

C. Changes from NPRM

Each of the changes made from the NPRM to the final rule is summarized in the chart below and discussed in detail following the chart.

Summary of Significant Changes Between May 22, 2006 NPRM and this Final Rule

Topic	NPRM	Final Rule
Access control	Visual identity badge and reader (with biometric verification and validity check at facility/vessel based on MARSEC level)	Visual identity badge; Coast Guard conducts periodic checks of biometric and validity (second rule for reader requirements)
Escorted access	Definition only	Definition modified to clarify that in restricted areas (33 CFR 101.105), “escort” means a side-by-side escort; outside restricted areas, “escort” may consist of monitoring
New hires	Not granted unescorted access to secure areas until successful completion of security threat assessment and card issuance	Permitted to have limited access for 30 consecutive days if accompanied by TWIC-holder and additional requirements are met
Passenger access area	Defined only for certain vessels (passenger, ferries, cruise ships)	Passenger access area remains and employee access area for certain vessels added (employee access areas do not apply to cruise ships)
TWIC Addendum and recordkeeping requirements	Included	Excluded
Secure area	Definition only	Clarified definition’s meaning in preamble, and revised part 105 to allow part 105 facilities to submit FSP amendment to change access control area
Lost/Stolen/Damaged cards	Access procedures defined in TWIC Addendum	Specific requirements included in regulation
AMS Committee members	Need TWIC	Need name-based check or a TWIC
Vessels in foreign waters	No special provisions	Changed secure area definition to state that at certain specified times, U.S. vessels may not have any secure areas
Emergency responders	Not specifically addressed	Not required to obtain a TWIC for emergency response

Topic	NPRM	Final Rule
Voluntary compliance	Offered	Not offered
Compliance dates	12-18 months after final rule	Phased for facilities by each COTP zone. All mariners and vessels 18 months after effective date of final rule
Disqualifying crimes	Same as those used for HME	Amended; new list will apply for both TWIC and HME
Administrative law judge (ALJ) review	Not included	May be used for waiver denials and disqualifications under § 1572.107
Immigration standards	Limited ability for non-U.S. citizens to obtain TWICs	Expanded to cover foreign maritime students, and certain professionals and specialists on restricted visas; permitting aliens in TPS to apply for a waiver
Mental incapacity	Could only be waived by showing court order or letter from institution	Waiver broadened to allow for "case-by-case" determinations
Fee	\$95 - \$149; card replacement fee \$36	\$107-\$159; card replacement fee \$36, but requesting comment on increasing this fee to \$60