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NVIC 06-03 Change 2

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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 06-03, CHANGE 2

SUBJ: CH-2 TO NVIC 06-03; COAST GUARD PORT STATE CONTROL TARGETING AND EXAMINATION POLICY FOR VESSEL SECURITY AND SAFETY

1. PURPOSE. This document revises Navigation and Vessel Inspection Circular (NVIC) No. 06-03 and includes updated procedures for risk-based vessel targeting, reporting and notification, boarding, control and enforcement. The glossary of terms and examination booklet from Change 1 to the NVIC remain unchanged.

2. ACTION. Area, District and Sector Commanders, Commanders of Maintenance and Logistics Commands, Commanding Officers of Integrated Support Commands, Commanding Officers of Headquarters Units, Assistant Commandants for Directorates, Judge Advocate General, and special staff elements at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release authorized.

3. DIRECTIVES AFFECTED. This Change 2 to NVIC 06-03 supersedes and replaces enclosures (1) through (6) of NVIC 06-03, Change 1. Each new document includes a summary of changes at the end of each enclosure.

4. BACKGROUND. NVIC 06-03 assists Sector Commander[1], Captain of the Port[2] (COTP), and Officer-in-Charge, Marine Inspection [3](OCMI) personnel by outlining port state control procedures related to risk-based targeting, reporting, examination, and control of foreign–flagged vessels in accordance with the international and domestic regulations for maritime safety, security, and environmental protection. The NVIC provides useful guidance for owners and operators of affected foreign-flagged vessels. It provides changes and amendments for lessons learned from vessel maritime security enforcement since July 1, 2004.

5. DISCUSSION. The Coast Guard enforces the new international requirements of SOLAS Chapter XI-2, the International Security and Port Facility (ISPS) Code, and the maritime security

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regulations mandated by the Maritime Transportation Security Act (MTSA) of 2002 for all foreign vessels subject to SOLAS and all foreign commercial vessels greater than 100 gross tons (GRT) entering U.S. ports. These procedures and policies expand program requirements for: targeting vessels for examination, conducting vessel examinations, controlling substandard vessels, imposing conditions of entry on vessels arriving from substandard ports, as well as tracking and reporting results of vessel examinations.

6. IMPLEMENTATION.

   a. Ship security performance is paramount to maritime security implementation. A ship must have an approved security plan in place and its crew must fully implement the provisions of that plan. The plan and its implementation must demonstrate to the Port State Control Officer (PSCO) that the ship meets applicable requirements of the ISPS Code Part A, taking into consideration the relevant guidance of the ISPS Code Part B.

   b. The PSCO should determine if a vessel is complying with its plan and maritime security requirements through observation, asking questions, and reviewing security records. If there are clear grounds that the vessel does not meet the applicable maritime security requirements, the COTP or OCMI should impose appropriate control and/or enforcement actions. These may include inspection, delay, or detention of the ship; restriction of ship operation; expulsion of the ship from port; and/or lesser administrative or corrective measures.

   c. If the only means to verify or rectify the non-compliance is to review the relevant portions of the ship security plan, the PSCO must obtain permission from the Master or the Flag State as described in paragraph 9.8.1 of ISPS Code Part A, before reviewing the plan. Paragraph C.4 of enclosure (3) to this NVIC provides further guidance on determining whether a vessel meets applicable maritime security requirements. If, during inspection of the ship, the Coast Guard inspectors conclude, for example: "the provisions of the approved ship security plan related to screening of personnel are satisfactory, but the ship and its crew are not implementing these provisions," the COTP or OCMI shall take appropriate vessel movement control and/or enforcement actions. Furthermore, if the COTP or OCMI concludes that provisions of the ship security plan relating to screening of personnel does not meet the requirements of ISPS Code Part A, taking into consideration the recommendations of ISPS Code Part B, the COTP or OCMI should also take appropriate vessel movement control and/or enforcement actions.

   d. The implementation policy herein includes four key pieces: risk-based targeting; reporting and notification; boarding procedures; and control and enforcement procedures. Risk-based targeting, discussed in enclosure (1), focuses on three issues: vessel security risk; risk of vessel noncompliance with international and national maritime security standards; and risk of vessel noncompliance with international and maritime safety and environmental standards. Enclosure (2) addresses tracking and reporting the results of vessel examinations. Boarding procedures, provided in enclosure (3), discuss law enforcement security boardings of foreign vessels and safety and security compliance examinations for convention and non-convention foreign vessels. Enclosure (4) provides control and enforcement procedures for substandard vessels and vessels arriving from countries with ineffective anti-terrorism measures.

   e. To meet the responsibilities discussed herein, Coast Guard Prevention and Response personnel

need to work in concert with industry, State and local governments, and volunteer agencies to focus on preventing vessel security and safety-related incidents. In addition, units should take note of the following when applying the guidance of this circular.

(1) Port State Control personnel should use the Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series) in tandem with this NVIC when performing security boardings. The MLEM gives policy guidance for execution of the USCG's law enforcement mission and provisions related to armed security boardings.

(2) Port State Control personnel should use the Marine Safety Manual (MSM), Volume II (Materiel Inspection), COMDTINST M16000.7 (Series) in tandem with this circular when performing compliance examinations. When the MSM guidance conflicts with the direction provided herein, the guidance in this circular takes precedence. In cases of apparent policy conflict between this NVIC and the MSM, contact Commandant (CG-3PCV-2) directly at (202) 372-1251.

7. INFORMATION SECURITY.

a. Security assessments, security plans and their amendments contain information that, if released to the general public, would compromise the safety or security of the port and its users. This information is known as sensitive security information (SSI), and the Transportation Security Administration (TSA) governs SSI under 49 CFR 1520, "Protection of Sensitive Security Information." These regulations allow the Coast Guard to maintain national security by sharing unclassified information with various vessel and facility personnel without releasing SSI to the public. Vessel and facility owners and operators must follow procedures stated in 49 CFR 1520 for the marking, storing, distributing, and destroying of SSI material, which includes many documents that discuss screening processes and detection procedures.

b. Under these regulations, only persons with a "need to know," as defined in 49 CFR 1520.11, may have access to security assessments, plans, and amendments. Vessel and facility owners or operators must determine which of their employees have a need to know and which sections of the security plans and assessments they require to meet their responsibilities. Then the owners and operators must restrict dissemination of these documents accordingly. To ensure that access is restricted to only authorized personnel, SSI material may not be disclosed per the Freedom of Information Act (FOIA) under almost all circumstances.

c. An unauthorized disclosure of maritime security sensitive information and a failure to report an unauthorized disclosure to the cognizant COTP pursuant to 49 CFR 1520.9 by a person may jeopardize the security of the marine transportation system and result in a civil penalty up to $25,000 per violation (46 USC 70119).

8. DISCLAIMER. While the guidance contained in this document may assist the industry, the public, the USCG, and other Federal and State regulators in applying statutory and regulatory requirements, this guidance is not a substitute for applicable legal requirements, nor is it in itself a rule. Thus, it is not intended to, nor does it, impose legally binding requirements on any party, including the USCG, other Federal agencies, the States, or the regulated community.

9. CHANGES. This NVIC is available on the web at www.uscg.mil/hq/g-m/nvic/index00.htm. The Coast Guard will issue changes to this circular as necessary. Time-sensitive amendments issued as "urgent change" messages by ALCOAST are available on the CG-3PCV website for the benefit of industry, pending their inclusion to the next change to this circular.

10. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. None.

11. FORMS AVAILABILITY. The following forms referenced for reporting in this circular may be ordered through the Engineering Logistics Center Baltimore with appropriate stock numbers: U. S. Coast Guard Port State Control Report of Inspection, CG5437A, Stock no. 7530-01-GF9-0003 and Port State Control Report of Inspection, CG5437B, Stock no. 7530-01-GF9-0004.

C. E. BONE
Rear Admiral, U.S. Coast Guard
Assistant Commandant for Prevention

Encl: (1) Risk-Based Targeting for all Vessels (CH-2)
(2) Reporting and Notification Procedures (CH-2)
(3) Examination Procedures (CH-2)
(4) PSC Enforcement and Control Procedures (CH-2), and:
Appendix A Examples of Detainable Deficiencies for Security and Safety (CH-2)
Appendix B International Port Security Program and Actions Taken Against Vessels Arriving from Countries not Maintaining Effective Anti-Terrorism Measures (CH-2)
(5) Glossary (CH-2)
(6) CG-840 "Foreign Vessel Exam Book for MTSA/ISPS Code Compliance" (CH-2)

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[1] Sector Commander - Serves as the principal agent and representative of the District Commander, responsible for the command of all staff and Sector units and accomplishment of all Coast Guard mission objectives within the Sector Area of Responsibility (AOR). Serves as the designated Captain of the Port (COTP) and Federal Maritime Security Coordinator (FMSC), Officer In Charge Marine Inspections (OCMI) and Federal On-Scene Coordinator (FOSC) unless otherwise delegated or assigned.

[2] COTP –Exercises control of a vessel's movement and operation through the issuance of a COTP Order pursuant to two authorities, the PWSA and the Magnuson Act. That authority may be (and often is) a necessary adjunct to the OCMI's exercise of the traditional port state control (PSC) role, as described below. However, if the PSC measure that is sought to be imposed involves an order to the vessel to move or operate in a particular fashion for the safety or security of the vessel, the port, or the navigable waters of the United States, because that authority is based upon the PWSA or Magnuson Act, it is exercised by the COTP, not the OCMI.

[3] OCMI - Has the technical and process expertise to carry out PSC examinations and measures, including the necessary Flag State notifications and official documentation of detention and/or intervention actions. OCMI authority is also being exercised if the source of that authority is grounded in the vessel inspection and certification laws and regulations of Title 46 CFR. If, and to the extent that, the OCMI must make a judgment about compliance with SOLAS safety, equipment, construction, or manning requirements, and the control measures that are necessary to achieve compliance do not involve an order requiring the ship to move, or not to move, the OCMI may exercise such control without using the authority of the COTP.

ENCLOSURE 1

RISK-BASED TARGETING FOR ALL VESSELS, CH-2

RISK-BASED TARGETING FOR ALL VESSELS, CH-2

This enclosure details the guidelines and procedures for targeting vessels for compliance examinations and security boardings.

Introduction.

To effectively implement the maritime security regulations issued under the Maritime Transportation Security Act of 2002 (MTSA), and the International Ship and Port Facility Security (ISPS) Code, the Coast Guard has integrated security compliance actions into the existing port state control (PSC) program. The U.S. enforces an expanded and comprehensive PSC program in order to identify and eliminate substandard foreign merchant shipping that does not comply with international conventions and domestic rules.

Title 33 CFR Part 160, Subpart C requires certain arriving vessels to provide Notice of Arrival (NOA) to the National Vessel Movement Center (NVMC) prior to entering the United States (U.S.). The Coast Guard screens these vessels prior to arrival at the first U.S. port of call, using three risk-based tools. These tools use a process known as Risk-Based Decision Making (RBDM) to determine the threat a vessel poses to a U.S. port. These RBDM tools, collectively referred to as the *Compliance Verification Examination Matrices*, will prioritize vessel compliance examinations and security boardings.

The *High Interest Vessel (HIV) Matrix* is a classified, risk-based tool used to evaluate the security risk of a vessel entering into port. (This NVIC does not discuss this risk analysis in detail because it is classified.) The second screening tool, referred to as the *ISPS/MTSA Security Compliance Targeting Matrix,* evaluates risk factors applicable to a foreign-flag vessel's compliance with international and domestic security standards. Because this matrix evaluates foreign vessel compliance with security standards, this screening is not classified. Note NVIC 04-03 addresses policy for U.S. vessel compliance with domestic security regulations. The third risk-based screening evaluates risk factors applicable to a vessel's compliance with international safety and environmental standards. This analysis, called the *Port State Control (PSC) Safety and Environmental Protection Compliance Targeting Matrix***,** is also not classified.

Use of both the *ISPS/MTSA Security Compliance Targeting Matrix* and the *PSC Safety and Environmental Protection Compliance Targeting Matrix* allows for the Captain of the Port (COTP) or Officer-in-Charge, Marine Inspection (OCMI) to identify those vessels posing the greatest risk of being substandard. When applied consistently, the targeting regime will identify the appropriate risk level and corresponding examination frequency for each vessel, ensuring that the Coast Guard examines vessels posing a higher risk for noncompliance more frequently than vessels posing a lower risk. The PSC program consistency builds upon experienced and qualified PSCOs who are vital to ensuring sound judgment and professionalism of all enforcement actions.

A. Action – Using the matrices.

The COTP or OCMI will screen all foreign-flag vessels required to submit an NOA to the NVMC using the *ISPS/MTSA Security Compliance Targeting Matrix,* for security compliance, and the *PSC Safety and Environmental Protection Compliance Targeting Matrix,* to identify those vessels that pose the greatest risk of noncompliance.

In addition, the COTP or OCMI will screen all vessels for the security risk they pose to U.S. ports. Vessels selected in this process are designated high interest vessels (HIVs). While all vessels may be subject to random security boardings, these vessels are of higher interest to law enforcement authorities. This enclosure does not provide details on this screening process, since a separate, classified instruction outlines relevant procedures. Figure 1 provides a pictorial view of the three screening processes related to vessel compliance examinations and security boardings for arriving vessels.

1. **Targeting Philosophy – ISPS/MTSA Security Compliance.**

   a. Applicable Factors. The *ISPS/MTSA Security Compliance Targeting Matrix* is a screening tool that promotes systematic evaluation of several risk factors related to a vessel's compliance or noncompliance with domestic and international maritime security standards. The risk factors are: *ship management*; *flag State*; *recognized security organization* (RSO); the *individual vessel's security compliance history* (the degree that vessel meets both domestic and international maritime security standards); and *last ports of call* information.

   b. Functionality. Using the *ISPS/MTSA Security Compliance Targeting Matrix*, the COTP or OCMI assigns points to a vessel based on the various risk factors and totals points from the columns of each matrix. The COTP or OCMI should then compare a vessel's total points to the point value thresholds to determine whether or not an examination should take place. Assignment of total points does not signify that the vessel is substandard; assignment of points signifies that certain risk factors exist and that the Coast Guard should examine the vessel for compliance with domestic and international standards. Total points also determine where an examination should take place.

   c. Consistency. To be effective, it is important that the COTP or OCMI applies this targeting regime consistently. In addition to focusing USCG resources, the *ISPS/MTSA Security Compliance Targeting Matrix* serves to place the responsibility for maintaining vessels to accepted security standards on those entities most responsible, including ship management, RSOs, and flag States. Linking examination decisions to the performance records of the ship, the ship's management, the RSO, the flag State, and last ports of call information helps ensure accountability.

   d. Random Vessel Targeting. The Coast Guard will examine every vessel visiting the U.S. at its first U.S. port of call. Coast Guard use of the *ISPS/MTSA Security Compliance Targeting Matrix* identifies those vessels posing the greatest risk of noncompliance with SOLAS Chapter XI-2, the ISPS Code, and the regulations issued under MTSA. In addition, the COTP or OCMI may randomly examine vessels that do not screen for an ISPS/MTSA security compliance examination. Normally, the COTP or OCMI can perform random examinations when the vessel is in port, but may perform this examination prior to port entry if they scheduled another examination for the vessel prior to port entry.

2. **Targeting Philosophy- Safety and Environmental Protection Compliance.**

   a. Applicable Factors. The Coast Guard has successfully applied a systematic targeting scheme to focus Coast Guard port state control efforts since 1994. This risk-based approach permits evaluation of vessels using five factors. These factors are *ship management*, *flag State*, *classification society* (a.k.a. recognized organization or RO), *compliance history*, and *vessel type*. The risks associated with each of these factors are evaluated using Coast Guard examination data developed over previous years.

   b. Functionality. Using the *PSC Safety and Environmental Protection Compliance Targeting Matrix*, the COTP or OCMI assigns points to a vessel based on the various risk factors and totals points from the columns of each matrix. The COTP or OCMI should then compare a vessel's total points to the point value thresholds to determine whether or not an examination should take place. Assignment of total points does not signify that the vessel is substandard; assignment of points signifies that certain risk factors exist and that the Coast Guard should examine the vessel for compliance with international standards. Total points also determine where an examination should take place.

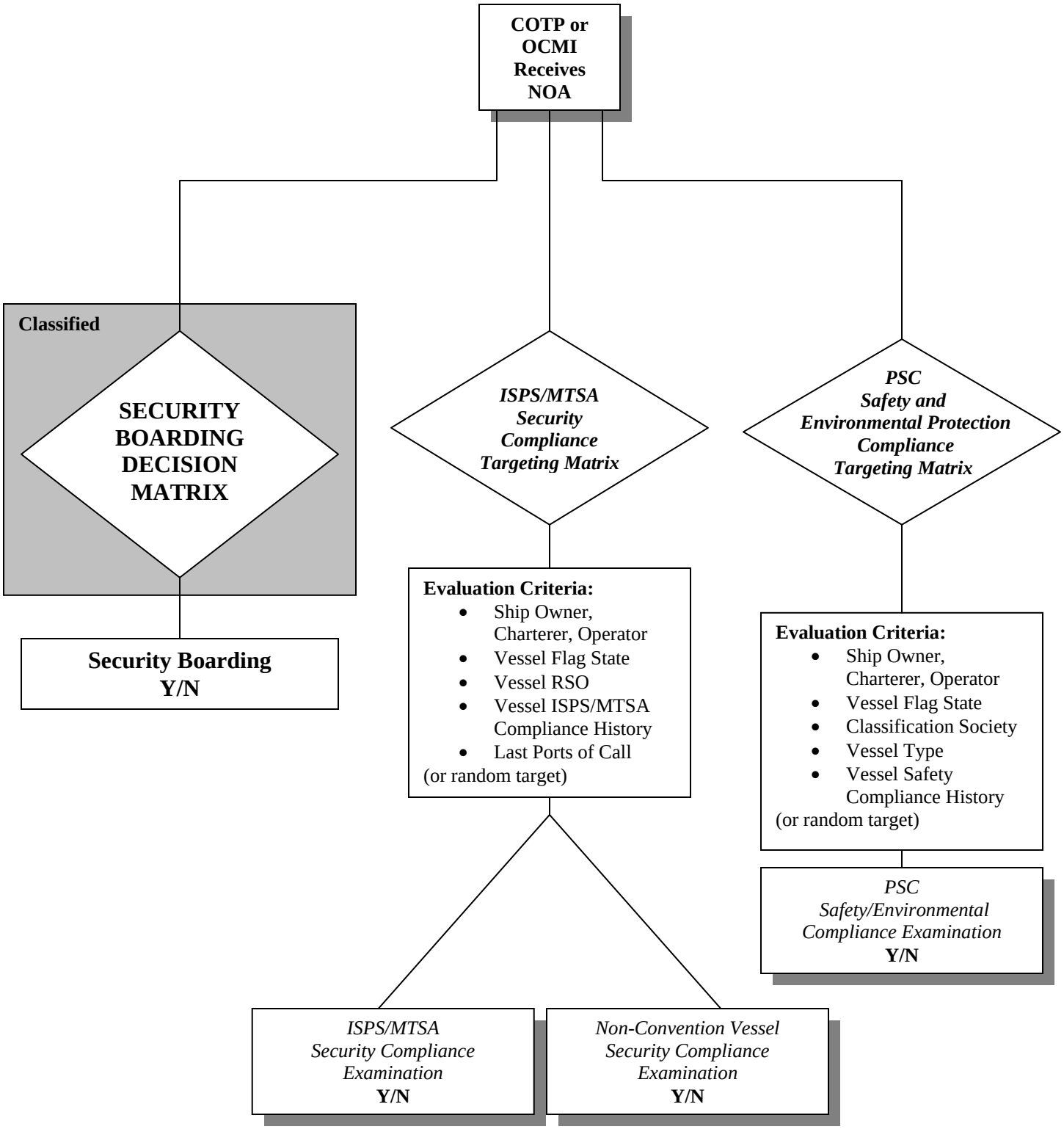
   c. Consistency. To be effective, it is important that the COTP or OCMI applies this targeting regime consistently. In addition to focusing USCG resources, the *PSC Safety and Environmental Protection Compliance Targeting Matrix* serves to place the onus for maintaining vessels to accepted standards on those entities most responsible, including ship management, classification societies, and flag States. Linking targeting decisions to the performance records of the ship, the ship's management, classification society and flag State helps ensure accountability.

   d. Random Vessel Targeting. Coast Guard use of the *PSC Safety and Environmental Protection Compliance Targeting Matrix* identifies those vessels posing the greatest risk of noncompliance with safety and environmental protection aspects of the international conventions. In addition, the COTP or OCMI may randomly examine vessels that do not screen for a PSC Safety/Environmental compliance examination. Normally, the COTP or OCMI can perform random examinations when the vessel is in port, but may perform this examination prior to port entry if they scheduled another examination for the vessel prior to port entry.

   e. EQUASIS Information. The EQUASIS data system (http://www.equasis.org) is a global contributor to information transparency in the area of Port State Control. Currently, this system displays PSC inspections and detentions that occurred within the Paris MOU, Tokyo MOU and the United States. Additionally, the website contains a wealth of statutory information from International Association of Class Societies (IACS) Member and Associate Member Classification Societies, P&I information and a wide variety of other data. Although the EQUASIS system is not listed as a criterion on either the safety of security matrices, the use of the system by PSCOs is highly encouraged. By performing this review, PSCOs will undoubtedly gain a better overall sense of the condition of the vessel. To assist with this review,

the MISLE system allows direct access to EQUASIS, by passing the website log-in and search screens. The PSCO can access this hyperlink function by searching for the vessel in MISLE and then clicking the button at the bottom of the Activities tab on the Vessel Description Summary Page.

Figure 1: Targeting Decision-Making Process for Each Vessel Arrival



B. Compliance Targeting Matrix Instructions (Step I & Step II).

1. Step I: ISPS/MTSA Security Compliance Targeting Matrix.

As stated previously, the *ISPS/MTSA Security Compliance Targeting Matrix* is a tool for the COTP or OCMI to target a particular vessel scheduled to arrive for examination. This matrix applies to all vessels subject to SOLAS and all vessels subject to MTSA. The COTP or OCMI shall refer to NOA information, Marine Information for Safety and Law Enforcement (MISLE) data, and guidance from CG-3PCV-2 to determine a score. The COTP or OCMI should screen and score vessels manually until an automated, MISLE-embedded targeting tool becomes available. The score calculated for a particular vessel will determine whether the Coast Guard will examine a vessel at sea, examine a vessel in port, or not target the vessel for examination (note vessels not targeted for examination may be subject to random examination).

a. Column I: Ship Management. Commandant (CG-3PCV-2) tracks performance of ship managers including ship owners, operators, and charterers. CG-3PCV-2 will place any owner, operator, or charterer associated with one ISPS-related denial of entry, one ISPS-related expulsion, or two ISPS-related detentions in the past twelve months on the targeted list. With regard to the single denial of entry/expulsion criterion, CG-3PCV-2 must find a direct link between ship management and the reason for the denial of entry or expulsion, otherwise CG-3PCV-2 counts the control action as equivalent to a vessel detention. The COTP or OCMI does not need to review histories of ship management in MISLE, but should apply the current Targeted Ship Management List.

   1) If the owner, charterer or managing operator of a vessel is included on the current Targeted Ship Management List provided by CG-3PCV, assign 5 points.

   2) The COTP or OCMI may assign a maximum total of 5 points for this column.

   3) Proceed to Column II.

b. Column II: Flag State. The Control Action Ratio (CAR) and total number of major control actions determine whether CG-3PCV-2 includes a flag State on the Targeted Flag State List. CG-3PCV-2 determines flag State CAR values based upon the formula shown below. The *# of major ISPS-related control actions* include all security-related denials of entry or expulsions from port and ISPS-related detentions to vessels flying the flag of that State within the period of interest and the *# of distinct vessel arrivals* include all distinct vessel arrivals from that flag State. CG-3PCV-2 does not target a flag State that has only one major control action in the period of interest on the Targeted Flag State List.

$$\text{CAR} = \frac{\text{\# of major ISPS/MTSA flag State-related control actions}}{\text{\# of distinct vessel arrivals}} \times 100 \text{ percent}$$

1) Vessels Subject to SOLAS. Check the vessel's flag State against the current targeted flag State list and assign points as indicated. If the flag State has a CAR more than 3.0 percent, CG-3PCV-2 designates 7 points to the targeted flag State. If the vessel's flag State has a CAR more than 1.5 percent, but not more than 3.0 percent, CG-3PCV-2 designates 2 points to the targeted flag State.

2) Non-SOLAS Vessels subject to MTSA. Check the vessel's flag State against the current targeted flag State list and assign points as indicated. If the flag State has a CAR more than 3.0 percent, CG-3PCV-2 designates 7 points to the targeted flag State.

3) Proceed to Column III.

c. Column III: Recognized Security Organization (RSO). Commandant (CG-3PCV-2) tracks performance of RSOs by reviewing every case involving an ISPS-related major control action (denial of entry, expulsion from port, or detention) and determining whether RSO action or inaction contributed to the major control action. CG-3PCV-2 will place any RSO associated with one or more ISPS-related major control actions in the past twelve months on the targeted list.

1) Check the vessel's RSO against the current targeted RSO list. If the RSO is associated with 3 or more major control actions in the past twelve months, CG-3PCV-2 specifies automatic ISPS I examination. If the RSO is associated with 2 major control actions in the past twelve months, CG-3PCV-2 designates 5 points to the RSO. If the RSO is associated with 1 major control action in the past twelve months, CG-3PCV-2 designates 2 points to the RSO.

2) Downgrade Clause. In any case where an arriving vessel's last port of call (LPOC) was a U. S. port, and the COTP or OCMI at the LPOC examined the vessel and found it in substantial compliance (i.e. no major control action), the COTP or OCMI may downgrade a vessel to ISPS III.

3) Proceed to Column IV.

d. Column IV: Vessel ISPS/MTSA Compliance History.

1) If MISLE data indicates that the vessel has been the subject of ISPS security control actions involving denial of entry or expulsion from port within the past 12 months, assign ISPS I status to the vessel.

a. Downgrade Clause. The COTP or OCMI may relax ISPS I status resulting from a denial of entry or expulsion if the Coast Guard performed an ISPS I examination subsequent to the denial of entry or expulsion and found the vessel in substantial compliance, i.e. no major control action resulted from the examination. Further, the COTP or OCMI may relax a required examination resulting from a denial of entry or expulsion and assign ISPS III status to the

vessel if the Coast Guard has performed 3 or more ISPS examinations since the denial of entry or expulsion and, in each case, no major control action resulted.

b. If the Coast Guard previously denied a vessel entry to port due solely to lack of proper NOA, assign 2 points in lieu of ISPS I.

c. CG-3PCV will enter an inspection note after reviewing detention reports received from field units. This notice will assist in identifying vessels detained within the previous 12 months, *but may not include very recent detentions*. Field units must check the MISLE Vessel Critical Profile to determine whether any recent detentions have occurred.

2) If MISLE data indicates the Coast Guard has not performed an ISPS/MTSA Security Compliance Examination in the past 12 months, assign ISPS II status to the vessel.

3) If MISLE data indicates that the vessel has had an ISPS-related detention in the past twelve months, assign 5 points to the vessel.

4) If MISLE data indicates that the vessel has had one or more control actions other than major control actions within the past twelve months (e.g. directly due to ISPS deficiencies that involved a delay, restriction of movement, or restriction of operation), assign 2 points to the vessel. Do not include lesser administrative measures or inspection of the ship.

5) If MISLE data indicates that the Coast Guard examined the vessel only one to five times in the past 3 years for compliance with SOLAS Chapter XI-2 and the ISPS Code, assign 2 points.

6) The total points in Column IV are unlimited.

7) Proceed to Column V.

e. Last Ports of Call.

1) The International Port Security Program identifies ports not maintaining effective anti-terrorism measures or for other security concerns such as stowaways and provides a listing of countries with such ports to Commandant (CG-3PCV) on a monthly basis, or more often should the need arise. In turn, Commandant (CG-3PCV) provides this information to field units via the monthly Port State Control Targeting message or by separate message if the need arises. In these messages, Commandant (CG-3PCV) will provide recommended controls and targeting information for vessels that visited ports not maintaining effective anti-terrorism measures, which may include directed ISPS examinations, prescribed conditions for port entry, or additional points towards ISPS/MTSA

Security Compliance targeting decisions. See Appendix B to Enclosure (4) for more details.

2) Check the vessel's last five ports of call for countries listed on the Last Port of Call Targeting List in the most recent Commandant (CG-3PCV) port state control message. If the vessel visited one or more of the listed countries in the last five ports of call, take the action indicated in the most recent port state control message. These actions may include: denial of entry, prescribed conditions for entry, directed ISPS I or ISPS II examination, security boarding, or additional points towards ISPS/MTSA Security Compliance targeting.

f. Total.

Total the assigned points from each column and apply the appropriate *ISPS status* shown below. In addition, apply any directed examinations and boardings in accordance with the Column V instructions.

17 or more points = **ISPS I Vessel**
7 to 16 points = **ISPS II Vessel**
0-6 points = **ISPS III Vessel**

g. Downgrade Clauses. COTP/OCMI's should downgrade examination priorities when possible.

1) The COTP/OCMI may downgrade a vessel hailing from a targeted flag Administration scoring 7 to 11 points to ISPS III:

a. if removal of the flag Administration targeting points results in 6 or fewer points, and
b. if the Coast Guard previously boarded the vessel within the past 6 months and found no serious security deficiencies (i.e., no ISPS major control actions imposed or no restriction of operations). Units may only downgrade the vessel to an ISPS III after confirming this information with the unit at the vessel's Last U.S. Port of Call.

2) Using the ISPS/MTSA Security Targeting Matrix, the COTP/OCMI may downgrade any vessel that scores ISPS II (7 to 16 points) to ISPS III (6 or fewer points) if the vessel meets all of the following criteria:

(a) The Coast Guard performed an ISPS/MTSA Compliance Examination in the past 6 months and found no serious deficiencies during the examination that resulted in an ISPS control action (delay of vessel, restriction of movement or operation). The COTP/OCMI should not include the "Inspection of the Ship" per SOLAS Reg. XI-2/9.1.3 as an ISPS control action for this criterion.

(a) The COTP/OCMI does not have clear grounds or reliable information that the vessel does not correspond with SOLAS Chapter XI-2 and the ISPS Code (e.g. if the NOA report indicates that the ship found and detained stowaways on board, this information would provide clear grounds and would disqualify the downgrading clause).

3) For vessels on a voyage involving consecutive visits to U.S. ports and subject to directed ISPS I/II examination based solely upon Column V of the ISPS/MTSA Security Compliance Targeting Matrix, the COTP/OCMI may downgrade the directed examination to ISPS III based on the following conditions:

(a) the vessel visited a U.S. port subsequent to its visit to the port not maintaining effective anti-terrorism measures, and
(b) the Coast Guard conducted an ISPS compliance examination at that U.S. port and found the vessel compliant.

2. Step II: PSC Safety and Environmental Protection Compliance Targeting Matrix.

When a vessel submits a Notice of Arrival (NOA), the National Vessel Movement Center (NVMC) collects, reviews and verifies specific ship information including: vessel type and size, cargo, crew and passenger lists, ship management information, security and safety compliance documentation, etc. The NVMC makes the NOA available to the National Maritime Intelligence Center (NMIC) and to the COTP/OCMI's through the Ship Arrival Notification System (SANS). The NVMC also makes the NOA accessible through MISLE. The NMIC analyzes vessel, owner, operator, charterer, crew composition, history, etc. to determine whether there is pertinent intelligence regarding the vessel. The NMIC will then issue a daily message for Vessels of Intelligence Interest (VOII).

