should certificate security officers and train the vessel personnel, while a few commenters saw no need for formalized training. A few commenters also stated that the drill and exercise requirements were excessive. Several commenters recommended we provide specific requirements on the type of information that should be recorded, but not require a specific format for record keeping.

As previously stated, there are no approved courses for vessel personnel. In the absence of approved formal training, we intend to allow companies, Vessel Masters, Vessel Security Officers, Facility Security Officers, or Company Security Officers to certify that personnel holding a security position have received the training required to fulfill their security duties.

When training is developed, we will reassess the training and certification requirements in the Vessel Security interim rule found in today's **Federal Register**. We will then propose alternatives or additional requirements in a separate rulemaking, as appropriate.

We have included the specific requirements in the Vessel Security interim rule, found in today's **Federal Register**, on what type of information must be kept, with the vessel owner or operator deciding what format and where the records will be kept.

We believe it is imperative that exercises and drills be conducted to ensure the plans are current and that the personnel are familiar with their responsibilities. Therefore, we have included exercise and drill requirements in the Vessel Security interim rule found in today's **Federal Register**. Security drills and exercises can be incorporated into existing response exercises and drills and we believe that by combining exercises, when possible, the exercises and drilling requirements can be made more efficient.

23. *Certification for Vessels.* In the notice of public meeting we discussed the certification requirements for an ISSC and requested suggestions for how best to verify and certificate compliance.

Many commenters suggested that amending a vessel's Certificate of Inspection or a letter stating compliance with security requirements would be adequate. Other commenters recommended allowing third-party certification rather than Coast Guard certification.

We believe certification and verification can be accomplished during a regular Coast Guard Inspection and

the vessel's certificate can adequately reflect compliance. In addition, for those uninspected vessels requiring security measures, other provisions for documentation are provided in the Vessel Security interim rule, found elsewhere in today's **Federal Register**. We have not included provisions for third-party certification, however we have included provisions for Alternative Security Programs that could streamline the certification process.

Facility Security Provisions

24. *Incorporation by Reference.* In the notice of public meeting, we stated we were considering accepting national, State, and industry security standards to meet certain security requirement(s), such as a facility security plan that incorporates lighting or fencing equipment that meet 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 position of including a provision for accepting national, State, and industry security standards as an equivalent to meet certain security requirements. Several commenters confirmed that those within the security industry, such as the fence and lighting industries, should be allowed to continue providing their own security standards and that in general, companies would meet marine industry-wide standards once the Coast Guard approved them. Finally, many commenters expressed concern that if the Coast Guard prescribed measures to be used as industry standards that the measures would be in excess of what is needed.

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 is 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.

25. *Facility Security Requirement.* In the public notice, we discussed that the SOLAS amendments (chapter XI-2, regulation 10) and the Code (part A and

part B, section 14) require facilities to act upon security levels set by Contracting Governments through appropriate protective measures by carrying out certain specified activities (ISPS Code, part A, section 14.2). We also asked whether the security measures should apply to other facilities that were not listed in the notice and whether current activities and protective measures adequately address the security of a facility.

A large number of commenters addressed the issue of which facilities the regulations should be applicable to. This issue has been discussed in the *Applicability of National Maritime Security Initiatives* section above.

We did not receive any comments specifically addressing the request for suggestions on additional requirements that could be used.

Several commenters stated that barge fleeting areas should be covered under the new requirements. To address fleeting areas and the security of the barges that use them we have included fleeting areas in the Facility Security interim rule found in today's **Federal Register**.

26. *Facility Security Assessments Requirement.* In the notice, we discussed the requirements for a facility security assessment contained in the ISPS code and the MTSA. We also discussed our desire to have a facility security assessment for each facility that has to develop a facility security plan. In addition, we asked if there were any recommendations on how to conduct a facility security assessment and if any appropriate alternatives to a facility security assessment already existed that we should consider.

Several commenters stated that they have used NVIC 11-02 titled, "Security Guidelines for Facilities" or similar approaches in developing a company assessment plan and found them easy to follow. Other commenters offered alternatives, such as a Coast Guard facility inspection or a Navy facility security assessment.

We have included requirements for facility assessments in the Facility Security interim rule found elsewhere in today's **Federal Register**. In addition we have been assisting in the development of several industry and Federal assessment tools and templates. We are aware that other agencies of DHS (e.g., TSA) are developing a self-assessment tool. We understand that they intend to mandate use of this tool in the future. We recommend that facility owners and operators seek tools from appropriate industry sectors that support or represent them to aid in completing the security assessments. To