

documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

Electronic forms of all comments received into any of our dockets can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor unit, etc.) and is open to the public without restriction. You may also review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov/>.

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. Your comments will be considered for the final rule we plan to issue before November 25, 2003, to replace this interim rule. If you choose to comment on this rule, please include your name and address, identify the specific docket number for this interim rule (USCG-2003-14732), indicate the specific heading of this document to which each comment applies, and give the reason for each comment. If you have comments on another rule, please indicate in a separate letter to the docket for that rulemaking. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**. Please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this interim rule in view of them.

Public Meeting

We will hold a public meeting on July 23, 2003, in Washington, DC at the Grand Hyatt Hotel, at the address listed under **ADDRESSES**. The meeting will be from 9 a.m. to 5 p.m. to discuss all of the maritime security interim rules, and the Automatic Identification System

(AIS) interim rule, found in today's **Federal Register**. In addition, you may submit a request for other public meetings to the Docket Management Facility at the address under **ADDRESSES** explaining why another one would be beneficial. If we determine that other meetings would aid this rulemaking, we will hold them at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

We did not publish a notice of proposed rulemaking for this rulemaking and are making this interim rule effective upon publication. Section 102(d)(1) of the MTSA requires the publication of an interim rule as soon as practicable without regard to the provisions of chapter 5 of title 5, U.S. Code (Administrative Procedure Act). The Coast Guard finds that harmonization of U.S. regulations with maritime security measures adopted by the International Maritime Organization (IMO) in December 2002, and the need to institute measures for the protection of U.S. maritime security as soon as practicable, furnish good cause for this interim rule to take effect immediately under both the Administrative Procedure Act and section 808 of the Congressional Review Act.

Background and Purpose

A summary of the Coast Guard's regulatory initiatives for maritime security can be found under the "Background and Purpose" section in the preamble to the interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792) published elsewhere in today's **Federal Register**.

Discussion of Comments Addressing Facility Issues in the Notice of Meeting

For a discussion of comments on facilities at the public meetings and in the docket, see the interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792) published elsewhere in today's **Federal Register**.

Discussion of Interim Rule

The purpose of this rulemaking is to require security measures for facilities in order to reduce the risk of and to mitigate the results of an act that threatens the security of personnel, the facility, and the public. This rulemaking combines international requirements and existing domestic policy, and adds part 105, Facility Security, to the new subchapter H, Maritime Security, of Title 33 of the Code of Federal Regulation. A general description of the

process used in developing subchapter H and its component parts appears in the interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792) published elsewhere in today's **Federal Register**.

This rulemaking applies to facilities subject to 33 CFR parts 126, 127, and 154; facilities that receive vessels certified to carry more than 150 passengers; and facilities that receive vessels on international voyages, including vessels solely navigating the Great Lakes.

The MTSA and the International Ship and Port Facility Security (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. For a table of the terms used in subchapter H and their related terms in the MTSA and the ISPS Code, see the *Discussion of Interim Rule* section in the preamble for the interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792), published elsewhere in today's **Federal Register**.

This rulemaking does not apply to Outer Continental Shelf (OCS) platforms and deepwater ports. Those structures are covered by the rulemaking "Outer Continental Shelf Facility Security" (USCG-2003-14759), published elsewhere in today's **Federal Register**.

This preamble describes the facilities regulated by part 105 and the requirements for conducting Facility Security Assessments, developing Facility Security Plans, and implementing security measures and procedures. The requirements in part 105 are consistent with requirements in the ISPS Code. Facility security includes the requirements discussed below:

Compliance

The Coast Guard, as provided in 33 CFR part 126, 127, and 154, will verify facility compliance with this part during inspections.

As required by Regulation 3 of Chapter XI-2 of the International Convention for Safety of Life at Sea, 1974 (SOLAS) and the ISPS Code, part A, section 5, the Coast Guard has published additional requirements that provide the U.S. (as a contracting government) with requirements for setting and communicating changes in Maritime Security (MARSEC) Level, completing Declarations of Security, and additional instructions for all facilities when MARSEC Level 3 is set.