

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Parts 2, 101 and 102**

[USCG–2003–14792]

RIN 1625–AA69

**Implementation of National Maritime Security Initiatives**

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

**SUMMARY:** The Coast Guard has published a series of final rules in today's **Federal Register** that adopt, with changes, the series of temporary interim rules published July 1, 2003, which promulgate maritime security requirements mandated by the Maritime Transportation Security Act of 2002.

This final rule establishes the general regulations for maritime security and provides the summary of the cost and benefit assessments for the entire suite of final rules published today. The discussions provided within each of the other final rules are limited to the specific requirements they contain.

**DATES:** This final rule is effective November 21, 2003. On July 1, 2003, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this final rule.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2003–14792 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 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>.

You may inspect the material incorporated by reference at room 1409, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–6277. Copies of the material are available as indicated in the "Incorporation by Reference" section of this preamble.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this final rule, call Captain Kevin Dale (G-MPS), U.S. Coast Guard by telephone 202–267–6193 or by electronic mail at [kdale@comdt.uscg.mil](mailto:kdale@comdt.uscg.mil). If you have

questions on viewing the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, Department of Transportation, at telephone 202–366–0271.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

On July 1, 2003, we published a temporary interim rule with request for comments and notice of public meeting titled "Implementation of National Maritime Security Initiatives" in the **Federal Register** (68 FR 39240). This temporary interim rule was one of six temporary interim rules published in the July 1, 2003, issue of the **Federal Register**, each addressing maritime security. On July 16, 2003, we published a document correcting typographical errors and omissions in that rule (68 FR 41914).

We received a total of 438 letters in response to the six temporary interim rules by July 31, 2003. The majority of these letters contained multiple comments, some of which applied to the docket to which the letter was submitted, and some of which applied to a different docket. For example, we received several letters in the docket for the temporary interim rule titled "Implementation of National Maritime Security Initiatives" that contained comments in that temporary interim rule, plus comments on the "Vessel Security" temporary interim rule. We have addressed individual comments in the preamble to the appropriate final rule. Additionally, we had several commenters submit the same comment to all six dockets. We counted these duplicate submissions as only one letter, and we addressed each comment within that letter in the preamble for the appropriate final rule. Because of statutorily imposed time constraints for publishing these regulations, we were unable to consider comments received after the period for receipt of comments closed on July 31, 2003.

A public meeting was held in Washington, DC, on July 23, 2003, and approximately 500 people attended. Comments from the public meeting are also included in the "Discussion of Comments and Changes" section.

In order to focus on the changes made to the regulatory text since the temporary interim rule was published, we have adopted the temporary interim rule and set out, in this final rule, only the changes made to the temporary interim rule. To view a copy of the complete regulatory text with the changes shown in this final rule, see <http://www.uscg.mil/hq/g-m/mp/index.htm>.

**Background and Purpose**

In the aftermath of September 11, 2001, the Commandant of the Coast Guard reaffirmed the Coast Guard's Maritime Homeland Security mission and its lead role in coordination with the Department of Defense; Federal, State, Indian Tribal, and local agencies; owners and operators of vessels and marine facilities; and others with interests in our nation's Marine Transportation System (MTS)—to detect, deter, disrupt, and respond to attacks against U.S. territory, population, vessels, facilities, and critical maritime infrastructure by terrorist organizations.

In November 2001, the Commandant of the Coast Guard addressed the International Maritime Organization (IMO) General Assembly, urging that body to consider an international scheme for port and shipping security. Recommendations and proposals for comprehensive security requirements, including amendments to the International Convention for Safety of Life at Sea, 1974, (SOLAS) and the new International Ship and Port Facility Security Code (ISPS Code), were developed at a series of intersessional maritime security work group meetings held at the direction of the IMO's Maritime Safety Committee.

The Coast Guard submitted comprehensive security proposals in January 2002 to the intersessional maritime security work group meetings based on work we had been coordinating since October 2001. Before each intersessional meeting, the Coast Guard held public meetings and coordinated several outreach meetings with representatives from major U.S. and foreign associations for shipping, labor, and ports. We also discussed maritime security at each of our Federal Advisory Committee meetings and held meetings with other Federal agencies with security responsibilities.

On January 28–30, 2002, the Coast Guard held a public workshop in Washington, DC, attended by more than 300 individuals, including members of the public and private sectors, and representatives of the national and international marine community (66 FR 65020, December 17, 2001; docket number USCG–2001–11138). Their comments indicated the need for specific threat identification, analysis of threats, and methods for developing performance standards to plan for response to maritime threats. Additionally, the public comments stressed the importance of uniformity in the application and enforcement of requirements and the need to establish