

TABLE 4.—EQUIVALENT TERMS—Continued

Subchapter H terms	USCG terms	MTSA terms	ISPS code terms
Facility Security Assessment	Facility Security Assessment	Facility Security Assessment	None.
People			
Captain of the Port (COTP)	Captain of the Port (COTP)	Federal Maritime Security Coordinator (FMSC).	Port Facility Security Officer (PFSO).
Company Security Officer	Company Security Officer	Company Security Officer	Company Security Officer.
Vessel Security Officer	Vessel Security Officer	Qualified Individual	Ship Security Officer.
Facility Security Officer	Facility Security Officer	Qualified Individual	None.
Area Maritime Security (AMS) Committee.	Port Security Committee	Area Maritime Security Advisory Committee.	None.

We defined “company” broadly in order to ensure that we captured all persons and/or legal entities that may in fact own or operate a vessel or facility under this subchapter. We did not list out specific legal entities, in order to avoid unintentionally omitting one, making enforcement more difficult as new legal entities are created. We interpret our definition to include the following legal entities: Corporations, partnerships, business trusts, associations, joint ventures, sole proprietorships, and unincorporated organizations.

We chose the term “dangerous substances and devices” for specific reasons. The ISPS Code uses the phrase “weapons, dangerous substances or devices” when identifying the intent of certain security measures. We use dangerous substances and devices because these interim rules do not prohibit weapons that are carried in accordance with the applicable local, State, or federal laws. However, vessel or facility owners or operators, in their own proprietary capacity, may prohibit lawfully possessed weapons as a condition of carriage/entrance. They may also develop and implement procedures whereby weapons and ammunition are temporarily relinquished to the vessel or facility owner or operator and placed in a secure location for the duration of the voyage or stay at the facility. The Coast Guard will retain the authority to impose restrictions on owners or operators when necessary to ensure safety or security, or to secure the observance of rights or obligations of the U.S., especially at heightened threat conditions. The Coast Guard is working with DHS (e.g., TSA) to develop an intermodal policy regarding items that passengers may be prohibited from carrying. The policy is still being developed but may affect the carriage of certain weapons onboard certain passenger vessels.

We defined “international voyage” to include those vessels that solely navigate the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

We chose to apply length thresholds using the definition of “registered length” instead of overall length, under the authority of 46 U.S.C. 70114(2). This was done to facilitate enforcement and minimize confusion for vessel owners. Registered lengths are assigned for all documented vessels of the U.S. and appear in Coast Guard databases and on Certificates of Documentation. Conversely, overall lengths can vary as a function of voyage type, and are not assigned for all documented vessels of the U.S. In many cases the two definitions coincide, and where they do not coincide, the registered length is slightly less than overall length.

We have expressed gross tonnage thresholds in one of two ways. If the threshold must be applied using the vessel’s gross tonnage measurement under 46 U.S.C. Chapter 143, Convention Measurement, the threshold is expressed in terms of “gross tonnage, ITC.” If the threshold must be applied using the vessel’s gross tonnage measurement under 46 U.S.C. Chapter 145, Regulatory Measurement, the threshold is expressed in terms of “gross register tons.” For those vessels that only have a gross tonnage, ITC measurement, yet the requirement calls for a gross register tons threshold, then the gross tonnage, ITC measurement must be used.

We have included a definition of the phrase “Maritime Security (MARSEC) Level,” as well as definitions for each individual MARSEC Level. MARSEC Level, in general, refers to the prevailing threat environment to the maritime elements of the national transportation system. As the threat of a transportation security incident increases, the individual MARSEC Level moves

higher, from one to three. Additional discussion on the concept of MARSEC Levels and how they interplay with DHS’s HSAS is included below in the discussion for subpart B.

We have also defined a new document, called a Maritime Security (MARSEC) Directive. All MARSEC Directives will qualify as SSI under 49 CFR 1520.7 of the Transportation Security Administration interim rule on SSI, that will be published in the near future. Once published, we will post a copy of this interim rule to the docket. The Coast Guard MARSEC Directives will be consistent with the National Transportation System Security Plan (NTSSP) and in accordance with Transportation Security Directives, as established by the Transportation Security Administration. Additional discussion on what a MARSEC Directive is, how MARSEC Directives will be issued and the proper response to a MARSEC Directive is included below in the discussion for subpart D.

We have adopted the MTSA definition for “transportation security incident.” We also adopted the ISPS Code definitions for “Company Security Officer” and “Vessel Security Officer.” Using these two definitions as our basis, we were able to also define “Facility Security Officer.”

We have also defined the phrase “waters subject to the jurisdiction of the U.S.” to include the navigable waters of the U.S., the Exclusive Economic Zone (EEZ), the seabed and subsoil of the OCS of the U.S. and the resources thereof and the waters adjacent thereto.

Subpart A section 101.110 sets the applicability for all of subchapter H. As stated, it is very broad, covering all vessels, structures, and facilities of any kind, located in, on, or adjacent to waters subject to the jurisdiction of the U.S. This broad application is necessary to cover all entities affected by at least one part of new subchapter H. Each individual part contains a separate applicability section, which is more