

would be beneficial. A series of commenters asked what the policy would be if the SOLAS dates and the MTSA dates were in conflict. Several comments also suggested that vessels operating on remote waterways not be required to carry the system because it was not of any value to the safe navigation of the vessel.

We believe that the MTSA AIS application is consistent with SOLAS and the domestic application is appropriate for the safety and security of navigation within our ports and waterways. Therefore, we have included this application in the AIS interim rule and notice for comment found elsewhere in today's **Federal Register**. We have also included a process for vessel owners and operators to request to waive or exempt the AIS requirements.

Several comments were submitted that did not reflect the questions asked; however, a few are germane to the general subject of security. A few commenters asked how the Coast Guard intends to receive the AIS signal. A few commenters questioned the security of AIS and stated that they believed it could be used against a vessel or a port by terrorists; these comments went on to suggest that AIS had no benefit from a security aspect and was not applicable. Several commenters also proposed alternatives to AIS at different MARSEC Levels. Finally, a few commenters strongly suggested that we not require AIS in an interim rule but rather issue a notice of proposed rulemaking to ensure adequate notice and comment for this equipment requirement.

We believe that there are quantifiable security and safety benefits from AIS. We are currently upgrading the Vessel Traffic Service (VTS) systems within the ports to be able to receive and process AIS information. As for the security of AIS, the signal is not secure however; we believe that the benefit of being able to quickly identify and warn mariners about threats directly related to their vessels outweighs the potential security

gap presented by AIS's open broadcast nature. We are not considering alternates to AIS for those vessels that are not included in the MTSA requirements but have requested comments on the AIS equipment standards and requirements as well as nationwide implementation in the notice for comments on AIS that is found elsewhere in today's **Federal Register**. In the future, we may explore other long range tracking alternates and we will continue work in expanding AIS functionality (e.g., long range communication interfacing) and progeny (e.g., AIS Class A derivatives, AIS Class B), in pursuit of other options for those vessels not required to have AIS though could benefit from the safety and security aspects of this technology.

We thoroughly considered the option of issuing a notice of proposed rule for AIS prior to issuing the interim rule found elsewhere in today's **Federal Register**. Based on the strong language of section 102(d) of the MTSA, which includes "The Secretary shall issue an interim final rule as a temporary regulation implementing this section * * * as soon as practicable after the date of enactment of this section, without the regard to the provisions of chapter 5 of title 5, * * *", we determined that AIS, as part 102, needed the same accelerated treatment as the other security requirements presented in the interim rules issued by the Coast Guard and found elsewhere in today's **Federal Register**. We have provisions for comments to this interim rule and will consider your input prior to the final rulemaking. Additionally, we have included a separate notice of comment found elsewhere in today's **Federal Register** to ensure that vessel owners and operators are afforded ample opportunity to comment on this equipment carriage requirement in the broad nationwide application that MTSA suggests.

Discussion of Interim Rule

This Interim rule establishes parts 101 and 102 in new subchapter H to title 33 of the Code of Federal Regulations. It provides the General Provisions for all of subchapter H, and is broken down into five subparts, which we will now discuss in order.

Part 101—Subpart A—General

Subpart A, section 101.100 explains the purpose behind all of the Regulations found in subchapter H. That purpose is to increase the level of maritime security found in our nation's ports, while at the same time aligning our domestic maritime security regulations with international standards, wherever such alignment is appropriate. These regulations should dissuade those persons or groups that would seek to disrupt the maritime elements of the national transportation system by ensuring that security arrangements are as compatible as possible for vessels trading internationally.

Subpart A, section 101.105 goes on to define the terms that are used in subchapter H. Definitions found in this section of part 101, subpart A are applicable to the entire subchapter. We have included all definitions in part 101 in order to give the reader a common place for reference, a "one stop shopping" of sorts.

Many of the definitions are self-explanatory, so we have not gone into detail about them here. For brevity, we are limiting this discussion to those definitions that we think may be confusing or novel. For instance, the MTSA and the ISPS Code use different terms to define similar, if not identical, persons or things. These differing terms sometimes match up with the terms used in subchapter H, but sometimes they do not. Thus, in some definitions you will find references to other terms, used in the MTSA or the ISPS Code. We are including a table of these terms here, for easy reference.

TABLE 4.—EQUIVALENT TERMS

Subchapter H terms	USCG terms	MTSA terms	ISPS code terms
Plans			
Area Maritime Security (AMS) Plan	Port Security Plan	Area Maritime Security Transportation Plan.	Port Facility Security Plan.
Vessel Security Plan	Vessel Security Plan	Vessel Security Plan	Ship Security Plan.
Facility Security Plan	Facility Security Plan	Facility Security Plan	None.
Assessments			
Area Maritime Security (AMS) Assessment.	Port Security Assessment	None	Port Facility Security Assessment.
Vessel Security Assessment	Vessel Security Assessment	Vessel Security Assessment	Ship Security Assessment.