

might not use the designated shoreside screening process.

We are amending § 104.265(b) to include a verb in the sentence for clarity. We are also mirroring this clarification in §§ 105.255(b) and 106.260(b).

We are amending § 106.265(c) to clarify the requirement by removing an extraneous word.

Nine commenters were concerned about the designation of restricted areas. Six commenters requested that the Coast Guard clarify the wording in §§ 104.270(b) and 105.260(b) which states "Restricted areas must include, as appropriate:" because it is contradictory to impose a requirement with the word "must," while offering the flexibility by stating "as appropriate." One commenter stated that the provision that allows owners or operators to designate their entire facility as a restricted area could result in areas being designated as restricted without any legitimate security reason.

We believe that the current wording of §§ 104.270(b), 105.260(b), and 106.265(b) is acceptable. While the word "must" requires owners or operators to designate restricted areas, the word "appropriate" allows flexibility for owners or operators to restrict areas that are significant to their operations. The regulations provide for the entire facility to be designated as a restricted area, whereby a facility owner or operator would then be required to provide appropriate security measures to prevent unauthorized access into the entire facility.

We received ten comments questioning our use of the words "continuous" or "continuously" in the regulations. Four commenters requested that we amend language in § 104.245(b) by replacing the word "continuous" with the word "continual," stating that "continuous" implies that there must be constant and uninterrupted communications. One commenter requested that we amend language in § 104.285(a)(1) by replacing the word "continuously" with the word "continually," stating that "continuously" implies that there must be constant and uninterrupted application of the security measure. One commenter requested that we amend language in § 106.275 to replace the word "continuously" with the word "frequently." One commenter recommended that instead of using the word "continuously" in § 105.275, the Coast Guard revise the definition of monitor to mean a "systematic process for providing surveillance for a facility." One commenter stated that the continuous monitoring requirements in

§ 106.275 place a significant burden on the owners and operators of OCS facilities because increased staff levels would be necessary to keep watch not only in the facility, but also in the surrounding area.

We did not amend the language in §§ 104.245(b), 105.235(b), or 106.240(b) because the sections require that communications systems and procedures must allow for "effective and continuous communications." This means that vessel owners or operators must always be able to communicate, not that they must always be communicating. Similarly, §§ 104.285, 105.275, and 106.275, as a general requirement, require vessel and facility owners or operators to have the capability to "continuously monitor." This means that vessel and facility owners or operators must always be able to monitor. We have amended §§ 104.285(b)(4) and 106.275(b)(4) to use the word "continuously" instead of "continually" to be consistent with § 105.275(b)(1). This general requirement is further refined in §§ 104.285, 105.275, and 106.275, in that the Vessel and Facility Security Plans must detail the measures sufficient to meet the monitoring requirements at the three MARSEC Levels.

One commenter stated that the provision to mandate restricted areas on board OCS facilities should be removed from the rule, arguing that limiting access during an emergency should not be tolerated.

If the security assessment and plan for the OCS facility does not take into account access to restricted areas during an emergency situation, it may hinder effective response. Therefore, we have included several provisions to ensure that the security assessment and plan for the OCS facility address this issue, such as in §§ 106.205(d)(10), 106.280(b), and 106.305(c)(1)(vii).

One commenter suggested that this regulation contain provisions to allow vessels to continue fishing in or around OCS facilities. The commenter was concerned that any effort to prevent access to areas around these facilities would cause severe economic hardship to a large number of charterboat businesses.

The security regulations do not contain any provisions that specifically restrict fishing around OCS facilities. The OCS facility owner or operator may, however, restrict some areas as part of the facility's security measures. We do not believe that part 106 will cause a hardship for vessels that fish around OCS facilities because part 106 regulates only approximately 1 percent of all

those facilities and because such restricted areas will likely be designated only during periods of heightened security.

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 final rule.

#### *Subpart C—Outer Continental Shelf (OCS) Facility Security Assessment (FSA)*

This subpart describes the content and procedures for Facility 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 the 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