The COTP/OCMI must prioritize and coordinate all vessels entering their AORs. As such, the COTP/OCMI shall review each NOA in MISLE and score each vessel using the PSC Boarding Wizard. Although MISLE automatically scores each vessel based on ship information in MISLE, it only provides a preliminary score that is not appropriate for use by the COTP/OCMI. The COTP/OCMI must use the PSC Boarding Wizard to calculate the final score for the PSC Safety and Environmental Protection Targeting Matrix. Once the COTP/OCMI reviews, screens, and scores each vessel arrival, the COTP/OCMI must create an inspection activity for each vessel arrival. For details regarding these requirements, refer to the MISLE user guides at http://mislenet.osc.uscg.mil/user_guides.aspx

a. Column I: Ship Management

1) If the owner, charterer or managing operator of a vessel is included on the current Targeted Owners List provided by CG-3PCV, assign 5 points.

2) The COTP or OCMI may assign a maximum total of 5 points for this column.

3) Proceed to Column II.

b. Column II: Flag.

1) Check the vessel's flag State against the current targeted flag State list. If the list shows the flag State as a targeted flag State, assign 7 points or 2 points, as indicated.

2) Proceed to Column III.

c. Column III: Classification Society.

1) Check the vessel's classification society against the current targeted classification society list. If the list shows the classification society as a targeted classification society, assign the appropriate number of points as indicated. See http://cgweb.comdt.uscg.mil/g-mo/moc/mochm.htm.

2) Proceed to Column IV.

d. Column IV: Vessel History.

1) If MISLE data indicates the Coast Guard has not performed a PSC Safety and Environmental Compliance Examination in the past 12 months (or Certificate of Compliance (COC) Examination), assign PII status to the vessel. This requirement may be relaxed for freight vessels enrolled in the QUALSHIP 21 program, which are subject to biennial PSC examination. Periodic PSC re-examinations (i.e. examinations at the mid-period between annual exams) are no longer required.

2) If MISLE data indicates that the vessel has been the subject of an intervention leading to detention within the past 12 months, assign 5 points for each detention. CG-3PCV will enter an inspection note after reviewing detention reports received from field units. This notice will assist in identifying vessels detained within the previous 12 months, *but may not include very recent detentions*. Field units must check the MISLE Vessel Critical Profile to determine whether any recent detentions have occurred.

3) If MISLE data indicates that the vessel has been the subject of any other form of operational control within the past 12 months (i.e., COTP Order or Customs hold), assign 1 point for each incident. Do not assign multiple points if the field unit took more than one control action for a single incident.

4) If MISLE data indicates that the vessel has been involved in any marine casualty or pollution cases within the past 12 months, assign 1 point for each case.

5) If MISLE data indicates that the vessel has been the subject of a marine violation, except for pollution, within the past 12 months, assign 1 point for each violation case.

6) The total points in Column IV are unlimited.

7) Proceed to Column V.

e. Total.

1) Total the assigned points from each column. Note the priority status below:

17 or more points = **Priority I Vessel (PI)**
7 to 16 points = **Priority II Vessel (PII)**
0-6 points = **Non Priority Vessel (NPV)**

3. Compliance Verification Examination Matrices.

STEP I: ***ISPS/MTSA Security Compliance Targeting Matrix***

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
SHIP MANAGEMENT	FLAG STATE	RECOGNIZED SECURITY ORGANIZATION	SECURITY COMPLIANCE HISTORY	LAST PORTS OF CALL
5 Points Owner, operator, charterer associated w/ one ISPS-related denial of entry or ISPS-related expulsion from port in past 12 months or 2 or more detentions in a twelve month period [1]	**7 Points** SOLAS Vessels [2] Flag State has a CAR of more than 3.0 percent and more than 1 major control action in the past 3 years **2 Points** SOLAS Vessels [2] Flag State has a CAR more than 1.5 percent up to 3.0 percent and more than one major control action in the past 3 years **7 Points** Non-SOLAS Vessels [2][3] Flag State has a CAR of more than 3.0 percent and more than 1 major control action in the past 3 years	**ISPS I** 3 or more RSO-related major control actions in the past twelve months **5 Points** 2 RSO-related major control actions in the past twelve months **2 Points** 1 RSO-related major control actions in the past twelve months	**ISPS I** ISPS-related denial of entry/expulsion from port in past 12 months [4] **ISPS II** If matrix score does not result w/ ISPS I exam & no ISPS compliance exam within the past 12 months **5 Points** Vessel has had an ISPS/MTSA-related detention in the past twelve months **2 Points** Vessel has had 1 or more other ISPS/MTSA control actions in the past twelve months [5]	**ISPS I** For last 5 ports, if designated ISPS I; refer to CG-3PCV targeted list **ISPS II** If matrix score does not result w/ ISPS I exam & for last 5 ports, if designated ISPS II; refer to CG-3PCV targeted list **PRESCRIBED CONDITIONS OF ENTRY AND/OR DENY ENTRY** For last 5 ports, as specified by Federal Register; refer to CG-3PCV targeted list

(1) A direct link must exist between Ship Management and the denial of entry/expulsion action for this criterion to engage. Otherwise count the denial of entry or expulsion as a detention. CG-3PCV-2 makes the decision regarding the direct link
(2) Only flag States with more than one major control action are considered
(3) Includes vessels from non-signatory countries and non-SOLAS vessels from signatory countries
(4) Depending upon circumstances of denial of entry or expulsion, COTP or OCMI may relax assignment to ISPS II. Also, if denial of entry or expulsion due solely to failure to provide NOA, assign 2 points
(5) Include vessel delays, restriction of operations, restriction of movement related to vessel security deficiencies. DO not include inspection of the ship or lesser administrative actions.

Vessels that score 17 points or higher are ISPS I vessels and should be examined prior to port-entry.
Vessels that score between 7-16 points are ISPS II vessels and are subject to examination upon port arrival.
Vessels scoring fewer than 7 points are ISPS III vessels and are not subject to examination unless selected at random for random MTSA/ISPS examination.

STEP II: *PSC Safety and Environmental Protection Compliance Targeting Matrix*

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
SHIP MANAGEMENT	FLAG STATE	CLASSIFICATION SOCIETY	VESSEL HISTORY	SHIP TYPE [2]
5 Points Listed Owner, Operator, or Charterer	**7 Points** Flag State has a detention ratio 2 or more times overall average for all Flag States	**Priority 1** A detention ratio equal to or greater than 2%	**Priority II** First Time to U.S or no PSC/COC exam in the past 12 months [1] **5 Points Each** Detention within the previous 12 months.	**1 Point** Oil or Chemical Tanker, Gas Carrier, or Passenger Ship
	2 Points Flag State has a detention ratio between the overall and up to 2 times overall average for all Flag States	**5 Points** A detention ratio equal to 1% or less than 2%	**1 Point Each** Other operational control within the previous 12 months	**1 Point** Bulk Freighter 10 years old or less.
		3 Points A detention ratio equal to 0.5% or less than 1%	**1 Point Each** Casualty within the previous 12 months.	**2 Points** Bulk Freighter over 10 years old and up to 20 years old.
		0 Points A detention ratio less than 0.5%	**1 Point Each** Violation within the previous 12 months.	**4 Points** Bulk Freighter over 20 years old. **TOTAL:**

Notes: 1) See Para B.2.d.(1)
2) Do not score any points in Column V if the vessel is currently enrolled in the QUALSHIP 21 program.

Priority I Vessel (PI):
- 17 or more points on the Matrix, or
- ships involved in a marine casualty that may have affected seaworthiness, or
- USCG Captain of the Port determines a vessel to be a potential hazard to the port or the environment, or
- ships whose classification society has a detention ratio equal to or greater than 2%
- Port entry may be restricted until the Coast Guard examines the vessel

Priority II Vessel (PII):
- 7 to 16 points on the Matrix, or
- outstanding requirements from a previous examination in this or another U.S. port, or the vessel is overdue for an annual tank or passenger exam
- Cargo operations or passenger embarkation/debarkation should be restricted until vessel is examined by the Coast Guard

Non-Priority Vessel (NPV):
- 6 points or fewer points on the Matrix,
- Vessel is a low risk, and should not be examined unless selected for random examination

Downgrade Clause. If a vessel has scored either a PI or PII based on points or association, and has had a USCG PSC examination within the past 6 months with no serious deficiencies, the COTP or OCMI may downgrade the vessel to NPV. If the COTP or OCMI downgrades a vessel, the COTP/OCMI will consider the vessel for the pool of random examinations.

C. Random PSC Examination Selection Process.

1. Random PSC Examination Philosophy. Random PSC examinations, in addition to the examinations that result from the targeting processes described herein, are important tools that provide a strong deterrent against subversive actions or substandard operations. If vessel targeting falls into a predictable pattern, we leave open an avenue for organizations to understand and study ways to subvert the targeting systems and possibly allow substandard ships into U.S. ports without examination. A random examination selection process injects unpredictability into the targeting process and undercuts those intending to subvert our targeting systems. Accordingly, we must ensure that our random examination selection process has no pattern. A truly random pattern plays a role in the success of our program and provides a nationwide methodology for making random examination selections. CG-3PCV encourages Sector Commanders/COTPs/OCMIs to conduct random PSC examinations at their discretion without any pre-determined quota. CG-3PCV-2 will continue to measure the benefits of random examinations and assess maritime security and safety related matters for policy development.

2. Concept and Applicability. Our stated goal is to encourage random examinations on vessels that arrive in the United States which the Coast Guard does not already target for an ISPS/MTSA Security Compliance Examination or a Port State Control Safety and Environmental Compliance Examination. At the COTP's discretion, the COTP may target a vessel not targeted for one of these examinations for a random examination comprised of both a port state control safety and environmental compliance examination and an ISPS/MTSA Security Compliance examination. The COTP shall conduct a random examination to the same scope as targeted port state control and ISPS examinations. Note in particular that vessels currently enrolled in the QUALSHIP 21 program and vessels that hold a valid Certificate of Compliance are subject to random ISPS/MTSA Security Compliance Examination but not random Port State Control Safety and Environmental Compliance Examination. The Coast Guard will conduct security examinations on a random basis for vessels not designated as high interest vessels. Separate guidance addresses this random selection process.

3. Process. For a true random process, select vessels for examination from the population of vessels not targeted for ISPS/MTSA Security Compliance Examination or Port State Control Safety and Environmental Compliance Examination. For example, do not select a vessel targeted for a PI PSC examination for a *random* ISPS/MTSA Security Compliance Examination, as this will affect the quality of the randomness and will not enable us to meet vessel examination goals. Using this method will allow the Coast Guard to visit more vessels, during which port state control personnel will effectively check for evidence of non-compliance with all applicable domestic and international standards.

4. MISLE Documentation. In order to better allot our resources, this random process will enable us to analyze and improve the effectiveness of our targeting matrices. To that end, it is imperative that units document these random examinations accurately in MISLE. When conducting a random examination for ISPS/MTSA/PSC, the inspection type will be 'Vessel Inspection/PSC Exam' and the sub category will include the following in the pull down

menu: Random ISPS/MTSA/PSC. This will help the program fine tune the process and improve the matrices. The end goal will be better resource allocation and a better system of targeting poor performers.

D. Targeting Decision and Location (Step III).

The *ISPS/MTSA Security Compliance Targeting Matrix* and *PSC Safety and Environmental Protection Compliance Targeting Matrix* evaluate a vessel's relative risk of noncompliance with maritime security and safety standards and results in the assignment of points. Each matrix will provide a total that corresponds to the designations of ISPS I/ISPS II/ISPS III and PI/PII/NPV. Once this evaluation is complete, the COTP or OCMI must decide on the location and timing of the boarding/examination as well as appropriate risk mitigation measures.

ISPS I and PI examinations require a significant commitment of resources and time as they require port state control personnel with significant skill sets and they, in most cases, will occur at the sea buoy. They may also result in some type of risk mitigation measure during the inbound transit such as vessel escort or armed personnel onboard. If an ISPS I or PI vessel requires risk mitigation measures, then it should remain at sea or divert to a secure anchorage until the COTP or OCMI can put such measures in place. The COTP or OCMI must prioritize the use of resources to ensure that the USCG targets those vessels representing the highest risk to the port from both a security and safety aspect.

1. ISPS I Vessels and Priority I (PI) Vessels. The COTP or OCMI should examine ISPS I and PI vessels prior to port entry. The COTP or OCMI may downgrade an at-sea examination to in-port examination, with District approval, if the at sea examination presents a risk to personnel or the logistics of an at sea examination are impractical. In designating the at-sea examination location, the COTP or OCMI should consider local geography, the safety and security of the port, space for maneuvering, and safety of personnel during at sea transfers.

2. ISPS II and Priority II (PII) Examinations. While ISPS II and PII designated vessels theoretically represent a smaller risk, they still require assignment of significant resources. PII exams will normally be conducted pier-side prior to the loading or offloading of cargo and passengers. ISPS II examinations should begin before loading or offloading commence, but once the port state control team is satisfied that loading/offloading operations may begin, the team may authorize such operations so that security procedures related to cargo and passenger embarkation operations may be observed. The COTP or OCMI ultimately has to make a determination of what the most appropriate examination procedure should be for each individual case.

3. ISPS III and Non-Priority Vessel (NPV) Examinations. While ISPS III and NPV designated vessels theoretically represent the smallest risk, they still require random examinations. ISPS III and NPV exams will normally be conducted pier-side at a time convenient to the COTP or OCMI. The COTP or OCMI will not hold up loading or offloading of cargo and passengers prior to commencing an ISPS III or NPV exam.

Vessels on a voyage involving consecutive U.S. port calls (without calling on a foreign port), and having been examined with satisfactory results at one of the previous consecutive U.S. port calls, may be designated as ISPS III and NPV.

4. MISLE Reporting. Prompt MISLE reporting is critical to Coast Guard targeting and informing the chain of command regarding control actions. Field units shall open an inspection activity and schedule an inspection immediately after targeting a vessel for examination. To assist other ports in correctly targeting vessels for examination, it is critical that field units quickly and properly document examination and results in MISLE. Within four hours after completing an examination, field units shall, at a minimum, document in MISLE outline any detentions and major control actions taken, summarizing deficiencies that led to the control action. In addition, within four hours of completing an examination, field units shall document in MISLE all outstanding deficiencies requiring follow-up Coast Guard action. Units may complete MISLE entries at a later time. See Enclosure (2) for details.

E. Targeting Factor Criteria.

To implement the targeted compliance examination regime, it is necessary to identify which vessels, vessel owners, flag Administrations and RSOs are most often associated with substandard ships. These determinations are made by CG-3PCV based on Coast Guard boarding and intervention data and will be promulgated regularly by monthly message.

1. ISPS/MTSA Security Compliance Targeting Criteria (effective 1 July 2004).

   a. Targeted Ship Management. Targeted ship management includes any owner, operator, charterer or managing operator who is associated with a vessel that has been denied port entry, been expelled from port, or detained within a specified range of time and has been assigned a CAR based on MISLE control action information.

      1) Targeted Ship Management List. CG-3PCV will develop and maintain a monthly listing of targeted owners.

      2) Application. All vessels associated with owner, operator, or charterer associated with an ISPS-related denial of entry or expulsion, or two ISPS-related detentions within the past twelve months will receive points towards the security examination decision (note ship managers associated with 25 or more vessels will receive points towards the security examination decision with three ISPS-related detentions). With certain exceptions as noted in the *ISPS/MTSA Security Compliance Targeting Matrix*, the COTP/OCMI should target vessels linked to an owner, operator, or charterer associated with an ISPS/MTSA-related denial of entry or expulsion from port for an at-sea security compliance examination.

      3) Downgrading and Removal. CG-3PCV will monitor ship manager performance on a monthly basis. As performance improves for each targeted ship manager

during the previous twelve-month window, CG-3PCV may remove a previously targeted ship manager from the targeted list.

b. Targeted Flag Administration. A targeted flag Administration includes any flag State that is associated with a vessel that has been denied port entry, been expelled from port, or detained within a specified range of time and has been assigned a CAR based upon MISLE control action information.

1) Flag Administration CAR for Security Compliance. CG-3PCV will develop and maintain a monthly listing of targeted Administrations based on CAR values.

2) Application. All vessels associated with an Administration having a CAR of more than 1.5 but up to 3.0 percent will receive two points towards the security compliance examination decision. All vessels associated with an Administration having a CAR of more than 3.0 percent will receive seven points towards the security compliance examination decision.

3) Removal. Each year, CG-3PCV will adjust targeting information applicable to a targeted flag Administration based on performance of vessels registered in that country. CG-3PCV will remove the targeted flag Administration from the list if the CAR associated with that entity drops to 1.5 percent or below.

4) Release of Information. CG-3PCV will publish the targeted flag Administration list for security compliance performance in the PSC Annual Report as well as on the PSC website, accessible at: http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371.

c. Targeted Recognized Security Organization (RSO)

1) Recognized Security Organization. An RSO is the organization with the appropriate expertise in security and anti-terrorism matters recognized by the Administration (or Designated Authority) and authorized to carry out assessment, verification, approval and certification activities, required by the ISPS Code.

2) Targeted RSO. CG-3PCV will develop and maintain a monthly listing of targeted RSOs based on control action reports received from field units.

3) Application. All vessels represented by an RSO associated with 3 or more major control actions in the past twelve months are designated ISPS I. All vessels represented by an RSO associated with 2 major control actions in the past twelve months will receive 5 points towards the security compliance examination decision. All vessels represented by an RSO associated with 1 major control action in the past twelve months will receive 2 points towards the security compliance examination decision.

4) Removal. On a monthly basis, CG-3PCV monitors RSO performance. As performance improves, CG-3PCV will adjust targeting information applicable to a targeted RSO (specify fewer points or remove the RSO from the list.

5) Release of Information. CG-3PCV will publish the targeted RSO list for security compliance performance in the PSC Annual Report as well as on the PSC website, accessible at: http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 .

2. Safety and Environmental Protection Compliance Targeting Criteria.

To implement the safety and environmental protection targeting regime, the Coast Guard must identify which vessels, vessel management, classification societies, and flag States are most often associated with substandard ships. CG-3PCV makes these determinations based on Coast Guard boarding and intervention data. To understand how CG-3PCV makes these determinations, it is necessary to define certain terms of reference.

a. Targeted Ship Management.

A targeted ship management includes any owner, operator, charterer, or managing operator whose vessels have been detained in the U.S. more than once within the previous 12 months under the provisions of an international Convention. If a vessel owner, operator or charterer has at least 25 vessels that visit U.S. ports each year, CG-3PCV will not target the company unless it accumulates 3 or more detentions within a 12-month period.

1) Targeted Ship Management List. CG-3PCV develops and maintains a current listing of targeted ship managers based on detention reports received from field units. CG-3PCV updates the list monthly.

2) Application. The COTP/OCMI assigns 5 points to all vessels associated with a targeted owner under Column I of the *PSC Safety and Environmental Protection Compliance Targeting Matrix*.

3) Removal. CG-3PCV removes a targeted owner from the list if they become associated with less than two detentions carried out under the authority of an international convention within the previous 12 months.

b. Targeted Flag Administration.

A targeted flag Administration is a country with a safety-related detention ratio exceeding the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters.

1) Flag Administration Safety Detention Ratio. CG-3PCV calculates a flag Administration's safety detention ratio by dividing the number of its vessels detained under the authority of an international convention by the number of vessels under its registry which entered U.S. waters. CG-3PCV calculates the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters by dividing the number of vessels detained under the authority of an international convention by the number of vessels that entered U.S. waters. CG-3PCV calculates individual flag Administration detention ratios based on the previous three years' data to reduce the effects of single year anomalies.

2) Targeted Flag Administration List. This list consists of the targeted flag Administrations compiled by CG-3PCV on an annual basis for use with the *PSC Safety and Environmental Protection Compliance Targeting Matrix*. The list can be found on the Web, accessible at http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 .

3) Application. The COTP/OCMI assigns ether 7 points or 2 points to vessels registered with a targeted flag Administration in Column II of the *PSC Safety and Environmental Protection Compliance Targeting Matrix*. The list provided on the Web, lists the number of points applicable to the various targeted flag Administrations. This list is accessible at: http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 .

4) Removal. CG-3PCV removes a targeted flag Administration from the list when its safety detention ratio drops below the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters or when it is associated with less than two detentions carried out under the authority of an international Convention within the past 36 months.

c. Targeted Classification Society.

CG-3PCV evaluates Classification Societies based on their performance over the previous three years. If they have a 3-year safety detention ratio that exceeds the fixed 3-year safety detention ratio (0.5%), then they will receive points.

1) Classification Society. A classification society is an organization, other than a flag State that issues Certificates of Class or International Convention Certificates. When a Classification Society works on behalf of a flag Administration it meets the definition of a Recognized Organization (RO).

2) Targeted Classification Society List. The Targeted Classification Society List contains the names of classification societies that will receive points in the *PSC Safety and Environmental Protection Compliance Targeting Matrix*. This list is accessible at: http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 .

3) Classification Society Detention Ratios. CG-3PCV calculates Classification society performance based on their class-related safety detention ratio (number of class-related safety detentions divided by the number of distinct arrivals over a 3-year period). CG-3PCV then compares this ratio to the fixed ratios of acceptable performance and assigns points to the classification society according to where their safety detention ratios fall. See Table 1 below:

Table 1: Detention Ratios and Point Assignments.

Classification Society's 3-year Detention Ratio	Matrix Point Assignment
A detention ratio less than 0.5%	0 Points
A detention ratio equal to 0.5% or less than 1%	3 Points
A detention ratio equal to 1% or less than 2%	5 Points
A detention ratio equal to or greater than 2%	Priority I

Summary of Changes.

Ch-1.

1. Revised all references to “COTP” to “COTP or OCMI”.
2. Revised all references to “OCMI” to “COTP or OCMI”.
3. Removed threshold limit for notice of arrival applicability and inserted CFR reference for notice of arrival applicability.
4. Added “Last Ports of Call” column to ISPS/MTSA Security Compliance Targeting Matrix.
5. Added “Last Ports of Call” discussion to ISPS/MTSA Security Compliance Targeting Matrix instructions.
6. Updated “PSC Safety and Environmental Protection Compliance Targeting Matrix” to include Priority II designation for vessels first visit to U.S.
7. Updated “PSC Safety and Environmental Protection Compliance Targeting Matrix”. instructions to include other conditions that would result in designation of a vessel as Priority I or Priority II.
8. Added new section on Random Boarding Selection Process.
9. Added section on ISPS III examinations and Non-Priority Vessel examinations to the Boarding Decision and Location instructions.
10. Added section on MISLE Reporting to the Boarding Decision and Location instructions.

Ch-2.

1. Editorial changes throughout to text.
2. Updated Last port of call guidance in Para B.1.e. to reflect current International Port Security Program practice.
3. Added downgrading clauses for ISPS examinations.
4. Updated ISPS/MTSA Security Compliance Targeting Matrix to reflect current practice.
5. Updated PSC Safety and Environmental Compliance Targeting Matrix to reflect current practice.
6. Clarified guidance in Section C for random targeting.

ENCLOSURE 2
REPORTING AND NOTIFICATION PROCEDURES, CH-2

REPORTING AND NOTIFICATION PROCEDURES, CH-2

This chapter details reporting and notification requirements for Port State Control detentions and for related maritime homeland security issues.

CHAPTER 2:

A. Introduction

B. Security and Safety Related Detentions, Unit Responsibilities

1. Flag State Notification
2. USCG Headquarters/Area/District Notification
3. Classification Society/Recognized Organization/Recognized Security Organization Notification
4. Ship Management Notification

C. Security and Safety Related Detentions, USCG Headquarters Responsibilities

1. Owner Notification
2. International Maritime Organization (IMO) Notification

D. IMO Detention Notification Responsibility Chart

E. MISLE Documentation

1. Detentions, Expulsions, Denials of Entry
2. Deficiency Compliance Dates
3. Deficiency Format
4. Immediate MISLE Reporting

F. Port State Control Report of Inspection

A. Introduction.

This NVIC streamlines the Port State Control (PSC) notification and reporting procedures into a single reporting process consolidating information related to Ports, Waterway, and Coastal Security (PWCS) and the PSC program. The report supports various functions including administrative recordkeeping, resource alignment, statistical purposes, Congressional mandates, and program management. This single report meets our reporting obligations to the International Maritime Organization (IMO).

This single report of PSC activity consists of Form A and Form B, which are in accordance with the IMO Procedures for Port State Control Resolution A.787(19), as amended by A.882(21). It is imperative that units use the stock system forms without modification since these forms coincide with the latest IMO guidance and Coast Guard policy.

These procedures have replaced all existing notification requirements and simplify efforts at the Captain of the Port (COTP) or Officer-in-Charge, Marine Inspection (OCMI) level. The basic premise behind the new reporting procedures involves electronically scanning forms. The unit member should electronically "scan in" both Forms A and B into Marine Information for Safety and Law Enforcement (MISLE) system, and then e-mail these reports to the cognizant authorities. Senders should request a return receipt for documentation of chain-of-custody control. (To request a return receipt from a Microsoft Outlook message, click "File" then "Properties." Next check the box next to the appropriate "receipt requested" box.) The unit shall scan these forms into the MISLE system under the representative vessel in the documentation section. It is critical to use legible handwriting and annotate correct SOLAS cites on these forms.

B. Security and Safety Related Detentions, Unit Responsibilities.

Whenever a foreign vessel has an intervention leading to detention, the COTP must conduct several notifications regardless of whether the detention is due to a security related or safety related issue. The table entitled "IMO Detention Notification Responsibility Chart," located in section D of this enclosure, summarizes unit notification responsibilities.

1. *Flag State Notification*. Whenever the COTP denies a foreign vessel entry into a port or offshore terminal, or detains the vessel for a safety or security reason, the unit taking that action must notify the flag State as soon as possible. The CG-3PCV PSC Website at http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 provides point of contact information. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port States initiating control actions notify the flag Administration forthwith. For maritime security-related control actions (e.g. inspection of the ship, delaying the ship, detention of the ship, restriction of operations, restriction of movement of the ship within the port, or expulsion of the ship from port), the unit making the control action must also notify the flag State as soon as possible. Notification should be in writing and never more than 24 hours of initiating the action. Submitting Forms A and B is an acceptable means of notifying the flag state. Contact the Commandant, Foreign and

Offshore Vessel Division (CG-3PCV-2) for additional information at (202) 372-1251 if you encounter difficulties in making any required notification.

2. USCG Headquarters/Area/District Notification. When deficiencies merit detention, expulsion from port, or denial of entry under international instruments such as SOLAS, units are directed to scan both the *USCG Port State Control Report of Inspection, Form A* (CG-5437A) and the *USCG Port State Control Report of Inspection, Form B* (CG-5437B) into MISLE. Units must complete the forms as described below.

   a. Units must submit the forms to CG-3PCV-2 for detention/major control action cases (if form A, Block 17 is marked "Yes"). If units cannot scan the forms, they should contact CG-3PCV-2 at HQS-PF-fldr-G-PCV@uscg.mil for alternate submission approval.

   b. The unit should completely and accurately fill out both forms. CG-3PCV-2 will return any incomplete forms to the unit for re-submission, in the same manner submitted

   c. The Port State Control Officer (PSCO) must clearly annotate those deficiencies identified and approved by the cognizant Officer in Charge of Marine Inspection (OCMI) or COTP as detainable under SOLAS, and must clearly mark the deficiency as a Code "30" on Form B (CG-5437B), under the "Action Taken" category. The PSCO can locate each code on the bottom of the Form B. The deficiency must clearly state the grounds for detention. Since these are international forms, IMO convention cites should have first priority on Form B. ILO cites and CFR cites are not party to the IMO conventions and if listed should be used only if necessary and sparingly. If a vessel violates applicable domestic regulations, then the unit should issue these deficiencies to the vessel through a COTP Order and/or via civil penalty action or a letter of warning. The PSCO may also document ILO cites in a COTP Order. The deficiency must clearly state the grounds for detention and include a cite reference to the international convention or standard (not the Code of Federal Regulations) that applies to each deficiency. All deficiency descriptions should be as specific and descriptive as possible using quantifiable language. A general description of the standard the ship does not meet and how the ship fails to meet the standard is sufficient. For example, instead of describing an oil "leak" on a main diesel engine, describe how the leak endangers the ship and its crew leading to the detention action.

   d. To ensure quality control for all detention or major control action reports, the supervisor of the PSCO, Marine Safety Detachment (MSD) Supervisor, or Chief, Prevention Department must sign Form B. The supervisor should return the Form A and Form B to the PSCO for correction and reissue to the vessel if the form is incomplete or if the deficiency descriptions do not clearly state the standard the ship does not meet and how the ship fails to meet the standard. The supervisor must sign and print his/her name on the lower right side of Form B. If the detention or major control action occurs after hours, the Command Duty Officer may also sign the Form

B if it is not possible for the supervisor to sign the Form B, as long as the supervisor approves the content.

e. The unit should deliver the report to CG-3PCV and appropriate commands in the chain of command as soon as possible, but no later than 1630 EST/EDT on the next day following the detention or major control action.

f. Upon receipt of the Form A and Form B associated with a detention, denial of vessel entry, or expulsion related to a substandard vessel, Commandant (CG-3PCV-2) will review the report for completeness and consistency with reporting and enforcement policy. This review is separate from that performed by Commandant as part of any appeal process. Commandant (CG-3PCV-2) may request clarification or return reports that are incomplete or inconsistent with policy. Further, Commandant (CG-3PCV-2) may overturn any detention, denial of entry, or expulsion action whenever the deficiencies reported on the Form B do not support a finding of a substandard vessel as defined in current policy and in IMO-published procedures for port state control. Commandant (CG-3PCV-2) will provide information copies of correspondence relating to returned reports to the cognizant Area and District staff.

3. Classification Society/Recognized Organization/Recognized Security Organization Notification. The unit must notify the local office of the classification societies, Recognized Organization (RO), or Recognized Security Organization (RSO) that issued the relevant certificates of the related detention. A visit by the local surveyor or class representative can expedite the deficiency correction process. The delivery of the completed report to the Classification Society, RO, or RSO should be as soon as possible, but no later than 1630 EST/EDT on the next business day following the detention. The Port State Control Website at http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 provides a list of points of contact for class societies. Submittal of Forms A and B is an acceptable form of notification.

a. Involvement of the RO and the RSO in the correction of deficiencies related to equipment, hull, structure, or security items is strongly encouraged. To ensure accountability, the OCMI/COTP should advise CG-3PCV of unsatisfactory performance of these organizations rather than corresponding directly.

b. Upon review, CG-3PCV will determine whether actions taken by the organization contributed to the detention/major control action. In such cases, CG-3PCV will officially notify the organization. CG-3PCV will use this information to track and determine the annual performance for the organization. CG-3PCV analyzes the annual performance for each organization to develop and publish the targeted lists for the boarding matrices.

4. Ship Management Notification. The command should ensure that the owner, operator, master, and/or charterer of the vessel receives a copy of the boarding reports (Forms CG-5437A and CG-5437B) and a clear list of actions to correct all deficiencies. Before the

COTP allows the vessel to leave the port, the vessel must address any outstanding items listed on the forms.

C. Security and Safety Related Detentions, USCG Headquarters Responsibilities.

USCG Headquarters responsibilities as summarized in the table entitled, "IMO Detention Notification Responsibility Chart," located in section D of this enclosure.

1. Owner Notification. Upon receipt of the boarding reports (Forms CG-5437A and CG-5437B), CG-3PCV will send written notification to the owner, operator, managing operator, and charterer of the vessel, within 45-60 days of the detention.

2. International Maritime Organization (IMO) Notification. When an intervention leads to a detention, CG-3PCV will submit a report to IMO to fulfill the reporting procedures as required by various international instruments, normally conducted within 45-60 days of the detention.

D. IMO Detention Notification Responsibility Chart. The table below summarizes Unit and USCG Headquarters responsibilities.

