



16614/UTV  
D8(m) Policy Ltr 01-2005  
14 January 2005

**MEMORANDUM**

*R. W. Branch*  
From: R. W. BRANCH  
CCGD8 (m)

To: Distribution

Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING  
VESSELS

Ref: (a) 33 CFR 104.105 (a)(11)  
(b) COMLANTAREA msg 081637Z JUN 04; OPERATION PORT SHIELD ORDER  
(FOUO)  
(c) MISLE User Guide "Documentation of Maritime Security Activities for Domestic  
Vessels & Facilities (MTSA/ISPS)"

1. **PURPOSE:** This letter provides guidance on verifying MTSA compliance with approved Vessel Security Plans on uninspected towing vessels (UTVs) within the Eighth District.
2. **DIRECTIVES AFFECTED:** None.
3. **DISCUSSION:**
  - a. Reference (a) requires UTVs greater than eight meters in registered length that are engaged in towing a barge or barges subject to 33 CFR 104 to develop vessel security plans (VSP) and to be operating under their approved VSPs by July 1, 2004. Reference (b) requires the Captain of the Port (COTP) to conduct security compliance examinations of UTVs within two and one half years of the July 1, 2004 implementation date, establishing a deadline of December 31, 2006.
  - b. A subcommittee of the Western Rivers Area Maritime Security (WRAMS) Committee developed recommendations on how best to conduct these required examinations while minimizing any negative impacts to the towing industry. Each recommendation was reviewed in detail and is paraphrased and discussed below.
    - (1) It was recommended that the Eighth District consider adopting a security inspection regimen where only a percentage of a company's vessels would be examined if that company was enrolled in the American Waterways Operators Responsible Carrier Program (RCP). Discussion: Reference (b) requires compliance verification examinations to be conducted on all applicable vessels; therefore this recommendation cannot be adopted.

Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING  
VESSELS

- (2) It was recommended that the Coast Guard examiners be reassigned to units expected to conduct the bulk of the examinations and that CG examiners be available to conduct examinations after-hours and on weekends. Discussion: CG personnel are assigned to units to work in multiple mission areas and additionally are subject to tasking during responses to specific incidents. An alternate approach will be adopted that will enable towing vessels to be examined any time prior to December 31, 2006 and in any COTP zone. This scheduling and location flexibility should provide sufficient opportunity for the examinations to be conducted with minimal disruption to towing operations.
- (3) It was recommended that the Eighth District host a conference for CG examiners and Company Security Officers (CSOs) to ensure consistent examinations and to discuss industry concerns. Discussion: All CG examiners have recently been qualified to the same standard which should create consistency throughout the U.S. Frequent contact between CSOs and COTPs is further encouraged to raise and address local concerns. Further, periodic meetings between D8 senior staff and industry representatives, such as WRAMS Committee meetings and River Industry Executive Task Force (RIETF) meetings, should provide sufficient opportunities to address and resolve district-wide examination consistency issues or other related issues. Additionally, consistency of compliance examinations will continue to be topics at internal meetings the Eighth District periodically holds of its senior leadership.
- (4) It was recommended that the Eighth District appoint a staff element to coordinate examination issues and each COTP appoint a single point of contact for scheduling examinations. Discussion: This recommendation will be adopted.
- (5) It was recommended that examinations be limited to security issues and not include any other regulatory examinations unless there is due cause. Discussion: Examinations will be primarily focused on implementation of and compliance with the approved VSP; however, CG personnel will not be limited in carrying out their official duties.
- (6) It was recommended that CG units avoid random law enforcement boardings without due cause for those vessels that have satisfactorily completed the examination. Discussion: Random law enforcement boardings are conducted as part of a larger plan to provide sufficient security throughout the nation's ports and waterways. The purpose of random boardings is to verify that the expected and appropriate crew is actually in control of the towing vessel; to verify vessels and crews are operating in accordance with the approved plan; and to maintain direct liaison with professional mariners who are in position to recognize external security concerns as they transit the waterways. As such, random boardings must continue to be conducted.
- (7) It was recommended that minor discrepancies discovered in the VSP be collated for amendments during the required annual VSP audits. Discussion: This recommendation will be adopted.

**Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING VESSELS**

- (8) It was recommended that CG examiners be cognizant of crew working hours. Discussion: The Eighth District recognizes that crew rest is vital to maintaining safe and secure commerce. Only those crewmembers with direct vessel security responsibilities need be available for the examination.
- (9) It was recommended that CG examiners try to limit any interference with vessel operations. Discussion: Since examinations will be scheduled in advance at a place and time convenient to vessel operations, there should only be minimal impact.
- (10) It was recommended that the Eighth District coordinate with the Ninth District to avoid duplicate examinations. Discussion: This recommendation will be adopted.
- (11) It was recommended that companies be allowed to forward copies of their VSPs and Vulnerability Assessments to COTP offices for review prior to the examination and that CG examiners familiarize themselves with those documents prior to conducting the examination. Discussion: This recommendation will be adopted, however, the plans are labeled as Security Sensitive Information (SSI) and must be handled accordingly. Additionally, while some familiarity with the plan may be beneficial to the Coast Guard examiner, it is not expected that it will shorten the actual examination or change the nature of the examination. The VSO will still be expected to be able to know details of the VSP and be able to show where the plan addresses specific security requirements. Companies that opt to forward relevant documents to COTP offices will have to make provisions to forward the documents if desired should UTV schedule changes necessitate rescheduling the compliance examination in another COTP zone.

