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MARINE SAFETY INFORMATION BULLETIN 25-03

July 18, 2003

New Maritime Security Regulations

MAKING OUR WATERS SAFER: The U.S. Department of Homeland Security announced the publication of security regulations on July 1, 2003, requiring sectors of the maritime industry to implement measures designed to protect America's ports and waterways from a terrorist attack.

The regulations build on a comprehensive port security strategy and range of enhancements directed by the President following September 11, 2001, and implement significant portions of the Maritime Transportation Security Act of 2002 (MTSA). By requiring completion of security assessments, development of security plans, and implementation of security measures and procedures, these regulations will reduce the risk and mitigate the exposure of our ports and waterways to terrorist activity.

Developed using risk-based methodology, the security regulations focus on those sectors of maritime industry that have a higher risk of involvement in a transportation security incident, including various tank vessels, barges, large passenger vessels, cargo vessels, towing vessels, offshore oil and gas platforms, and port facilities that handle certain kinds of dangerous cargo or service the vessels listed above. An estimated 10,000 vessels, 5,000 facilities, and 40 outer continental shelf facilities will be directly affected

The regulations require security measures that have three scalable security levels. Depending on security needs, measures may include passenger, vehicle and baggage screening procedures; security patrols; establishing restricted areas; personnel identification procedures; access control measures; and/or installation of surveillance equipment.

To promote innovation and flexibility, the Department of Homeland Security is also encouraging the private sector to develop acceptable alternatives to accommodate specific security measures. Alternatives that afford a level of security equal to the original regulation may be presented by individual industry entities.

The regulations published on July 1, 2003 amend other sections of the Code of Federal Regulations to implement Automatic Identification System (AIS) requirements for certain vessels, as required by MTSA. AIS is a system of equipment and technologies that automatically sends detailed ship information to other ships and shore-based agencies. Installing AIS equipment on certain vessels traveling in our waters will allow comprehensive, virtually

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instantaneous vessel tracking and monitoring, increasing security and safety in our shipping channels, and our awareness of maritime activity.

The regulations were developed through interagency teamwork within the Department of Homeland Security (the Coast Guard, Transportation Security Administration and the Bureau of Customs and Border Protection) and with the Department of Transportation's Maritime Administration.

The interim final rules are effective as of July 1, 2003. They will be replaced by final rules by October 25, 2003. The Coast Guard is accepting written comments on the regulations for 30-days, and will hold a public meeting to discuss all of the maritime security interim final rules and the AIS interim rule on July 23, 2003, in Washington, D.C., at the Grand Hyatt Hotel on 1000 H Street, N.W.

The regulations and details on submitting comments are published in a series of Federal Register notices that include a request for comment on the further implementation of the AIS, as required by MTSA. The Federal Register Docket can be viewed online at <http://dms.dot.gov>. The docket numbers are as follows.

General	USCG-2003-14792
Ports	USCG-2003-14733
Vessels	USCG-2003-14749
Facilities	USCG-2003-14732
Outer continental shelf facilities	USCG-2003-14745
AIS	USCG-2003-14757
AIS request for comments	USCG-2003-14878

Navigation and Vessel Inspection Circulars (NVIC) 10-02: Security Guidelines for Vessels and NVIC 11-02: Recommended Security Guidelines for Facilities offer guidance on how you may take the necessary steps to comply with the above regulations. The NVICs are to be used as a guide, if a conflict is noted between the NVIC and the regulations, the regulations apply. These NVICs can be viewed at the Coast Guard's website – www.uscg.mil/hq/gm/nvic/index.htm.

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