	Complete Form A and B and scan documents. Attach scanned versions to activity in MISLE	Notify Master and give copy of Forms A and B	Email or Fax Forms A and B to Ship Management	Email or Fax Forms A and B to Recognized Security Organization or Classification Society	Email or Fax Forms A and B to Flag State	If required by Area/District, Email or Fax info copies of Forms A and B by close of business next working day	Ship Management Notification Letter	IMO Notification Letter	Notify Port State Control Memorandums of Understanding/ Agreements
Unit Notification Responsibility for Non-Major * Security-Related Control Actions	XX	XX	XX	XX	XX				
Unit Notification Responsibility for Major ** Security-Related Control Actions	XX	XX	XX	XX	XX	XX			
Unit Notification Responsibility for Safety-Related Detention	XX	XX	XX	XX	XX	XX			
HQ Notification Responsibility for Security-Related Major Control Action							XX	XX	
Unit Notification Responsibility for Ship Denied Entry for Safety or Security	XX	XX	XX	XX	XX	XX			
HQ Notification Responsibility for Ship Denied Entry for Safety or Security							XX	XX	XX

*** Non-Major Control Actions include all security-related inspections of the ship, delays of the ship, restrictions of operations, & restrictions of movement.**

**** Major Control Actions include all ISPS security-related detentions, expulsions from port, and denials of entry.**

E. MISLE Documentation.

1. Detentions, Expulsions, Denials of Entry. Units shall immediately enter corresponding MISLE activities for all vessels detained, denied entry, or expelled no later than 24 hours after imposing one of these operational controls. Note certain entries are necessary within 4 hours of imposing or removing these operational controls; see E. 4 below. The unit shall create an operational control and pick a MISLE Control Type of "IMO Related Detention", "COTP Order (Expulsion from Port)", or "COTP Order (Denial of Entry)" as appropriate, **only** for control actions that are reportable to the IMO. **If the unit uses a different control type (other than detention, denial of entry per SOLAS Reg. XI-2/9.2.2, or expulsion per SOLAS Reg. 9.1.3), it will not initiate the required Headquarters review of the detention case.** For more information on using MISLE applications, you can access several MISLE user guides by visiting MISLENET on the Web: http://mislenet.osc.uscg.mil/.

   a. ISPS Security-Related Detentions, Expulsions, and Denials of Entry. Deficiencies should clearly state what problems exist and the scope or seriousness of the deficiencies. For example, "Vessel inadequately attained appropriate security level, as required by Declaration of Security (DoS) with port facility, due to lack of access control to the ship and unsuitable handling of unaccompanied baggage," provides a more detailed description of the problem than to state "Violation of DoS." Units must enter applicable cites for all deficiencies listed on the Detention Report (CG-5437B).

   b. Safety-Related Detentions. Deficiencies should clearly state what problems exist and the scope or seriousness of the deficiencies (for example "Firemain, multiple holes, 60% wastage - unable to maintain adequate pressure"). Units must enter applicable cites for all deficiencies listed on the Detention Report (CG-5437B).

   c. Joint Safety and Security Control Actions. If taking a control action on a vessel for both safety and security reasons, units shall ensure entry of all appropriate control actions into MISLE. For example, if a unit imposes both a safety-related SOLAS detention (MISLE Category Type "Safety", MISLE Control Type "IMO Related Detention A") and a security (ISPS)-related detention (MISLE Category Type "Security", MISLE Control Type "IMO Related Detention"), then the unit must enter into MISLE both a Safety and a Security "IMO Related Detention".

2. Deficiencies Compliance Dates. Assign a compliance date appropriate to the nature of each deficiency. The OCMI or COTP shall determine the length of time allowed to correct the deficiencies. In making the determination, the OCMI or COTP should consider the following: the nature and severity of the deficiency, the amount of time normally needed to correct such a deficiency, the availability of resources to correct the deficiency, and the vessel's itinerary.

   a. ISPS Security-Related Deficiencies. Compliance dates for security-related discrepancies will normally require a more stringent timeline for correction than

safety-related discrepancies. In addition, units should consider assigning vessel control actions to ensure compliance prior to a vessel's departure or transit to the next U.S. port.

b. Safety-Related Deficiencies. For most safety-related discrepancies, a one-month compliance date is appropriate, but is at the discretion of the OCMI or COTP.

3. Deficiency Format. Units should write deficiencies as described in the *Port State Control Job Aid* located at http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371. When applicable, units shall use International convention cites for deficiencies found on foreign vessels. See Appendices A and B of Enclosure (4).

4. Immediate MISLE Reporting. To assist other ports in correctly targeting vessels for examination and make key information available to the chain of command, it is critical that field units quickly and properly document boarding activities and results in MISLE.

a. Scheduling an Examination. Field units shall open an inspection activity and schedule an inspection immediately after targeting a vessel for examination. If the unit cancels an inspection, the unit shall immediately delete the activity from MISLE.

b. Post-Examination Operational Controls. After completing an examination, field units shall, at a minimum, document in MISLE an outline of any control actions taken, the authority for actions taken as appropriate (SOLAS or domestic law for detentions, expulsions, denial of entry, etc.) and briefly describe the deficiencies that lead to the control action (e.g. failed fire drill, excessive oil in engine room, ship security officer not familiar with security duties, etc. under SOLAS or unsafe conditions that represent a danger to the port under the Ports and Waterways Safety Act) in the activity narrative in MISLE for the inspection activity.

c. Removing Operational Controls. In cases where the Coast Guard detains or temporarily denies a vessel entry to port for safety, security or environmental deficiencies, units must immediately, but no later than 4 hours after removing the operational control, reopen the MISLE inspection case and amend it to reflect release of the vessel from the operational control.

d. Ship Management Information. Units shall only enter charterer information into MISLE under the Involved Parties tab. Do not associate a charterer to an individual vessel, since charterers change frequently. Additionally, units should fill out the ship management information on Form A, Block 14, to ensure mailing addresses are correct. Attaching the Continuous Synopsis Record does not satisfy the requirement of actually filling out Block 14.

e. RSO Information. Units shall associate the RSO for each vessel arrival by adding the RSO into MISLE as an Involved Party. Units shall not create a new RSO listing in

MISLE, but should only select from the pick-lists entered by CG-3PCV-2. Units should continue to document RSO information for Issuing Authority on the Form A.

f. Long-term operational controls. If the Coast Guard detains the vessel for more than one week, the unit shall reopen the MISLE inspection case and amend it to reflect that the detention continues. Units shall continue to do this at least once per week until they release the vessel from detention.

g. Complete documentation. Except as noted in paragraph E. above, units may complete remaining MISLE entries at a later time.

F. Port State Control Report of Inspection. Units shall document all port state control examinations with CG-5437A (Form A) and CG-5437B (Form B), if the latter is applicable, in accordance with the direction contained in this enclosure. The next several pages include samples of Form A and Form B, and instructions for both report forms.

1. The Port State Control Report of Inspection is the single most important document the Coast Guard issues to foreign vessels. It documents the deficiencies or non-conformities that result in our finding a vessel substandard.

2. This report receives attention at high levels within the Coast Guard and foreign government agencies. Therefore the report must clearly articulate the reasons for detaining substandard vessels for safety and environmental compliance deficiencies or detaining, expelling from port, or denying entry to port a substandard vessel for maritime security deficiencies. To accomplish this, the report must outline a deficiency description that shows substandard conditions and list appropriate authority under the international conventions for each deficiency to support the action taken.

3. This NVIC (see enclosure (4)) and IMO documents (IMO resolution A.787 as amended by Resolution A.882 and IMO Circular 1111) outline substandard conditions that merit vessel detention, expulsion from port or denial of entry. The COTP/OCMI should refer to these documents before taking such action, with an aim to promote consistency.

4. Note for all deficiencies the description of the deficiency must be a direct and succinct statement that should contain two important elements. First, the description should describe the standard the ship does not meet. Second, the description should state why the ship does not meet the requirement.

Dept. of Homeland Security U.S. COAST GUARD CG-5437A (5-2004)	**Port State Control Report of Inspection - FORM A*** In accordance with IMO Port State Control Procedures [Resolution A.787(19), as amended by Resolution A.882(21)] and the International Ship & Port Facility Security (ISPS) Code	**MISLE Activity No.** **Activity Type:**

1. Reporting Country: United States of America		**2. Name of Ship:**	
3. Flag of Ship:		**4. Ship Type IMO Code:**	**5. Call Sign:**
6. IMO Number:		**7. Gross Tonnage:**	**8. Deadweight** (where applicable)**:**
9. Year of Build:	**10. Date of Inspection:**	**11. Place of Inspection:**	
12. Classification Society:		**13. Date of release from detention**:**	

14. Ship Management Information:

COFR Applicant:

Charterer:

ISM DOC Company:

Owner/Operator (if different than COFR or DOC):

15. Relevant Certificates/Documents:**

	a) name	*b) issuing authority*	c) *dates of issue and expiry*
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____
4)	_____	_____	_____
5)	_____	_____	_____
6)	_____	_____	_____
7)	_____	_____	_____

*d) information on last intermediate or annual survey/audit***

	date	*surveying/auditing authority*	*place*
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____
4)	_____	_____	_____
5)	_____	_____	_____
6)	_____	_____	_____
7)	_____	_____	_____

Circle all applicable parts for 16-19 below:

16. Deficiencies Identified: No Yes (if yes circled, see Form B (CG-5437B))

17. Major Control Action: No Detention Expulsion Denial of Entry

18. Priority: PI PII NPV ISPS I ISPS II ISPS III Random

19. Drills Conducted? No Fire Drill Abandon Ship Drill ISPS/Security Related Drill

Copy provided to: _____

_____
(printed name of Master/Vessel representative)

(Signature)

Name of PSCO: _____

_____
(printed name of duly authorized PSCO of reporting authority)

(Signature)

Issuing Unit Name and Address:
forwarded to:

appropriate **Reviewed by Supervisor:**

Copies
Check as

U.S. Coast Guard
Port State Control Report of Inspection- Form A (CG-5437A)

Instructions

The Port State Control Report of Inspection – FORM A is intended to provide documentation to the various parties associated with a foreign vessel and other port States on the outcome of an International Ship & Port Facility Security Code (ISPS compliance verification examination) or Port State Control (PSC) safety examination conducted by the U.S Coast Guard. The unit shall complete a Report of Inspection – FORM A, and a Report of Inspection - FORM B if there are deficiencies for all ISPS & PSC compliance exams.

FORM A Guidance:

Block 4 – See list of ship types.

Blocks 13, 15, and 17– Complete only when the Coast Guard detains, expels or denies entry to the vessel.

Block 15 – Only certificates that are related to deficiencies that are grounds for detention need to be listed (e.g. If the ship is being detained for deficiencies with the lifeboat, then the Safety Equipment Certificate should be listed.)

Block 16 – If checked "yes", complete FORM B (CG-5437B).

Provide copies to the vessel, flag State and/or recognized organization/ RSO /classification society only after the Master or vessel representative and the PSCO have signed the forms.

In the event of a detention, provide a copy of FORM A and FORM B to the Flag State and Recognized Organization/RSO/Class Society.

In the event of a detention, scan both forms and email to CG-3PCV at HQS-PF-fldr-G-PCV@uscg.mil with the return receipt option checked. The unit shall also email or fax these forms to the flag state and owner/operator/charterer & classification society and RSO if possible. Place the scanned Forms A & B in MISLE under documents for historical reference.

Supplementary Notes for Form A (in addition to the notes provided on the reverse of the Form)

General – Complete the entire Form, **NO SHORTCUTS**

Block 2 - List the current name of the ship. If the vessel recently changed its name, add the previous ship's name in parentheses, e.g. (Ex: OLD NAME).

Block 3 - Spell out Flag Administration, do not use 2 letter country code.

Block 4 - Page 12 of this Enclosure also provides the ship type codes.

Block 7 – Use Gross Tons ITC per International Tonnage Convention Certificate. If the vessel also has Gross Register Tonnage or National Tonnage, include this information in parentheses, e.g. (Nat. Tonnage 482) or (GRT 314).

Block 8 – Only applies to oil tankers, use value shown on IOPP Certificate.

Block 12 - If vessel is associated with a Recognized Security Organization (RSO), list the RSO in parentheses after the Classification Society information, e.g. (RSO – ABS). If not enough room to list, make note on bottom of form.

Block 14 – For ISM Company, see definition in SOLAS Regulation IX/1.2.

Block 15a – Only certificates that are related to deficiencies that are grounds for detention need to be listed (e.g. If the USCG detains the ship for deficiencies with the lifeboat, list the Safety Equipment Certificate, if the USCG detains the ship for poor access control and poor control of restricted areas, list the International Ship Security Certificate, if the USCG detains the ship for both safety and security, list all relevant certificates).

Block 15d – Dates of last survey relative to the listed certificate are critical for CG-3PCV to determine whether a Recognized Organization or Recognized Security Organization should be associated with the detention. This directly impacts vessel targeting.

Block 17 – Add a note if the USCG applied more than one major control action (i.e. detained for safety and detained for security)

Activity Types

Code	Activity
PSC [type]	Port State Control Examination (Annual/Re-exam/Deficiency Check)
ISPS/MTSA	ISPS/MTSA Compliance Verification Examination
COC-CVE REN	Control Verification Examination (Renewal Exam)
COC-TVE REN	Certificate of Compliance/ Tank Vessel (Renewal Exam)
COC-CHEM REN	Certificate of Compliance/ Chemical Carrier (Renewal Exam)
COC-GAS REN	Certificate of Compliance/ Gas Carrier (Renewal Exam)
COC-CVE QTRLY	Control Verification Examination (Quarterly or Semi-Annual Exam)
COC-TVE ANN	Certificate of Compliance/ Tank Vessel (Annual Exam)
COC-CHEM ANN	Certificate of Compliance/ Chemical Carrier (Annual Exam)
COC-GAS ANN	Certificate of Compliance/ Gas Carrier (Annual Exam)
MAR*	MARPOL Examination
ISM *	ISM Examination
ILO*	ILO-147 Examination
LL*	Loadline Examination
STCW*	STCW Examination
BAL *	Ballast Water Examination

* Do not need to record if completing in conjunction with a major examination

Ship Types

IMO Code	Ships Types
11	Tankship (general)
12	Combination Carrier (e.g. OBO)
13	Oil Tankship
14	Vegetable Oil Tankship
20	Gas Carrier (general)
21	LPG Carrier
22	LNG Carrier
30	Chemical Tankship
40	Bulk Carrier
41	Cement Carrier
51	Barge Carrier
52	Vehicle Carrier
53	Containership
55	Ro-Ro Cargo Ship
60	General Dry Cargo Ship
61	Refrigerated Cargo Ship
71	Passenger Ship
72	Ice Breaker
73	Factory Ship
74	Research Ship
75	Heavy Load Carrier
76	Offshore Supply Ship
77	Rescue/Standby Ship
78	Cutter/Dredger
83	Towboat/Tug
99	Other

Dept. of Homeland Security U.S. COAST GUARD CG-5437B (3-2004)	**Port State Control Report of Inspection - FORM B** In accordance with IMO Port State Control Procedures (Resolution A.787(19), as amended by Resolution A.882(21)) and Ship & Port Facility Security Code (ISPS)	**Activity No:** **Activity Type:**

1. Reporting country: United States of America

2. Name of Ship:	**3. IMO Number:**
4. Date of Inspection:	**5. Place of Inspection:**

6. Nature of Deficiency[1]**:**

code	*description*	*cite (convention)*	*(action taken)*[2]

Copy provided to: _____ _____
(printed name of Master/Vessel representative) *(Signature)*

Name of PSCO: _____ _____
(printed name of duly authorized PSCO of reporting authority) *(Signature)*

Issuing Unit Name and Address:

Copies forwarded to:
(Check as appropriate)
__Agent
__Flag State
__Recognized Organization
__RSO
__Ship Management

Reviewed by Supervisor:
(print name, sign and date)

1 This inspection was not a full survey and deficiencies listed may not be exhaustive. In the event of a detention, it is recommended that a full survey is carried out and all deficiencies are rectified before an application for re-inspection is made.

2 Codes for action taken, see below. (Note, code numbers are derived from international harmonization; US uses similar codes and those numbers are reflected below)

10 Deficiency Rectified	17 Rectify deficiencies prior to departure	20 Ship expelled
15 Rectify deficiencies by next port	60 Rectify deficiencies prior to movement	25 Ship denied entry
40 Rectify deficiencies within 7 days	70 Rectify deficiencies prior to next US port after sailing foreign	a. To the satisfaction of Class/RO/RSO
16 Rectify deficiencies within 14 days	30 Ship detained	b. To the satisfaction of the Administration
50 Rectify deficiencies within 30 days		c. To the satisfaction of the Coast Guard

U.S. Coast Guard
Port State Control Report of Inspection- Form B
(CG-5437B)

Instructions

The Port State Control Report of Inspection – FORM B provides documentation to the various parties associated with a foreign vessel and other port States on the outcome of an ISPS compliance verification exam or Port State Control (PSC) safety examination conducted by the U.S. Coast Guard. The Port State Control Officer shall complete a Report of Inspection, FORM B to document all deficiencies noted during any ISPS compliance verification exam and/or PSC examination.

FORM B Guidance:

Block 6 – See list of deficiency codes.

Distribution – The PSCO shall provide the original Form A and Form B to the vessel after the Master or vessel representative signs the forms.

In the event of a detention or other major control action, the PSCO shall provide a copy of Form A and Form B to the flag State, ship management and recognized organization/classification society and/or RSO, as appropriate. Email is an appropriate method to transmit these documents to the flag State, ship management, etc.

In the event of a detention, the PSCO shall scan and email both forms into MISLE

The PSCO shall place the scanned version of the Form A and Form B in MISLE under documents for historical reference. The PSCO shall document control actions in MISLE within 4 hours of completion of boarding. If detention control action is completed and the boarding will continue at a later date prior to vessel release, then the PSCO shall document the control action in MISLE within 4 hours of the time of detention.

Supplemental Guidance for Form B (in addition to the notes provided on the reverse of the Form)

Block 6, General – Complete all four columns for each deficiency listed. Group deficiencies by order of severity (i.e. Code 20, 25 and 30 items first, Code 17 items next, etc.). Place any 33 CFR items and ILO items at the end of the Form B (note 33 CFR items and ILO items are not detainable items). Supervisors shall review all deficiencies to ensure the deficiencies listed warrant the detention actions.

Block 6, Code **–** See list of deficiency codes.

Block 6, Description - The description of the deficiency is a direct and succinct statement that should contain two important elements. First, the description should describe the standard the ship does not meet. Second, the description should state why the ship does not meet the requirement. The following Table provides sample deficiency descriptions based upon conditions noted on board a vessel. For illustration purposes, all SOLAS citations are from the 2004 Consolidated Edition.

Condition Noted	Sample Deficiency Description	SOLAS Citation
Interim International Ship Security Certificate Expired	Vessel required to have an International Ship Security Certificate (ISSC) had an expired interim ISSC.	XI-2/9 ISPS Code Part A/19.3
Main propulsion Remote Control System Inoperative	Vessel manned for unattended machinery operation however remote engine controls on bridge are not operational.	II-1/26 II-1/49
Excessive oil in Machinery space bilge	Vessel has at least 200 gallons of oil in machinery space bilge and dirty oil tank is full. Presence of this excessive oil is a fire hazard.	II-2/2.1 XI-1/4
Emergency Generator fails to take load	Upon loss of main power, emergency generator started but did not automatically take load.	II-1/42.3.1.2 (Pass vessel), II-1/43.3.1.2 (Cargo vessel)
Steering gear motor inoperative	Vessel has dual hydraulic power units for required main and auxiliary steering gear, one of which is not operational.	II-1/29.1
Lifeboat release gear inoperative	During abandon ship drill, port lifeboat release gear found frozen and boat could not be released to the water.	III/16.2
Holes in fire main prevent system from maintaining adequate pressure	The fire main system is not capable of providing required pressure at hydrants while delivering water through two required jets of water due to numerous leaks in the fire main.	II-2/10.2.1.6
Inadequate foam supply for fixed deck foam system	Quantity of foam supply for fixed deck foam system not adequate to meet the coverage requirements of the FSS Code.	II-2/10.8 FSS Code Chapter 14
EPIRB not operational	Satellite EPIRB required for sea area A1 not operational	IV/8.3
Navigation Charts not adequate for voyage	Nautical Charts for [the intended voyage – specify the actual bodies of water] not maintained up to date. Chart is a 1992 chart and does not include updates from 1992 to present.	V/27
Drills	Fire drill not satisfactory. Crew not familiar with essential shipboard procedures, fire team did not set boundary around fire and personnel donning fireman's outfits did not properly don self-contained breathing apparatus.	XI-1/4
Manning	Crew on board the vessel does not correspond substantially with the safe manning document. Chief engineer did not have appropriate license and second officer not currently assigned to the vessel.	V/14.2
Working Language	Given multi-national nature of crew, working language for the vessel designated as English. Non-licensed engineering crew and several stewards' department personnel not able to speak English sufficiently to understand emergency instructions and communicate on safety matters.	V/14.3

Cargo Approval	Vessel transporting bulk cargo not authorized by vessel's Certificate of Fitness.	IGC Code 7.1.2
Load Line Submerged	Vessel leaving for sea with Load Line submerged beyond that allowed by fresh water allowance.	ICLL 1966, Art.12.(1)
Required Oil Content meter inoperative	The OWS system is not capable of ensuring treated water discharged to the sea contains no more than 15 ppm of oil since the alarm and automatic stopping arrangements (vessel is over 10,000 GT ITC) are inoperative.	MARPOL Annex I, Reg. 16(2)
Oil Record Book	Vessel Oil Record Book includes false entries indicating daily operation of the OWS, however the OWS has not operated for months.	MARPOL Annex I, Reg.
Unauthorized bypass	Vessel required to have automatic stopping arrangements has unauthorized bypass fitted in the piping between the OWS output and oil content sensor leading to the portside auxiliary cooling overboard discharge, which would permit direct overboard discharge of oily water.	MARPOL Annex I, Reg. 9
Deficient access control – crew not manning gangway	Ships personnel not providing access control for the vessel, gangway not manned as required by ship security procedures and the PSCO boarded vessel without challenge.	ISPS Code, Part A, Section 7.2.2

Commandant (CG-3PCV) will provide additional examples at its Port State Control Website. See http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371.

In cases where the vessel has multiple deficiencies affecting safety or security, none of which merit detention or major control action, but collectively make the vessel substandard with respect to the international conventions, the COTP/OCMI may include the following statement on the Form B to state, "The above deficiencies (or list which items) individually do not merit vessel detention, but each impacts vessel safety. Collectively these deficiencies indicate that the vessel is unsafe to proceed to sea".

Block 6, Cite – List the correct SOLAS, MARPOL, STCW, or ICLL cite for the deficiency (e.g. SOLAS Reg. II-2/10.2.1.6, ISPS Code Part A, Section 7.2.2, or MARPOL Annex I, Reg. 16(2) and 16(5))

Block 6, Action Taken – Use the Codes at the bottom of Form B to describe the action taken for each deficiency. A combination of deficiencies of less serious nature (see action codes 10 – 17, 40, and 50) may also warrant detention (Code 30) of the ship. If the PSCO detains a ship due to a combination of less serious deficiencies, the PSCO should add a note to the bottom of the Form B explaining this action.

DEFICIENCY CODES

Code	Category/Description
0100	**Ship's certificates and document**
0110	Cargo ship safety equipment
0111	Cargo ship safety construction
0112	Passenger ship safety
0113	Cargo ship safety radio
0114	cargo ship safety
0115	harmonized System of Certificates
0116	International Ship Security Certificate
0117	Continuous Synopsis Record
0120	Load Lines
0130	Liquefied gas un bulk Cof/GC-code
0131	Liquefied gas in bulk Cof/BC-code
0135	Minimum safe manning certificate
0140	Danger chemical bulk Cof/BC-code
0141	Danger chemical bulk Cof/BC-code
0150	Oil pollution prevention (IOPP)
0155	Poll. Prevent. noxious liquid subst.
0170	Doc. Compliance dangerous goods
0190	Ship's logbooks/compulsory entries
0199	Other (certificate)
0200	**Crew**
0210	Minimum age
0220	certificates of competency
0230	Number/composition (manning)
0240	Medical Certificates
0250	Certif. Persons for survival craft.
0299	Other (crew)
0300	**Accommodation**
0310	Dirty parasites
0320	Ventilation heating accommodation
0330	Sanitary facilities
0340	Drainage
0350	Lighting accommodation
0360	Pipes wires (insulation) accomm.
0370	Sick bay
0371	Medical equipment
0399	Other (accommodation)
0400	**Food and catering**
0410	Gallery handing rooms
0420	Provisions
0430	Water pipes and tanks
0499	Other (Food and Catering)
0500	**Working Space**
0510	Ventilation Heating work spaces
0520	Lighting- working spaces
0599	Other (working spaces)
0600	**Life saving appliance**
0610	Lifeboats
0611	Lifeboat inventory
0613	Stowage of lifeboats
0615	Rescue Boats
0616	Rescue boats inventory
0618	Stowage of rescue boats
0620	Inflatable liferafts
0625	Rigid liferafts
0628	Stowage of liferafts
0630	Launch arrangt.for survival craft.
0635	Launch arrangt. for rescue boats
0640	Distress flares
0650	Lifebuoys
0660	Lifejackets
0663	Immersion suits
0666	Thermal protective aids
0669	Radio-life saving appliance
0670	Portable radio app. for surv. Craft
0671	Radiotelegraph install. for survival craft.
0672	EPIRB's for survival craft
0673	2way radiotelegraph app. for surv. Craft
0674	Emergency equip. for 2-way commun.
0675	General Emergency Alarm
0676	Public address system
0680	Embarkation arrang. Surv. Craft
0683	Embarkation arrang. Rescue boat
0684	Means of recovery life saving appl.
0685	Marking Number Capacity
0686	Buoyant apparatus
0690	Line throwing apparatus
0695	Training/instruction manual
0696	Record of inspections/maintenance
0699	Other (Life Saving Appliances)
0700	**Fire fighting appliances**
0710	Fire prevention
0715	Detection
0720	Fire fighting equipment
0725	Fixed fire extinguishing installation
0730	Appliances (general equipment)
0735	Personal equipment – fire fighting
0740	Pumps
0745	Fire-dampers remote control, etc.
0750	Fire prevention
0799	Other (Fire fighting equipment)
0800	**Accident prevention**
0810	personal equipment-accid-prevent
0820	Protection machines/parts
0830	Pipes wires (insulat)-accident prev.
0899	Other (acid prevent)
0900	**Safety in general**
0910	Closing devices watertight doors.
0915	Signs indications
0920	Safety plan
0925	Musters and drills
0930	Stability/strength
0936	Steering gear
0938	Hull damage impairing seaworthiness
0940	Ballast fuel and other tanks
0945	Emergency lighting, etc.
0950	Electric equipment in general
0955	Pilot ladders
0956	Gangway accommodation ladder
0960	Means of escape
0970	Location emergency installation
0981	Beams, frames,floors – opps damages
0982	Beams, frames, floors – corrosion
0983	Hull – corrosion
0984	Hull – cracking
0985	Bulkheads – corrosion
0986	Bulkheads – operational damages
0987	Bulkheads – cracking
0988	Deck – corrosion
0989	Deck – cracking
0999	Other (safety in general)
1000	**Alarms – signals**
1010	General alarm
1020	Fire alarm
1030	Steering gear alarm
1040	Engineers' alarm
1050	Inert gas alarm
1060	Machinery controls alarm
1070	UMS alarms
1080	Boiler – alarms
1099	Other (alarm – signals)
1100	**Cargo**
1110	Stowage of cargo
1120	Grain
1130	Stow/pack, dangerous goods
1135	Dangerous liquid chemicals in bulk
1138	Liquefied gases in bulk
1140	Other cargoes
1150	Loadings and unloading equipment
1160	Holds and tanks
1170	Dangerous goods code
1199	Other (cargo)
1200	**Load Lines**
1210	Overloading
1220	Freeboard marks
1230	Railing cat walks
1240	Cargo and other hatchways
1250	Covens (hatchways tarpaulins)
1260	Windows side scuttles
1270	Doors
1275	Ventilations air pipes
1280	Machinery space openings
1282	Manholes flush scuttles
1284	Cargo ports etc.
1286	Scuppers inlets etc.
1288	Freeing ports
1290	lashing (timber)
1299	Other (Load Lines)
1300	**Mooring arrangements**
1310	Ropers, wires
1320	Anchoring devices
1330	Winches and capstans
1340	Adequate lighting
1399	Other (Mooring Arrangements)
1400	**Propulsion & aux. Machinery**
1410	Propulsion main engine
1420	Cleanliness of engine room
1430	Auxiliary engines
1440	Bilge pumping arrangements
1450	UMS – ship
1460	Guards and fencing
1470	Insulation wetted through (oil)
1499	Other (Prop. & Aux. Machinery)
1500	**Navigation**
1510	Navigation equipment
1520	Shipborne navigational equipment
1530	Radar
1540	Gyro compass
1541	Signs indications
1550	Lights shapes and sound signal
1551	Signalling lamp
1560	Charts
1570	Nautical publications
1575	Echosounder
1580	Log
1581	Rudder angle indicator
1590	International code of signals
1599	Other (Navigator)
1600	**Radio**
1610	Auto alarm
1615	Watch receiver 218KHz
1620	Main Installation
1621	MF radio installation
1623	MF/HF radio installation
1625	INMARSAT ship earth station
1630	Reserve installation
1635	Maintenance/duplicat. Of equipment
1640	Direction finder
1650	VHF station
1651	VHF radio installation
1655	Facilities for receipt marine safety
1660	Radiotelegraph motorlifeboat
1670	Portable radio installation
1671	Satellite EPIRB 406MHz/1.6GHz
1673	VHF EPIRB
1675	Ships radar transponder
1677	Reserve sources of energy
1680	Radio log (diary)
1685	Operation/ maintenance
1699	Other (Radio)
1700	**Marine pollution – Annex I**
1705	SOPEP missing or deficient
1710	Oil record book
1720	Control of discharge of oil
1721	Retention of oil; on boards
1725	Segregation of oil & water ballast
1730	Oily-water separating equipment
1735	Pumping discharge arrangements
1740	Oil discharge mon/contr system
1745	15 PPM alarm arrangements
1750	Oil/water interface detector
1760	Standard discharge connection
1770	SBT,CBT,COW
1780	Pollution report – Annex I
1790	Ship type designation – Annex I
1795	Other (Suspected of Discharge Violation)
1799	Other (MARPOL Annex I)
1800	**Tankers**
1810	Cargo area segregation
1815	Air intakes mach. & control station space
1816	Wheelhouse door – window
1820	Cargo pumproom / handing spaces
1825	Spaces in cargo area
1830	Cargo transfer
1835	Cargo vent system
1836	Temperature control
1840	Instrumentation
1850	Fire protection cargo deck area
1860	Personnel protection
1870	Special requirements
1880	Cargo information
1885	Tank entry
1899	Other (tankers)
1900	**MARPOL Annex II**
1910	Cargo record book
1911	P&A manual
1920	Efficient stripping
1925	Residual discharge systems
1930	Tank washing equipment
1940	Prohibited discharge of NLS slops.
1960	Cargo heating systems cat- b subst.
1970	Ventilation procedures/ equipment
1980	Pollution report – annex II
1990	Ship type designation – annex II
1999	Other (MARPOL Annex II)
2000	**SOLAS related operational defic.**
2010	Muster list
2015	Communication
2020	Fire drills
2025	Abandon ship drills
2030	Damage control plan
2035	Fire control plan
2040	Bridge operation
2045	Cargo operation
2050	Operations of machinery
2055	Manuals instructions etc.
2060	Dangerous goods / harmful sub pack
2099	Other (SOLAS Operational Def.)
2100	**MARPOL related operational defic.**
2110	Oil/Oily mixtures machinery spaces.
2115	Loading/ unloading/ cleaning proc. Carg
2120	Garbage
2199	Other (MARPOL operational Def.)
2200	**Marine pollution – Annex III**
2210	Packaging
2220	Marking and labeling
2230	Documentation
2240	Stowage
2299	Other (MARPOL Annex III)
2500	**ISM related deficiencies**
2510	Safety and environmental policy
2515	Company responsibility and authority
2520	Designated person
2525	Masters responsibility and authority
2530	Resources and Personnel
2535	Development of plans for shipboard ops
2540	Emergency preparedness
2545	Reports/Analysis of non-conformities etc.
2550	Maintenance of ship and equipment
2555	Documentation
2560	Company verification, review and evaluat
2565	Certification, verification, and control
3000	**ISPS/Security related deficiencies**
3010	Ship Security Plan
3020	Declaration of Security
3030	Logs/ Records
3031	Training
3032	Drills
3040	Ship ID Numbers
3041	Security placards
3050	Access control
3051	Restricted areas
3060	Screening Process
3061	Response procedures
3062	Evacuation procedures
3063	Reporting Security Incidents
3064	Communications
3070	Automatic Identification System
3071	Ship Security Alert System
3072	Maintenance/Calibration/Testing
3073	Other Security Equipment
3080	Vessel Security Level
3090	Ship Security Officer
3091	Shipboard Personnel
3099	Other (ISPS/Security related deficiencies)
9800	**Other (clearly hazardous)**
9900	**Other (not clearly hazardous)**

Summary of Changes.

