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### **TEMPORARY INTERIM RULES: MARITIME SECURITY**

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.

"With 95 percent of our nation's international cargo carried by ship, port security is critical to ensuring our Nation's homeland and economic security," Secretary of Homeland Security Tom Ridge said. "The port security measures we are putting in place, both here at home and abroad, are about expanding our capabilities – strengthening a vitally important system with additional layers of defense. "This effort is part of a broad international effort to increase global shipping security and one of many steps we are taking to better protect our ports and the ships traveling in our waters."

The result of intense international and domestic efforts that began in November 2001, these regulations significantly strengthen the security of our ports by requiring preventive security measures and plans to deter threats and provide a framework for response in the event of an 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 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 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.

You can access these regulations at the link: [http://www.access.gpo.gov/su\\_docs/fedreg/a030701c.html](http://www.access.gpo.gov/su_docs/fedreg/a030701c.html)

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