

reduce the duplication of effort, we also strongly encourage facility owners and operators to use any information that was previously collected during a security assessment as reference material for completion of the applicable areas within the new assessment. There are also provisions in this interim rule for the use of alternative assessment tools however; tools such as the Department of Defense assessment have not been specified because we have focused on the specific needs required for transportation-related assessments.

27. Facility Security Plans Requirements. In the public notice, we discussed the ISPS Code (part A and part B, section 16) as well as the MTSA (46 U.S.C. sections 70103 and 70104) that takes into consideration a facility security assessment, and makes provisions for actions at each of the three MARSEC Levels. We also asked for suggestions about additional items or best practices to be addressed within the facility security plan requirements.

We did not receive any comments specifically addressing additional items that the facility security plan should cover, however, many commenters did state that an outline would be a useful tool for development. Several of these commenters went on to say that a "model plan" would prove to be a better guide because it would clearly show our expectations of a plan. Several commenters noted that there are companies that own many facilities and vessels, and asked if one combined security plan could be submitted to avoid redundancies in submissions.

The strong response and industry standards submitted as examples of best practices lead us to believe that the maritime community 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 Facility 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.

28. Submission of Facility Security Plans for Approval. In the public notice we discussed the ISPS Code, part A, section 16, requiring facilities to develop and maintain a facility security plan that is approved by the Contracting

Government in whose territory the facility is located. We asked for suggestions on how facility 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.

There was large support for the local COTP to approve facility security plans. Some commenters asked how the Coast Guard would ensure consistency across COTP zones. Several commenters approved of the format Coast Guard presented, but did not want a mandated format.

As stated in the notice of meeting, we intend for the COTP to approve facility security plans and we will also work to ensure there is consistency between COTP zones. The Facility Security interim rule found elsewhere in today's **Federal Register** contains an outline to be followed when constructing a facility security plan. This outline format provides facilities with leeway during the development process of their facility security plan. Contracting Governments to SOLAS will approve the security plans for port facilities within their territory. These Contracting Governments are also responsible for notifying the IMO regarding which port facilities within their territory have approved security plans. As discussed previously, a vessel calling on a foreign port facility that does not comply with SOLAS and the ISPS Code or at a port that does not maintain effective anti-terrorism measures, will be subject to scrutiny under our Port State Control Program to ensure that the security intended to be achieved by this subchapter will not be compromised.

29. Facility 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.

Many commenters supported our position on keeping records for 2 years, while others questioned it and some opposed the concept of maintaining these records at all. Numerous commenters asked that industry standards be accepted or that companies and facilities be allowed to decide where to keep records. Several commenters requested specific guidance on the type of information that should be kept, but did want the format not be specified. Some commenters proposed that third parties be required for record keeping.

We believe that industries have developed suitable internal guidance for keeping records. These records 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 Facility Security interim rule found in today's **Federal Register**, with flexibility to choose their format and where the records are kept. Finally, we feel requiring a third party to keep all records would cause undue burden to the facilities.

30. Facility Security Officer. In the notice of public meeting, we asked whether Facility Security Officers should be required to attend training and if company certification is appropriate to verify the Facility Security Officer's qualifications. We acknowledged that many companies already have training programs in place. We also asked if Facility Security Officers might be performing their duties for more than one facility.

The majority of the commenters stated that companies should be allowed to verify qualifications and certificate Facility Security Officers. A few commenters felt it was a conflict of interest for the company to certificate a Facility Security Officer as meeting the knowledge level. We also received many comments about required formal training; some of the comments were in favor and some felt it was not necessary. Several commenters submitted examples of cases where the Facility Security Officer could be responsible for more than one facility. Finally, many commenters stated that the record keeping requirements were reasonable and could be easily instituted, while others stated this task would be too time consuming.

We recognize that Facility 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 Facility Security Officer position have received appropriate training or possess the job experience required to fulfill their Facility Security Officer duties, based on the requirements in the Facility Security interim rule found in today's **Federal Register**. We do not see this authority as a conflict of interest.

We agree that a Facility Security Officer could oversee the security operations at more than one facility, where facility security plans are very similar because of similar operations and in close proximity of each other. This decision will be left to the local COTP when plans are being approved.