

and one or more COTPs and that for some companies, effective communications with the Coast Guard may be at the District, Area, or Headquarters level; therefore, we are amending the definition of "Company Security Officer" in part 101 of this subchapter to remove the specific reference to the COTP.

We received three comments on the requirements of § 104.215 regarding the responsibilities of the Vessel Security Officer, stating that the provisions are too burdensome, too prescriptive, and outside the "realm" of what is associated with vessel crewmembers' duties.

It is not outside the realm of a vessel crew's duties to consider security and their role in minimizing risk; we also recognize that not every crewmember would be able to meet the challenging Vessel Security Officer provisions of § 104.215. The intent of this section is to outline those responsibilities that we believe are necessary for all Vessel Security Officers to effectively implement the security measures contained in Vessel Security Plans. However, we have also constructed this section to maximize the flexibility of Vessel Security Officers by allowing them to assign security duties to other crewmembers so long as the security of the vessel's operations is not compromised. In this way, other crewmembers can assist the Vessel Security Officer and learn about security related duties. Additionally, we allow persons to display general knowledge, which they may acquire through training or through equivalent job experience.

We received seven comments on the training of security personnel. One commenter believes that the addition of a Vessel Security Officer course is "just the latest of a long line of new requirements that are becoming an unreasonable burden on Merchant Marine Officers." One commenter requested that the Coast Guard develop materials, course books, and videos to be used by the industry to conduct security training. One commenter stated that the Coast Guard should develop a training standard consistent with the International Convention for Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW). Two commenters stated that formal security training for mariners, including Company Security Officers, become mandatory as soon as possible. One commenter urged DHS to establish an integrated training program for Facility Security Officers.

We have worked with several other Federal agencies and industry experts

on training for the maritime industry and recognize that the cumulative requirements for a new mariner are extensive. Accordingly, we do not currently require formal training or classroom courses for Vessel Security Officers, and the standards being developed through section 109 of the MTSA are intended to be flexible and dynamic. We are working on competencies and model-course standards with the Maritime Administration (MARAD) through IMO. As discussed in the preamble to the temporary interim rule (68 FR 39253) (part 101), there are continuing international training initiatives that have proposed seven course frameworks that coincide with requirements under section 109 of the MTSA. The training competencies found in the ISPS Code and repeated domestically in the MTSA ensure a streamlined approach so mariners worldwide will face the same competencies. Completion of a single course will satisfy both national and international standards. As presently proposed, the training may take place in a formal classroom setting or may be conducted on board a vessel or in other suitable settings. It is the overarching goal of the international community to incorporate this security training into the requirements of STCW.

We received 19 comments regarding the Vessel Security Officer requirement for towing and unmanned vessels. Six commenters disagreed with the requirement for towing vessels to have a Vessel Security Officer, stating it is an impractical requirement for a two-man harbor-towing vessel and will not enhance security. Nine commenters asked that the regulatory language be revised to clarify whether the Master of the vessel may be appointed as the Vessel Security Officer. One commenter asked if the Vessel Security Officer can be designated by title instead of by name. Three commenters felt that the responsibilities of the Vessel Security Officer in § 104.215(a)(3) and (4) should fall to the Company Security Officer.

We have required Vessel Security Officers on towing vessels greater than 8 meters that engage in towing barges transporting hazardous or dangerous cargos, because it is imperative that the responsibility for security on these vessels be clearly established. Recognizing that some of these towing vessels will have a small crew complement, we have not prohibited the Master from being the Vessel Security Officer. We have clarified this by amending § 104.215(a)(2) to include a specific reference to the Master. Section 104.200 provides that the Vessel Security Officer can be designated by

name or by title; therefore, we have not amended this section. The duties of the Vessel Security Officer ensure that a knowledgeable person is on board or is directly responsible for coordinating the implementation of the Vessel Security Plan. We did not intend to preclude a Company Security Officer from also serving as a Vessel Security Officer for a towing or unmanned vessel. We have amended § 104.210(a)(3) to clarify that the Company Security Officer may serve as a Vessel Security Officer, provided that he or she is able to perform the duties and responsibilities of a Company Security Officer.

Eight commenters disagreed with the requirement that a Vessel Security Officer must be a crewmember because it is contradictory for unmanned vessels.

We recognize that, for an unmanned vessel, the requirement in § 104.215 is not explicit as to whether the Vessel Security Officer must be a member of the crew. We have amended § 104.215 to clarify that a Vessel Security Officer for unmanned vessels must be an employee of the company rather than a member of the crew.

Two commenters requested that § 104.215(c)(4) and (5) be amended to include the Master of the vessel in all proposed changes to, or problems with, the Vessel Security Plan, stating that the present regulatory language implies that the Master of the vessel need not be included in important security actions regarding the vessel.

It is the responsibility of the Company Security Officer to ensure a Vessel Security Plan is modified whenever necessary. In order for the Vessel Security Officer to adequately perform required duties, it is imperative that the Vessel Security Officer be able to propose modifications to the Company Security Officer who is ultimately responsible for making the necessary amendments. Sections 104.215(c)(4) and (5) do not preclude the Master, or any other personnel with security duties, from being involved in modifications to the Vessel Security Plan. We anticipate that the Master and other personnel with security duties will most likely be involved in those modifications, and do not believe that these personnel must be given the specific responsibilities for reviewing potential changes to the Vessel Security Plan.

One commenter requested that we amend language in § 104.220(c) to read "Identify suspicious activity that could indicate actions that may threaten security."

To remain consistent with the ISPS Code requirements, we did not amend the language in § 104.220(c); however,