

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 106****[USCG–2003–14759]****RIN 1625–AA68****Outer Continental Shelf Facility 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 provides security measures for mobile offshore drilling units (MODUs) not subject to the International Convention for the Safety of Life at Sea, 1974, and certain fixed and floating facilities on the Outer Continental Shelf (OCS) other than deepwater ports. This rule also requires the owners or operators of OCS facilities to designate security officers for OCS facilities, develop security plans based on security assessments and surveys, implement security measures specific to the OCS facility's operation, and comply with Maritime Security Levels. This rule is one in a series of final rules on maritime security in today's **Federal Register**. To best understand this 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–2003–14759 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>.

FOR FURTHER INFORMATION CONTACT: If you have questions on this final rule, call Lieutenant Greg Versaw (G–MPS–2), U.S. Coast Guard by telephone 202–267–4144 or by electronic mail gversaw@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 "Outer Continental Shelf Facility Security" in the **Federal Register** (68 FR 39338). This temporary interim rule was one of a series of temporary interim rules on maritime security published in the July 1, 2003, issue of the **Federal Register**. On July 16, 2003, we published a document correcting typographical errors and omissions in that rule (68 FR 41916).

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 "Outer Continental Shelf Facility 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 letter 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 of this preamble.

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

A summary of the Coast Guard's regulatory initiatives for maritime security can be found under the "Background and Purpose" section in the preamble to the final rule titled "Implementation of National Maritime Security Initiatives" (USCG–2003–14792), published elsewhere in this issue of the **Federal Register**.

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 contains provisions concerning applicability, waivers, and other subjects of a general nature applicable to part 106.

Two commenters proposed language to clarify the definition of "OCS facility" to make clear that the term includes Mobile Offshore Drilling Units (MODUs) when attached to the subsoil or seabed for the exploration, development, or production of oil or natural gas. One commenter suggested that this additional language would "provide clarification regarding the applicability of" part 106.

The purpose of the broad definition of "OCS facility" in § 101.105 is to ensure that OCS facilities that are not regulated under part 106 will be covered by parts 101 through 103. The proposed additional language would not add clarity to part 106 because the applicability in § 106.105 states that the section applies only to those MODUs that are operating for the purposes of engaging in the exploration, development, or production of oil, natural gas, or mineral resources.

Two commenters suggested amending the definition of "owner or operator" so