Ch-1.

1. Grammatically revised text in Introduction.
2. Changed MISLE Documentation 24 hour requirement for all detentions, expulsions, and denials of entry to be entered into MISLE immediately.
3. Added new section on Immediate MISLE Reporting.

Ch-2.

1. Made miscellaneous editorial changes.
2. Provided additional guidance for Forms A & B.
3. Added deficiency examples and link to CG-3PCV-2 website for additional deficiency examples.

ENCLOSURE 3

EXAMINATION PROCEDURES, CH-2

EXAMINATION PROCEDURES, CH-2

This enclosure details the guidelines and procedures for vessel examinations and security boardings.

Introduction.

This enclosure explains compliance examination and boarding procedures as specified in laws, convention agreements, and regulations that apply to all foreign vessels operating in U.S. waters. Personnel will observe security procedures while gaining entry to the vessel or facility and ensure that vessel personnel examine identification and ask the purpose for the visit. Federal law enforcement personnel shall present their official identification to enter or board any vessel, facility, or OCS facility when performing MTSA/ISPS-related enforcement activities. Military identification meets the requirements set forth in 33 CFR 101.515, and is "proper personal identification" for MSTA/ISPS enforcement. Federal law enforcement personnel are not required to surrender their military identification card to vessel security personnel as this card is federal property. After showing proper identification, enforcement personnel are not required to submit to a baggage search. The failure of vessel crew to search the baggage of the federal law enforcement is not a deficiency. Further, federal law enforcement officials shall not use their baggage to test shipboard ISPS/MTSA security procedures.

1. Types of Examinations.

   United States Coast Guard (USCG) compliance examinations and security boardings performed on foreign vessels involve a combination of law enforcement, safety and security verification procedures authorized by an array of legal authorities. Whether a vessel is a high interest vessel (HIV) or a vessel selected for examination for any other reason, one or more of the following compliance examinations or boardings may be appropriate:

   A security boarding is different than a *ISPS/MTSA Security Compliance Examination* or a *Non-Convention Vessel Security Compliance Examination*. It is a limited examination by an armed boarding team of a vessel (including the cargo, documentation, and persons on board) designated by the COTP, arriving or departing a U.S. port, to deter acts of terrorism and/or transportation security incidents. For more information, please refer to Chapter 10.C.2 of the Coast Guard's *Maritime Law Enforcement Manual*, COMDTINST M16247.1 (series).

   The *ISPS/MTSA Security Compliance Examination* looks at how vessels comply with security regulations and conventions. The COTP or OCMI makes the decision to complete this exam based on the outcome of an unclassified screening process called the *ISPS/MTSA Security Compliance Targeting Matrix*.

   Since there are some foreign vessels that need to comply with domestic regulations, but not international conventions, a *Non-Convention Vessel Security Compliance Examination* was established (See Enclosure (3) to NVIC 04-03). For example, vessels subject to the Caribbean Cargo Ship Safety Code need to comply with regulations issued under MTSA, but not with SOLAS conventions and the ISPS Code. The *Non-Convention Vessel Security Compliance Examination* looks at how vessels comply with domestic security regulations. The COTP or OCMI makes the decision to complete this exam based on the *ISPS/MTSA Security Compliance Targeting Matrix*.

The *Port State Control (PSC) Safety and Environmental Protection Compliance Examination* looks at how vessels comply with safety and environmental protection regulations and conventions. The COTP or OCMI makes the decision to complete this exam based on the outcome of an unclassified screening process called the *PSC Safety and Environmental Protection Compliance Targeting Matrix*.

See Enclosure 1 of this NVIC for more information on the screening tools, collectively referred to as the *Compliance Verification Examination Matrices*: *PSC Safety and Environmental Protection Compliance Targeting Matrix, ISPS/MTSA Security Compliance Targeting Matrix,* or the *HIV Matrix.*

For vessels selected for examination prior to port entry, the Captain of the Port (COTP) boarding team ensures each vessel meets certain minimum safety and security standards prior to entering a port. Meeting these standards ensures that the vessel poses neither a risk to security, nor a threat to the safety of the port, the environment, or the vessel's crew.

2. Authority.

When a COTP boarding team conducts a *Non-Convention Vessel Security Compliance Examination*, the team functions under the authority of several United States (U.S.) laws and regulations that address a variety of security and safety matters. Included among them are 50 USC 191, 14 USC 89, 33 USC 1226 and 33 CFR Part 6.

When the Coast Guard conducts a *ISPS/MTSA Security Compliance Examination* or *Non-Convention Vessel Security Compliance Examination*, we derive authority from the International Convention for the Safety of Life at Sea (SOLAS) 1974, Chapter XI-2, and domestic regulations issued under the Maritime Transportation Security Act of 2002 (MTSA). Regulations issued under MTSA include 33 CFR Parts 101-106.

When the Coast Guard conducts a *PSC Safety and Environmental Protection Compliance Examination*, we derive authority under 14 USC 89(a), SOLAS, the International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78, 33 CFR 164, the International Convention on Standards of Training, Certification and Watchkeeping (STCW), as well as other treaties or regulations that address material safety issues and crew training.

A. Examination Decision/Location Reference Table for Vessels Arriving or In a U.S. Port.

Each Notice of Arrival (NOA) received by a COTP leads to the use of one or more screening tools. These tools collectively referred to as the *Compliance Verification Examination Matrices*, use Risk-Based Decision Making (RBDM) to determine the potential risk a vessel poses to a U.S. port. The *Compliance Verification Examination Matrices* will also determine what type of boarding or examination will occur, their priority and location. The table below describes the examination requirement for each vessel entering a U. S. port. It merges both the ISPS/MTSA Security Compliance Examination Matrix with the PSC Safety and Environmental Protection Compliance Examination Matrix. This table does not address vessels designated as an HIV. Vessels

designated by the COTP as HIVs will be subject to a security boarding at sea in accordance with the requirements of section B of this enclosure.

Table 3 Examination Decision/Location Reference Table

	PI	PII	NPV
ISPS I	Location: at sea Conduct: • *MTSA/ISPS Security Compliance Exam* • *PSC Safety/Environmental Compliance Exam*	Location: at sea Conduct: *MTSA/ISPS Security Compliance Exam* Location: in port Conduct: *PSC Safety/Environmental Compliance Exam*	Location: at sea Conduct: *MTSA/ISPS Security Compliance Exam*
ISPS II	Location: in port Conduct: *MTSA/ISPS Security Compliance Exam* Location: at sea Conduct: *PSC Safety/Environmental Compliance Exam*	Location: in port Conduct: • *MTSA/ISPS Security Compliance Exam* • *PSC Safety/Environmental Compliance Exam*	Location: in port Conduct: *MTSA/ISPS Security Compliance Exam*
ISPS III	Location: at sea Conduct: *PSC Safety/Environmental Compliance Exam*	Location: in port Conduct: *PSC Safety/Environmental Compliance Exam*	IF RANDOMLY SELECTED Location: in port Conduct: • *MTSA/ISPS Security Compliance Exam* • *PSC Safety/Environmental Compliance Exam*

The *Compliance Verification Examination Matrices* apply to vessels in port and to those arriving. If a vessel experiences a change involving interested parties, such as a change of flag State or new operator, the COTP/OCMI should refigure targeting matrices in accordance with Enclosure (1) of this NVIC. For example, the COTP/OCMI may designate a non-HIV vessel as an HIV when a change to interested parties occurs while the vessel is in port. In such cases, the COTP/OCMI should perform a security boarding as soon as possible, but no later than vessel's departure.

B. Security Boarding Procedures.

1. Purpose: A security boarding, as defined in Chapter 10 of the Maritime Law Enforcement Manual (MLEM) COMDTINST M16247.1 (series) is a security sweep

and limited examination by an armed boarding team of a vessel (including the cargo, documentation, and persons on board) designated by the COTP, arriving (or on rare occasions departing) a U.S. port, to deter acts of terrorism and/or transportation security incidents.

2. Authority. The principal source of Coast Guard authority for this boarding is 14 USC 89(a). This law allows Coast Guard personnel to board any vessel in U.S. waters, including foreign-flag vessels, to enforce U.S. laws and regulations, to examine and search vessels, and, when necessary, arrest individuals in violation of those laws and regulations. See Chapter 2 of the MLEM for a detailed discussion of this authority.

3. Boarding Procedures. Security boardings are law enforcement boardings and conducted in accordance with the policy and procedures outlined in the MLEM. Chapters 1 through 4 of the MLEM contain overarching policy regarding the conduct of MLE operations, including a law and policy framework, policy on the conduct of boarding operations and rules governing the use of force. Chapter 10 of the MLEM further discusses policy and procedures for conducting security boardings. Boarding team members should be qualified in accordance with the MLEM. Exceptions to arming team members or removal of law enforcement equipment should comply with Chapter 3 of the MLEM. A qualified marine inspector or Port State Control Officer (PSCO) should also attend each security boarding resulting from HIV designation of vessels subject to SOLAS, and should hold a relevant qualification. For example, if the boarding team will be boarding a tank vessel, then the Marine Inspector should hold a tank vessel inspection qualification. The qualified marine inspector shall assist the boarding officer (BO) in identifying shipboard hazards and verifying that the vessel and crew are operating in a manner consistent with the stated purpose of the vessel. Generally, in this context, the BO is the lead person on the boarding team.

4. Discussion. Each security boarding should involve observation, inspection, and verification of the following:

   a. Observation of the vessel prior to boarding;

   b. Verification of the information submitted in the NOA and collection of information intended to assist the COTP in deciding whether to permit the vessel to enter or leave port;

   c. Verification that the vessel and crew are operating in a manner consistent with the stated purpose of the vessel and its intended destination; and

   d. Clarify, verify, and act on any intelligence that may have prompted the security boarding or HIV designation.

   These tasks are completed through examination of cargo, documentation, and persons on board, focusing on the deterrence of acts of terrorism and/or transportation security incidents (as defined in 46 USC 70101 (6)).

The security boarding will take place prior to any other vessel-related activity. This includes, but is not limited to, other Federal or State agency actions, vessel replenishment activity, and cargo operations. However, the Coast Guard will permit pilot boarding prior to conducting the security boarding.

5. Procedures.

   a. Prior to commencing a security boarding, the boarding team should meet to discuss the boarding plan and review pertinent vessel information including NOA information, Vessel Critical Profile, safety concerns, cargo information, and number of crewmembers and passengers. All planning for transportation, boarding team composition, and other related issues is the responsibility of the cognizant COTP.

   b. If arriving at the vessel by waterborne transport while the vessel is underway or anchored, the boarding team should circle the vessel to gain a general overview of the vessel's material condition and understanding of the vessel's structure. Also, the boarding team should observe the vessel's identification number at this time to ensure the information is consistent with the NOA. Upon embarkation, the boarding team will briefly meet with the vessel's master and ship security officer (SSO) or vessel security officer (VSO) to outline the procedures and requirements of the boarding. If a pilot is already on board, meet with this individual to determine if any unusual or suspicious activities have occurred since the pilot's arrival.

   c. Immediately upon completion of this meeting, the boarding team should conduct the remainder of the boarding in accordance with the procedures outlined in Chapter 3 of the MLEM. The boarding team should conduct a Basic Initial Safety Inspection (BISI) as outlined in Chapter 3 of the MLEM.

   d. Upon the completion of the BISI, boarding team will use available resources to determine the intent of the vessel during its time visiting the port, and examine all items that could cause damage to the U.S., its people or its possessions. At a minimum, the following areas of the vessel will be examined:

      (1) NOA and Document Check. Through reviews of the vessel's particulars, interviews of various crewmembers, ship's logs, and bills of lading, verify that the information supplied in the NOA is correct. Review the Safety Management Certificate and Document of Compliance and ensure these are valid and that the Administration or Recognized Organization has conducted required examinations. Dangerous Cargo Manifest (DCM): Certify that the DCM contains the required information. Verify document's accuracy when conducting the deck walk.

(2) Crewmember Identification. Certify that only crewmembers listed on the Crew List supplied to the National Vessel Movement Center (NVMC) are on board. Certify that the information provided on the NVMC Crew List is correct by comparing it with the mariners' passports and merchant mariner credentials. For cruise ships, conduct a spot check of crew members. At the same time, verify that the vessel's manning meets that required by the regulations by crosschecking the Safe Manning Document, the Crew List, and mariners' STCW credentials.

(3) Passenger Identification. For cargo vessels certificated to carry 12 or fewer passengers, certify that the only passengers on board are those listed on the Passenger List supplied to the National Vessel Movement Center (NVMC). Certify that the information provided on the NVMC Passenger List is correct by reviewing passports. Do not attempt this check on cruise ships!

(4) Ship's Log. Review the ship's log for required pre-arrival entries in accordance with 33 CFR 164. Also, verify that the list of previous ports provided in the NOA matches logbook entries.

(5) General safety/security. Team members should maintain vigilance throughout the boarding to ensure that any safety hazards that might exist do not affect security or safety. A qualified marine inspector will also attend the security boarding to verify the vessel is in good material condition and will not create a safety risk to the port. The inspector shall report any discrepancies noted to the BO or the PSCO, or both.

e. The International Ship & Port Facility Security (ISPS) Code mandates that certain security measures are in place on board a vessel. Elements of the ISPS Code assist in determining the potential security risk that a vessel poses to the U.S. Team members should examine these items as part of every *ISPS/MTSA Security Compliance Examination*, which is discussed in more detail in Section C of this enclosure. Brief descriptions of ISPS Code elements that should be examined are as follows:

(1) Determine the security level at which the vessel is operating. The ship security level must be at least as high as that set at the intended port of call. If the ship is at a lower security level than the port, the ship must raise its security level at least as high as that set at the intended arrival port.

(2) Verify the International Ship Security Certificate (ISSC) is on board and valid. The team should consider the ISSC valid if it is current and if there are no clear grounds that the vessel is not in compliance with the requirements of SOLAS Chapter XI-2 and the ISPS Code. Refer to Enclosure 3, Section C for a detailed discussion regarding the validity of the ISSC.

(3) Review the Continuous Synopsis Record (CSR). The BO should bring a copy of the information supplied in the NOA and review the CSR to verify that the CSR information matches the NOA information. While verifying this information[1], the BO should check similar information on other documents, such as the Passenger Ship Safety Certificate, International Oil Pollution Prevention Certificate, and Cargo Ship Safety Construction Certificate, to ensure consistency with the CSR.

(4) Review the records of security threats, incidents, and breaches to determine if any security-related incidents have occurred in the vessel's recent history. If an incident(s) has occurred recently, the BO should determine the details of the incident in order to assess whether it is relevant to the current port visit or poses any potential threat to the port. If so, the vessel must take steps to mitigate the threat prior to port entry.

(5) Verify that the Ship Hull Identification Number is permanently marked and matches that listed on the ISSC. (Note- the PSCO may do this immediately prior to boarding as described above).

f. Should the boarding team discover deficiencies in the vessel's security program, they should immediately advise the COTP. The COTP should evaluate the specifics of the situation and exercise appropriate control actions to mitigate any risk posed by the vessel. Appropriate control actions may include: delaying the vessel, detention of the vessel, restriction of operations (including movement within the port), expulsion of the vessel from port, or denial of entry to the port. Depending on the discrepancies, the authority for taking control actions may involve a COTP order or a SOLAS control measure. Refer to the procedures regarding Control and Enforcement (Enclosure 4).

g. The Coast Guard may target vessels denied entry or otherwise required to depart U.S. waters as a result of security-related discrepancies for future security boardings or *ISPS/MTSA Security Compliance Examinations* or both at sea prior to any subsequent U.S. port entry.

C. Security Compliance Examination Procedures. ISPS/MTSA Security Compliance Examination and Non-Convention Vessel Security Compliance Examination.
After selecting a vessel for examination, the PSCO shall examine the vessel to the extent necessary to determine whether the vessel is in substantial compliance with SOLAS Chapter XI-2 and the ISPS Code, Part A, taking into consideration the guidelines of the ISPS Code, Part B[2]. The PSCO must also take into consideration the clear distinction between flag State inspection and port state control (i.e., certifying vessel compliance with SOLAS Chapter XI-2, the ISPS Code, and MTSA versus verifying general compliance with SOLAS Chapter XI-2 and the ISPS Code through spot checks and visual

[1] Note lack of a Continuous Synopsis Record is not grounds for detention, denial of entry, or expulsion.
[2] Although the PSCO is onboard the vessel for the purpose of an ISPS security compliance examination, the PSCO should be alert to serious safety deficiencies and may expand the examination into such deficiencies.

observations of security implementation on the vessel). If a PSCO has clear grounds that a particular vessel's security arrangements do not substantially meet the requirements, then the PSCO should take control action, which may include a more detailed inspection (expanded examination) into the area of non-compliance. The PSCO should permit the vessel to begin cargo operations, bunkering, or taking on ships stores at a reasonable point[3] during the examination since observing security measures taken during these operations is part of the ISPS/MTSA compliance examination. The PSCO should also consider the following recommendations[4] when performing ISPS/MTSA security compliance examinations:

1. Vessel Security Level. Determine the security level at which the vessel is operating. The ship security level must be at least as high as that set at the intended port of call. If the ship is at a lower security level than the port, the ship must raise its security level at least as high as that set at the arrival port. For example, a vessel at security level 1 may screen or search all unaccompanied baggage, whereas at security level 2 the vessel should subject all baggage to examination.

2. Non-Compliant Ports. The Coast Guard's International Port Security Team reviews whether countries have made required reports to IMO regarding port compliance and visits countries to assess country compliance with the port facility security requirements of SOLAS Chapter XI-2 and the ISPS Code. The team makes recommendations to an interagency group that determines what actions the Coast Guard may take against vessels that have recently visited non-compliant countries. These recommendations may result in a Port Security Advisory. The COTP/OCMI will take actions against vessels that have called at non-compliant ports in accordance with any Port Security Advisories in effect and in accordance with direction provided in messages by Commandant (CG-3PCV). For further information, see Appendix B to Enclosure 4 of this NVIC.

3. Verify ISSC. Verify the ISSC is on board and valid. The PSCO should verify the original ISSC[5] is on board the vessel, and that the flag Administration or RSO has properly endorsed the ISSC. If the ship has an interim ISSC, confirm that the reason for interim certification is in agreement with one of the valid reasons specified in Section 19.4.1 of the ISPS Code, Part A, and that the conditions for interim certification outlined in Sections 19.4.2 – 19.4.6 of ISPS Code, Part A, are satisfied (For Non-SOLAS foreign flag vessels, see paragraph C.8 below).

4. Verify Ship Security Performance. The flag Administration, or an RSO on behalf of the flag Administration, should approve the SSP. The SSP should be on board the vessel or kept in an electronic format, and protected from unauthorized disclosure. For at-sea examinations, the PSCO should verify that the SSP is on board the vessel.

[3] Generally after observing access control procedures, observing control of restricted areas, verifying the International Ship Security Certificate, and verifying the ship's security level is at is at least the same as that of the port. For cargo operations, also completing any required port state control examinations related to the cargo system.
[4] The PSCO should also become familiar with MSC Circular 1111, "Guidance Relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code" before conducting any ISPS/MTSA compliance examination.
[5] Do not accept a copy!

The PSCO should confirm the SSP is written in the working language, or languages, of the crew, and, if this language is not English, French or Spanish, a translation into one of these languages is available. **The SSP is not generally subject to inspection**; however, the PSCO should, through observation, asking questions and reviewing security records, determine whether there are non-conformities related to vessel security. If there are clear grounds for believing that the ship does not have required security procedures in place, or is otherwise in violation of security provisions specified in the SSP, the PSCO should investigate. As part of the investigation, the PSCO may examine the relevant sections of the plan after exhausting other means to determine compliance. The PSCO must obtain the consent of either the vessel's flag State or the master of the vessel as specified in Paragraph 9.8.1 of ISPS Code Part A before examining relevant portions of the SSP. **Note: the PSCO may not review security provisions addressed in Paragraph 9.4, subparagraphs .2, .4, .5, .7, .15, .17, and .18 of Part A of the ISPS Code, without the consent of the vessel's flag State.**

The following is a discussion of each of the required elements of a SSP per Section 9.4 of ISPS Code Part A and verification procedures for each[6]:

a. ** Measures designated to prevent weapons, dangerous substances and devices intended for use against people, ships or ports from being carried on board the vessel*. The PSCO should observe procedures in place to determine whether security personnel are screening persons and their packages or baggage for weapons, dangerous substances and devices and whether security personnel show competence in these duties. If the PSCO notes that security personnel do not check persons and their packages or baggage, clear grounds exist for inspection of the ship, which may include asking additional questions or checking relevant provisions of the SSP (with prior permission of the master). Note that ships may not check PSCO baggage, equipment, or personal effects and the PSCO may not regard security personnel failure to check baggage as a deficiency. The PSCO should ask security personnel tasked with these duties related questions such as, *"At Security Level 1, do you check baggage or personal effects of all persons for weapons?", "How do you screen persons and their carry on baggage from bringing on board unauthorized weapons?*", or "*How do you intensify such screening as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*", or on cruises ships "*How do you segregate checked persons and their personal effects from unchecked persons and their personal effects?"* For cruise ships, the PSCO should also verify that the vessel meets the screening requirements contained in 33 CFR 104.295, which requires screening of **all** persons, baggage and personal effects at all MARSEC levels. See the ISPS Code, part B, section 9.9 through 9.17 for additional guidance regarding this required element.

b. *Identification of the restricted areas on board the vessel and measures for the prevention of unauthorized access to the ship and to restricted areas*. The PSCO

[6] The PSCO may most effectively check elements denoted with an asterisk when the vessel is in port.

should observe whether effective access control procedures, such as locks or guards, periodic security sweeps, escorts for visitors not authorized to access restricted areas, and surveillance equipment or intrusion devices (including seals or electronic devices) are in place for key spaces on board the ship including, but not limited to, the bridge, steering gear compartment, engine room, cargo control spaces, communications rooms, and similar spaces. When visitors or passengers are not on board, effective access control for restricted areas may be relaxed as specified in the approved ship security plan. The PSCO should observe that restricted areas are clearly marked, indicating that access to the area is restricted and that unauthorized access to the area is restricted. If the PSCO is able to access restricted areas without authorization, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP **(with prior permission of the flag Administration)**. The PSCO should note that the ship security plan may authorize the PSCO to access restricted areas without escort. Absence of locked restricted areas is not a deficiency unless the SSP mandates locked spaces as the only means for control of access to restricted areas[7]. The PSCO should ask security personnel tasked with these duties related questions, such as, "*What methods do you use to prevent unauthorized individuals from accessing restricted areas such as the bridge, main engine room, steering compartment, cargo areas, and other control stations?*", *"Does your security plan permit credentialed PSCOs to access restricted areas without escort"*, "*How do you intensify actions to prevent unauthorized access to restricted areas as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*", or "*Does the ship use surveillance equipment in restricted areas and is this equipment continuously monitored?*" For passenger vessels and ferries, the PSCO should verify that the vessel meets the applicable requirements related to security sweeps prior to getting underway as contained in 33 CFR 104.292. For cruise ships, the PSCO should verify that the vessel meets the applicable requirements related to security patrols and searching selected areas prior to embarking passengers and sailing contained in 33 CFR 104.295. See the ISPS Code, part B, section 9.18 through 9.24 for additional guidance regarding this required element.

c. * *Measures for the prevention of unauthorized access to the ship*. The PSCO should note that the vessel must have procedures for each security level for allowing access to the ship and allowing persons to remain on the ship. The PSCO may observe that: access control personnel are in place at all vessel accesses; other accesses to the vessel are secured; security personnel screen persons coming on board the vessel; and that the security personnel performing access control duties are knowledgeable. The PSCO should observe that crew with access control duties closely examine personal identification for validity and determine whether persons seeking to come on board have legitimate purpose to do so. The PSCO should expect the vessel to verify his/her credentials when accessing the vessel and should cooperate with vessel security personnel. The

[7] As part of the investigation, the PSCO may examine the relevant sections of the vessel's security plan after exhausting other means to determine compliance.

PSCO shall not attempt to mislead vessel security personnel or test the ship's access control using false identification cards or other deceptive means; such efforts are not acceptable. If the PSCO notes that security personnel are not available to check or do not check persons as they board the vessel, the vessel may have other procedures in place and the PSCO has clear grounds for further inspection of these access control procedures, which may include asking additional questions of crew that have security duties, discussing this issue in detail with the SSO, or checking relevant provisions of the SSP (**with prior permission of the Master**). Note that an authorized check of the SSP may indicate frequency of access controls, ranging from random controls to 100 percent checks and an identification system. In all cases the vessel shall conform to the SSP requirement. Note further that cruise ships must conduct 100 percent identification checks at all Security Levels (see 33 CFR 104.295). The PSCO should ask security personnel related questions to determine their familiarity with access control procedures, such as, "*How do you identify persons coming on board and ensure they have a valid reason for being on board?*", "*How do you intensify such screening activities related to personal identification and valid reason to be on board as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*", or "*Have you identified the access points to the vessel when it is moored and how do you protect these areas against unauthorized access?"* For passenger vessels and cruise ships, the PSCO should verify that the vessel meets the applicable requirements related to screening of persons contained in 33 CFR 104.292 and 104.295 which discuss security sweeps of vessels if left unattended, identification checks and confirmation of reasons for coming on board, and alternatives to identification checks and passenger screening. See the ISPS Code, part B, section 9.9 through 9.17 for additional guidance regarding this required element.

d. *Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operation of the ship or ship/port interface.* This is a difficult subject for verifying compliance. The PSCO should ask security personnel with duties related to security response, and in particular, the SSO, related questions, such as, "*Do you have procedures in place for security threats including bomb threats, unauthorized attempts to access the ship or its restricted areas, sabotage, terrorist or criminal activity?*", "*What, for example, is supposed to happen if someone attempted to gain unauthorized access to the bridge?*", or "*If a breach of security occurs during passenger embarkation, what procedures are in place to mitigate the breach and to continue or suspend embarkation?*" If the SSO is unclear about vessel response to security threats or breaches, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the flag Administration**).

e. *Procedures for responding to any security instruction a Contracting Government may give at security level 3.* This is a difficult subject for verifying compliance. The security program of the vessel must address security procedures that apply at

security levels 1, 2, and 3. The Contracting Government of the port at which the ship is located may require a vessel to take additional security measures at security level 3 and the vessel must have procedures or policy in place to comply. The PSCO should ask security personnel with duties related to increasing security posture, and in particular, the SSO, related questions, such as, "*Do you have procedures in place to quickly respond to changes in security (or MARSEC) levels mandated by governments of ports at which the ship calls?"* and *"Could you provide some examples?*" If the SSO is unclear about vessel response to security threats or breaches, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the flag Administration**). Also, 33 CFR 104.240 mandates additional requirements including: ship notification to COTP when the ship has achieved a mandated MARSEC level; timeliness requirements for achieving mandated MARSEC levels; notification and approval procedures for entering port when a vessel has not achieved mandated MARSEC levels; and additional physical security measures vessels must provide when the port is at MARSEC level 3. If the port is at security level 3, the PSCO should verify that the ship has complied with each security instruction (or MARSEC Directive) issued and these additional security measures.

f. *Procedures for evacuation in case of security threats or breaches of security*. The PSCO should ask security personnel with duties related to evacuation questions, such as, "*Do you have procedures in place to evacuate the vessel if the magnitude of a security breach or threat justifies this action*?", "*If so, how do you ensure passengers or visitors are accounted for*?", and "*How do you interface with the port facility and contracting government during such an incident?*" If the PSCO notes that security personnel are unfamiliar with duties related to evacuation, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

g. ** Duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects*. The PSCO should observe security personnel in the performance of their duties related to access to the ship by ship's personnel, passengers, visitors, contractors, delivery persons; control of restricted areas of the ship; handling of cargo; handling of ship's stores; handling unaccompanied baggage; and monitoring the security of the ship to make a general determination regarding the competence of security personnel. The PSCO should ask security personnel questions that specifically relate to their security duties, such as "*When was the last time you participated in a security drill?*", "*What were your responsibilities during the drill?*", "*What are your responsibilities regarding (select one or more of the following: access control, screening baggage, safeguarding restricted areas, auditing the SSP, monitoring deck areas, etc.)?*" For personnel not having specific security duties, the PSCO should limit questions to what these personnel do during security incidents, such as "*What is your responsibility if there is a security incident on board?*" The

PSCO should ask similar questions to the SSO, and other questions regarding the specific SSO duties as outlined in ISPS Code, Part A, Section 12.2 on the following issues:

(1) regular security inspections;
(2) maintaining and supervising implementation of the SSP;
(3) coordinating security aspects handling of cargo and ship's stores;
(4) proposing modifications to the SSP;
(5) reporting deficiencies and nonconformities to the Company Security Officer (CSO);
(6) enhancing security awareness and vigilance on board;
(7) ensuring adequate training for crew;
(8) reporting all security incidents;
(9) coordination of the SSP with the CSO and the port facility; and
(10) security equipment maintenance, testing, and calibration.

