

threat levels with a means to communicate threats to the MTS.

At the Marine Safety Committee's 76th session and subsequent discussions internationally, we considered and advanced U.S. proposals for maritime security that took into account this public and agency input. The Coast Guard considers both the SOLAS amendments and the ISPS Code, as adopted by the IMO Diplomatic Conference in December 2002, to reflect current industry, public, and agency concerns. The entry into force date of both the ISPS Code and related SOLAS amendments is July 1, 2004, with the exception of the Automatic Identification System (AIS). The AIS implementation date for vessels on international voyages was accelerated to no later than December 31, 2004, depending on the particular class of SOLAS vessel.

Domestically, the Coast Guard had existing regulations for the security of large passenger vessels, found in 33 CFR parts 120 and 128. The Coast Guard issued complementary guidance in the Navigation and Vessel Inspection Circular (NVIC) 3-96, Change 1, Security for Passenger Vessels and Passenger Terminals. Prior to development of additional regulations, the Coast Guard, with input from the public, assessed the current state of port and vessel security and their vulnerabilities. To accomplish this, the Coast Guard conducted the previously mentioned January 2002 public workshop to assess existing MTS security standards and measures and to gather ideas on possible improvements. Based on the comments received at the workshop, the Coast Guard cancelled NVIC 3-96 (Security for Passenger Vessels and Passenger Terminals) and issued a new NVIC 4-02 (Security for Passenger Vessels and Passenger Terminals), which was developed in conjunction with the International Council of Cruise Lines, that incorporated guidelines consistent with international initiatives (the ISPS Code and SOLAS). Additional NVICs were also published to further guide maritime security efforts, including NVIC 9-02 (Guidelines for Port Security Committees, and Port Security Plans Required for U.S. Ports), NVIC 10-02 (Security Guidelines for Vessels), and NVIC 11-02 (Security Guidelines for Facilities). The documents are available in the public docket (USCG-2002-14069) for review at the locations under ADDRESSES.

Organization

We have kept the maritime security regulations segmented in six separate

final rules. For ease of reading and comprehension, the final rules carry the same organization as the temporary interim rules. Five of the final rules complete the new subchapter H, which was added by the temporary interim rules, in chapter I of title 33 of the Code of Federal Regulations (subchapter H). The final rule "Automatic Identification System; Vessel Carriage Requirement" (USCG-2003-14757), published elsewhere in today's **Federal Register**, finalizes the changes made to parts 26, 161, 164, and 165 in Title 33 of the Code of Federal Regulations regarding AIS. A brief description of each of the six final rules follows:

1. *Implementation of National Maritime Security Initiatives*. In the preamble to this final rule (USCG-2003-14792), we discuss the background and purpose for all of the final rules. We discuss the comments and changes made to parts 101 and 102 of the new subchapter H. We also include a summary of the costs and benefits associated with implementing the requirements of subchapter H, as well as the AIS final rule.

2. *Area Maritime Security (AMS)*. In the preamble of the "Area Maritime Security" final rule (USCG-2003-14733), found elsewhere in today's **Federal Register**, we discuss the comments and changes made to part 103 of subchapter H and discuss the cost and benefit assessment specific to that part.

3. *Vessel Security*. In the preamble of the "Vessel Security" final rule (USCG-2003-14749), found elsewhere in today's **Federal Register**, we discuss the comments and changes made to part 104 of subchapter H, to 33 CFR part 160, and to 46 CFR parts 2, 31, 71, 91, 115, 126, and 176. We also discuss the cost and benefit assessments specific to those parts.

4. *Facility Security*. In the preamble of the "Facility Security" final rule (USCG-2003-14732), found elsewhere in today's **Federal Register**, we discuss the comments and changes made to part 105 of subchapter H and discuss the cost and benefit assessments specific to that part.

5. *Outer Continental Shelf (OCS) Facility Security*. In the preamble of the "Outer Continental Shelf Facility Security" final rule (USCG-2003-14759), found elsewhere in today's **Federal Register**, we discuss the comments and changes to part 106 of subchapter H and discuss the cost and benefit assessments specific to that part.

6. *Automatic Identification Systems (AIS)*. In the preamble of the "Automatic Identification System; Vessel Carriage Requirement" final rule

(USCG-2003-14757), found elsewhere in today's **Federal Register**, we discuss the comments and changes made to 33 CFR parts 26, 161, 164, and 165 and discuss the cost and benefit assessments specific to those parts.

Coordination With SOLAS Requirements

For each of the final rules, the requirements of the Maritime Transportation Security Act (MTSA), section 102, align, where appropriate, with the security requirements in the SOLAS amendments and the ISPS Code. However, the MTSA has a broader application that includes domestic vessels and facilities. Thus, where appropriate, we have implemented the MTSA through the requirements in the SOLAS amendments and the ISPS Code, parts A and B. Further discussion on this coordination can be found in the preamble of the temporary interim rule titled "Implementation of National Maritime Security Initiatives" (USCG-2003-14792), under "Coordination with SOLAS Requirements."

Discussion of Comments and Changes

Comments from each of the temporary interim rules and from the public meeting held on July 23, 2003, have been grouped by topic and addressed within the preambles to the applicable final rules. If a comment applied to more than one of the six rules, we discussed it in the preamble to each of the final rules that it concerned. For example, discussions of comments that requested clarification or changes to the Declaration of Security procedures are duplicated in the preambles to parts 104, 105, and 106. Several comments were submitted to a docket that included topics not addressed in that particular rule, but were addressed in one or more of the other rules. This was especially true for several comments submitted to the docket of part 101 (USCG-2003-14792). In such cases, we discussed the comments only in the preamble to each of the final rules that concerned the topic addressed.

Subpart A—General

This subpart concerns definitions, applicability, equivalents, and other subjects of a general nature applicable to all of subchapter H.

Two commenters requested that the authority citation for 46 CFR part 107 include the following citations: 46 U.S.C. Chapter 701; Executive Order 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; Executive Order 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; and Department of Homeland Security Delegation No. 0170.1.