**4. ACTION:**

- a. COTPs should contact each UTV company headquartered within their respective COTP zones to ensure the proactive coordination of compliance examinations for each vessel required to have an approved VSP. Vessels may be inspected in any COTP zone, but the cognizant COTPs are responsible for monitoring and tracking security compliance examinations for the companies within their zones. Enclosure (1) is a sample letter that COTPs can use to inform companies of the role of the local COTP and instruct companies to schedule a security verification examination with the COTP office nearest to where the vessel operates. For those companies with vessels operating in multiple zones, the cognizant COTP's involvement need only be to track the compliance examinations for the companies via periodic reports or spreadsheets. All other examination activities should be coordinated between the companies and the COTPs where the actual examinations take place.
- b. COTPs should make every effort to maximize the number of fully qualified and experienced examiners so as to provide maximum flexibility in scheduling examinations

Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING  
VESSELS

while still meeting all other mission requirements. The Eighth District does not intend to permanently reassign personnel to meet workload needs associated with these compliance examinations. Future needs may indicate the need for temporary duty assignments for short periods to accommodate peak workload demands, but there are no current plans to do so and no funding is available.

- c. The CSO or representative should initiate the compliance examination for a specific UTV by contacting the COTP office in whose COTP zone the examination is desired, and requesting a specific time, date and location for the examination. COTPs should attempt to comply with scheduling requests as personnel limitations dictate. Consideration should be given to the nature of towing vessel operations and unpredictabilities associated with long transits at slow speeds on busy waterways. Examinations should not be scheduled during hours of darkness unless the COTP believes that safety risks for CG personnel are minimal and perstempo limits are not exceeded. CG examiners should be made available after normal working hours and on weekends but perstempo limits should not be exceeded. If unable to comply with scheduling requests, the COTP should inform the CSO as soon as possible and suggest other times, dates and/or locations. If arrangements cannot be worked out for the timeframe and location requested, the CSO should attempt to reschedule for another time or place, or contact a different COTP office and request an examination for a time when the UTV will be in that COTP zone. The responsibility for scheduling the compliance examination rests with the UTV company. Inability to coordinate an examination with a particular COTP neither lessens the company's responsibility nor extends the compliance examination deadline. The ability to schedule examinations at any COTP office, including Marine Safety Offices, Marine Safety Units, and Coast Guard Sectors, plus the extensive time period to complete the examinations create sufficient opportunity for full compliance. Exceptional difficulties in scheduling compliance examinations should be brought to the attention of the COTP in whose zone the UTV company is headquartered.
- d. For safety purposes, the vessel must not be underway while CG personnel conduct the compliance examination. The vessel may be moored in a fleeting area, at a dock, or adjacent to a lock, and may be coupled to a tow. COTPs should encourage company CSOs to maximize opportunities to conduct examinations in conjunction with dockside maintenance periods, crew rotations or other times when the vessel may be at a dock for a predictable period of time so as to minimize impact on vessel operations.
- e. Companies may at their option send copies of their VSPs and Vulnerability Assessments to the COTP prior to a scheduled examination consistent with requirements for handling SSI information. If sent, CG examiners should familiarize themselves with the VSP and Vulnerability Assessment before the scheduled examination. However, the nature of the examination should be the same whether or not the documents were sent. After

**Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING VESSELS**

completing the examination, the documents should be returned to the company as soon as possible. For UTVs operating under an Alternative Security Program (ASP), the company should be encouraged to only submit the vessel specific security assessment report if it chooses to submit any documents in advance of the compliance examination. If submitted, those short assessments should be entered into MISLE.

- f. Compliance examinations should ensure that measures contained in the plan are in place on the vessel; ensure that the vulnerability assessment accurately reflects vulnerabilities that exist; and ensure that the measures in the plan actually meet the needs of the vessel. Crew training and understanding of their assigned security responsibilities are key to verifying that the measures in the plan are in place on the vessel. As such, the Vessel Security Officer (VSO) must be available to the CG examiners and not engaged in any other vessel-related duties during the examination. If the VSP identifies an "Alternate Vessel Security Officer" and assigns duties to that position that are the same as those of the VSO, then either the VSO or the Alternate VSO must be available to the CG examiners. Crewmembers assigned direct vessel security responsibilities must also be available and not engaged in other vessel-related duties during the compliance examination. All crewmembers need not be available to the CG examiners, and crew rest needs should be taken into consideration by all involved.
- g. The primary focus of the visit to the vessel is to conduct the compliance examination, however, CG personnel are not limited in verifying compliance with other regulations applicable to the vessel and crew.
- h. COTPs should make every effort to ensure that the examinations are conducted consistently and should periodically meet with all their qualified examiners to discuss the scope and nature of the examinations to further improve consistency. Reports of inconsistent application of the vessel security requirements or inconsistency in the conduct of examinations must be investigated quickly. The Eighth District point of contact should be informed as soon as possible of reports of inconsistencies between COTP zones and will resolve confirmed inconsistencies expeditiously.
- i. Discrepancies found during a compliance examination should be documented and resolved according to the severity of the discrepancy. Discrepancies that materially affect the security posture of the vessel should be addressed with a COTP order requiring the vessel to cease all operations involving towing a barge or barges subject to 33 CFR 104 until such time as the discrepancies are resolved and verified by the CSO and a successful compliance examination has been completed. Those discrepancies include but are not limited to:

- (1) VSP not onboard the vessel, or onboard but not approved;

Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING  
VESSELS

- (2) Absence of an assigned VSO;
- (3) VSO cannot display an acceptable level of competency in regards to vessel security;
- (4) Crew assigned security responsibilities not familiar with the VSP and their responsibilities;
- (5) Lack of access control as required in the approved VSP.

Discrepancies that can be addressed by the CSO during the examination such as the need for limited additional training or modifications to the approved VSP should be resolved. Minor updates or slight modifications to the VSP can be corrected on the spot by the CSO as pen and ink changes to the plan.

- j. MISLE entries must be made by the COTP conducting the compliance examinations, even if that COTP is not the cognizant COTP for that fleet. Compliance examinations are to be documented in MISLE in accordance with reference (c) as soon as possible but no later than 2 working days after the examination. COTPs can verify completed examinations for vessels whose companies are in their COTP zone and confirm each vessel's status through MISLE. The status of completed examinations should also be periodically verified with each company's CSO to ensure agreement on which vessels have not had the required compliance examination.
- k. Mr. Harvey Dexter is designated as the Eighth District point of contact for questions and issues related to vessel security compliance regulations for the UTV fleet. Each COTP shall designate a single point of contact for scheduling compliance examinations. The point of contact may be a specific individual or a designated scheduler position/desk. This point of contact and contact information should be communicated to the company CSOs and should be identified in any correspondence related to vessel security compliance examinations. Additionally, COTPs should provide their points of contact to the Eighth District point of contact for wider dissemination throughout the towing industry.
- l. The Eighth District staff will continue to coordinate with the Ninth District staff. Previous discussions indicate the Ninth District approach will be very similar to and fully compatible with the Eighth District approach.

16614/UTV  
D8(m) Policy Ltr 01-2005  
07 January 2005

Subj: SECURITY COMPLIANCE EXAMINATIONS OF UNINSPECTED TOWING  
VESSELS

5. **FEEDBACK**: Questions on this policy should be referred to Mr. Harvey Dexter at the Eighth Coast Guard District at 504-589-3043.

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Encl: (1) Sample Letter to UTV Companies

Dist: All Eighth District MSOs, MSUs, Sectors  
Copy: G-MOC, D9(m)

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commanding Officer  
United States Coast Guard  
Marine Safety Office  
Houston/Galveston

Enclosure (1)  
9640 Clinton Dr.  
Galena Park, TX 77029  
Phone: (713) 671-5100  
FAX: (713) 671-5185

16700  
XX January 2005

Ms. Rebecca Caplin  
Company Security Officer  
Houston Marine Services  
5300 Memorial Dr. Suite 605  
Houston, TX 77007

Dear Ms. Caplin:

Our records indicate that your company operates towing vessels that are required to have an approved vessel security plan (VSP) onboard in accordance with the Maritime Transportation Security Act regulations in Title 33, Code of Federal Regulations, Part 104. The U.S. Coast Guard will examine each of your vessels to ensure compliance with their approved VSPs.

Since your office resides in this Captain of the Port zone, my office will track the completion of the examinations on your vessels and maintain contact with you or your designated representative to ensure and verify that each of your vessels are examined prior to December 31, 2006. The actual examinations may take place in any COTP zone, and all of your vessels need not be examined in the same COTP zone or at the same time. This schedule and location flexibility is intended to minimize disruption to you and your vessels.

Please contact the Captain of the Port office nearest to where your vessels will be operating in order to schedule a compliance verification examination for each of your company's vessels. Please allow several hours to complete each examination. For safety purposes, the vessel must not be underway while Coast Guard personnel conduct the compliance examination. The crew must be on the vessel, including the Vessel Security Officer. As the Company Security Officer, I recommend that you be either onboard the vessel or available via telephone during each examination.

For further information regarding the scope and extent of the examination please see Enclosure (7) of Navigation and Vessel Inspection Circular 04-03, CH-1.

If you have any questions regarding this matter, please contact Petty Officer Van Dusen at (713) 671-5100 ext. 1212 or via email at [Jvandusen@msohouston.uscg.mil](mailto:Jvandusen@msohouston.uscg.mil).

Sincerely,

H. Kim  
Commander, U.S. Coast Guard  
By Direction