If personnel are unclear about their security responsibilities, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the flag Administration**). See Enclosure (4) pertaining to further actions if the SSO shows a profound lack of knowledge or incompetence.

h. *Procedures for auditing the security activities*. The PSCO should review vessel records pertaining to periodic internal audits of security procedures. New vessels or vessels that have had security plans for less than one year may not yet have had audits of security activities and this is not a deficiency. The PSCO should ask the SSO questions concerning frequency and procedures for SSP auditing, such as, "*What are the basic steps for performing an audit of the security procedures?*", "*How often do you audit ship security procedures and are there instances that would cause you to review a specific security procedure?",* or *"When is the next security audit due?"* If the SSO is unclear about requirements for security auditing, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

i. *Procedures for training and exercises and drills associated with the plan*. The PSCO should review security records related to security training, drills, and exercises to ensure that records are in place and that the ship is performing drills periodically as required by the ISPS Code (see ISPS Code Part A, Section 13.4). Note in particular the ISPS Code recommendation for quarterly drills and more frequent drills when the ship has significant crew changes (ISPS Code, Part B, Section 13.8). In addition, the PSCO should ask the SSO questions related to training, drills, and exercises, such as "*How often do you perform security drills?*", "*Could you describe the last security drill in which you participated?*", "*Do you have any requirements for on board security training?*", or *"When is the next drill due?"* If there are no records of drills or if the SSO is unclear about

requirements for drills, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

j. * *Procedures for interfacing with port facility security activities*. The PSCO should observe security procedures in place relative to the ship-to-ship or ship-to-port-facility interface. The PSCO should ask if the ship has executed a Declaration of Security with the port facility or another ship (Note: Check 33 CFR 104.255 to see whether a Declaration of Security (DOS) is required for the vessel) and verify procedures if a DOS is currently in place. Further, the PSCO should ask to see any DOS executed by the ship in any of its last 10 port calls (refer to SOLAS Chapter XI-2, Reg. 9.2.3). The PSCO should also ask the SSO questions related to procedures for interfacing with port facility security activities, such as "*Does the ship have a process for receiving information from Contracting Governments requiring them to execute a DOS with a port facility, and if so, please elaborate*?" or "*Does the ship have a process in place to execute a DOS with a port facility, and if so, please elaborate?"* If the SSO is unclear about interfacing with other ships and facilities and with Declarations of Security, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

k. *Procedures for periodic review and update of the SSP*. The PSCO should review security records related to SSP updates to ensure that the vessel performs security reviews. New vessels or vessels that have had security plans for less than one year may not yet have had a security review and this is not a deficiency. In addition, the PSCO should ask the SSO questions related to periodic SSP review, such as "*Does the ship have a process for conducting periodic review of the SSP, and if so, please elaborate*?" or *"When is the next periodic review of the SSP due?"* If the SSO is unclear about reviewing and updating the SSP, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

l. *Procedures for reporting security incidents*. The PSCO should also review security records to ensure the vessel updates these to include a history of security incidents and related communications. Note the absence of such records is not a deficiency if the vessel has not had a security incident. The PSCO should ask the SSO questions related to reporting specific types of security incidents, such as *"Does the ship have procedures for reporting security incidents, and if so, please elaborate?"* or *"Has there been a recent security incident on board the vessel and, if so, what happened, what action did the ship take, and did these actions conform to the SSP?*" If the SSO is unclear about reporting security incidents, or if there is evidence of an unreported security incident, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

m. *Identification of the SSO*. Soon after arrival on board, the PSCO should identify the SSO. See Enclosure (4) for further action if the vessel does not have an assigned SSO.

n. *Identification of the CSO including 24-hour contact details*. The PSCO should ask the SSO for the name and contact information of the CSO. The PSCO should not attempt to contact the CSO as part of the examination. If the SSO does not have clear instructions for contacting the CSO, clear grounds exist for further inspection, which may include asking additional questions or checking relevant provisions of the SSP (**with prior permission of the Master**).

o. *Procedures to ensure the inspection, testing, calibration and maintenance of any security equipment provided on board and frequency for testing and calibration*. The PSCO should review security records related to inspection, testing and calibration of security equipment and frequency of related actions to ensure that the vessel performs this work. The PSCO should examine any security equipment observed on board for material condition. In addition, the PSCO should ask the SSO questions related to inspection, testing, calibration, and maintenance of security equipment, such as "*Do you have any security equipment on board that requires periodic maintenance, calibration or testing and, if so, please elaborate?*"

p. *Identification of the ship security alert system activation point locations*. This is a difficult subject for verifying compliance. The PSCO may attempt to observe security alert activation points on board the vessel. One of these must be located on the vessel's bridge. The PSCO may **not** ask vessel security personnel where the activation points are located unless there is evidence or reliable information (for example, an anonymous report from a crewmember) that the vessel does not have this required system. See Enclosure (4), Appendix A, for further action if there is evidence that the ship security alert system is missing or inoperative.

q. *Procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting*. This is a difficult subject for verifying compliance. The PSCO should also ask the SSO how the system works. Do not test this system unless: (a) there is evidence or reliable information that this system is not operational and (b) the competent Authority designated by the Administration (see SOLAS Chapter XI-2, Reg. 6.2) is aware of, and acknowledges, the test beforehand.

5. Review the CSR. The PSCO should bring a copy of the information supplied in the NOA and review the CSR to verify the CSR information matches the NOA information. While verifying this information, the PSCO should check similarly the other documents, such as Passenger Ship Safety Certificate, International Oil Pollution Prevention Certificate, Safety Management Certificate, Document of Compliance, and Cargo Ship Safety Construction Certificate, to ensure consistency with the CSR.

6. Records. Vessels should keep security records outlined below on board for a period specified by the Contracting Government (at least the last 10 port calls for the information listed in SOLAS Reg. XI-2/9.2.1). The PSCO should request to view these records to verify that the vessel's security program meets specified security requirements. The PSCO should note that the vessel may maintain records in paper or electronic format and should protect these records against unauthorized disclosure. The PSCO should also review the security records to determine if the vessel visited non-compliant ports in its recent history (not to exceed 10 previous port calls). The PSCO shall forward any information gathered on non-compliant port calls via a Field Intelligence Report (FIR).

   a. Training, drills, and exercises. Vessels should keep records of the date, description of the on-board training, drill or exercise conducted, and a list of participants. (The PSCO should note that records are not required for off-ship training provided to crew. Competence of crew in security duties, and related responsibilities, is a more appropriate measure that personnel have received appropriate training.) ISPS Code, Part A, Section 13.4 requires security drills at appropriate intervals. (Note: Section 13.6 of the ISPS Code, Part B, recommends that a vessel hold quarterly security drills and also hold these drills in circumstances in which more than 25% of the crew has changed at any one time, with personnel that have not previously participated in a drill on that ship within the past three months). The PSCO should require security drills as part of an inspection of the ship if there is evidence or reliable information that the vessel has failed to meet its periodic drill requirement. There is no requirement for individual ships to participate in exercises; this is a higher level function involving local authorities, governments, company and port facility officers, and perhaps some ship security officers. Lack of a record of exercises in ship security records does not constitute clear grounds for more detailed examination.

   b. Reports of security incidents. Vessels should keep records of the date, time, location, and a description of the incident, and the associated ship's response.

   c. Reports of security breaches. Vessels should keep records of the date, time, location, and a description of the breach, and the associated ship's response.

   d. Changes in security levels. Vessels should keep records of the date, time, and location of the ship, and a description of changes to the vessel's security level.

   e. Communications relating to the direct security of the ship. At a minimum, vessels should keep records of all communications pertaining directly to the security of the ship. Communications include reports made to Contracting Governments and flag States concerning security threats and breaches, security instructions received by the ship from Contracting Governments and flag States, and any responses acknowledging such instructions. The PSCO should examine any report of security incidents and breaches and should find associated records of security

communications. Similarly, the PSCO should examine records of changes in security levels, and should find associated records.

f. Internal audits and reviews of security activities. Vessels should keep records of audit and review dates, and the results of such audits and reviews.

g. Periodic review of the ship security assessments. Vessels should keep records of the dates of periodic reviews and the results of such reviews.

h. Periodic review of the SSP. Vessels should keep records of the date of periodic reviews and the results of such reviews. SSP review is an annual requirement.

i. Implementation of any amendments to the SSP. The vessel should immediately implement all SSP amendments approved by the Administration. The vessel should maintain documentation of such approvals on board and the PSCO should review such documentation. These records should include installation records of new security equipment installed after issuance of the original ISSC.

j. Maintenance, calibration and testing of security equipment. Vessels should keep records of the date and description of all maintenance, calibration, and tests of security equipment.

7. Manning. In establishing the minimum safe manning level of a ship the flag Administration should take into account the manning level of the ship such that persons with responsibilities for safe navigation of the vessel do not have extensive security-related responsibilities. The PSCO should be sensitive to manning on board the ship and whether the ship has adequate personnel for both navigation responsibilities and security responsibilities. The PSCO should be satisfied that the vessel manning provides for crew work and rest hours established in STCW Chapter VIII as set by the Administration. For further guidance, refer to the ISPS Code, Part B Section 4.28. In addition, see Enclosure (4), Appendix A for further action if vessel manning does not provide adequate personnel to perform both security and navigation duties and meet crew rest requirements of STCW.

8. Non-Convention Vessel Security Compliance Examination. Foreign cargo vessels that are not subject to SOLAS yet are above 100 gross register tons as defined in 33 CFR 101.105 and vessels that would be subject to SOLAS, but are not because their flag states are non-signatory to SOLAS, must meet the requirements of 33 CFR 104, or be approved by the USCG to hold an ISSC issued by its flag administration as previously coordinated/approved with CG HQ. Non-SOLAS foreign commercial vessels subject to MTSA should have USCG-approved VSPs that meet the requirements of 33 CFR 104.405. As an equivalent, these vessels may have an alternative security program (ASP), approved by the USCG, as discussed in 33 CFR 104.120(a)(3) and 33 CFR 104.140. Such a vessel must have on board documentation attesting to USCG approval of its SSP, or ASP, as applicable. This would generally be in the form of a plan review approval letter from the Marine

Safety Center, or in the case of an ASP, an approval letter from Commandant (CG-3PCP). Since the VSP is a Coast Guard-approved document, the PSCO may ask to look at the VSP when necessary to verify on board security processes. The PSCO shall examine non-SOLAS foreign commercial vessels subject to MTSA for compliance with applicable maritime security requirements following the guidance contained in NVIC 04-03. For non-SOLAS foreign vessels that hold a valid ISSC, the PSCO shall use the examination guidance contained in paragraphs C.1 through C.7 above.

9. Deficiencies.

   a. When the COTP/OCMI discovers ISPS-related deficiencies which render a vessel substandard, the COTP/OCMI should initiate a major control action. For additional information regarding vessel major control actions, see Enclosure (4).

   b. The PSCO shall document deficiencies noted during the examination on the Port State Control Report of Inspection – Form B (CG-5437B). The PSCO should note the description of the deficiency in a direct and succinct statement that should contain two important elements. First, the description should describe the standard the ship does not meet. Second, the description should state why the ship does not meet the requirement. Do not describe deficiencies as an inspector would for a merchant vessel inspection requirement, CG-835. For examples of the use of these two elements, refer to Enclosure (2).

   c. When drafting the Form B, the PSCO should attempt to order deficiencies in order of severity, listing detainable items or more serious SOLAS-based deficiencies first.

D. Safety Compliance Examination Procedures. Port State Control (PSC) Safety and Environmental Protection Compliance Examination.

1. Purpose. The purpose of the U.S. PSC program is to reduce deaths, injuries, loss or damage to property, marine pollution and disruptions to maritime commerce resulting from foreign vessels by identifying substandard vessels and detaining them until the substandard conditions have been rectified.

2. Authority. PSC authority comes from several sources, both domestic and international. A State may enact its own laws and regulations imposing requirements on foreign vessels trading in its waters (i.e., the double hull requirements imposed under the Oil Pollution Act of 1990 (OPA 90), or the navigation safety regulations found in 33 CFR part 164). In addition, States which are party to certain international conventions (i.e. SOLAS, International Convention on Load Lines 1966 (ICLL); International Convention for the Prevention of Pollution from Ships 73/78 (MARPOL); the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW 95); and International Labor Organization Convention No. 147, The Convention Concerning Minimum Standards in Merchant Ships (ILO 147)) are empowered to verify that vessels of other

nations operating within their waters comply with these conventions, and to take action to bring these non-compliant ships into compliance.

3. Procedures. After selecting a vessel for examination, the PSCO shall examine the vessel to the extent necessary to determine whether the vessel is in substantial compliance with the international conventions adopted and enforced by the U.S. (SOLAS, MARPOL, STCW, ICLL, Tonnage 69). The PSCO must take into consideration the clear distinction between flag State inspection, wherein the inspector verifies vessel compliance with international conventions, and port state control, wherein the PSCO confirms the presence of valid certificates onboard the vessel, and obtains general impressions and visual observations that confirm a good standard of maintenance, crew competence and equipment functionality. If the PSCO has clear grounds that particular vessel security arrangements do not substantially meet the requirements, then the PSCO should conduct a more detailed inspection (expanded examination) into the area of non-compliance before taking any control action. The PSCO should become familiar with IMO Resolution A.787(19), as amended by IMO Resolution A.882(21), "Procedures for Port State Control" before conducting any port state control examination. The PSCO should also consider the following recommendations when performing port state control examinations:
:

   a. The ISPS Code plays a significant role in establishing whether security measures are in place on board a vessel. Certain elements of the ISPS Code assist in determining the security risk that a vessel poses to the U.S. If the PSCO does not perform an ISPS/MTSA compliance examination as detailed in Section C of this enclosure, but is performing a *PSC Safety and Environmental Compliance Examination*, the PSCO should examine the items listed below:

      (1) Determine the security level at which the vessel is operating. The ship security level must be at least as high as that set at the intended port of call. If the ship is at a lower security level than the port, the ship must take steps to set its security level at least as high as that set at the arrival port.

      (2) Verify the ISSC is on board and valid. The ISSC, if current, is valid unless there is evidence or reliable information that the vessel is not in compliance with the requirements of SOLAS Chapter XI-2 and the ISPS Code. Refer to Enclosure 3, Section C, for a detailed discussion regarding the validity of the ISSC.

      (3) Review the CSR. The PSCO should bring a copy of the information supplied in the NOA and review the CSR to verify that the CSR information matches the NOA information. While verifying this information, the PSCO should check similar information on other documents, such as the Passenger Ship Safety Certificate, International Oil Pollution Prevention Certificate, and Cargo Ship Safety Construction Certificate, to ensure consistency with the CSR.

(4) Review the records of security threats, incidents, and security breaches to determine if any security related incidents have occurred in the vessel's recent history. If so, the PSCO should determine the details of the incident in order to assess whether this is relevant to the current port visit or poses any potential threat that the incident may have to the vessel's current security posture.

(5) Verify the Ship Hull Identification number is permanently marked and matches the number listed on the ISSC. Note: The PSCO may do this immediately prior to the examination.

b. Structure. The examination team should develop an impression of shell maintenance and the general state of the deck and side shell of the vessel to determine if it is fit for service and route intended.

(1) Deck Portion. Examine the condition of such items as ladderways, guardrails, fire mains, piping, hatch covers, watertight and weather tight closures, and deck plating. Areas of extensive corrosion or pitting should influence the decision as to whether it is necessary to make the fullest possible examination of the structure with the vessel afloat.

(2) Hull Portion. Significant areas of damage, cracking, wastage, corrosion, or pitting of plating and associated structural members in decks and hull affecting material fitness or strength to take local loads may justify detention. When practical, examine internal structural members visible from deck in open cargo bays or upper wing tanks. This is particularly important for bulkers more than ten years old. The examination team should be vigilant to evidence of improper temporary repairs, soft patches, recent welding or other repair work, and seepage from fuel, cargo, or ballast tanks and side shell plating.

(3) Ballast Tank Entry. Due to concern for the personal safety of marine inspectors, entry into ballast tanks is no longer part of a *PSC Safety and Environmental Protection Compliance Examination* for chemical tankers, liquefied natural gas carriers, and liquid petroleum tankers. See MSM II-D6.C.6.c for policy on annual ballast tank entry and examination on foreign oil tankers over 10 years old.

(4) Load Lines. The examination team should pay particular attention to closing appliances, the means of freeing water from the deck, and arrangements for the protection of the crew. Items such as defective hatch closing arrangements, multiple missing dogs, corroded vents, and wasted coamings may warrant further examination.

(5) Material condition affecting the vessel's service and route intended. Damage not affecting the material condition of the vessel will not constitute grounds

for judging that a vessel should be detained, nor will damage that has been temporarily but effectively repaired for a voyage to a port for permanent repairs. However, in assessing the effect of damage, the examination team should regard the location of crew accommodations and whether the damage substantially affects its habitability.

(6) Voyage Damage. If the vessel is taking appropriate action involving the classification society and/or flag Administration to address voyage damage without prompting from the Coast Guard, the COTP/OCMI should not consider detaining a vessel. The COTP may employ other control measures, (i.e. requiring tug assists, daylight transits, portable pumps or generators etc.) through a COTP Order in these cases. However, if the vessel is not taking appropriate action to address voyage damage, or it appears that the vessel intends to depart port in a material condition affecting the vessel's service and route intended, the OCMI or COTP should consider taking immediate steps to detain the vessel. The COTP/OCMI may evaluate proposed substitution of life rafts for a damaged lifeboat (with the approval of the Flag Administration, or other organization that issued the Safety Equipment Certificate), to ensure that 100% of the crew will be accommodated, provided that another boat (rescue or lifeboat) is available for marshalling rafts.

c. Machinery Spaces. The examination team should assess the condition of the machinery and the electrical installations such that they are capable of providing sufficient continuous power for propulsion and auxiliary services.

(1) Operation. The examination team may determine if responsible personnel are familiar with their duties related to operating machinery such as:

(a) Emergency and standby electrical power sources
(b) Auxiliary steering gear
(c) Bilge and fire pumps
(d) Any other equipment essential in emergency situations

(2) Maintenance. During examination of the machinery spaces, the examination team should form an impression of the standard of maintenance. Frayed or disconnected wires, disconnected or inoperative reach rods, quick closing valves or machinery trip mechanisms, missing valve hand wheels, evidence of chronic steam, water and oil leaks, dirty tank tops and bilges, extensive corrosion of machinery foundations, or a large number of temporary repairs, including pipe clips or cement boxes may be indicative of poor maintenance.

(3) Tests and Trials. While it is not possible to determine the condition of vital machinery without performance trials, the PSCO may only require operational tests or trials if there is objective evidence that the machinery does not operate.

(4) Oil and Oily Mixtures. By taking into account the quantity of oil residues generated, the capacity of sludge and bilge water holding tanks, the capacity of the oily water separator, and the oil record book, the examination team may determine if the vessel uses reception facilities and note any alleged inadequacies of reception facilities.

(5) Sufficient Power. If one electrical generator is out of commission, the boarding team should investigate and test whether power is available to maintain essential and emergency services.

d. Navigation Safety Equipment Check. The PSCO should examine vessel navigation equipment required by SOLAS Chapter V and 33 CFR Part 164, paying particular attention to the equipment requirements tied to the vessel's gross tonnage. The PSCO should also determine operator competence and whether all equipment was working properly during the last voyage. If required equipment is not working, the PSCO should determine when the vessel will complete repairs. If a major piece of electronic equipment (like the radar or Automatic Radar Plotting Aid (ARPA)) is not operational, the PSCO should contact the COTP or OCMI for instructions. The PSCO should conduct thorough check of the bridge and navigation spaces for compliance with the Navigation Safety Regulations (33 CFR 164) and ask to have the electronic equipment operating if cargo operations permit. The PSCO should check the complete list of navigation safety items, paying special attention to the extra requirements for vessels over 10,000 gross tons. The PSCO should check or test the equipment paying particular attention to the following:

(1) Position Fixing Device (LORAN C, Satellite Navigation System (SATNAV) or GPS). Have the crew operate the equipment. Check that the receiver is able to lock on and track the signals for these readings. For SATNAV, see that the Mate is able to set up the receiver to obtain the vessel's position on the next usable satellite pass.

(2) Automatic Radar Plotting Aid (ARPA). Ensure that each vessel over 10,000 gross tons is equipped with an ARPA as required by the Port and Tanker Safety Act and the Navigation Safety Regulations. Take the time to spot targets on the screen and to follow a vessel's movement across the screen, if possible.

(3) Echo Depth Sounder and Recorder. Operate the equipment to see if it gives a reading. The recorder should show recent performance if it was operational as the vessel entered the harbor.

(4) Marine Radar. Operate the radar and note targets moving across the screen or pick out shore objects on the radar if possible. Check both radars on vessels over 10,000 gross tons, including true north stabilization features.

(5) Vessel FM Radio. Ensure that the vessel has the capability to use VHF Channels 13, 16 and 22 and that the radios are in working order. A radio check is not necessary unless you suspect that the radios do not work.

(6) Magnetic Steering Compass. Check to see if there is a current deviation table posted near the magnetic compass. The vessel derives the table by swinging the vessel through 360 degrees and recording readings that compare the vessel's true, gyro and magnetic north compass readings. The magnetic compass can vary depending on the type of cargo loaded and it may show differences from voyage to voyage. Check the emergency steering compass periscope, if fitted, to ensure that you can see the card. Check compass illumination.

(7) Gyrocompass. Check the reading on the steering gyrocompass against the repeaters on the bridge wings, the second steering station and the steering engine room. Be aware that vessels sometimes secure gyrocompasses during an extended port stay. Look at the comparison log for any fluctuations between the gyro, magnetic and true readings.

(8) Rudder Angle Indicator. Check the rudder angle indicator in all locations such as main steering station, bridge wings, and emergency steering station. They should all have the same reading. A few degrees variance is acceptable.

(9) Navigation Information.

(a) Charts. Check charts of the transit areas within the COTP zone to ensure the vessel maintains up-to-date charts. Use a list of the most recent Defense Mapping Agency (DMA) Notice to Mariners changes to verify that chart corrections are up-to-date. Foreign charts are acceptable if they contain similar information and are of a large enough scale to permit safe navigation. NVIC 9-83 provides additional guidance regarding application of the requirements for carriage of charts. Electronic charts forming part of an ECDIS system are acceptable if these are up-to-date and the system includes a suitable back-up approved by the Administration conforming to the standards in IMO Resolution A.817 (19).

(b) Publications. Vessels must carry a currently corrected copy of, or applicable currently corrected extract from, the U.S. navigation publications (or foreign equivalents) listed in 33 CFR 164.33. See NVIC 9-83 for further enforcement guidance. Publications required include:

i. U.S. Coast Pilot
ii. Coast Guard Light List
iii. Tide Tables
iv. Tidal Current Tables or River Current Publication

(10) Relative Motion Plotting Equipment. While the ARPA may do some of the relative motion plotting for the vessel personnel, the vessel still must have equipment for manual plotting of relative motion. Normally this equipment consists of maneuvering boards, triangles, parallel rules, etc.

e. Cargo Vessel Safety Construction Items. The general condition of the vessel may lead the examination team to consider matters other than those concerned with safety equipment and assignment of load lines, but nevertheless associated with the safety of the vessel. This involves the effectiveness of items associated with the Cargo Ship Safety Construction Certificate, which can include hatch coamings and covers, pumping arrangements, means for shutting off air and oil supplies in the event of fire, alarm systems, and emergency power supplies.

f. Cargo Ship Safety Radio Operation. The PSCO may accept the Cargo Ship Safety Radiotelegraphy, Safety Radiotelephony Certificate, or Cargo Ship Safety Radio Certificate as proof of the provision and effectiveness of its associated equipment. Spot check equipment for proper operation and ensure that appropriate certified personnel are on board for its operation and for listening periods. Examine the radio log to confirm that the vessel maintains mandatory safety radio watches.

g. Equipment in Excess of Convention or Flag State Requirements. Crews may use excess equipment on board in situations affecting safety or pollution prevention. Accordingly this equipment must be in proper operating condition. If excess equipment is inoperative, the vessel may repair it or remove it from the vessel. If neither is practical, the vessel may clearly mark excess equipment as inoperative and store the equipment in a location not reserved for safety equipment.

h. Garbage. The PSCO spot check the garbage management plan and garbage record book to verify compliance with the operational requirements of Annex V of MARPOL 73/78. The PSCO may determine if reception facilities are involved and note any alleged inadequacy of such facilities.

i. Manuals and Instructions. The PSCO should determine if appropriate crewmembers understand the information given in manuals and instructions relevant to the safe condition and operation of the vessel and its equipment. The PSCO should determine whether the crew are aware of requirements for maintenance, testing, training drills, and required logbook entries.

j. STCW 95. STCW sets qualification standards for masters, officers and watch personnel on seagoing merchant ships. STCW, adopted in 1978 at the International Maritime Organization (IMO) in London, entered into force in 1984. IMO significantly amended this Convention in 1995. The 133 current state-parties to the Convention represent approximately 98 percent of the world's merchant vessel tonnage. The United States became a party in 1991. The 1995

amendments greatly altered the Convention by including several factors commonly discussed as the human element. For specific guidance regarding enforcement and examination procedures during *PSC Safety and Environmental Protection Compliance Examination*s, refer to CG-3PCV Policy 02-04, "Policy for the Enforcement of the 1995 Amendments to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW 95)."

(1) Multinational Crews. The 1995 Amendments take into account the increasing use of multinational crews. Therefore, the responsibility for competency of crews, which once fell only on flag State administrations, may involve several parties that issue certificates. Under the new rules, the party issuing the original certificate must comply with the requirements of the Convention, and the flag State may issue a separate "recognition" certificate, or endorsement, only after confirming that the issuer of the original certificate complied with Convention requirements for certificate issue. The PSCO should check that mariners hold licenses or certificates issued or endorsed by the flag State.

(2) PSC. The 1995 Amendments strengthen the PSC provisions of the STCW Convention by expanding the grounds on which a port state may detain a foreign ship. This allows the PSCO to look beyond merchant mariner's certificates and conduct direct assessments of the competence of merchant mariners, accordingly, the PSCO should assess mariner competency during the PSC examination.

(3) Rest Periods. To address the problem of crew fatigue, the STCW Amendments requires that every person assigned duty as an officer in charge of a watch or as a rating, forming part of a watch, should receive a minimum of 10 hours of rest in any 24-hour period. These 10 hours of rest may include two rest periods as long as one segment is at least 6 hours long, with strictly limited exceptions. The PSCO should ask questions and examine the watch list to ascertain whether the crew is given adequate rest periods.

(4) Training Requirements. The Amendments require that seafarers receive "familiarization training" and "basic safety training" which includes basic fire fighting, elementary first aid, personal survival techniques, and personal safety and social responsibility. This training ensures that seafarers are aware of the hazards of working on a vessel and can respond appropriately in an emergency. The PSCO should ask questions and ascertain whether the crew has received this basic training.

(5) ARPA/GMDSS. The Amendments require training on use of Automatic Radar Plotting Aids (ARPA) and Global Maritime Distress Safety System (GMDSS) for deck officers serving on vessels equipped with those systems. In cases where a vessel is not fitted with those systems, the license and STCW

endorsement would state that limitation. The PSCO should ask questions and ascertain whether the deck officers have received this training, as applicable.

(6) Bridge Teamwork Procedures. The Amendments require that the master and deck officers have a thorough understanding of bridge teamwork procedures. The PSCO should observe bridge teamwork if onboard during maneuvering.

(7) Examinations and Demonstrations of Skills. The revised technical regulations specify minimum standards of competence for the range of certificates issued under STCW. STCW presents the standards in tables with four columns: a) 'competence' or ability to be established; b) area of 'knowledge, understanding and proficiency' within each competence; c) 'methods of demonstrating competence'; and d) 'criteria for evaluating competence.' The Amendments also promote the use of simulators as one of the recognized means for demonstrating competence. The Coast Guard is developing standards, procedures and performance measures for use by designated examiners to evaluate competence in various areas. The PSCO should become familiar with these regulations since they pertain to the assessment of mariner's competency.

(8) RO-RO Passenger Ships. The 1995 Amendments included new regulations (V/2) on training and qualification for masters, officers, ratings and other personnel on Roll-on Roll-off (RO-RO) passenger vessels. IMO developed these regulations as a matter of urgency following the sinking of the ferry ESTONIA. A subsequent set of amendments in 1997 adds similar regulations (V/3) on personnel serving on passenger ships other than RO-RO passenger ships. The PSCO should take note of these requirements when examining a RO-RO passenger vessel.

k. International Safety Management (ISM) Code. Compliance with SOLAS Chapter IX and the ISM Code is mandatory for certain vessels engaged on an international voyage. The objectives of the ISM Code are to ensure safety at sea, prevent the occurrence of human injury or loss of life, and avoid environmental and property damage. Specifically, the ISM Code seeks to address the issues of human error and human omissions. To accomplish its objectives, the ISM Code requires owners of ships, or other organizations such as the managers, or bareboat charterers, who have assumed responsibility for ship operations, to implement Safety Management Systems (SMS) for their ships and companies. During the PSC examination, the PSCO should apply the guidance contained in NVIC 04-05 regarding the enforcement of ISM and examination details.

l. International Labour Organization (ILO) 147. During annual examinations and reexaminations, be alert for especially hazardous or unsanitary conditions. The USCG cannot hold other countries to the same standards it applies to domestic vessels. The PSCO should be alert to those conditions that are blatantly unsafe. The PSCO may relay labor or pay complaints to the attention of the Department

of Labor by contacting CG-3PCV-2. Where intervention authority is lacking, local humanitarian or religious organizations (i.e. Seamen's Friends Society) may be able to assist in correcting unsanitary practices or in assisting crewmembers. See COMDTINST 16711.12A for further guidance.

m. Structural Integrity. The PSCO should conduct a deck walk during the PSC examination. Look for evidence of long term neglect, wastage, corrosion, cracking, pitting or casualty damage. The presence on deck of plating, sections of piping, or an excessive number of oxyacetylene tanks may indicate unauthorized repairs or other problems. Look for recent burn marks from welding, particularly on the reverse slope plates of the upper wing tanks if possible. Temporary repairs including cement boxes, epoxy patches, postage stamp inserts and drill-stopped cracks may indicate problems. Evaluate each situation to determine whether the temporary repair is adequate or whether the Coast Guard should detain the vessel pending permanent repairs.

n. Cargo Operations. During annual examinations and reexaminations, check the following:

(1) Spot check containers and packaged cargo for proper marking, labeling, and placarding;

(2) Look for damaged or leaking cargo containers and packages, particularly forklift punctures or crushing that would indicate dropped packages;

(3) Look for potential ignition sources, particularly from electrical equipment, smoking violations, stowage plan and cargo segregation;

(4) Determine if the vessel has a capacity to retain all oily waste and oily bilge slops generated while operating in U.S. waters; and

(5) Check to see that no oil or hazardous material is carried in prohibited spaces.

o. Cargo Securing Manual. As of December 31, 1997, Administration-approved Cargo Securing Manuals (CSM) became mandatory under SOLAS 74, Ch. VI/5 and VII/6 for all cargo vessels engaged in international trade which are equipped with cargo securing systems or individual cargo securing arrangements. Checks of foreign flag cargo vessels for a CSM, approved by the appropriate flag Administration or by organizations designated by the flag Administration, should become a routine part of *PSC Safety and Environmental Protection Compliance Examination.* NVIC 10-97 provides more amplifying information on CSM.

Foreign flag cargo vessels found without an Administration-approved CSM will be required to provide a CSM prior to the next U.S. voyage. For vessels with dangerous goods/hazardous materials cargoes already aboard, CG PSCOs will evaluate the vessel’s securing arrangements for the dangerous goods/hazardous

materials cargoes. In cases where the PSCO finds dangerous goods/hazardous materials cargo securing insufficient, appropriate corrective action will be required as a condition for departure.

For foreign-flag vessels that return to U.S. ports without CSMs on subsequent voyages, more restrictive actions may be necessary, to include:

(1) Detention of the vessel until the vessel's owner or operator formally establishes a reasonable timeline for submittal of a CSM to the cognizant Administration or authorized representative;

(2) Notification of the cognizant Administration and classification society that the vessel is in violation of SOLAS 74, Ch. VI/5 and VII/6; and

(3) Prevention of future cargo operations at all U.S. ports until the vessel owner or operator provides proof of compliance with SOLAS 74, Ch. VI/5 and VII/6 CSM requirements.

p. On Deck.

(1) Fuel Piping. Note the general condition of the fuel piping systems (including manifolds), particularly any non-permanent repairs and other irregularities.

(2) Fuel Vents. Check the material condition of the fuel vents (Note: There is no SOLAS requirement for fuel tank vent screens on foreign vessels).

(3) Closure Mechanisms. Examine closure mechanisms for cargo hatches, side ports, watertight doors and other openings that maintain the condition of the vessel.

(4) Cargo Stowage. Ensure that stowage and securing arrangements for on deck containers are adequate and that cargo segregation is in compliance with 49 CFR 176.83.

(5) Lifesaving Equipment Check. During annual examinations and reexaminations, spot-check the vessel's lifesaving equipment. Observe the condition of the lifeboats paying particular attention to the hull and davits. Life raft stowage and missing weak links are common problems that vessels may correct quickly without detaining the vessel. The effectiveness of lifesaving equipment depends heavily on good maintenance by the crew and their use in regular drills. The lapse of time since the last survey or Safety Equipment Certificate can be a significant factor in the degree of deterioration of equipment. Apart from failure to carry equipment required by a convention or obvious defects such as holed lifeboats, look for signs of disuse of, or obstructions to, boat launching equipment that may include paint accumulation, seizing of pivot points, absence of greasing, condition of blocks

and falls, and improper lashing or stowing of deck cargo. See MSM Vol II, D5.C.7.e.

(6) Firefighting Equipment Check. Review the vessel's fire control plan and note the adequacy and condition of firefighting equipment. Check the fire stations to ensure that there are hoses, extinguishers, fixed CO2 systems, and other firefighting equipment on the vessel as indicated in the fire control plan and/or general arrangement plan. Examine the fire detection and sprinkler systems if applicable. During annual examinations, test the fire main and pumps by charging the system and witnessing the pressure at widely separated deck stations simultaneously. It is not necessary to spend time at every station, but ensure the vessel's readiness to respond to a fire. Examine international shore connections for condition and proper number. For vessels in general, the poor condition of fire mains and hydrants and the possible absence of fire hoses and extinguishers in machinery or accommodation spaces points to a need for close inspection of fire safety equipment. In addition to compliance with convention requirements, look for evidence of a higher than normal fire risk, such as a lack of cleanliness in the machinery space (excessive oil in bilges) or significant deficiencies of fixed or portable fire extinguishing equipment, that may lead the PSCO to conclude the vessel is substandard. PSCOs should not require servicing of hand portable extinguishers by servicing contractors unless obvious deterioration is present. The fact that more than one year has elapsed since the last servicing date is not, by itself, sufficient to require servicing.

(a) Fire Doors. Fire spread may accelerate if fire doors are not readily operable. Inspect doors in main zone bulkheads, stairway enclosures, and boundaries of high fire risk spaces, such as main machinery rooms and galleys, for their operability and securing arrangements. The PSCO should pay particular attention to doors retained in the open position and those in main vertical zones to ensure these will completely close during a fire emergency. The PSCO should look for obstructions that may prevent fire doors from closing.

(b) Ventilation Systems. An additional hazard in the event of fire is the spread of smoke through ventilation systems. Spot checks dampers and smoke flaps to ascertain the standard of operability. Ensure that ventilation fans can be stopped from the master controls and that means are available for closing main inlets and outlets of ventilation systems.

(c) Escape Routes. The PSCO should examine the effectiveness of escape routes by ensuring that vital escape doors are open and that alleyways and stairways are free of obstruction.

(7) Pollution Prevention Equipment Check. Check for compliance with the Pollution Prevention Regulations (33 CFR 155, 156 and 159) and MARPOL

Regulations (Annexes I, II and V) [See 33 CFR 151 and COMDTINST M16450.30 for further guidance]. During annual examinations, this should be an in-depth look at the vessel pollution prevention requirements including examination of fuel and lubricating oil systems, waste oil handling systems, oil or liquid hazardous material transfer procedures (as applicable), garbage handling procedures, declarations of inspection, and marine sanitation devices. At a minimum, the following should be examined:

Note: These items apply only to vessels carrying oil or liquid hazardous material as cargo (i.e., in deep tanks) or engaged in bunkering.

(a) Examine the small discharge containment and visually check the capacity. Have someone demonstrate the mechanical means of closing scuppers and drains in the containment, and look for the means of draining or removing discharged product from the containment;

(b) Examine the fuel and bulk lubricating oil discharge containment. Visually check the capacity. (i.e., 1/2 barrel 300-1600 gross tons, 1 barrel over 1600 gross tons, 5 U.S. gallon portable container for 100-300 gross tons, and 100 gross tons or over if constructed before July 1974);

(c) Examine the bilge slops piping outlet. (1,600 gross tons and above, on each side of the weather deck; below 1,600 gross tons, accessible from the weather deck). Make sure the vessel has a means to stop each discharge on the weather deck near the discharge outlet;

(d) Ensure the vessel meets requirements for ballast discharge if the vessel uses ballasted fuel tanks;

(e) Locate the emergency shutdown system. If possible, have it activated to ensure proper operation;

(f) Check the vessel's required transfer communications. (Continuous two-way voice between persons-in-charge of the transfer operation.) Ensure that they are intrinsically safe;

(g) Visually inspect required deck lighting. Check the transfer point and transfer operation work area;

(h) Check the hoses. Check the hose burst pressure. The minimum design burst pressure for each hose assembly must be at least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure for systems without relief valves) plus the static head pressure of the transfer system, at the point where the hose is installed. Check the hose working pressure. The maximum allowable working pressure (MAWP) for each hose assembly must be more than the sum of

the pressure of the relief valve setting (or the maximum pump pressure for systems without relief valves) plus the static head pressure of the transfer system, at the hose installation point. Check the hose labeling. Check to see that each hose is marked with the required information; and

(i) Ensure appropriate signage. Locate the "Discharge of Plastic and Garbage Prohibited" placard.

q. In Engine Room.

(1) Locate the oil-water separator. Check the certification label for a Coast Guard approval number or International Maritime Organization (IMO) specification label (MARPOL 73/78);

(2) Check the bilge continuous monitor. Note the approval number or IMO specification label and sight the recording tape;

(3) Check and operationally test the discharge alarm system;

(4) Locate the "Discharge of Oil Prohibited" placard. It is required to be in each machinery space, bilge, and ballast pump control station;

(5) Verify that the vessel is equipped with an operable, U.S. Coast Guard or MARPOL IV certified marine sanitation device (MSD); and

(6) Check the bilges. Check for presence of oil or hazardous material and confirm structural integrity.

r. In Cargo Control Area.

(1) Verify that the vessel has a list of designated persons-in-charge for each type of transfer operation (fueling and each product).

(2) Examine in depth the bulk liquid transfer procedures. Ensure that these:

(a) are legibly printed in a language understood by personnel engaged in the transfer operations;

(b) are permanently posted or available where they can easily be seen and used by crewmembers;

(c) contain a list of each oil or liquid hazardous material transferred (generic name, product information, applicability of transfer procedures);

(d) include an accurate description of each transfer system on the vessel (including a line diagram, the location of the shutoff valves, description of and procedures for emptying the discharge containment system);

(e) specify number of persons required to be on duty for transfer is indicated with the duties, by title, of each person required for each transfer operation;

(f) include procedures and duty assignments for tending the vessel's moorings during transfer;

(g) include procedures for operating the emergency shutdown and transfer communications, topping off tanks, ensuring that all valves used during the transfer operation are closed on completion of the operation, and reporting fuel or cargo discharges;

(h) include any exemptions or alternatives granted are located in the front of the transfer procedures; and

(i) include appropriate amendments.

(3) Confirm that the emergency shutdown is operable from the cargo control area for bulk liquid transfer operations.

s. Abandon Ship Drill. The examination team should witness an abandon ship drill during primary safety PSC examinations (e.g. PI, PII, Random, Certificate of Compliance). Muster crew at their stations and check muster lists for accuracy. Check that the crew has properly donned lifejackets. Determine if crew members are able to communicate with each other. Ensure that crewmembers are familiar with abandon ship procedures/duties and the proper use of ship's lifesaving equipment. Lower lifeboats, where practicable, to the embarkation deck. Conduct a general examination of davits, falls, sheaves, etc., as the boat is being prepared and lowered to the embarkation deck. Start lifeboat engines. With the exception of passenger ships undergoing control verification examinations, do not require crews to lower, release, and exercise lifeboats in the water. During the drill, the PSCO should be satisfied that the crew is competent to safely embark and launch lifeboats and liferafts designated as primary lifesaving equipment in the times specified by SOLAS (10 minutes after the abandon ship order for a cargo ship and 30 minutes after the abandon ship order for a passenger ship). If the PSCO determines the crew is unfamiliar with their duties or incapable of safely operating the lifesaving equipment, halt the drill and notify the Master that the drill was unsuccessful and that additional training and/or additional exercises are necessary. The PSCO should then provide the crew with at least one additional opportunity to demonstrate competency before detaining a vessel. If crew performance warrants vessel detention, the PSCO should cite the crew's lack of familiarity with essential shipboard operations under SOLAS XI-1/4 as the

reason for detention and detail specific observations that led to the failure. The PSCO may also deem drills unsatisfactory when language barriers interfere with adequate verbal communication, or when the crew is unable to perform a satisfactory and safe drill, in spite of additional instruction and additional opportunity to demonstrate competency.

t. Fire Drill. The PSCO should witness a fire drill and evaluate the ability of the crew to respond to emergencies. The safety officer or the officer in charge will specify the location and scope of the drill. The PSCO should determine if the drill is of sufficient scope to demonstrate crew competence. All crewmembers, except those engaged in cargo operations or on watch, should participate. The PSCO should observe the alarm indication on the fire alarm panel and the responses of the vessel's officers. (A normal procedure is to send an officer or fire patrolman to investigate.) The PSCO should go to the location and describe the fire situation (smoke, flames, etc.) to the investigator and then observe how the crew reports the fire to the bridge or damage control center. At this point most vessels will sound the crew alarm to summon the firefighting parties and the remainder of the crew to their stations. The PSCO should also observe the firefighting party arriving on scene, breaking out their equipment and fighting the simulated fire. Team leaders should be giving orders as appropriate to their crews and passing word back to the bridge or damage control center on the conditions. The PSCO should examine the firefighting team for proper donning of protective equipment and for proper use of their equipment. Officers should make sure that all of the firefighting gear is compatible; e.g., firefighters can properly wear the protective suit, the helmet, the air mask and breathing apparatus, and the lifeline. Merely mustering the emergency crews with their gear is NOT acceptable. If the PSCO determines the crew is unfamiliar with their duties or incapable of safely responding to a shipboard fire, halt the drill and notify the Master that the drill was unsuccessful and that additional training and/or additional exercises are necessary. The PSCO should then provide the crew with at least one additional opportunity to demonstrate competency before detaining a vessel. If lack of performance warrants vessel detention, the PSCO should cite the crew's lack of familiarity with essential shipboard operations under SOLAS XI-1/4 as the reason for detention. The PSCO may deem drills unsatisfactory when language barriers interfere with adequate verbal communication, or when the crew is unable to perform a satisfactory and safe drill, in spite of additional instruction and several opportunities to demonstrate competency.

u. Steering. Steering gear failures on all classes of foreign vessels have caused serious marine casualties and pollution incidents in U.S. waters. The PSCO should witness a steering system test. The tests should include the following:

(1) Operationally check the main and auxiliary steering from each remote steering gear control system and each steering position on the navigating bridge;

(2) Test the main steering gear from the emergency power supply;

(3) Check the reading on the bridge gyrocompass against the repeater in the after steering room;

(4) Check the rudder angle indicator in the after steering room; it should have the same reading as the indicator on the bridge;

(5) Test each remote steering gear control system power failure alarm and each steering gear power unit failure alarm;

(6) Test for full movement of the rudder according to the required capabilities of the steering gear;

(7) Test the means of communication between the navigating bridge and the steering gear compartment;

(8) Visually inspect the steering gear and its connecting linkage, paying particular attention to securing devices that may loosen due to vibrations; and

(9) Check for indications of potential failures involving excessive leakage of hydraulic fluid; looseness in hydraulic piping and hose connections, fasteners, or couplings; frayed electrical wiring or evidence of arcing; unusual noises during operation; or evidence of insufficient maintenance. Examples of the latter include makeshift repairs, painted-over lube fittings, and deficient maintenance that might adversely affect operation of the steering gear.

(10) For additional guidance on examining steering gear and the importance of examining steering gear linkage, hose and piping connections, refer to Volume II of the Marine Safety Manual.

5. Expanding the Examination. During any examination, the examination team should expand their examination of a vessel if their examination establishes "clear grounds" that the vessel, its equipment, or its crew, do not correspond substantially with the particulars of the certificates. Expanded examinations should focus on those areas where "clear grounds" exist and should not include other areas or systems unless the general impressions or observations of the examination team support such examination.

6. Deficiencies.

   a. When the COTP/OCMI discovers deficiencies which render a vessel unfit to proceed to sea or an unreasonable risk to the environment, the COTP/OCMI should detain the vessel. For additional information regarding vessel detention, see Enclosure (4) and Appendix A to Enclosure (4).

b. The PSCO shall document deficiencies noted during the examination on the Port State Control Report of Inspection – Form B (CG-5437B). The PSCO should note the description of the deficiency in a direct and succinct statement that should contain two important elements. First, the description should describe the standard the ship does not meet. Second, the description should state why the ship does not meet the requirement. Do not describe deficiencies as an inspector would for a merchant marine inspection requirement, CG-835. For examples of the use of these two elements, refer to Enclosure (2).

c. When drafting the Form B, the PSCO should attempt to record deficiencies in order of severity, listing detainable items or more serious SOLAS-based deficiencies first. Additionally, the PSCO should order deficiencies based on U.S. regulations and ILO standards last.

d. For deficiencies requiring correction prior to departure, the COTP/OCMI may choose one of several methods to verify correction prior to departure.

(1) For the most serious deficiencies that contributed to a vessel's detention, the PSCO should revisit the vessel and verify correction prior to departure. The COTP/OCMI may accept Administration certification that the vessel corrected these items. Depending upon the circumstances, the COTP/OCMI may also accept certification from the Recognized Organization that the vessel corrected these items.

(2) The Coast Guard has not approved certain non-IACS Classification Societies to "review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States" pursuant to 33 USC 3316(c). Accordingly, a non-approved, non-IACS Classification Society may not review, examine, survey, or certify repairs necessary to clear deficiencies noted during a port state control examination. If such repairs are necessary before a vessel served by a non-approved, non-IACS Classification Society may depart from port, the Coast Guard may verify repairs as appropriate. Alternatively, the Administration, an IACS Classification Society, or approved non-IACS Classification Society may survey repairs as appropriate. Note this law does not mean that the Coast Guard should not accept previously-issued statutory certificates issued by the non-approved, non-IACS Classification Society to a vessel on behalf of the Administration. Nor does this law prohibit a non-approved, non-IACS Classification Society from reissuing statutory certificates to a vessel when the vessel visits the United States. Further, the law does not prohibit any activities related to a vessel's safety management system. For more information concerning approval of Non-IACS Classification Societies, consult with Commandant (CG-3PSE-2).

e. For less serious deficiencies, the COTP/OCMI may accept certifications from the vessel's master, Classification Society (excepting non-approved, non-IACS

Classification Societies), or Administration that the vessel has corrected the deficiencies.

Summary of Changes.

Ch-1.

1. Revised order of paragraphs to align discussion subjects with appearance in introduction.
2. Added general discussion on providing credentials when examining vessels for ISPS/MTSA compliance examinations.
3. Deleted notes to Table 3, Examination Decision/Examination Location Reference Table as these repeated guidance provided in Enclosure (1).
4. Paragraph B.1. Changed "…is an examination by an examination team…" to "…is a security sweep by an armed boarding team…"
5. Revised entire Section C by removing separate guidance for "ISPS/MTSA Security Compliance Examination At Sea" and "ISPS/MTSA Security Compliance Examination In Port", and consolidated guidance into new Paragraph C.4. Renumbered remaining paragraphs in Section C accordingly.
6. Shortened Paragraph C.8 for "Non-Convention Vessel Security Compliance Examination" to adopt the requirements of Paragraph C.4 and to address the differences between MTSA Security Compliance Examination for non-convention vessels and the ISPS/MTSA Security Compliance Examination for convention vessels.

Ch-2

1. Removed passive language throughout.
2. Added guidance on credentialing (presenting IDs, identifying PSCOs upon examining vessels)
3. Updated Table 3-1
4. Added guidance regarding targeting of vessels with new owners/operators
5. Added discussion on non-compliant ports
6. Expanded discussion on Para C.4.a, "Measures designated to prevent weapons, etc. from being carried on board the vessel"
7. Expanded discussion on Para C.4.b, "Identification of restricted areas"
8. Expanded discussion on Para C.4.c, "Measures for the prevention of unauthorized access"
9. Expanded guidance in Paras C.4 d through C.4.n regarding actions to take if SSO or crew are unclear about security
10. Added cautionary language to Para D.3.d regarding navigation equipment requirements and gross tonnage
11. Expanded guidance in Paras D.3.s through D.3.t regarding fire and abandon ship drills
12. Added discussion on handling deficiencies and on 46 U.S.C 3316(c).

ENCLOSURE 4

PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-2

PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-2

This enclosure details the guidelines and procedures for PSC Enforcement and Control.

A. Enforcement.

1. *Philosophy*.

The primary goal of the Port State Control (PSC) program is to eliminate substandard vessels (defined as a vessel whose hull, machinery, equipment, or operational safety is substantially below the minimum standards required by the relevant convention or whose crew is not in conformance with the safe manning document) from U.S. waters. One of the primary mechanisms to accomplish this goal is the identification of substandard vessels and subsequent notification to the global community. By notifying the global community of problem vessels, all countries with robust PSC programs can use this information to improve maritime safety and security. Substandard vessels and vessels that may arrive from substandard ports pose safety or security threats to U.S. ports. In response to these threats, the Coast Guard dramatically increased foreign vessel boardings and, since then, subsequent enforcement and control actions decreased. The Coast Guard will follow proper enforcement and control procedures to hold all maritime entities accountable. For example, if a unit issues a vessel a Captain of the Port (COTP) Order but not a formal IMO Detention, it is correcting the problem locally but not alerting the domestic and global communities that the vessel and its associated parties (flag, owner, class, etc.) may be substandard. Furthermore, failure to take IMO authorized control actions when appropriate skews the Coast Guard's foreign vessel targeting methodology, which is based upon historical detentions. Globally, failure to take IMO authorized control actions when appropriate, allows substandard vessels and their associated to continue to operate without any restrictions. Finally, this action can hinder the Coast Guard's ability to provide accurate statistics needed to gain congressional support for the program. This support hinges on the field's ability to maintain data integrity, quality control and to use the correct enforcement posture in each circumstance.

2. *Conventions/Authorities*.

Several international conventions and U.S. laws provide the Coast Guard the authority to enforce PSC on foreign vessels. PSC program responsibility, through policy and regulations lies with the OCMI, and in certain cases, the OCMI will use COTP authorities when implementing vessel control actions.

a. International Conventions/Authorities.

(1) *International Convention for the Safety of Life at Sea (SOLAS)*. SOLAS Chapter I, Regulation 19, authorizes port states to board foreign vessels to determine the validity of their SOLAS certificates. Where "clear grounds" indicate that a vessel is not in substantial compliance with applicable requirements, the port state is authorized to take necessary steps to hold the vessel from sailing until it no longer

poses an unreasonable threat to the environment, port, vessel, or persons on board.

(2) *International Ship and Port Facility Security (ISPS) Code*. SOLAS Chapter XI-2, Regulation 9, authorizes port states to board foreign vessels to determine the validity of their International Ship Security Certificate. Where "clear grounds" exist for believing that a vessel is not in substantial compliance with applicable requirements, the port state is authorized to impose any number of control measures, including inspection of the ship, delaying the ship, detention of the ship, restriction of operations (including movement within the port), expulsion of the ship from port, or denial of entry. A port state may impose lesser administrative or corrective measures. Any measures imposed shall be proportionate and directed at mitigating the security noncompliance.

(3) *International Convention on Load Lines 1966 (ICLL)*. ICLL Article 21(1) and (2) provide the port state with the authority to board foreign vessels to verify the validity of the vessel's certificate and to determine that the vessel is not loaded beyond its allowable limits, that the position of the load line corresponds with the certificate, and that the vessel has not been so materially altered that it is manifestly unsafe to proceed to sea without danger to human life. The Convention authorizes the port state to take control actions as may be necessary to ensure compliance with the convention.

(4) *International Convention for the Prevention of Pollution from Ships (MARPOL) 73/78*. Article 5(2) provides port states with the authority to inspect foreign vessels to verify the validity of MARPOL certificates. Where "clear grounds" exist for believing that the vessel is not in substantial compliance with the convention, the port state is authorized to take such steps to ensure that the vessel does not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(5) *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 (STCW 95)*. Port States may detain under STCW 95 authority if the deficiencies pose a danger to persons, property or the environment. STCW Regulation I/4 describes these deficiencies that warrant a detention.

(6) *International Labor Organization (ILO) Convention No. 147*. Article 4 of ILO 147 prescribes that port states may take necessary measures to rectify any conditions on board which are clearly hazardous to safety or health. The U.S. has not enacted legislation to allow specific enforcement of this treaty. However, under the Ports and Waterways Safety Act (PWSA, specifically 33 USC 1223), the COTP or OCMI may exercise control over a vessel that is not in compliance with any applicable law or treaty. When a vessel poses a serious health threat to the crew, PWSA allows the COTP or OCMI to issue a COTP Order under PWSA authority using ILO 147 as a reference to measure the

threat to the port and the crew and then to take action accordingly. See COMDTINST 16711.12 for additional guidance.

(7) *International Safety Management (ISM) Code*. Port States may detain a vessel under the ISM Code if the PSCO finds a major non-conformity during an expanded examination of a vessel's Safety Management System. If this occurs, the COTP or OCMI may request the flag Administration or authorized Recognized Organization to perform an external audit of the vessel. The COTP or OCMI should not expel a vessel from port based solely upon vessel non-compliance with SOLAS Chapter IX and the ISM Code.

b. U.S. Laws and Authorities applicable to foreign-flag vessels.

(1) *46 U.S.C chapter 701 (§§ 70101 through 70120)*: This authority, enacted by the Maritime Transportation Security Act of 2002 (P.L. 107-295), establishes a comprehensive security regime for vessels, facilities, and ports. This authority was promulgated via regulations found at 33 CFR subchapter H (parts 101 through 106). These regulations parallel the ISPS Code discussed above and, in fact, the regulations incorporate the ISPS Code by reference. The regulations have a provision that foreign flag vessels with a valid International Ship Security Certificate will normally be deemed in compliance with the Coast Guard regulations. This authority also provides authority for the International Port Security Program to impose conditions of entry on vessels arriving from ports not maintaining effective anti-terrorism measures.

(2) *Ports and Waterways Safety Act (PWSA)*.[33 USC 1221 et seq.]: The PWSA has numerous safety and security provisions, and authorizes notices of arrivals, and regulations of navigation (through VTS' RNAs, etc.) The PWSA also authorizes the establishment of safety and security zones (for anti-terrosim puposes). Important PWSA implementing regulations may be found at 33 CFR parts 160 and 165.

(3) *Magnuson Act*. [50 USC 191]: The Magnuson Act authorizes taking measures to safeguard vessels and facilities against destruction or loss from sabotage or other subversive acts. Implementing regulations at 33 CFR part 6 ("super 6") grant authority to COTPs to establish security zones and issue orders to vessels and facilities if the COTP deems such action necessary to ensure national security or to secure the observance of the rights and obligations of the U.S.

(4) *Special Local Regulations (SLR)*. [33 CFR 100.35]. These regulations issued by the cognizant District Commander establish safety zones for marine events.

(5) *Regulated Navigation Area (RNA)*. [33 USC 1231 with implementing regulations at 33 CFR Part 165]. These are safety zones established by the cognizant District Commander for emergency measures or unanticipated events.

(6) *Naval Vessel Protection Zone (NVPZ)*. [14 USC 91/33 CFR Part 165] These regulations designate a 500-yard security zone around all naval vessels greater than 100 feet in length.

(7) 46 USC 91. This statute requires that all vessels departing the U.S. for a foreign port and all foreign vessels departing one U.S. port for another U.S. port obtain U.S. Customs clearance. To ensure monetary satisfaction or surety for civil penalties, the PWSA, 33 USC 1232 gives the COTP or OCMI authority to request Customs to withhold or revoke clearance (commonly referred to as a "Customs hold"). The COTP should use this authority to withhold Customs clearance for vessels in cases where the vessel has not provided an appropriate Letter of Undertaking.

(8) 33 CFR 164.55. This is the authority that allows the COTP or OCMI to grant deviations from any navigation regulation contained in 33 CFR Part 164.

c. The table below highlights international and domestic regulatory control instruments that a COTP or OCMI may exercise on a foreign vessel in order to ensure compliance.

Table 4: Vessel Types and Regulating Conventions and Authorities

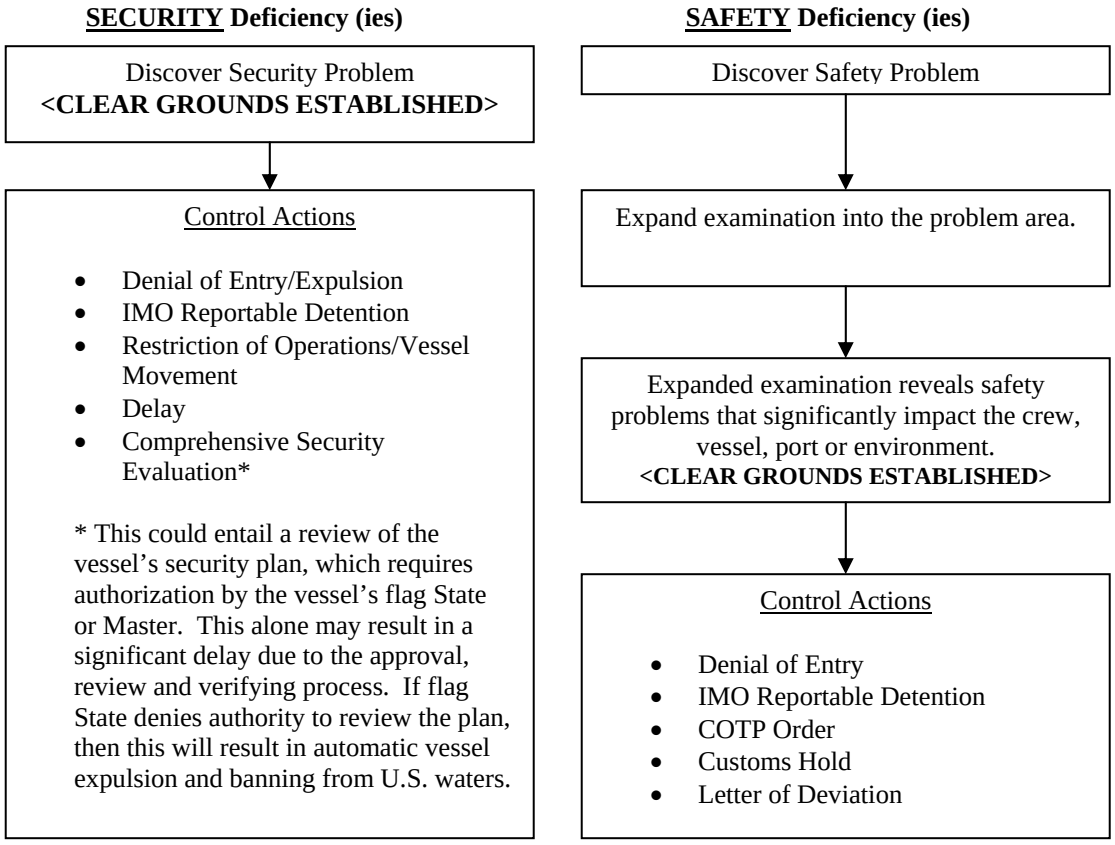
Vessel Type	*SOLAS*	*ICLL*	*MARPOL*	*STCW 95*	*ILO 147*	*ISM Code*	*ISPS*	*33 CFR 104*
Passenger								
0 to 99 GT	X			X	X	X	X	
100 to 149 GT	X			X	X	X	X	X
150 to 399 GT	X	X		X	X	X	X	X
> 400 GT	X	X	X	X	X	X	X	X
Tank Ships								
0 to 99 GT				X	X			
100 to 149 GT				X	X			X
150 to 499 GT		X	X	X	X			X
> 500 GT	X	X	X	X	X	X	X	X
Cargo Ships								
0 to 99 GT				X	X			
100 to 149 GT				X	X			X
150 to 399 GT		X		X	X			X
400 to 499 GT		X	X	X	X			X
> 500 GT	X	X	X	X	X	X	X	X

B. Clear Grounds.

Clear Grounds means that there is enough information about security or safety deficiencies on a vessel to impose appropriate control actions against the vessel

within U.S. waters. Clear grounds for imposing control actions against a vessel under the new security regulations have a substantially lower threshold than do those for safety related deficiencies. As soon as a PSCO notes a maritime security problem, clear grounds are established for security control actions. Note the difference in the clear grounds and control action thresholds with security versus safety deficiencies in Figure 4.

Figure 4: Thresholds for clear grounds and control actions with security versus safety deficiencies.



C. Vessel Control Procedures for Security and Safety.

The COTP or OCMI shall institute appropriate control actions to safeguard the port, personnel, and the environment, when "clear grounds" exist and/or a vessel arrives from a port that does not maintain adequate anti-terrorism measures. Such actions should be appropriate to the deficiencies. When the deficiencies do not render a vessel detainable or, in the case of security, not subject to denial of entry or expulsion, the control actions should account for the vessel's effort to rectify such deficiencies immediately.

1. *Denial of Entry/Expulsion*. Use this control option only when allowing a

vessel into U.S. waters or when permitting a vessel to remain in U.S. waters would create an unacceptable level of risk, or an "immediate threat" to the port, personnel or the environment. This should not be the first choice in dealing with substandard vessels and should be limited to the most egregious circumstances. In some cases, a substandard vessel may already be in U.S. waters when a PSC exam initiates an IMO detention. Some of these cases may lead to expulsion of the vessel after it has met minimum specified standards to leave port. Note that the COTP may not expel a vessel for safety considerations under the authority of SOLAS. The COTP may only expel a vessel for safety reasons under the authority of the Ports and Waterways Safety Act. Examples of conditions that could warrant denying a vessel entry or expulsion from port include, but are not limited to, the following:

a. Lack of onboard International Ship Security Certificate (or approved VSP for foreign non-SOLAS vessels);
b. Lack of an approved Ship Security Plan;
c. Lack of an assigned Ship (Vessel) Security Officer;
d. Ship (Vessel) Security Officer shows a profound lack of knowledge or incompetence with respect to implementation of the ship security plan (not knowing specific plan details or nuances of the plan does not merit denial of entry/expulsion);
e. Arrival from a port in a country that does not maintain adequate anti-terrorism measures and refusal to comply with any additional conditions of entry as a result of an arrival from the last port or ports of call (as directed by Commandant (CG-3PCV));
f. Excluding cases where stowaways arrived in the U.S. in sealed containers and instances where stowaways arrived the U.S. and were not detected or detained by crew and not reported to the USCG/CBP prior to vessel arrival;
g. Submission of untimely or incomplete Notice of Arrival (NOA);
h. Incompatible cargoes stowed in adjacent tanks;
i. Cargoes being carried that are not authorized by the Certificate of Compliance;
j. Serious cargo leaks from tanks or piping systems;
k. LNG/LPG Gas detection system inoperative;
l. Vessel carrying cargoes not authorized for carriage by the vessel's IMO documents;
m. Lack of or expired ISM Certification;
n. Lack of COFR;
o. Lack of an approved Vessel Response Plan; and/or
p. IGS system deficiencies.

2. *IMO Reportable Detentions*. The COTP or OCMI may deem a vessel substandard when a PSCO finds clear grounds during a thorough PSC examination that it poses an undue risk to the crew, vessel, port, or environment. An IMO detention should be the primary course of action when there are clear grounds that a vessel subject to IMO instruments is substandard

and corrective measures are necessary. Efforts by the Coast Guard to hold substandard vessels accountable have far reaching effects, not only for the Coast Guard's PSC program but also toward meeting other international member expectations. Note also that the Coast Guard tracks IMO detentions and uses detention information to target vessels that have a higher risk of being substandard due to past history or associations with higher risk owners, flag States, and Recognized Organizations. Refer to Appendix A for specific examples of detainable deficiencies under their corresponding authorities.

3. *Captain of the Port (COTP) Order*. A COTP Order is an important tool to protect the safety and security of the port. The COTP may use such an order to implement a variety of control actions, including controlling the vessel's movement as it enters or departs a port. The COTP may also use such an order to expel a vessel out of port. Also, there are potential civil and criminal penalties for violating a COTP Order. The COTP Order is not a substitute for pursuing and processing a detention under the applicable provisions of SOLAS, the ISPS Code, MARPOL, STCW, or the Load Line Convention.

    a. Controlling the Ship's Movement. Depending on the deficiencies discovered, the COTP may issue an order to control or restrict the vessel's movement or operations. Many additional applications exist, not all of which relate to the condition of a vessel (e.g. A COTP Order may be used to order a vessel to a specific anchorage to protect a port during a hurricane).

    b. Controlling the Ship's Movement for Security. If there is a concern that the vessel poses a risk to the port or vessel from sabotage or other subversive acts, a COTP Order requiring the presence of armed escort personnel onboard the vessel during the transit is warranted.

    c. Controlling the Ship's Movement for Safety. If the deficiency relates to the vessel's navigational equipment, the COTP Order might require an assist tug or may restrict a vessel to daylight operations. If the deficiency relates to pollution prevention equipment, the COTP Order may prohibit a vessel from bunkering or lightering until the vessel takes corrective measures.

4. *Customs Hold*. Under the authority of 46 U.S.C. 91, vessels intending to depart the U.S. for a foreign port should obtain a clearance from Customs and Border Protection (CBP). If allegations exist that a vessel has violated certain U.S. safety and pollution laws, the Coast Guard may request that the CBP deny or withhold the required clearance from the vessel until the vessel posts a letter of undertaking or surety bond. Before requesting a Customs Hold, the COTP or OCMI should encourage the vessel to obtain proper surety. In cases involving alleged violations of the MTSA regulations, the COTP or OCMI should first consult with the appropriate district legal office for guidance.

This control should not be relied upon when a PSC detention is the appropriate option.

5. *Restrictions of Operations/Vessel Movement*. The COTP or OCMI may impose restrictions on vessel operations or movements if vessel deficiencies pose security or safety threats. Security deficiencies on a vessel or at a facility receiving vessels that present a danger to either the vessel or facility may be addressed one of two ways: the ship may correct deficiencies prior to arrival; or the COTP or OCMI may order the vessel to proceed to a safe location until the vessel corrects the deficiencies. The COTP or OCMI may order a vessel to correct deficiencies even when these do not affect the vessel's fitness to proceed to sea. In such cases, the vessel is not substandard and the COTP or OCMI should not detain the vessel. Whenever the COTP or OCMI issues a COTP Order solely to comply with U.S. regulations, the authority for the order should be the PWSA.

6. *Delay*. The COTP or OCMI may delay a vessel until it corrects certain maritime security deficiencies. For example, if the port is at MARSEC level 2 (generally equivalent to security level 2) and the arriving vessel is at security level 1, the ship should implement the additional security requirements of security level 2 plus the additional requirements of MARSEC level 2 before the vessel may be allowed to enter port.

7. *Comprehensive Security Inspection*. This is the minimum control action to take when clear grounds of a security deficiency are established. Similar to the expanded exam for a safety violation, this expanded security inspection is very detailed, possibly including a review of relevant portions of the ship security plan. Since these plans include sensitive information, the COTP or OCMI may only examine the SSP if the only means available to verify or rectify a security requirement in question is through review of relevant portions of the SSP. The COTP or OCMI must also obtain authorization from the Master and/or flag Administration (as appropriate) before reviewing portions of the plan. If the Master or flag Administration does not authorize PSCO review, and the only means to determine compliance is through SSP review, the COTP or OCMI may consider the vessel for denial of entry, expulsion from port, or an IMO detention, depending on the circumstances. The prevailing need to keep U.S. ports secure justifies the potential delays to commerce that may result from this control action.

8. *Letter of Deviation*. The COTP or OCMI may authorize, upon written application, a deviation from any rule in 33 CFR Part 164. However, the COTP or OCMI must consider risks imposed by equipment failures reported in accordance with 33 CFR 164.53 and casualties reported in accordance with 46 CFR 4.05, before issuing a Letter of Deviation. The COTP or OCMI should require a vessel examination prior to issuing a Letter of Deviation in those cases involving vessels at high risk from a safety perspective. Issuance

of a Letter of Deviation does not preclude the possibility of pursuing civil penalty action and is not an appropriate control action for security deficiencies.

9. *Flag State Notification*. Whenever the Coast Guard denies a foreign vessel entry to a port or offshore terminal, or detains the vessel, the unit taking that action should notify the flag state forthwith. The Port State Control Website at http://homeport.uscg.mil/mycg/portal/ep/browse.do?channelId=-18371 provides contact information for all foreign flag Administrations. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port states initiating control actions notify the flag administration forthwith. Further, for maritime security-related control actions, such as inspection of the ship (as discussed in SOLAS Chapter XI-2, Reg. 9.8.1), delaying the ship, detention of the ship, restriction of operations, including movement within the port, or expulsion of the ship from the port, the unit making the control action should also notify the flag state as soon as possible. Notification should be in writing within 24 hours of initiating the action. Depending on the circumstances, flag state notification presents the best opportunity for the COTP or OCMI to ask the flag administration for permission to review relevant portions of the ship security plan. Submittal of Forms A and B is acceptable for flag state notification; however, if such notification includes a request to review portions of the security plan, a brief letter to this effect stating the reasons such review is necessary should also be included. Should any difficulties be encountered in making this notification, contact CG-3PCV-2 for additional information.

10. *Lesser Administrative/Corrective Measures*. The COTP or OCMI may choose to use lesser administrative or corrective measures for certain security deficiencies. For example, if the Coast Guard finds a vessel with a non-detainable (or not subject to denial of entry or expulsion) security deficiency and the vessel corrects the deficiency to the satisfaction of the PSCO before the vessel experiences any delay, a lesser corrective measure has occurred. Such measures are not considered reportable control actions under SOLAS Chapter XI-2 and do not need to be reported to the flag administration.

D. Administrative Enforcement Measures (apply to both security and safety violations).

1. *Civil Penalty Adjudication*. The COTP or OCMI should initiate civil penalty proceedings for all major non-criminal violations, for repeat offenses, and any minor violations not corrected prior to returning to a U.S. port. Penalty amounts are determined by the circumstances under which the violation occurred, seriousness of the violation, culpability of the party, prior history of similar violations, and economic benefit of noncompliance to the responsible party.

2. *Civil Penalty*. The COTP or OCMI may process a civil penalty case for violations of U.S. laws or regulations. Civil Penalty provisions for violations of 33 CFR part 104 (vessel security) are located at 33 CFR part 101.415. The COTP or OCMI should pursue penalty enforcement in all cases against those involved parties that are in the best position to bring about compliance and those who can best deter future violations.

3. *Letter of Warning*. This correspondence is appropriate for minor first-time violations that vessel operators correct immediately. The discovery of administrative errors in dangerous cargo manifests is an example of a minor violation. However, a history of continuing violations in MISLE indicates the need for more stringent enforcement actions. The COTP or OCMI may issue a Letter of Warning to all parties (owner/ operator/ agent) involved with a vessel.

Summary of Changes.

Ch-1.

1. Added new Appendix B to Enclosure (4), International Port Facility Program and Country Advisories.

Ch-2.

1. Made editorial changes throughout.
2. Expanded guidance regarding examples of conditions that warrant denial of entry or expulsion under SOLAS Chapter XI-2 and the ISPS Code.

APPENDIX A TO ENCLOSURE 4

EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND SAFETY, CH-2

APPENDIX A

EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND SAFETY, CH-2

A. DOCUMENTATION DISCREPANCIES

1. Documents not available.
2. Document missing the name of its issuing authority.
3. Document does not identify the vessel.
4. Document lacks an issue date, signature of the duly authorized official issuing the document, or seal or stamp of the issuing authority.
5. Disparities between actual condition of vessel and documentation listing.

B. INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE

1. Lack of, or expired/invalid, International Ship Security Certificate or interim International Ship Security Certificate (Preferably, the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
2. Lack of/incomplete approved ship security plan (Preferable action for missing security plan - the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
3. Lack of an assigned ship security officer (Preferably, the COTP/OCMI should deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port).
4. Ship Security Officer (SSO) cannot display an acceptable level of competency in regard to vessel security (If the SSO shows a profound lack of knowledge with respect to implementation of the ship security plan, the COTP/OCMI may deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port). Note the PSCO should not expect the SSO to have an encyclopedic knowledge of the ship security plan.
5. Crew anomalies (e.g., gross incompetence, unaccounted personnel, fraudulent documents, etc.). If other significant security deficiencies exist, the COTP/OCMI may deny entry to the vessel if it has not arrived at the port or expel the vessel from port, if in port.
6. Inaccurate or incomplete Notice of Arrival information (Under specific circumstances, see SOLAS Reg. XI-2/9.2.2. Note the COTP/OCMI may, as an alternative, deny entry, see SOLAS Reg. XI-2/9.2.2).
7. Evidence that serious deficiencies exist in regards to the vessel's security equipment, documentation or arrangements.
8. Master or crewmembers not familiar with essential shipboard security procedures. (Requesting the RSO or the company to conduct training or the replacement of trained crew is appropriate).

9. Inability of crewmembers to establish communications with other key members with security responsibilities.
10. Missing or inoperable ship security alert system (Note applicability dates for equipment in SOLAS Reg. XI-2/6.1).
11. Lack of Declaration of Security when required or agreed upon amongst parties (The COTP/OCMI may, as an alternative, delay the vessel until the DOS is in place).
12. Evidence that cargo handling security procedures are not in place (The COTP/OCMI may, as alternatives, restrict cargo operations, delay vessel and/ or expel from port, depending upon the risk to the port and its infrastructure).
13. Poor access control screening procedures on passenger vessels associated with passenger access control or unaccompanied passenger baggage (The COTP/OCMI may, as an alternative, restrict operations or delay the vessel in isolated cases by security personnel. The COTP/OCMI may expel the vessel from port in cases indicating a chronic failure of access control.).
14. Lack of access control on cargo vessels (i.e. No one at gangway to screen visitors; see SOLAS definition for cargo vessels.)
15. Lack of controls to monitor/protect restricted areas from unauthorized access.
16. Multiple deficiencies involving access control, monitoring of restricted areas, supervising cargo/ship's stores operations, performance of security duties, etc., with a net effect that the ship is substandard with respect to compliance with SOLAS Chapter XI-2 and the International Ship and Port Facility Security Code. Note the COTP/OCMI must be able to justify such action based on the objective evidence.

C. INTERNATIONAL CONVENTION OF SAFETY OF LIFE AT SEA (SOLAS)

1. Failure of essential machinery to operate properly, especially due to lack of maintenance (The COTP/OCMI may take lesser action in cases where failure just occurred and the ship is taking responsible action to rectify the problem).
2. Excessive oil in engine room bilges, insulation of machinery exhausts contaminated by oil, improper operation of bilge pumping arrangements (The discrepancy must represent a serious fire hazard to the vessel).
3. Failure of emergency generator, lighting, batteries, etc. to operate properly.
4. Failure of steering gear to operate properly in any mode.
5. Absence, insufficient capacity, or serious deterioration of any lifesaving appliances.
6. Absence, insufficient capacity, or serious deterioration of any firefighting appliances or fire protection (including structural fire protection and serious problems related to means of escape).
7. Absence, substantial deterioration, or failure of proper operation of cargo deck area fire protection on tankers.
8. Absence, noncompliance, or serious deterioration of navigation lights, shapes, or sound signals.
9. Absence or inoperable GMDSS or associated equipment.

10. Absence or inoperable required navigation equipment, taking into account SOLAS (2004) Regulation V/16.2.
11. Absence of corrected navigational charts and/or relevant publications necessary for the intended voyage, taking into account electronic charts/publications.
12. Absence of non-sparking exhaust ventilation for cargo pump rooms.
13. Serious deficiency in operational requirements (e.g. unsatisfactory fire and abandon ship drills, no common crew working language, unfamiliarity with operation of machinery, etc.).
14. Number, composition, or certification of crew not corresponding to safe manning document.
15. Non-implementation of required enhance program of inspection.
16. Multiple deficiencies affecting vessel's safety, none of which alone warrant vessel detention, but collectively make the ship substandard with respect to compliance with SOLAS and thereby warrant vessel detention. Note the COTP/OCMI must be able to justify such action based on the objective evidence.

D. INTERNATIONAL CONVENTION ON LOADLINES (ICLL 66)

1. Significant areas of damage or corrosion, or pitting of plating affecting fitness or strength, unless proper temporary repairs for a voyage to a port for permanent repairs has been authorized and accepted by Class.
2. A recognized case of insufficient stability.
3. Load-line violation (overloading).
4. Absence or substantial deterioration of closing devices, hatch closing arrangements, and watertight doors.

E. INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL 73/78)

1. Absence, serious deterioration, or failure of the oily water separator, the oil discharge monitoring and control system, or the 15-ppm alarm arrangements.
2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
3. Unauthorized discharge bypass piping fitted (in addition, contact District legal officer about pursuing potential criminal violation with DOJ).

F. INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS (STCW)

1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have valid dispensation, or to provide documentary proof that the seafarer has applied for an endorsement to the flag state administration.
2. Failure to comply with the applicable safe manning requirements of the flag state administration.

3. Failure of navigational or engineering watch arrangements to conform to the requirements specified by the flag state administration.
4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications, or the prevention of marine pollution.
5. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of marine pollution.
6. Inability to provide for the first watch at the commencement of a voyage and subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty (this may include required crewmembers not fit for duty because of drunkenness).

G. INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 147 (ILO 147)

1. Insufficient food for voyage to next port.
2. Insufficient potable water for voyage to next port.
3. Excessively unsanitary conditions on board.
4. No cooling or heating in accommodation of a ship operating in areas where temperatures may be excessive.
5. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.

H. INTERNATIONAL BULK CARRIER (IBC) CODE

1. Transportation of a substance not listed on the Certificate of Fitness.
2. Missing or inoperative high-pressure safety devices.
3. Electrical installations not intrinsically safe or corresponding to code requirements.
4. Sources of ignition in hazardous locations.
5. Insufficient heat protection for sensitive products.

I. INTERNATIONAL GAS CARRIER (IGC) CODE

1. Transport of substance not listed on the Certificate of Fitness.
2. Missing closing devices for accommodations or service spaces.
3. Bulkhead not gastight.
4. Defective air locks.
5. Missing or defective quick closing valves.
6. Missing or defective safety valves.
7. Electrical installations not intrinsically safe or not corresponding to code requirements.
8. Ventilators in cargo area not operable.
9. Pressure alarms for cargo tanks not operable.
10. Gas detection plant and/or toxic gas detection plant not operable.

11. Transport of substances to be inhibited without valid inhibitor certificate.

J. INTERNATIONAL SAFETY MANAGEMENT CODE (ISM) CODE

1. The Safety Management System (SMS) documents a company's management procedures to ensure that conditions, activities and tasks, both ashore and on board, affecting safety, security and environmental protection are planned, organized, executed, and checked in accordance with statutory and company requirements. The SMS contains the procedural requirements for vessels to carry out normal operations including, but not limited to, preventative maintenance, navigation procedures, bunkering operations, emergency preparedness, pollution prevention procedures, technical systems, and operations and communications procedures. With this in mind, many deficiencies can be attributed to a failure to follow some standardized procedure or an inappropriate procedure. Therefore, if a failure occurs, the vessel and/ or company must correct the deficiencies as well as review systems management to implement correct procedures.

2. If the OCMI discovers major non-conformities exist with the vessel's SMS, such as a deviation from SMS requirements that poses a serious and direct threat to personnel or ship safety, evidence that the ship is not taking corrective action for long-standing non-conformities per preventative maintenance processes in the SMS, or evidence the company has failed to address outstanding non-conformities reported by the ship, the OCMI may consider the vessel for detention. To do so the OCMI must articulate the specific deficiencies of the failed SMS. The OCMI may also recommend to the flag Administration to perform an external audit. If the OCMI suspects problems exist on the company side, the OCMI should submit a letter to G-PCV via the District and Area, fully documenting the suspected problems and requesting that the flag Administration conduct an external audit of the company involved.

Summary of Changes.

Ch-2.

1. Made editorial changes throughout.
2. Expanded guidance for detentions under the International Ship and Port Facility Security Code.
3. Expanded guidance for detentions under the International Convention for the Safety of Life at Sea.
4. Expanded guidance for detentions under the International Safety Management Code.

APPENDIX B TO ENCLOSURE 4

INTERNATIONAL PORT SECURITY PROGRAM AND
ACTIONS TAKEN AGAINST VESSELS ARRIVING
FROM COUNTRIES NOT MAINTAINING EFFECTIVE ANTI-TERRORISM
MEASURES, CH-2

APPENDIX B

INTERNATIONAL PORT SECURITY PROGRAM AND ACTIONS TAKEN AGAINST VESSELS ARRIVING FROM COUNTRIES NOT MAINTAINING EFFECTIVE ANTI-TERRORISM MEASURES, CH-2

A. INTRODUCTION

1. 46 U.S.C. § 70108 requires the Coast Guard to assess the effectiveness of antiterrorism measures at certain foreign ports. 46 U.S.C. § 70109 of the MTSA requires the Coast Guard to notify the appropriate authorities of the foreign government of the finding and provide recommendations to improve the antiterrorism measures in use at the port. 46 U.S.C. § 70110 allows the Coast Guard to prescribe conditions of entry for any vessel arriving from a foreign port that does not maintain effective antiterrorism measures.

2. The International Port Security (IPS) Program is responsible for implementing these provisions and utilizes the International Ship and Port Facility Security (ISPS) Code as the primary baseline for determining if effective anti-terrorism measures are in place. The IPS Program involves a wide range of activities including, but not limited to, country and port facility visits, participation in an interagency advisory group to develop appropriate actions following on site visits, issuance of advisories for countries that have not properly implemented the international facility security standards, and development of Federal Register notices detailing final actions pertaining to vessels arriving from these countries.

3. The key outputs of IPS Program processes are Port Security Advisories and Maritime Security (MARSEC) Directives. Commandant (CG-3PCV) distributes information contained in Port Security Advisories to Coast Guard units and the maritime industry on a monthly basis for all existing country advisories. This Appendix briefly explains the interconnectivities between the IPS and Port State Control Programs pertaining to the issuing of Port Security Advisories and MARSEC Directives.

4. For detailed information on the International Port Security Program, refer to Commandant Instruction 16618.7, “International Port Security Program”.

B. INTERNATIONAL PORT SECURITY PROGRAM IMPLEMENTATION PROCESSES

1. Tracking Compliance with International Security Codes. By July 1, 2004, Contracting Governments to SOLAS 74 were required to provide a list of all port facilities that have approved security plans to the International Maritime Organization (IMO). The IPS Program tracks the reports as an initial step in verifying if the countries have properly implemented the international port facility security standards. For example, the Coast Guard considers countries reporting compliance with the ISPS Code as having properly implemented the standards until the IPS Program team performs an on site visit, whereas the Coast Guard considers countries failing to report to IMO or which report non-compliance with the standards to have not properly implemented the standards. In addition, the Coast Guard has asked countries not signatory to SOLAS to provide the same

type of information regarding port facilities to the U.S. Coast Guard as SOLAS nations report to the IMO.

2. Country Visits

   a. The country visit is the centerpiece of the IPS Program. Its primary purpose is to conduct an information exchange, share best practices, and learn how a country is implementing the ISPS Code. Country visits will include interviews with key government and port authorities coupled with reviews of the following: security programs, physical security measures in place in ports, performance of security duties by personnel, and the government oversight processes.

   b. While the country visit is the primary means for observing the implementation of the ISPS Code, in some cases the Coast Guard may receive information concerning implementation of the ISPS Code from credible sources including vessel masters, U.S. Government representatives and public/private sources. The IPS Program team will factor this information into the determination of the effectiveness of antiterrorism measures in place in the country.

3. Port State Control Actions Vessels that have visited a port/port facility in a country that is not maintaining effective anti-terrorism measures during the last five port calls may be subject to port state controls.

4. Conditions of Entry.

   a. Vessels that have visited a port/port facility in a country that is not maintaining effective anti-terrorism measures are subject to conditions of entry. Commandant will determine these conditions of entry and transmit this information to the COTP or OCMI. Conditions of entry may include:

      (1) Require vessels to implement measures equal to a higher security level at the non-compliant port;
      (2) Require vessels to execute a Declaration of Security (DOS) at the non-compliant port;
      (3) Require vessels to log all security activities at the non-compliant port;
      (4) Require vessels to report all actions taken, either at the time it submits its Advance Notice of Arrival to the National Vessel Movement Center or directly to the cognizant Captain of the Port;
      (5) Deny the vessel entry until a Coast Guard Positive Control Boarding Team is aboard;
      (6) Require vessels to provide security personnel prior to entry;
      (7) Limit vessels to daylight only transit;
      (8) Restrict vessel movements so they do not transit past high capacity passenger vessels and/or vessels carrying CDCs;
      (9) Require vessels to complete a security sweep prior to entry;

(10) Require vessels to conduct an underwater hull sweep prior to entry; and
(11) Restrict vessels to certain facilities within the port.

b. Conditions of entry will generally be imposed under the following circumstances:

(1) A country has not communicated compliance with ISPS Code to IMO or to the Coast Guard if the country as not adopted SOLAS;

(2) A country is found not to have substantially implemented the ISPS Code either as a result of a country visit or from other credible evidence; or

(3) A country refuses, after repeated attempts, to allow the IPS Program Team access to the ports under its jurisdiction.

c. Upon the Commandant imposing conditions of entry, the Coast Guard will issue a Port Security Advisory and publish a notice in the Federal Register to notify the maritime industry of the required actions a vessel must take when trading with the port facility or country of concern that may facilitate the vessel's entry into the United States.

d. The IPS Program team will post each Port Security Advisory on the U.S. Coast Guard IPS Program website http://www.uscg.mil/hq/g-m/mp/ipsp.shtml. The IPS Program will also advise select maritime trade associations and national maritime associations, and regarding the Port Security Advisory . On a monthly basis CG-3PCV will also distribute all current advisories to the field.

e. Upon imposition of conditions of entry, CG-3PCV will advise the field regarding the impact of the advisories on PSC targeting decisions and other actions that may apply to arriving vessels.

C. RECOMMENDED/REQUIRED ACTIONS FOR COMPLIANT PORT FACILITIES IN COUNTRIES THAT HAVE NOT SUBSTANTIALLY IMPLEMENTED THE ISPS CODE

1. Application. A specific port facility that is maintaining a high degree of security in a country that has not substantially implemented the international standards may propose special security procedures to the IPS Program in order to facilitate the entry into the United States of a vessel that uses that port facility. At a minimum, the application must address the following items:

a. RSO review and certification that the port facility complies with the applicable requirements of ISPS Part A, taking into account the relevant provisions of the ISPS Code, Part B;

b. How the port facility will evaluate and adjust security measures to meet changing threat conditions; and

c. An agreement that the third party will conduct audits as required.

2. Approval. The IPS Program, in conjunction with CG-3PCV, will review the application and a designated RSO, acceptable to the U.S. Coast Guard, will certify the implementation of the appropriate security measures at the facility. The cost of the third party verification will be borne by the country in question and/or the specific facility.

3. Port State Control Actions. The IPS Program and CG-3PCV will adjust port state control actions for vessels arriving from the port facility after approving and verifying appropriate security measures at the port facility to the satisfaction of IPS Program.

4. Duration of Facilitated Entry. The IPS Program will outline the specific length of time in the approval of any special security measures.

D. RECOMMENDED ACTIONS FOR COUNTRIES NOT SIGNATORY TO SOLAS THAT WISH TO TRADE WITH THE UNITED STATES

Countries that wish to trade with the United States that are not signatory to SOLAS may facilitate the entry of vessels into the United States. They may do so by implementing the applicable requirements of ISPS Code, Part A, taking into account the relevant provisions of the ISPS Code, Part B, or by implementing an equivalent level of security. The countries must report this information to the U.S. Coast Guard International Port Security Program (web site: http://www.uscg.mil/hq/g-m/mp/ipsp.html).

Summary of Changes.

Ch-2.

1. Updated discussion on the International Port Security Program to reflect current operations.

ENCLOSURE 5

GLOSSARY

GLOSSARY

ABSCONDER - An inadmissible **CREWMEMBER** that gains, or attempts to gain, illegal entry into the United States.

AGENT - A vessel representative hired by the ship's management. Ship's agents may perform various jobs, such as ensuring proper vessel documentation and compliance.

AUTHORITY - The government's legal power to act.

BASELINE - Refer to Title 33, Code of Federal Regulations, Section 2.20. Also referred to as territorial sea baseline.

BASIC INITIAL SAFETY INSPECTION (BISI) - The BISI is a quick and limited protective sweep of a vessel for boarding team safety. The scope of the BISI is determined by the circumstances of the boarding, particularly the size, type, and condition of the vessel, the demeanor of the crew (knowledge, skill level and experience), and information available to the boarding team about potential threats or hazards aboard the vessel. Further guidance on BISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1 (series).

CARGO SHIP - Any ship that is not a passenger ship.

CERTAIN DANGEROUS CARGO (CDC) – Is not synonymous with Hazardous Cargo, but includes any of the following:

- Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50
- Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or for which a permit is required as a condition of a Research and Special Programs Administration exemption
- Division 2.3 "Poisonous Gas", as listed in 49 CFR 172.101 that is also a "Material Poisonous by Inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel
- Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as condition of a Research and Special Programs Administration exemption
- A liquid material that has a primary or subsidiary classification of Division 6.1 "Poisonous Material" as listed 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.
- Class 7, "Highway Route Controlled Quantity" radioactive material or "Fissile Material, Controlled Shipment," as defined in 49 CFR 173.403.
- Bulk liquefied chlorine gas and bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

- The following bulk liquids: (I) acetone cyanohydrin, (II) allyl alcohol, (III) chlorosulfonic acid, (IV) crotonaldehyde, (V) ethylene chlorohydrin, (VI) ethylene dibromide, (VII) methacrylonitrile, and (VIII) oleum (fuming sulfuric acid).

CIVIL PENALTY PROCESS - The means of reporting, adjudicating, and disposing a suspected violation of Federal law where the statute or regulation provides for a civil penalty (e.g., CG-4100 violation, fisheries violation).

CLASSIFICATION SOCIETY - An organization, other than a flag State, that issues Certificates of Class and/or International Convention Certificates.

CLEAR GROUNDS - Evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety and security of the vessel.

CODE OF FEDERAL REGULATIONS (CFR) - The compilation and codification of U.S. administrative law by subject matter arranged in numerical titles. The Federal Government published the CFR in volume form.

COMPANY SECURITY OFFICER - The person designated by the Company for ensuring that a ship security assessment is carried out, that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.

CONTIGUOUS ZONE - Refer to Title 33, Code of Federal Regulations, Section 2.28.

CONTINENTAL SHELF - The area of seabed and subsoil beyond the territorial sea, which extends up to either: 200NM from the baseline; or, subject to certain limits, the outer edge of the continental margin (the submerged prolongation of the land mass), or 100NM from the 2500 meter isobath, whichever is further seaward (but in no case beyond 350NM from the baseline).

CONTINUOUS SYNOPSIS RECORD - Record required under regulation of Chapter XI of SOLAS. The record will provide an on-board record of history of the ship.

CONTRACTING GOVERNMENTS AND PARTIES - Governments or flag States that have legally accepted to be bound by the requirements of a convention, protocol or other instrument.

CRIMINAL OFFENSE - An offense where the statute provides for criminal penalties, such as fines or imprisonment.

DECLARATION OF SECURITY - An agreement between a vessel and a port facility that addresses security requirements that are shared between a ship and a facility and outlines both ship and facility responsibilities on their security arrangements to ensure coordination and communication is clearly established.

DEFICIENCY - A condition found not to be in compliance with the requirements of the relevant convention or regulation.

DESERTER - A crewmember that is authorized by the U.S. Citizenship and Immigration Service (USCIS) to enter, but upon entry remains illegally in the United States.

DETENTION - For law enforcement purposes, the act of keeping back, restraining or withholding a person or property for a temporary, reasonable period of time for the purpose of inspection, investigation or search when such act does not amount to an arrest or property seizure.

DOCUMENTED VESSEL - A vessel documented under U.S. law (Title 46, U.S. Code; Title 46, CFR, Subpart 67) and issued a Certificate of Documentation by the United States Coast Guard.

EXCLUSIVE ECONOMIC ZONE - Refer to Title 33, Code of Federal Regulations, Section 2.30.

EXTENDED INITIAL SAFETY INSPECTION (EISI) - The EISI is part of the protective sweep of a vessel for the safety of the boarding team, but is more focused. An extended ISI may be conducted only when reasonable suspicion exists that there is a particular hazard that may threaten the boarding team. The scope and conduct of the EISI is guided by the suspected hazard. Further guidance on EISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1 (series).

FEDERAL REGISTER - A daily publication in which U.S. administrative agencies publish proposed regulations for public comment and final regulations.

FLAG ADMINISTRATION – A government that has legally adopted the requirements of a convention, protocol, or other instrument.

FLAG STATE – The nation where a given vessel is legitimately registered. The vessel claims the nationality of that nation and that nation exercises its jurisdiction and control in administrative, technical, and social matters over the vessel.

FLAG STATE AUTHORIZATION - Permission from the flag State of a vessel to board and/or take enforcement actions with respect to that vessel. Flag State authorization is obtained through a special arrangement between the U.S. and the flag State. The specific terms of the authorization determine exactly what enforcement action (e.g., boarding, search, detention, arrest, and/or seizure) the United States Coast Guard may take with respect to the foreign-flag vessel.

FOREIGN-FLAG VESSEL – Foreign-flag vessels are all seagoing vessels except U.S. vessels, vessels without nationality, and vessels assimilated to a vessel without nationality.

HEAVILY POPULATED AREA - For maritime application, cities with a population of more than 100,000 people.

HIGH INTEREST VESSEL - A commercial vessel intending to enter a U.S. port that may pose a high relative risk to the port.

HIGH SEAS - Refer to Title 33, Code of Federal Regulations, Section 2.32. .

IMO DETENTION - Intervention action taken by the port State when the condition of the ship or its crew does not comply substantially with the applicable conventions. Detentions ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

INSPECTION - An examination of government licensees and regulated businesses or activities for compliance with government regulations.

INITIAL SAFETY INSPECTION (ISI) - The initial safety inspection (ISI) is conducted to identify any safety hazards that may exist and ensure the seaworthiness of the vessel being boarded. There are two levels of initial safety inspection: (1) basic; and (2) extended. Further guidance on ISI can be found in Chapter 3 of the MLEM, COMDTINST M16247.1.

INTERNAL WATERS - Refer to Title 33, Code of Federal Regulations, Section 2.24.

INTERNATIONAL MARITIME ORGANIZATION (IMO) - Specialized agency of the United Nations concerned solely with maritime affairs. Responsible for international treaties, conventions, resolutions, and codes to improve maritime safety, security, and environmental protection.

INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS) – IMO assembly adopted document that establishes an international framework involving co-operation between Contracting Governments, Government agencies, local administrations and the shipping and port industries to detect and access security threats. The ISPS Code applies to the following types of ships engaged on international voyages: passenger ships carrying more than 12 passengers including high-speed passenger craft, and cargo ships of 500 gross tonnage and upwards including high-speed craft.

INTERNATIONAL WATERS - The waters seaward of the outer limit of the territorial sea of any nation, but encompassing the high seas, exclusive economic zone (EEZ), and contiguous zones.

JURISDICTION - The government's right to exercise legal authority over its persons, vessels and territory. Within the context of maritime law enforcement, jurisdiction is comprised of three elements: substantive law, vessel status/flag State, and location.

KEY ASSETS (KA) - See MARITIME CRITICAL INFRASTRUCTURE/KEY ASSETS (MCI/KA).

LAW ENFORCEMENT AGENCY - An executive agency chartered and empowered to enforce laws in one of the following jurisdictions: U.S., a state (or political subdivision) of the U.S., a territory or possession (or a political subdivision) of the U.S., or the borders of a foreign nation.

MANIFEST - A collection of forms required for presentation on a vessel's arrival or departure in/from the United States. Typically these include, but are not limited to, Form I-418 (Crew List), Form I-92 (Vessel Report), Form I-94 (Arrival/Departure Record) and Form I-95 (Conditional Landing Permit).

MARINE TRANSPORTATION SYSTEM (MTS) - Consists of waterways, ports and intermodal connections, vessels, vehicles, and system users, as well as federal maritime navigation systems.

