

to the ferry while maintaining adequate security.

After further review, we amended § 104.292(d)(3) and § 104.292(e) to clarify which screening requirements the alternatives are replacing. We also added a requirement to § 104.292 for vessels using public access facilities, as that term is defined in part 101. These vessels must also address security measures for the interface with the public access facility. These amendments may be found in § 104.292(e)(3) and (f).

Two commenters requested that we amend § 104.297(c) to read “port or place” where a vessel owner or operator may have a vessel inspected, stating that many inspections do not take place in a port.

We believe that § 104.297(c) does not preclude a vessel from being inspected in a place other than a port. It is common industry practice for some inspections to take place in locations other than ports, and we do not believe the language in § 104.297(c) alters that practice.

Two commenters asked about the provisions in § 104.297 relating to the issuance of an ISSC to vessels on international voyages. One commenter recommended that an ISSC be issued to all ships as evidence of approval of a Vessel Security Plan, stating the issuance of a Vessel Security Plan letter of approval and an ISSC seems duplicative. One commenter also recommended that the inspection required in § 104.297(c) be combined with Certificate of Inspection examinations and that the ISSC be renewed as part of the Certificate of Inspection examinations.

We disagree that issuance of the Vessel Security Plan letter and an ISSC is duplicative. The Vessel Security Plan letter is issued by the Marine Safety Center upon review and approval of the Vessel Security Plan. The ISSC is issued by the COTP following verification that the Vessel Security Plan has been implemented on board the specific SOLAS vessel. We do not preclude combining the ISSC renewal examination with the Certificate of Inspection examination, as is currently done for verification and issuance of other international certificates. For non-SOLAS vessels, the verification that the Vessel Security Plan has been implemented on board the vessel will be done in conjunction with the Certificate of Inspection examination or any other regularly scheduled examination, if possible. If the non-SOLAS vessel is uninspected, the verification will occur during a separate examination.

One commenter questioned the need for ship alerting systems for foreign flag vessels and asked the Coast Guard to hold the requirement for ship alerting systems in “abeyance” until the question regarding ship-alerting systems could be answered by IMO.

As we noted in the preamble to the temporary interim rule (68 FR 39263) (part 101), the Coast Guard is considering applying ship alerting systems to U.S. domestic vessels not subject to SOLAS. Ship alerting systems for foreign flag vessels and U.S. flag vessels subject to SOLAS will be required by SOLAS amendment XI-2 (regulation 6). This comment, therefore, is beyond the scope of this regulation.

One commenter suggested that the temporary interim rule for Vessel Security incorrectly stated that the vessel must maintain and update the continuous synopsis record, contending that this is the flag administration’s responsibility.

SOLAS Chapter XI-1, regulation 5, requires flag administrations to issue continuous synopsis records to vessels. Flag administrations must also update the continuous synopsis record based on information provided by the company or vessel. The flag administration must then issue these updated continuous synopsis records to the vessel. To enable flag administrations to perform this function, regulation 5 clearly requires the vessel owner or operator to provide the flag administration current information so that the continuous synopsis record can provide an accurate, on board record of the history of the vessel.

One commenter asked that the Coast Guard articulate how the continuous synopsis record is going to be provided to those vessels that may be subject to Port State Control outside the U.S. where other governments will be looking for one document, not a combination of the Certificate of Documentation and a Certificate of Inspection.

SOLAS Chapter XI-1, regulation 5, requires that the continuous synopsis record be in the format developed by the IMO. The IMO has not developed a format yet. We will comply with the IMO format once it has been adopted. We intend to issue a continuous synopsis record before July 2004. The currency of the information will be based primarily on the information provided by the owner or operator. Sanctions can be imposed for any inaccurate information provided by the owner or operator.

Two commenters encouraged the formal training of Coast Guard Port State

Control officers in enforcing these regulations to include the details of security systems and procedures, security equipment, and the elements of knowledge required of the Vessel Security Officer and Facility Security Officer.

The Coast Guard conducts comprehensive training of its personnel involved in ensuring the safety and security of facilities and commercial vessels. We continually update our curriculum to encompass new requirements, such as the Port State Control provisions of the ISPS Code. This training, however, is beyond the scope of this rule.

Subpart C—Vessel Security Assessment (VSA)

This subpart describes the content and procedures for Vessel Security Assessments.

We received 22 comments pertaining to sensitive security information and its disclosure. Twelve commenters requested that the Coast Guard delete the requirements that the Facility Security Assessment or Vessel Security Assessment be included in the submission of the Facility Security Plan or Vessel Security Plan respectively, stating that the security assessments are of such a sensitive nature that risk of disclosure is too great. Four commenters stated that form CG-6025 “Facility Vulnerability and Security Measures Summary” should be sufficient for the needs of the Coast Guard and would promote facility security. Two commenters stated that there are too many ways for the general public to gain access to sensitive security information. One commenter stated that it was not clear how the Coast Guard would safeguard sensitive security information. One commenter stated that training for personnel in parts of the Facility Security Plan should not require access to the Facility Security Assessment.

Sections 104.405, 105.405, and 106.405 require that the security assessment report be submitted with the respective security plans. We believe that the security assessment report must be submitted as part of the security plan approval process because it is used to determine if the security plan adequately addresses the security requirements of the regulations. The information provided in form CG-6025 will be used to assist in the development of AMS Plans. The security assessments are not required to be submitted. To clarify that the report, not the assessment, is what must be submitted with the Vessel or Facility Security Plan, we are amending § 104.305 to add the word “report”