

manufacturing, and emergency government services.

**DATES:** The NIAC will meet Tuesday, July 13, 2004, from 11 a.m. to 2 p.m.

**ADDRESSES:** The NIAC will meet at the National Press Club Ballroom, 529 14th St, NW., 13th floor, Washington, DC 20045. Written comments may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to NIAC members, the Council suggests that presenters forward the public presentation materials, ten days prior to the meeting date, to the following address Ms. Nancy J. Wong, Infrastructure Coordination Division, Directorate of Information Analysis and Infrastructure Protection, U.S. Department of Homeland Security, 14th Street and Constitution Avenue, NW., Room 6095, Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Wong, 202-482-1929.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Limited seating will be available. Reservations are not accepted. Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

*Agenda of Committee Meeting on July 13, 2004:*

- I. Opening of Meeting: Nancy J. Wong, U.S. Department of Homeland Security (DHS)/Designated Federal Official, NIAC
- II. Roll Call of Members: NIAC Staff
- III. Opening Remarks: Lt. Gen. Frank Libutti (USMC, ret.), Under Secretary for Information Analysis and Infrastructure Protection, DHS Homeland Security for Infrastructure Protection; (invited) Frances Townsend, Assistant to the President and Homeland Security Advisor, Homeland Security Council; (invited) Erle A. Nye, Chairman of the Board, TXU Corp.; Chairman, NIAC; and John T. Chambers, President & CEO, Cisco Systems, Inc.; Vice Chairman, NIAC
- IV. Status Reports on Pending Initiatives:
  - A. Hardening the Internet: George H. Conrades, Chairman & CEO, Akamai Technologies; NIAC Member
  - B. Prioritization of Cyber Vulnerabilities: Martin G. McGuinn, Chairman & CEO, Mellon Financial Corporation; NIAC Member
  - C. Common Vulnerability Scoring Subsystem: Vice Chairman Chambers; and John W. Thompson, Chairman & CEO, Symantec Corporation; NIAC Member

V. Final Report and Discussion on Evaluation Enhancement of Information Sharing Analysis: Thomas E. Noonan, Chairman, and President & CEO, Internet Security and Systems, Inc.;

VI. Adoption Of NIAC

Recommendations: NIAC Members

VII. New Initiatives: Chairman Nye;

NIAC Members

VIII. New Business: Chairman Nye;

NIAC Members

IX. Adjournment

#### Procedural

These meetings are open to the public. Please note that the meetings may close early if all business is finished. At the discretion of the Chair, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Designated Federal Official and submit written material. If you would like a copy of your material distributed to each member of the Committee in advance of a meeting, please submit 25 copies to the Designated Federal Official (see **ADDRESSES** and **DATES**).

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, telephone the Designated Federal Official as soon as possible.

Dated: June 28, 2004.

**Nancy J. Wong,**

*Designated Federal Official for NIAC.*

[FR Doc. 04-15130 Filed 7-1-04; 8:45 am]

**BILLING CODE 4410-10-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2004-18502]

### Merchant Marine Personnel Advisory Committee

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to discuss task statement #43 concerning recommendations on a training and assessment program for able-bodied seamen on sea-going vessels. MERPAC advises the Secretary of Homeland Security on matters relating to the training, qualifications, licensing, certification, and fitness of seamen

servicing in the U.S. merchant marine. This meeting will be open to the public.

**DATES:** The MERPAC working group will meet on Monday, August 16, 2004 from 8:30 a.m. to 4 p.m. (local), and Tuesday, August 17, 2004, from 8:30 a.m. to noon (local). This meeting may adjourn early if all business is finished. Request to make oral presentations should reach the Coast Guard on or before August 2, 2004. Written material and requests to have a copy of your material distributed to each member of the working group should reach the Coast Guard on or before August 2, 2004.

**ADDRESSES:** The working group of MERPAC will meet at The Mariners House, 11 North Square, Boston, Massachusetts. Send written material and requests to make oral presentations to Mr. Mark Gould, Commandant (G-MSO-1), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, contact Mr. Mark C. Gould, Assistant to the Executive Director, telephone 202-267-6890, fax 202-267-4570, or e-mail [mgould@comdt.uscg.mil](mailto:mgould@comdt.uscg.mil). Further directions regarding the location of The Mariners House may be obtained by contacting Captain Michael Cicalese at (617) 227-3979.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

*Agenda of August 16-17, 2004*

*Meeting:* The working group will meet to discuss Task Statement #43

“Recommendations on a Training and Assessment Program for Able-Bodied Seamen on Sea-going Vessels”, which is available in Docket #[USCG-2004-18502]. The working group will develop a training program containing the minimum requirements for certification as an able-bodied seaman on sea-going vessels under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended. The working group will develop the training program into a table format similar to Section A of the STCW Code available for purchase from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, England. At the end of the meeting, the working group will re-cap its discussions and prepare the table for the full committee to consider at its next meeting.

## Procedural

This meeting is open to the public. Please note that the meeting may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify Mr. Gould no later than August 2, 2004. Written material for distribution at the meeting should reach the Coast Guard no later than August 2, 2004. If you would like copy of your material distributed to each member of the committee or working group in advance of the meeting, please submit 25 copies to Mr. Gould no later than August 2, 2004.

## Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Gould at the number listed in **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: June 28, 2004.

**Joseph J. Angelo,**

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

[FR Doc. 04-15113 Filed 7-1-04; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2004-17465; formerly CGD 94-100]

### Withholding of Vessel Clearances or Permits; Identification of Satisfactory Sureties in Lieu of Clearance or Permit Denial

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice.

**SUMMARY:** The Coast Guard is making available an optional standard form Letter of Undertaking that will be satisfactory for use in most minor civil penalty cases. Letters of undertaking are often proffered to the Coast Guard on behalf of vessels that might otherwise be denied clearance to leave port, due to possible statutory violations.

**DATES:** The optional standard form Letter of Undertaking is available for use on July 2, 2004.

**ADDRESSES:** The Department of Transportation's Docket Management Facility maintains the public docket for this notice, USCG-2004-17465. Comments and material received from the public will become part of this

docket and will be available for inspection or copying at 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. You may also find this docket electronically, through the Web Site for the Docket Management System, <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice contact LCDR Sam Goswellen, Office of Investigations and Analysis (G-MOA), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593-0001, telephone 202-267-0691, or email [sgoswellen@comdt.uscg.mil](mailto:sgoswellen@comdt.uscg.mil). 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:

#### Background

Under certain conditions, a U.S. or foreign flag vessel must obtain clearance from the Bureau of Customs and Border Protection (CBP) before it departs a port or place in the United States (see Title 46 Appendix, U.S. Code, sec. 91). The Coast Guard can ask CBP to deny or revoke the vessel's clearance if its owner, operator, or person in charge could be subject to a fine or civil penalty for violating one of the following statutes:

- Federal Water Pollution Control Act, 33 U.S.C. 1321(b)(12);
- Act to Prevent Pollution from Ships, 33 U.S.C. 1908(e), and implementing regulations;
- Ports and Waterways Safety Act, 33 U.S.C. 1232(f), and implementing regulations;
- Tank vessel operating or inspection requirements, 46 U.S.C. 3718(e), and implementing regulations in 33 CFR part 157 and 46 CFR parts 30 through 40 and 150 through 154;
- Inland Navigation Rules, 33 U.S.C. 2072(d); and
- Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act, 16 U.S.C. 4711(g)(3).

In lieu of asking CBP to deny or revoke clearance, we can also accept a bond or other satisfactory surety proffered on behalf of the vessel. Local Coast Guard Captains of the Port (COTPs) determine whether a surety is satisfactory. In a 1995 **Federal Register** notice (60 FR 7927, Feb. 10, 1995), we asked the public to comment on this practice. We specifically requested input on 11 questions, including whether we need greater uniformity in

surety format and content, and whether sureties should be the subject of new Coast Guard rules.

In light of the comments we received, we have decided to take further action only with respect to Letters of Undertaking (LOUs). LOUs are often proffered to and accepted by the Coast Guard as one form of satisfactory surety. An LOU is proffered on behalf of a vessel's owner, operator, or both (hereafter: "owner/operator"). Among other undertakings, the owner/operator promises to satisfy any adverse judgment, up to a stated maximum amount.

### Discussion of Comments

We received four sets of comments in response to our 1995 notice. These comments will be entered in the docket for USCG-2004-17465 as supplemental materials.

Two commenters favored nationwide uniformity in the format and content of sureties. The Coast Guard wants to make the process of proffering and accepting sureties easier for industry and for us. Some degree of uniformity can help us attain that goal. However, we also want to preserve the COTP's authority to accept a proffered surety only if it fits the circumstances of a particular case.

Two commenters said existing practices can be reformed without requiring regulations. We agree that some reforms can be instituted without adding or amending regulations. The action we are taking with respect to LOUs does not require rulemaking.

One commenter said surety procedures should allow for different formats. With respect to LOUs, this commenter said the Coast Guard should develop minimum requirements which, if met by the profferor, would result in the LOU's acceptance. This commenter, and a second commenter, also recommended accepting a standard LOU developed on behalf of protection and indemnity ("P&I") clubs (maritime insurers) by the International Group of P&I Clubs. The second commenter cited an unreported U.S. district court opinion in support of this view. The Coast Guard agrees that a standard form provides useful guidance, but we do not think a single form can be accepted under all conditions. The LOU is in essence a contract. Therefore, it is subject to negotiation and agreement on its terms to fit the circumstances of the particular case. We note that in the past, when a standard form has been approved by P&I club managers, almost always this approval has been in the context of a suit asserting a vessel's *in rem* liability. However, the statutes authorizing the Coast Guard to request