MARITIME CRITICAL INFRASTRUCTURE/KEY ASSETS (MCI/KA) - Facilities, structures, systems, assets, or services so vital to the port and its economy that their disruption, incapacity, or destruction would have a debilitating impact on defense, security, the environment, long-term economic prosperity, public health, or safety of the port (Source: 33 CFR 101.105)

MARITIME HOMELAND SECURITY (MHS) - MHS is federal law enforcement carried out by domestic law enforcement authorities, including the United States Coast Guard (USCG), and shall be conducted in accordance with settled law enforcement procedures, the Maritime Law Enforcement Manual (COMDTINST M16247.1 (series)) and other applicable law enforcement policies. Department of Defense (DoD) personnel may assist non-DoD law enforcement authorities with MHS law enforcement missions in accordance with federal law and applicable DoD and USCG regulations and policies. The Homeland Security Act defines the following USCG missions as homeland security missions: ports, waterways and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement activities. MHS does not include the physical security of Coast Guard units and property, which shall be conducted in accordance with the Physical Security and Force Protection Manual, COMDTINST M5530.1c.

NAVAL VESSEL PROTECTION ZONE (NVPZ) - As described in 33 CFR 165, Subpart G, a NVPZ is a 500-yard regulated area of water, including a 100-yard exclusion zone, surrounding large U.S. naval vessels, including MSC vessels, in effect at all times in the navigable waters of the U.S. (out to 3nm), whether the large naval vessel is underway, anchored, moored, or within a floating drydock, except when the large naval vessel is moored within a restricted area or within a Naval Defensive Sea Area.

NAVIGABLE WATERS OF THE U.S. - Refer to Title 33, Code of Federal Regulations, Section 2.36.

NOTICE OF ARRIVAL – The notice that vessels must provide the United States Coast Guard before entering U.S. ports. See 33 CFR part 160 for more information.

OPERATIONAL CONTROL (OPCON) - The authority to perform those functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives and giving authoritative direction over all aspects of law enforcement or military operations and joint training necessary to accomplish assigned missions. OPCON may be exercised at any echelon at or below the level of Area Commander, or combatant command for joint operations, and can be delegated or transferred. OPCON, in and of itself, does not include authoritative direction for logistics, administration, discipline, internal organization, or training.

PASSENGER - Any person arriving in the United States on board a vessel who is not a CREW MEMBER or a STOWAWAY.

PORT FACILITY SECURITY OFFICER - The person designated as responsible for the development, implementation, revision, and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers.

PORT FACILITY SECURITY PLAN - A plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units, and ship's stores within the port facility form the risks of a security incident.

PORT STATE CONTROL - The process by which a nation exercises its domestic and/or international authority over foreign vessels when those vessels are in waters subject to its jurisdiction.

PORT STATE CONTROL OFFICER (PSCO) - A person duly authorized by the competent authority of a Party to a relevant convention to carry out port State control inspections, and responsible exclusively to that Party.

PORTS, WATERWAYS, AND COASTAL SECURITY (PWCS) - Protect the U.S. Maritime Domain and the U.S. Marine Transportation System from internal and external threats such as: destruction, loss, or injury from terrorism, sabotage, or other subversive acts. Deny their use and exploitation as a means for attacks on U.S. territory, population, and critical infrastructure. Prepare for and, in the event of attack or incident, conduct emergency response operations. When directed, as the supported or supporting commander, transition to and conduct Maritime Homeland Defense operations.

POSITIVE CONTROL MEASURES - Concurrent with or upon completion of a security boarding, armed boarding team members establish positions aboard the vessel to deter, detect, prevent, and respond to acts of terrorism and /or transportation security incidents.

RECOGNIZED ORGANIZATION - An organization that meets the relevant conditions set forth by resolution A.739(18), and has been delegated by the flag State Administration to provide the necessary statutory services and certification to ships entitled to fly its flag.

RECOGNIZED SECURITY ORGANIZATION (RSO) - An organization with the appropriate expertise in security and antiterrorism matters recognized by the Administration [or Designated Authority] and authorized to carry out assessment, verification, approval and certification activities required by the ISPS Code. The organization meets the 12 requirements set forth in Part A of the ISPS Code to perform certain port security functions such as: approval of ship security plans, or amendments thereto, on behalf of the Administration; verification and certification of compliance of ships with the requirements of chapter XI-2 and part A of the ISPS Code on behalf of the Administration; and conducting port facility security assessments.

REGULATED NAVIGATION AREA (RNA) – A water area within a defined boundary for which regulations are established to regulate navigation where hazardous conditions exist which may make routine navigation unsafe. RNAs generally impose operating conditions/restrictions on vessels to ensure safe navigation.

REGULATION - A rule or order issued by a U.S. administrative agency, normally acting pursuant to authority granted by statute.

SAFETY ZONE - Established for the protection of vessels, structures, waterways, and shore areas; established for general safety and environmental protection purposes. It may be described by fixed limits, or it may be a zone around a vessel in motion. Safety Zones may also be established to prevent or respond to an act of terrorism against an individual, vessel or structure.

SECURITY BOARDING - An examination by an armed boarding team of a vessel (including the cargo, documentation, and persons on board) designated by the Captain of the Port (COTP), arriving or departing at a U.S. port, to deter acts of terrorism and/or transportation security incidents. COTPs may order a security boarding for vessels engaged in domestic operations if intelligence or other law enforcement information warrants. Security boardings include, but are not limited to:

(1) Verification of the information submitted in the Notice of Arrival (NOA) submission;
(2) Ensuring that the ship and crew are operating consistent with the stated purpose of the voyage, industry norms, and Federal law and regulations;
(3) Investigation of any intelligence and/or law enforcement information related to the vessel and crew; and
(4) Collection of information intended to assist the COTP in deciding whether to permit the vessel to enter or leave port.

Security boardings can be broken down into three phases consisting of (1) an initial safety inspection, (2) an administrative review of security and safety elements, and (3) a general walk-through of the vessel for security and safety compliance including verification of specific elements of the ISPS Code.

SECURITY ZONE – Established to safeguard vessels, harbors, ports and waterfront facilities from sabotage or other subversive acts, accidents or other causes of a similar nature.

SHIP MANAGEMENT - Owner, operator/master, and/or charterer of a vessel.

SHIP SECURITY ALERT SYSTEM - System required by regulation 6 of chapter XI-2 of SOLAS. When activated, the system should initiate and transmit a ship-to-shore security alert to a competent authority as designated by the flag Administration. The system will identify the ship, its location, and indication that the security of the ship has been compromised.

SHIP SECURITY OFFICER - The person on board a ship, accountable to the master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the ship security plan and for liaison with the company security officer and port facility security officers.

SHIP SECURITY PLAN - A plan developed to ensure the application of measures on board the ship designed to protect persons on board, cargo, cargo transport units, ship's stores, or the ship from the risks of a security incident.

STATELESS VESSEL - See VESSEL WITHOUT NATIONALITY.

STATUTE - A law passed by the U.S. Congress and signed by the President.

STOWAWAY - Any person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the ship's owner, the master, or other responsible person and who is detected on board the ship after it has departed from port, or in the cargo while unloading it in the port of arrival. Also defined as an alien coming to the U.S. surreptitiously on an airplane or vessel without legal status for admission.

SUBSTANDARD SHIP - A ship whose hull, machinery, equipment, or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformance with the safe manning document.

TERRITORIAL SEA (FOREIGN) - The waters within the belt that is adjacent to the foreign nation's coast and whose breadth and baseline are recognized by the U.S.

TERRITORIAL SEA - Refer to Title 33, Code of Federal Regulations, Section 2.22.

TERRITORIAL SEA BASELINE - Refer to Title 33, Code of Federal Regulations, Section 2.20. .

TERRORISM - Any activity that involves an act that is dangerous to human life or potentially destructive of critical infrastructure or key resources; and is a violation of the criminal laws of the United States or of any State or other subdivision of the United States or that would be a criminal violation if committed within the jurisdiction of the United States or of any State or subdivision of the United States; and appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, or kidnapping. Further definitions of terrorism can be found in Chapter 10 of the MLEM, COMDTINST M16247.1 (series).

UNITED STATES CODE (USC) - The compilation and codification of U.S. statutory law by subject matter arranged in numerical titles. The USC is published officially by the Federal Government in volume form and kept current between publishing by annual supplements.

U.S. MARITIME DOMAIN - Encompasses all U.S. ports, inland waterways, harbors, navigable waters, Great Lakes, territorial seas, contiguous zone, customs waters, coastal seas, littoral areas, the U.S. Exclusive Economic Zone (EEZ), and oceanic regions of U.S. national interest, as well as the sea lanes to the U.S., U.S. maritime approaches, and the high seas surrounding America.

U.S. VESSEL - A vessel that:

- Is documented under 46 USC 12101-12124 (Certificate of Documentation);
- Is numbered as provided by 46 USC 12301-12309 (Certificate of Number);
- Is owned in whole or part by a U.S. citizen or national and not registered in another country; or
- Was once documented under U.S. law and, without approval of the U.S. Maritime Administration, had either been sold to a non-U.S. citizen or placed under foreign registry or flag.

VERIFICATION - A visit on board a ship to check both the validity of the certificates and other documents, and the overall security compliance condition of the ship, its equipment, and its crew.

VESSEL - Includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation in water.

VESSEL ESCORT - Provision of armed vessels and/or aircraft to enforce a moving security zone or Naval Vessel Protection Zone (NVPZ), or otherwise accompany and protect against external attack; the geographic extent of the escort shall be specified by the Operational Commander.

VESSEL OF INTEREST (VOI) - A vessel identified by the National Maritime Intelligence Center (NMIC), Area Maritime Intelligence Fusion Centers, District Intelligence Office, or other agency at the regional or port level seen as posing a potential security or criminal threat.

VESSEL WITHOUT NATIONALITY - A vessel that is not registered in one single nation. They are not entitled to fly the flag of any nation and, because they are not entitled to the protection of any nation, are subject to the jurisdiction of all nations. The following, all of which are considered affirmative claims under international law, evidences nationality:

- Oral claim of nationality by the master or other person in charge of the vessel;
- Vessel documents issued by the flag State; and
- National flag or ensign flown.

A vessel without a nation is commonly referred to as a *stateless vessel*.

VESSEL INSPECTION - A systematic process used to ensure compliance with governmental regulations (e.g., vessel safety inspection, fisheries regulatory inspection, marine safety inspection).

WEAPON OF MASS DESTRUCTION (WMD) - Any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors; a disease organism; or radiation or radioactivity.

Summary of Changes.

Ch-1.

1. Replaced definitions for Baseline, Contiguous Zone, Exclusive Economic Zone, High Seas, Internal Waters, Navigable Waters of the United States, Territorial Sea, and Territorial Sea Baseline with reference to the recognized definitions promulgated in regulation {Title 33, Code of Federal Regulations, Part 2}.
2. Expanded to definition of Certain Dangerous Cargo, which is not synonymous with Hazardous Cargo.

ENCLOSURE 6

FOREIGN VESSEL EXAM BOOK FOR MTSA/ISPS CODE COMPLIANCE

United States Coast Guard

FOREIGN VESSEL
EXAM BOOK FOR MTSA/ISPS CODE COMPLIANCE
(FOR ALL FOREIGN VESSELS)

Name of Vessel	**Flag** O No Change
IMO Number	**Case Number**
Date Completed	
Location	
Senior Marine Inspectors / Port State Control/ Examination Officers 1. _____ 5. _____ 2. _____ 6. _____ 3. _____ 7. _____ 4. _____ 8. _____	

CG-840 ISPS
MTSA/ISPS CODE
Rev. 15APR04

Use of Foreign Vessel MTSA/ISPS Code Exam Book

Since 1994, the Port State Control (PSC) program has had a dramatic influence upon the elimination of substandard shipping. This highly successful program will now include changes that seamlessly integrate verification and enforcement of the regulations authorized by the Maritime Transportation Security Act of 2002 (MTSA) and the provisions of SOLAS Chapter XI-2 and the International Ship and Port Facility Security (ISPS) Code into the existing port State control structure and processes.

The PSC program relies on several elements to ensure vessels not in compliance with safety and security standards do not enter or pose a hazard to the United States. These elements focus on poor performance of owners, operators, charterers, flag Administrations and those recognized organizations (RO) or recognized security organizations (RSO) an Administration may authorize to act on their behalf through:

- risk-based screening of vessels;
- on board verification on potentially non-compliant vessels; and
- enforcement actions that may include, among other actions, denial of entry, detention, or ordering a vessel out of port.

Security examinations shall be done at the location specified by the COTP or OCMI based on the priority established by targeting risk factors. For example, an arriving vessel that receives a high risk score could be boarded at sea, prior to port entry, for the purpose of conducting a security and safety sweep of the vessel. Vessels posing less risk may be boarded for examination at the pier or not at all. In every case, vessels selected for security examination will be boarded in accordance with the applicable international and domestic standards. The scope of the security examination shall be as determined by the COTP or OCMI and the applicable provisions of Title 33 CFR, SOLAS Chapter XI-2, and ISPS Code Parts A and B and this Exam Book shall apply. Note that for many requirements, compliance with Part A of the ISPS Code can be inferred from compliance with Part B because of the greater detail in Part B. It is important to note that every vessel only selected for a port state control safety boarding may also be subject to some measure of security examination in accordance with Part A and Part B of the ISPS Code and the checklist herein may be used to guide this abbreviated security examination.

To meet port State responsibilities, senior marine inspectors/port State control officers must verify that the vessels and their crews are in substantial compliance with international conventions and applicable U.S. laws related to security. The senior marine inspectors/port State control officers, based on their observations, must determine the depth and scope of the examination.

This exam book does not establish or change Federal or International standards. References given are only general guides. Refer to IMO publications, United States Code, the Code of Federal Regulations, NVICs, and any locally produced guidance for specific regulatory references. This checklist is an extensive list of possible examination items related to security equipment, operations, plans and records. It is intended as a job aid to be used by Coast Guard marine inspectors during examinations of foreign-flagged vessels subject to regulations authorized by MTSA, and provisions of SOLAS Chapter XI-2 and the ISPS Code. It is not the Coast Guard's intention to inspect all the items listed in the checklist at every exam; rather the inspector should use it as a reminder of the various items that may be examined during a security examination. As always, the inspector's experience, knowledge, and judgment will determine the depth and scope of each examination.

Conducting the exam

- ☐ Complete Certificates/Equipment Data/Records information (Section A).
- ☐ Review Vessel Security Practices and Competencies (Section B).
- ☐ Expanded Examination (only if Clear Grounds exist) (Section C)

Pre-inspection Items	**Post-inspection Items**
• Review MISLE records • Deficiency History • Critical Profile • CG Activity History	• Issue letters/certificates to vessel • Issue Port State Control Report of Inspection-Form A • Issue Port State Control Report of Inspection-Form B (if needed) • Immediate MISLE documentation • Complete MISLE activity case

Certificates / Reports (complete at each security exam and update MISLE Certificate data)

Name of Certificate	Issuing Agency	ID #	Issue Date	Expiration Date	Endorsement Date	Official Seal (Y/N)	Remarks
International Ship Security Certificate							
Interim International Ship Security Certificate (if issued)							
ASP Used (Non-Solas/Non-Signatory only)							

Continuous Synopsis Record (Review Record and Enter Most Current Data)

Flag State	Date Registered	Ship ID #	Ship Name
Port of Registry	Registered Owners	Bareboat Charterer (if appl.)	Company (1)
Issuer -ISM Doc. Of Compliance	Issuer – ISM Safety Management Cert.	Issuer – ISM Safety Management Cert.	Issuer - ISPS International Ship Security Certificate (indicate if interim)

(1) as defined in SOLAS Chapter IX

Declaration of Security (during period of last ten ports of call, as applicable)

Facility Name	Completed?	Date	Contact Details

SECTION B
Foreign Vessel MTSA/ISPS Code Exam Booklet
Security Practices

Until such point that clear grounds are established, examinations shall address Parts A and B of the ISPS Code and shall be done through observations that expected security procedures are in place, through verifying the on board presence and validity of required security documents and certificates, and by asking questions to verify security procedures and personnel competencies. Questions asked prior to the point clear grounds are established should be limited in both scope and number. The checklist items given below are to serve merely as reminders for items to observe as far as practicable and applicable on a particular type of ship and to the type of shipboard operations being conducted.

Performance of Ship Security Duties ☐ Duties of ship personnel assigned security responsibilities and of other shipboard personnel • Ship is at prescribed security level at port (MARSEC Level _____). • General walk-through of vessel/restricted areas to **observe** security provisions in place • Shipboard personnel attentive to security matters indicating active efforts being taken to ensure appropriate security measures are in place ☐ Identification of ship security officer/company security officer	33 CFR 104.240(a) ISPS Part A Sect. 7.1 & 12 ISPS Code Part B Sect 9.7
Controlling Access to the Ship (number in parentheses indicates security level) ☐ Measures to Prevent Unauthorized Access to ship • Security personnel require personal identification and reason to board (1) • Access points identified/manned to prevent unauthorized access (1) • Unattended spaces adjoining spaces accessible to passengers/visitors secured (1) • Security personnel appear to be briefed re: threats, suspicious persons, objects or activities and need for vigilance (1) • Security personnel patrolling deck areas (2) • Access points to ship limited (2) • Waterside access to ship deterred (2) • Restricted zone established on shore side of ship (2) • Visitors receive escort (2) • Full or partial search of ship conducted (2) • Access restricted to single point (3) • Access to ship limited to security personnel (3) • Directing persons on board (3) • Suspend embarkation/debarkation or evacuate ship (3) • Suspend cargo operations (3) • Move the ship to a more secure area (3) • Preparations taken for a full or partial search of the ship (3)	ISPS Part A Sect. 7.2.2 & 9.4 ISPS Part B Sect. 9.9 – 9.17
Controlling Embarkation of Persons and Their Effects (number in parentheses indicates security level) ☐ Measures to prevent unauthorized weapons, dangerous substances, and devices from being brought on board • Secure area(s) to search persons, baggage, etc. provided (1) • Checked persons/baggage segregated from unchecked persons/baggage (1) • Embarking persons segregated from disembarking passengers (1) • Ro-Ros/Ferries - vehicle searches performed (1) • Unaccompanied baggage screened/searched (1) • Frequency and detail of searches (persons, effects, vehicles) increased (2) • Unaccompanied baggage 100 percent x-ray searched (2) • Unaccompanied baggage, thorough x-ray search (different angles), or refusal to accept (3)	ISPS Code Part A, 7.2.3, 9.4 ISPS Code Part B 9.14, 9.15, 9.38 – 9.41
Monitoring Deck Areas and Areas Surrounding Ship (number in parentheses indicates security level) ☐ Monitoring Security of the Ship • Mix of lighting, watchkeepers, security guards, security equipment used to observe the ship in general (1) • Stepped up use of lighting, watchkeepers, security guards, security equipment (2) • Maximized use of lighting, watchkeepers, security guards, security equipment (3)	ISPS Part A Sect. 7.2.5 & 9.4 ISPS Part B Sect. 9.42 – 9.49

SECTION B
Foreign Vessel MTSA/ISPS Code Exam Booklet
Security Practices

Monitoring Restricted Areas Ensuring only Authorized Persons have Access, e.g. (number in parentheses indicates security level) ☐ Restricted Areas Monitored/Measures to Prevent Unauthorized Access (examples: Bridge, Engine Room, Steering Compartment, Cargo Control Room, Pump Room, Cargo Spaces, CO2 Room, etc.) • Surveillance Equipment in use (1) • Locked/ Secured/ Roving guard for access points (1) • Intrusion alarms devices in use (1) • New restricted areas established adjacent to access points (2) • Continuous use of surveillance equipment (2) • Added guards for access points (2) • Restricted areas established in proximity to security incidents (3) • Restricted areas searched (3)	ISPS Part A Sect. 7 & 9.4 ISPS Part B Sect. 9.18 – 9.24
Supervision of Cargo and Ship's Stores (number in parentheses indicates security level) ☐ Procedures for security of cargo & stores and for cargo & stores operations • cargo, transport units, and cargo spaces routinely checked before operations (1) • cargo checked for match to cargo documentation (1) • vehicles routinely searched prior to loading (1) • anti-tamper seals/methods checked (1) • cargo visually/physically examined (1) • scanning equipment/dogs used (1) • stores checked for match order prior to loading (1) • stores stowed immediately (1) • cargo, transport units, and cargo spaces checked in detail before operations (2) • intensified checks that only intended cargo is loaded (2) • vehicles search intensively prior to loading (2) • anti-tamper seals/methods checked with greater frequency and detail (2) • cargo visually/physically examined with greater frequency and detail (2) • scanning equipment/dogs used with greater frequency and detail (2) • enhanced security measures coordinated with shipper/responsible party IAW an established agreement (2) • stores more extensively checked for match order prior to loading (2) • cargo loading/unloading suspended (3) • verifying the inventory of dangerous and hazardous goods and their location (3) • stores more intensively checked, suspended, or refusal to accept (3)	ISPS Code Part A 7.1, 9.4 ISPS Code Part B 9.25 – 9.37
Security Communication is available ☐ Procedures and equipment for communicating responses to security threats and communicating with port, port State, and flag State • Security Personnel have ready access to communications – ship to flag, ship to shore, SSO to security personnel	ISPS Part A 7.2.7

Other Items	
☐ Security Certificates Valid	SOLAS Chap XI-1, Reg. 5 SOLAS Chap XI-2, Reg. 9.1.2
• International Ship Security Certificate (if Interim confirm it is issued for the reasons listed in ISPS Code Part A, 19.4.1 and IAW ISPS Code Part A, 19.4.2 – 19.4.6)	
• Continuous Synopsis Record On Board and Kept Up-to-Date	
• Declaration of Security (If applicable)	
☐ Hull Markings (new ships – on delivery, existing ship by 1st scheduled dry-docking after 7/1/04)	SOLAS Ch. XI-1, Reg. 3
☐ Security Related Records	
• Records of Drills and Exercises	SOLAS Ch. XI-1, Reg. 5 ISPS Part A Sect. 10.1 ISPS Part B Sect. 10
• Records of Security Threats, Incidents, & Security Breaches	
• Records of Changes to Ship Security Levels	
• Record of Security Communications	
• Records protected Against Unauthorized Access	
• Records retained for 2 years (Vsls subj to MTSA only)	33 CFR 104.292 33 CFR 104.295
☐ Special Passenger Vessel Requirements	
• Security Sweeps, Alternatives to ID checks, Additional vehicle screening appropriate for MARSEC level	
• Screen all personnel and baggage, ID check, Security patrol, Selected area search prior to embarking passengers and sailing, MARSEC level 3 security brief to passengers	
Security at Facility at which Vessel is visiting (limit in scope to observations while transiting the facility and while on facility in vicinity of ship – if compliance issues are noted, immediately contact facility security verification staff at the COTP or OCMI)	
☐ Declaration of Security	33 CFR 104.255, 105.145 ISPS Part A 5
• Executed between cruise ship or ship carrying CDC in bulk and facility (1)	
• Executed between all other ship types and facility (2)	
• DoS provisions reflect shared security concerns	
• Ship and facility comply with DoS provisions	
☐ Measures to Prevent Unauthorized Access to facility	33 CFR 105.255
• Access to facility controlled/guarded/secured (1)	
• Identity and valid reason to access facility checked (1)	
• Persons accessing liable to search (1)	
• Warning Signs	
• Unaccompanied baggage screened/searched (1)	
• Patrol vessels for waterside security (2)	
• Unaccompanied baggage x-ray screened (2)	
• Suspension of access to all but authorized personnel (3)	
• Complete screening of personal effects (3)	
• Extensive x-ray screening of unaccompanied baggage (3)	
☐ Restricted Areas at the port facility (includes, among other things, shore and water-side areas adjacent to ship, passengers embarkation areas, cargo loading and storage areas, etc.)	33 CFR 105.260
• Restricted areas marked (1)	
• Permanent/temporary barriers in place (1)	
• Controlled or guarded access points to restricted areas (1)	
• Access to authorized personnel only (1)	
• Restricted access to areas adjacent to restricted areas (2)	
• Active searches of restricted areas (3)	
☐ Supervision of Cargo and Ship Stores	33 CFR 105.265, 105.270
• Safety permitting, cargo/stores checked for evidence of tampering (1)	
• Cargo/Stores checked by facility against delivery documents (1)	
• Delivery vehicles screened (1)	
☐ Monitoring Security of Facility	33 CFR 105.275
• Facility is continuously monitored	
• Lighting sufficient to monitor	
• Facility Security consistent with MARSEC Level	

SECTION C
Foreign Vessel MTSA/ISPS Code Exam Booklet
Expanded Examination

The Coast Guard will exercise appropriate control/enforcement options when clear grounds exist of security deficiencies. Control measures include: inspection of the ship (an expanded examination); delaying the ship; detention of the ship; restriction of operations, including movement within the port; or expulsion from the port. The MARSEC level, and the severity of security deficiency(ies) found on a vessel prior to entry, during transit, or while in port, will dictate the level of control that the U.S. will take on vessels with security deficiencies, and above all, control actions will be proportionate to the security deficiency(ies) noted. Control actions are accomplished using Captain of the Port Orders, Safety/Security Zones, Naval Vessel Protective Zones, and Regulated Navigation Areas, as appropriate.

The security examination may be expanded to include the items shown below.

☐ Ship (or Vessel) Security Plan (SSP or VSP) Note: **PSCOs not authorized to review SSP content unless clear grounds of substantial non-conformance are discovered** – See next section • On board Vessel (A 9.1) • Approved by Flag Administration/Recognized Security Organization (A 9.2, B 9.4) • Audits Conducted/Procedures for Periodic Review (A 9.4.11, B 9.53) • Security Assessment conducted and documented for SSP/VSP (A 8, B 9.1) • Working Language and Translation into English, French, Spanish Available (A 9.4) • Plan protected Against Unauthorized Access (A 9.6, A 9.7)	33 CFR 101.400 & 104.410 ISPS Part A Sects. 9.4 & 9.8.1 ISPS Part B Sect. 9
☐ Ship (or Vessel) Security Plan (SSP or VSP): Relevant sections of the SSP may be reviewed only if there are clear grounds that a nonconformity exists. For example, vessel access control is non-existent or haphazard, the PSCO may ask to review the section of the SSP/VSP pertaining to access control. Similar reviews may be done for other areas where apparent non-conformities exist. **The PSCO may not review the SSP/VSP without the consent of the flag Administration or the ship's master. Note provisions of the SSP/VSP relating to Part A, Sections 9.4., subsections 2, .4, .5, .7, .15, .17, and .18 are considered sensitive information and may not be reviewed without consent of the flag Administration**! ☐ Review Sections of SSP/VSP, Comments: _____	33 CFR 104.400 ISPS Part A Sect. 8 (See cites at left) ISPS Part B Sect. 9 (See cites at left)
☐ Security Drill (only if vessel has not performed drills on periodic basis or if vessel opts to demonstrate competence as part of expanded examination through drill) • Observe security drill exercising the activation of the provisions in the SSP related to a security threat, breach, security communications, change of security level, or other security related incident or action as described in the SSP • Drill selection and location shall be as directed by the Master and SSO. Describe: _____	33 CFR 104.230 ISPS Part A Sect. 13.4 ISPS Part B Sect. 13.5 & 13.6

SECTION C
Foreign Vessel MTSA/ISPS Code Exam Booklet
Sample Security Questions

The following list of questions is intended for use as a job aid to determine whether the vessel's security personnel and procedures are in keeping with regulations issued under MTSA and the provisions of SOLAS Chapter XI-2, and the International Ship and Port Facility Security Code Parts A and B. This list is by no means a complete listing of appropriate questions, but is provided as an example of appropriate questions that may be used during the examination and expanded examination to determine that personnel are properly trained and that meaningful security procedures are in place. **Boldfaced questions may only be asked if the flag State has given permission to review the portion of the security plan related to that question.**

To the Ship Security Officer:

What do you do if there is a security breach? Or security threat?
How does the security alert system work? What happens if the security alert system is activated?
What do you do if the port is at a higher security level than the ship?
What are the vessel's restricted areas? How do you restrict access to these areas?
Why do you have an interim International Ship Security Certificate? Is the ship new or has it re-entered service? Or has the ship transferred flag or its owner/operator?
How often is the security equipment calibrated? Ask to see records.
How do you coordinate security activities with the port facility?
When would you limit shore to ship access to only one access point?
How often do you audit security activities? How do you audit a security activity? Ask for an example. Also ask to see records.
Who is the Company Security Officer? Do you have 24/7contact information for this person? Ask to see information.
Do you have any active Declarations of Security? And with whom?
How often do you hold security drills, training, or exercises? When was the last time you conducted a security drill, training session, or exercise? Ask to see associated records.
How do you report security breaches or incidents? Ask to see records.
What do you do if someone tries to bring an unauthorized weapon on board the vessel? Dangerous substance? Device?
How do you prevent unauthorized persons from coming on board?
Who on board are assigned security duties?
When was the last time the SSP was reviewed? Was it updated? Ask to see record of update.
What do you do to search persons and their belongings when they come on board?
What are your procedures to search unaccompanied baggage? How do these become more rigorous if security level increases?
How do you monitor the security of the ship when underway? When pier side? At anchor?
Do you have procedures in place to bring on board additional security personnel? Please describe.
Do you have procedures in place to ensure security for cargo handling? Please describe.
How do you safeguard the Ship Security Plan?

To Crew members having security responsibilities:

Who is the Ship Security Officer?
What do you do if there is a security breach? Or security threat?
How does the security alert system work? What happens if the security alert system is activated?
What are the vessel's restricted areas? How do restrict access to these areas?
When was the last time you participated in a security drill, training session, or exercise?
How do you report security breaches or incidents?
What do you do if someone tries to bring an unauthorized weapon on board the vessel? Dangerous substance? Device?
How do you prevent unauthorized persons from coming on board?
What do you do to search persons and their belongings when they come on board?
What are your procedures to search unaccompanied baggage?
How do you monitor the security of the ship when underway? When pier side? At anchor?

To Crewmembers not having security responsibilities:

Who is the Ship Security Officer?
What do you do if there is a security breach? Or security threat?

AGENT
Vessel representative hired by the ship's owners. Ship's agent may be tasked with various jobs such as: ensuring proper vessel documentation and compliance.

CARGO SHIP
Any ship which is not a passenger ship.

CLEAR GROUNDS

Evidence (including observations) or reliable information that the ship does not correspond with the requirements of SOLAS Chapter XI-2 or Part A of the ISPS Code, taking into account the guidance of Part B of the ISPS Code.

COTP
Captain of the Port.

CSO
Company Security Officer

DECLARATION OF SECURITY
An agreement between a vessel and a port facility that addresses security requirements that are shared between a ship and a facility and outlines both ship and facility responsibilities.

IMO
International Maritime Organization. Specialized agency of the United Nations concerned solely with maritime affairs. Responsible for international treaties, conventions, resolutions and codes to improve Maritime safety.

ISM
International Safe Management

MSC
Maritime Safety Committee. One of four technical bodies of the IMO which deals with issues such as aids to navigation, vessel equipment, and construction, manning requirements handling dangerous cargoes, hydrostatic information and marine casualty information.

PASSENGER SHIP
A ship that carries more than 12 passengers.

PMS
Preventative Maintenance System

RSO
Recognized Security Organization. Contracting Governments may authorize agency to undertake certain security-related activities.

SMS
Safety Management System

SOLAS
The International Convention for the Safety of Life at Sea.

SSO
Ship Security Officer (Similar in nature to Vessel Security Officer in domestic maritime security regulations.)

SSP
Ship Security Plan (Similar in nature to Vessel Security Plan in domestic maritime security regulations.)

STCW
The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

Summary of Changes

Ch-1

1. Revised all references to “COTP” to “COTP or OCMI”.
2. Added to “Post-Inspection Items” on Pg 3 for “Immediate MISLE Documentation” and “Complete MISLE Activity Case”.
3. Added clarification to Section B introduction on Pg 5 regarding security-related questions as part of the verification examination.
4. Added performance criteria for acceptable Interim ISSC to “Security Certificates Valid” block on Pg 6.
5. Added new checklist block for limited examination of facility security titled, “Security of Facility” on Pg 7.
6. Added Sample questions applicable to interim ISSCs on Pg 9.