

Program approved under this section is valid for 5 years from the date of its approval.

(f) The Commandant (G-MP) will examine each submission for compliance with this part, and either:

(1) Approve it and specify any conditions of approval, returning to the submitter a letter stating its acceptance and any conditions;

(2) Return it for revision, returning a copy to the submitter with brief descriptions of the required revisions; or

(3) Disapprove it, returning a copy to the submitter with a brief statement of the reasons for disapproval.

■ 8. Add the text to § 101.125 to read as follows:

#### **§ 101.125 Approved Alternative Security Programs.**

The following have been approved, by the Commandant (G-MP), as Alternative Security Programs, which may be used by vessel or facility owners or operators to meet the provisions of parts 104, 105, or 106 of this subchapter, as applicable:

(a) American Gaming Association Alternative Security Program, dated September 11, 2003.

(b) American Waterways Operators Alternative Security Program for Tugboats, and Towboats and Barges, dated September 24, 2003.

(c) Passenger Vessel Association Industry Standards for Security of Passenger Vessels and Small Passenger Vessels, dated September 17, 2003.

#### **§ 101.205 [Amended]**

■ 9. In § 101.205, in table 101.205, remove the words “Elevated: Blue” and “Guarded: Yellow.”, and add, in their place, the words “Guarded: Blue” and “Elevated: Yellow” respectively.

#### **§ 101.300 [Amended]**

■ 10. In § 101.300—

■ a. In paragraph (a), remove the words “a Maritime Security Directive issued under section 101.405 of this part” and add, in their place, the words “an electronic means, if available”; and

■ b. In paragraphs (c)(1) and (c)(2), remove the word “confirm” and add, in its place, the words “ensure confirmation”.

#### **§ 101.405 [Amended]**

■ 11. In § 101.405(a)(2), remove the words “require the owner or operator to prove that they have a ‘need to know’ the information in the MARSEC Directive and that they are a ‘covered person,’ as those terms are defined in 49 CFR part 1520” and add, in their place, the words “require owners or operators to prove that they are a person required by 49 CFR 1520.5(a) to restrict disclosure of and

access to sensitive security information, and that under 49 CFR 1520.5(b), they have a need to know sensitive security information”.

#### **§ 101.410 [Amended]**

■ 12. In § 101.410(b)(8), remove the words “For U.S. vessels, suspension or revocation of security plan approval”, and add, in their place, the words “Suspension or revocation of a security plan approved by the U.S.”.

■ 13. In § 101.420, revise paragraph (b) to read as follows:

#### **§ 101.420 Right to appeal.**

\* \* \* \* \*

(b) Any person directly affected by a decision or action taken by a District Commander, whether made under this subchapter generally or pursuant to paragraph (a) of this section, with the exception of those decisions made under § 101.410 of this subpart, may appeal that decision or action to the Commandant (G-MP), according to the procedures in 46 CFR 1.03–15. Appeals of District Commander decisions or actions made under § 101.410 of this subpart should be made to the Commandant (G-MOC), according to the procedures in 46 CFR 1.03–15.

\* \* \* \* \*

■ 14. In § 101.505(b), at the end of the paragraph, add a sentence to read as follows:

#### **§ 101.505 Declaration of Security (DoS).**

\* \* \* \* \*

(b) \* \* \* A DoS must, at a minimum, include the information found in the ISPS Code, part B, appendix 1 (Incorporated by reference, see § 101.115).

\* \* \* \* \*

#### **§ 101.510 [Amended]**

■ 15. In § 101.510, in the introductory text—

■ a. Remove the word “risk” and add, in its place, the word “security”; and

■ b. After the words “These tools”, add the word “may”.

■ 16. In § 101.515 add paragraph (c) to read as follows:

#### **§ 101.515 Personal identification.**

\* \* \* \* \*

(c) Vessel, facility, and OCS facility owners and operators must permit law enforcement officials, in the performance of their official duties, who present proper identification in accordance with this section to enter or board that vessel, facility, or OCS facility at any time, without delay or obstruction. Law enforcement officials, upon entering or boarding a vessel,

facility, or OCS facility, will, as soon as practicable, explain their mission to the Master, owner, or operator, or their designated agent.

### **PART 102—MARITIME SECURITY: NATIONAL MARITIME TRANSPORTATION SECURITY [RESERVED]**

■ 17. Revise the heading to part 102 to read as shown above.

Dated: October 8, 2003.

**Thomas H. Collins,**

*Admiral, Coast Guard, Commandant.*

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

#### **33 CFR Part 103**

**[USCG–2003–14733]**

**RIN 1625–AA42**

#### **Area Maritime Security**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts, with changes, the temporary interim rule published on July 1, 2003, that establishes U.S. Coast Guard Captains of the Ports as Federal Maritime Security Coordinators, and establishes requirements for Area Maritime Security Plans and Area Maritime Security Committees. This rule is one in a series of final rules on maritime security published in today’s **Federal Register**. To best understand this final rule, first read the final rule titled “Implementation of National Maritime Security Initiatives” (USCG–2003–14792), published elsewhere in today’s **Federal Register**.

**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–2003–14733 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