

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 (NPRM) 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 OCS Facility Issues in the Notice of Meeting

For a discussion of comments on OCS 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

This interim rule regulates the owners and operators of OCS facilities to provide security to these OCS facilities and to other vessels with which an OCS facility interfaces. The interim rule adds new 33 CFR part 106, OCS Facility

Security, as part of 33 CFR, Chapter I, subchapter H, Maritime Security. 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).

This interim rule applies to Certificated Mobile Offshore Drilling Units (MODUs) that are not subject to International Convention for Safety of Life at Sea, 1974, (SOLAS) and fixed or floating platforms operating on the Outer Continental Shelf that host more than 150 persons for 12 hours or more during each 24-hour period continuously for 30 days or more, or produce more than 100,000 barrels of oil per day, and/or produce more than 200 million cubic feet of natural gas per day. OCS facilities that do not meet these characteristics may still be required to conduct a Facility Security Assessment, develop a Facility Security Plan, and implement certain security measures if the cognizant Coast Guard District Commander makes that determination. That determination is made on a case-by-case basis, based upon unique local conditions, specific intelligence information, or other identifiable and articulable risk factors that confirm such actions are necessary and appropriate to ensure an adequate level of security. This requirement would be issued in a Maritime Security Directive. This interim rule does not apply to deepwater ports.

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 to the interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792), published elsewhere in today's **Federal Register**.

The purpose of this rulemaking is to require certain OCS facilities to perform security assessments, develop security plans, and implement security measures and procedures to reduce the risk of and to mitigate the results of an act that threatens the security of the OCS facility, the crew, or the public. This rulemaking combines international requirements and existing domestic policy, and is published as a part of a new subchapter on maritime security. The MTSA mandates that OCS facilities conduct security assessments and develop security plans, submit these

plans within 6 months of publication of this interim rule. It also mandates that each OCS facility shall be in compliance with its approved security plans within 12 months of the publication of this interim rule.

Part 106 consists of four subparts: subpart A (General), subpart B (Security Requirements), subpart C (OCS Facility Security Assessment), and subpart D (OCS Facility Security Plan). The requirements discussed in part 106 are consistent with similar requirements in parts 104 and 105 of this subchapter. These interim rules include requirements discussed below.

Waivers

The waiver section of this interim rule establishes procedures for OCS facility owners or operators who wish to be relieved of complying with specific requirements of the interim rule on the grounds that those requirements are unreasonable or unnecessary.

Equivalents

The equivalents section of this interim rule establishes procedures for requesting an equivalency to the requirements of this interim rule. Equivalencies are intended to allow an OCS facility owner or operator to provide an alternative provision or arrangement that provides the same level of security as a specific requirement contained within this part.

Alternatives

The alternatives section of this interim rule allows OCS facility owners or operators to implement an Alternative Security Program that has been reviewed and accepted by the Commandant (G-MP) to meet the requirements of this part. An Alternative Security Program must be comprehensive and must be demonstrated to meet the intent of each section of this part. Owners or operators are required to implement an Alternative Security Program in its entirety to be deemed in compliance with this part.

Appeals

The appeals section of this interim rule establishes the procedures for OCS facility owners or operators who are aggrieved by, and wish to contest, a Coast Guard decision regarding a matter covered by this interim rule.

Owner or Operator Responsibilities

The owner or operator of a facility is generally responsible for all requirements imposed by this part. The owner or operator must: