

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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**BILLING CODE 4910-15-P**

## 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](http://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:

1. Clarifications on the treatment of uncovered spaces with high sides under the convention measurement system.

2. Interpretations of the International Maritime Organization (IMO) Tonnage Measurement Circular (TM. 5/Circ. 5), dated June 10, 1994.

3. Interpretations relating to methods of calculating volumes that are considered to be accepted naval architectural practice.

4. Novel Craft interpretations for offshore supply vessels (OSVs) that provide for ignoring uncovered cargo deck space when determining the total volume of all enclosed space.

5. Clarifications on the number of allowed "zero area" tonnage stations under the standard measurement system.

6. Criteria for tonnage length termination points.

7. Criteria relative to ordinary frames including, maximum frame spacing and treatment of the frame openings and other discontinuities.

8. Interpretations on establishing breadth measurements under the standard measurement system for multi-hull vessels.

9. Interpretations eliminating the prohibition against using tonnage openings to exempt passenger space that is located on the uppermost complete deck.

10. Interpretations relative to the progression of open space in structures under the standard measurement system.

12. A procedure for calculating the tonnage of exemptible under-deck water-ballast spaces.

13. Clarification that a two-deck vessel cannot be assigned single tonnages under the dual measurement system, unless a load line is assigned.

14. Interpretations relative to hull measurement termination points under the simplified measurement system.

15. Clarifications addressing the treatment of various atypical shapes under the simplified measurement system, such as pontoon hulls, cathedral/multi-"vee" hulls, and drydocks.

To provide a mechanism for notification when a change to the MTN has been issued, the MSC's Web site has been recently updated to allow members of the public to add their e-mail addresses to an electronic mailing list for such notification. Also, in the future, we will notify the public via a notice in the **Federal Register** of changes to MTN 01-99 that are believed to be of significant interest to the maritime industry.

Dated: December 16, 2003.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety, Security and Environmental Protection.*

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## DEPARTMENT OF HOMELAND SECURITY

### Customs and Border Protection

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

*Action:* 30-day notice of information collection under review: Arrival Record, Form I-94AOT.

The Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** at 68 FR 55408 on September 25, 2003, allowing for a 60-day public review and comment period. No comments were received by DHS.

A second notice was published in the **Federal Register** at 68 FR 69713 on December 15, 2003, allowing for an additional 30 days for public review and comment. The second notice incorrectly listed Immigration and Customs Enforcement (ICE) as the DHS component responsible for this information collection. The second notice should have listed CBP as the DHS component responsible for this information collection. Accordingly, the public has 30 days until January 21, 2004 to submit comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Homeland Security Officer, 725-17th Street, NW., Suite 10102, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your

comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Arrival Record.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-94AOT, U.S. Customs and Border Protection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individual or Households. The information collected is captured electronically as part of a pilot program established by the legacy Immigration and Naturalization Service in cooperation with two participating carriers to streamline document handling and data processing. The information collected will be used by DHS to document an alien's arrival and departure to and from the United States and may be evidence of registration under certain provisions of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 25,000 responses at 3 minutes (.05 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,250 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202-514-3291, Director, Regulations and Forms