

individual(s) is a "covered person" with a "need to know", and that the MARSEC Directive will be safeguarded as SSI as defined in 49 CFR part 1520.

Owners/operators of vessels and facilities regulated under 33 CFR parts 104, 105, and 106 may also contact the local COTP to obtain a copy of the applicable MARSEC Directive. Local COTP contact information can be found in the **ADDRESSES** section of this notice.

Why Is the Coast Guard Taking This Action?

The Coast Guard is issuing these MARSEC Directives to assist owners and operators of the affected maritime industries in developing vessel and security plans required by 33 CFR parts 104 through 106.

Each MARSEC Directive contains SSI. If disclosed, the SSI could be used to subvert or exploit the security programs of vessels, facilities, or ports. Therefore, the MARSEC Directives are not subject to public disclosure, in accordance with 46 U.S.C. 40119.

Since MARSEC Directives 104-1 thru 104-4, 105-1 thru 105-3, and 106-1 are issued to protect national security and to preserve the rights and obligations of the U.S. with regards to maritime security, the Coast Guard has determined that the issuance of these MARSEC Directives do not fall within the requirements of the Administrative Procedure Act by virtue of the military and foreign affairs exemption (5 U.S.C. 553(a)(1)). Furthermore, the basis for the MARSEC Directives would also constitute "good cause" within the meaning of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B) and (d)(3)) regarding notice and comment rulemaking and effective dates since it would be contrary to the public interest and impracticable to provide SSI relating to maritime security and methods of detection, deterrence, and response in a public forum.

Dated: December 15, 2003.

L.L. Hereth,

Rear Admiral, U.S. Coast Guard, Director of Port Security.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG-2003-16682]

Interpretations of Vessel Tonnage Measurement Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: This notice addresses the use of a Marine Safety Center Technical Note (MTN) for interpreting the Coast Guard's vessel tonnage measurement regulations. While the regulations provide the necessary framework for assigning gross and net tonnages and registered dimensions to vessels, detailed interpretations of the regulations must be periodically made and disseminated to organizations authorized to perform tonnage measurement on the Coast Guard's behalf. This notice advises the public on how an MTN on tonnage measurement may be obtained and the process by which this MTN is periodically updated.

EFFECTIVE DATE: This notice is effective on December 22, 2003.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Peter Eareckson, Chief, Tonnage Division, United States Coast Guard, (202) 366-6502. If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366-0271.

SUPPLEMENTARY INFORMATION:

Comments

If you have comments on how the Marine Safety Center Technical Note (MTN) on tonnage measurement may be obtained and the process by which the MTN is periodically updated, please submit your comments, identified by Coast Guard docket number USCG-2003-16682, to the Docket Management Facility located at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

- (1) Web site: <http://dms.dot.gov>.
- (2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.
- (3) Fax: (202) 493-2251.
- (4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.
- (5) Federal eRulemaking Portal: <http://www.regulations.gov>.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this notice as being available in the docket, go to <http://dms.dot.gov> at any time and conduct a simple search using the

docket number. You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Background

The Coast Guard is responsible for maintaining regulations for assigning gross and net tonnages and registered dimensions to vessels. These regulations are found in title 46, Code of Federal Regulations (CFR), part 69, Measurement of Vessels. As was true for predecessor Federal agencies responsible for interpreting the tonnage measurement regulations, the Coast Guard has found it necessary to establish interpretations of these regulations to respond to novel situations, on a case-by-case basis, through policy decisions. Periodically, these policy decisions are evaluated as to their appropriateness for incorporation into the tonnage measurement regulations.

MTN 01-99, Tonnage Technical Policy

MTN 01-99, Tonnage Technical Policy, is the current vehicle for ensuring that policy decisions are available to organizations authorized to perform tonnage measurement on behalf of the Coast Guard. MTNs are policy documents developed and issued by the Coast Guard Marine Safety Center (MSC), a Coast Guard headquarters unit responsible for tonnage measurement, plan review, and a number of other technical functions. All MTNs, including MTN 01-99, are posted on the MSC's Web site at www.uscg.mil/hq/msc. A copy of the current version of MTN 01-99 is available in the docket (see "Viewing Comments and Documents," above.) While MTN 01-99 is intended for use by organizations authorized to perform tonnage measurement on behalf of the Coast Guard, we recognize that it contains information that may affect decisions on vessel designs and that the public may benefit by our making it widely available to parties other than authorized measurement organizations.

Changes to MTN 01-99

The MSC periodically issues changes to MTN 01-99 to keep it up-to-date with relevant policy decisions. Since it was first published in 1999, MTN 01-99 has undergone six changes. The current version of the document (MTN 01-99 Change 6) includes interpretations summarized as follows: