

NAVIGATION AND VESSEL INSPECTION CIRCULAR No. 02-95 CH-2

subchapter of Title 46 CFR which permits alternate compliance, as further discussed in enclosure (2). The ACP is an alternative to the requirements of Title 46 CFR Subpart 2.01 “Inspecting and Certificating of Vessels.” Currently, the ACP is available to passenger vessels, cargo vessels, tank vessels, miscellaneous vessels, offshore supply vessels certificated under Subchapter L of Title 46 CFR, vessels built and inspected to the High Speed Craft (HSC) Code, and mobile offshore drilling units (MODUs). Additional vessel categories may be added via the regulatory process.

- a. Novel Design Prohibitions. Vessels with novel or especially complex designs or operations, for which the classification society has no rules approved by the Coast Guard and/or the Coast Guard has no regulations or policies developed for a particular application, are not be permitted to enroll in the ACP. For new construction, re-flags, and major conversions. G-PCV will consult with the Marine Safety Center to make novel design determinations before enrollment. The Marine Safety Center will make recommendations to G-PCV within five working days of receiving the request.
 - b. Intent of Applicability. Vessels need not make dedicated international voyages to enroll in the ACP. The intent, rather, is to satisfy the standards required of international certification. Therefore, vessels may seek international convention certificates to meet the ACP requirements without sailing internationally. Additionally, the vessel’s COI does not need to reflect international routes if the vessel remains in the U.S.
 - c. Public vessels. Public vessels may enroll in the ACP provided they voluntarily meet all of the eligibility requirements.
 - d. Articulated and Integrated Tugs and Barges. Articulated and integrated tugs and barges fitting the criteria listed in enclosure (2) may enroll in the ACP.
 - e. Maritime Security Program (MSP) Vessels. Vessel’s that were initially certificated under the MSP reflagging process may enroll in the ACP, if they comply with the appropriate ACP U.S. Supplement.
6. BACKGROUND. A Coast Guard Regulatory Reform Initiative was begun to enhance the competitive position of the U.S. maritime industry through elimination of unnecessarily duplicative regulations and recognizing that international and third party standards provided a level of vessel safety and environmental protection equivalent to current Coast Guard regulations. Additionally, the ACP reduces Coast Guard inspection workloads. As part of the review of its regulatory approach, the Coast Guard partnered with the American Bureau of Shipping (ABS) in 1992 to compare the requirements in the CFRs with ABS Rules, the 1974 Safety of Life at Sea Convention as amended (SOLAS 74/78) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). Although ABS rules for building and classing steel vessels have been incorporated by reference into the CFRs for many years, it was determined that many additional CFR requirements could be satisfied by compliance with a combination of ABS rules, SOLAS 74/78, and MARPOL 73/78. A U.S. supplement to ABS Rules for Classification of Steel Vessels (U.S. Supplement) was developed to address those areas in which current Coast Guard requirements were not embodied in either ABS Rules or international conventions or, in the case of international conventions, those areas requiring interpretation by a flag administration. The Coast Guard and the ABS executed a Memorandum of Understanding (MOU) that, among other things, delegated authority to the ABS to inspect eligible vessels using an approved ACP supplement.

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- a. Equivalent Level of Safety. The Coast Guard concluded that the design requirements and survey provisions of classification society rules and applicable international codes and convention regulations, in conjunction with its U.S. Supplement, provided a level of safety and environmental protection equivalent to corresponding federal regulations which govern the inspection of U.S. vessels. Regulations for the ACP and recognized classification societies were published as an interim rule in the Federal Register on December 27, 1996. The program was expanded to include other eligible classification societies. Enrolled U.S. flag vessels, which are designed, equipped, maintained and surveyed in accordance with applicable ACP requirements, satisfy certain periodic Coast Guard test and inspection requirements. The ACP and classification authorization allows the Coast Guard to avoid duplicating the classification societies' efforts in plan review and surveying structures, machinery and equipment. The Coast Guard conducts oversight of these areas but emphasizes the evaluation of human factor elements in maritime operations, which statistically accounts for more than eighty percent of all marine casualties.
 - b. Authorized Classification Societies (ACS). Only classification societies authorized to issue a minimum set of international convention certificates to U.S. vessels may be authorized to participate in the ACP. Participation in the ACP is an additional, separate authorization granted to an ACS as outlined in enclosure (1). The ACS may only act within the parameters of the authorizations of their Memorandum of Agreement and associated documents. An ACP authorized classification society acts for the Coast Guard in carrying out all required inspections to the extent that the Coast Guard may issue a COI. The classification society assumes the primary responsibility for tracking a vessel's condition, initiating timely action to correct known deficiencies and making notification to the Coast Guard when owners do not comply with the recommendations of the classification society. Owners should not construe this as meaning that the Coast Guard is not involved in critical decision-making or that the Coast Guard is somehow prevented from attending their vessel in order to verify compliance.
7. IMPLEMENTATION. The program described in this Circular is already in effect. The Coast Guard accepts surveys performed by a classification society that has been ACP authorized as equivalent to Coast Guard tests and examinations required for initial and in-service inspections for certification, periodic reexamination, and drydock examinations.
- a. High Speed Craft. High Speed Craft may enroll in the ACP if:
 - the classification society has established rules for High Speed Craft; and
 - the classification society is authorized to conduct ACP surveys for vessels inspected under the Subchapter of Title 46 CFR that the high speed craft will be certificated; and
 - the Coast Guard has determined that the High Speed Craft Code is equivalent to the appropriate Subchapter of Title 46 CFR.
 - c. High Speed Craft (HSC) Standards. HSC may be inspected to the ACP standard using the International HSC Code, classification society rules and the most current High Speed Craft NVIC(s) and Coast Guard policy (as universal supplements).
 - c. Plan Review. The Coast Guard accepts ACP authorized classification society plan

review as evidence of compliance with the applicable U.S. and international codes and convention regulations for all participating vessels designed to the applicable society classification standards. Such reviews may include construction, conversion, repair and re-flagging. The ACS reviews plans (including engine room automation systems and Design Verification and Periodic Safety Test procedures) on behalf of the Coast Guard for compliance with the applicable international codes and convention regulations, the class society's rules, and its current U.S. supplement or, as applicable, HSC Code (as supplemented by the current NVIC 6-99, "Plan Review, Inspection, And Certification Guidance For Vessels Built To The International Code Of Safety For High-Speed Craft And Additional Information Regarding Non-Code High-Speed Vessels" (or its replacement)). Procedures for submission of plans are described in Marine Safety Center (MSC) Technical Note 04-03 (www.uscg.mil/hq/msc/mtns.htm). When reviewing plans to ascertain compliance with applicable international standards, classification rules, and U.S. Supplement, the ACS shall evaluate all equivalency requests and forward them to the MSC with recommended action. See enclosure (4) for more detail. The Coast Guard may retain plan review authority as deemed appropriate by the MSC and may request certain plans for oversight.

- (1) Equivalent Standards. When applicable, Coast Guard regulations include detailed minimum design requirements, which often cite specific standards. The regulations also provide for the acceptance of equivalent designs, components, and materials. When reviewing plans to ascertain compliance with the applicable international codes and convention regulations, classification rules, and U.S. Supplement, the ACS is authorized to evaluate, on behalf of the Coast Guard, the application of equivalent standards. Equivalency evaluations, comments and recommendations should be forwarded by the classification society to the MSC for final approval. Only the U.S. Coast Guard can approve safety equipment materials, installations, and qualifications required by Title 46 CFR Part 2.75. Equipment not regulated under Title 46 CFR Part 2.75 may be classification society type approved.
 - (2) Reflaggings. "Reflagging; Certification of Existing Vessels" NVIC 10-81 (or updated/current version) provides guidance to owners, builders, and designers reflagging vessels. The use of an ACS for the process of reflagging, including those vessels reflagged under the Maritime Security Program, is described in that circular and the Marine Safety Manual in detail.
- d. New Construction/Conversion Inspections. Owners or operators of vessels designed to meet ACP requirements may elect to have their vessels surveyed by their classification society for compliance with the applicable international codes and convention regulations, its classification rules and its U.S. supplement in accordance with the procedures outlined in enclosures (2) and (3).
 - e. Inspections and Examinations. Owners and operators of vessels that meet the criteria for enrollment in ACP may participate in a cooperative inspection program. The ACP responsibilities of enrolled owners/operators, the ACS, and the Coast Guard are contained in enclosure (3). In brief, under the ACP, authorized classification societies perform surveys for classification, to verify compliance with international codes and convention regulations, and to verify compliance with the requirements of the ACP

authorized classification society's U.S. supplement. The combination of these three actions will satisfy the majority of Coast Guard test and inspection requirements for certification. **The Coast Guard will not delegate security plan verifications or issuance of Continuous Synopsis Records or International Ship Security Certificates. The Coast Guard retains those functions for ACP vessels.**

- (1) Certificate of Inspection (COI). The Coast Guard issues all COIs for a period ranging from 1 year for passenger vessels and small passenger vessels on international voyages to 5 years for all other vessels. Applications for a COI must be made to the Coast Guard 30 days prior to the date of the desired inspection. The scope of the Coast Guard inspection will be similar to the examinations conducted by the Coast Guard on comparable foreign flag vessels. The cognizant OCMI reviews the ACP classification society's reports and records of the various tests and examinations required as a condition of classification, and to verify compliance with international codes and convention regulations and the requirements of the ACS's U.S. supplement. Coast Guard marine safety personnel will then board the vessel and hold drills to evaluate the proficiency of the vessel's crew in dealing with likely shipboard emergency situations. During the course of the drills, Coast Guard personnel will observe the vessel's various systems in operation, and evaluate the vessel's materiel condition as well as verify International Safety Management (ISM) Code/Safety Management System (SMS) and vessel security compliance. Coast Guard personnel will also examine crew licenses and documents, vessel manuals, and maintenance records.
- (2) Annual Examinations. Enrolled vessels are subject to an annual Coast Guard boarding of a scope comparable to annual foreign flag vessel examinations. Annual examinations may be conducted during a three-month window on either side of the vessel's COI anniversary date. The purpose of the examination is to verify compliance with the applicable standards as per the issued convention certificates and verify crew competency.
- (3) Periodic Oversight Re-Examinations. The Coast Guard may conduct periodic oversight re-examinations at anytime between Annual Examinations to verify compliance with the regulations and applicable alternate standards.
- (4) Drydock (DDE), Internal Structural (ISE), and Cargo Tank Internal (CTIE) Examinations. These examinations shall be conducted at the intervals for hull surveys prescribed by the ACS's classification society's rules and the U.S. supplement. Owners and operators of enrolled vessels must schedule the surveys with the ACP classification society. Coast Guard inspectors may attend hull surveys of enrolled vessels based on risk factors such as vessel type, age, route, service, deficiency record, pollution/casualty history, or as recommended by the periodic Risk Assessment.

For passenger vessels, the applicable drydock intervals have been reviewed by G-PCV-1 and classification societies have been authorized to conduct alternating drydocks and Underwater Survey In Lieu of Drydocking (UWILDS) for passenger vessels enrolled in the ACP program. This precludes the need to apply

for a UWILD each time, and provides relief from the annual drydock schedule mandated by Subchapter H. Vessels eligible for this modified drydock schedule must be operating under a U. S. supplement which has been modified to reflect these intervals. Each vessel must be properly enrolled in the Coast Guard UWILD program per NVIC 1-89 in order to be eligible.

For passenger vessels, the applicable Internal Structural Exam interval is annual for all spaces. G-PCV-1 has reviewed this requirement and authorized classification societies to work with the cognizant OCMI to develop an inspection schedule to achieve full examination of all tanks within a 12 month period, with consideration for the vessel's sailing schedule and surveyor availability.

- (5) Damage Surveys and Marine Casualties. Nothing in the ACP classification authorization shall be interpreted as limiting or restricting the authority of a Coast Guard Captain of the Port (COTP) or OCMI to exercise control over vessels as provided in existing laws and regulations (see enclosure (3)).
- (6) Inspection Activities Retained by the Coast Guard. The Coast Guard retains authority for the following marine inspection activities:
 - (a) All manning issues (including approval of manning reductions based upon a Class Society approved automation system);
 - (b) Drydock examination or other survey extensions in excess of 90 days;
 - (c) Issuing Permits to Proceed for repairs;
 - (d) Issuing Waivers, exemptions or equivalencies to international conventions; (examples: Load Line, SOLAS and MARPOL);
 - (e) Issuing Excursion Permits;
 - (f) Change of employment inspections;
 - (g) Critical Area Inspection Plan (CAIP) enrollment/examinations;
 - (h) Issuing Certificates of Alternative Compliance (COLREGS);
 - (i) Approving enrollment in the Under Water In Lieu of Drydock (UWILD) Program;
 - (j) Approvals of safety equipment, materials, installations, and qualifications required by Title 46 CFR Part 2.75;
 - (k) Issuing Continuous Synopsis Records (CSR);
 - (l) Issuing Approval and assessment of Ship Security Plans;
 - (m) Issuing International Ship Security Certificates;
 - (n) Major Conversion Determinations; and
 - (o) Ballast Water Management compliance and enforcement.
- a. Issuing Documents and Certificates. The Coast Guard will issue a COI, Certificate of Documentation, Certificate of Financial Responsibility, Continuous Synopsis Record, and International Ship Security Certificate for enrolled vessels. Procedures for issuing COIs under ACP are discussed in MSM Vol. II, Section B, Chapter 9. The ACP classification society will issue the international convention certificates identified in Marine Safety Manual COMDT INST M16000.7 (series) MSM Vol. II, Section B, Chapter 9 and also listed in enclosure (3), to vessels enrolled in the ACP. The stability letter may be issued by the ACS when authorized (see "Stability Related Review

Performed By The American Bureau Of Shipping For U.S. Flag Vessels” NVIC 3-97). As provided by Title 46 CFR 170.120 (b), if the classification society includes pertinent information from the vessel's Loading and Stability Manuals on the Load Line Certificate, the vessel does not need a Coast Guard issued stability letter (larger vessels, typical of the type enrolled in the ACP normally have a Loading and Stability Manual whereas smaller vessels may only have a stability letter).

- b. Revocation of a COI and Operational Controls. The Coast Guard retains the authority to deny or revoke the COI or impose operational controls on enrolled vessels as discussed in enclosure (3).

- f. Appeals. Appeals will be handled as specified in enclosure (4).

- g. Oversight. Coast Guard oversight activities have been designed to identify and correct programmatic discrepancies while minimizing duplication of effort and avoiding interruption of vessel schedules. Less direct materiel inspection of the vessel by the Coast Guard occurs under the ACP since the Coast Guard annual examination focuses on assessment of human factors and capabilities of the vessel's crew. Other periodic oversight examinations will be conducted as described in enclosure (3) of this circular. ACP oversight will consist of vessel specific examinations plus a cumulative evaluation of activities delegated to the classification society. Coast Guard oversight activities include annual examinations, periodic oversight re-examinations, attendance at drydockings, new construction visits, attendance at UWILD surveys, evaluation of plan review activities, ISM Code safety management system audits by the Recognized Organizations, and audits of the ACS's quality systems.
 - (1) Monitoring compliance with the ISM Code will be done during ACP oversight examinations because it is integral to nearly every other aspect of overall regulatory compliance. A well-constructed and implemented SMS is an indicator of compliance with safety and environmental protection requirements. ACS surveyors conducting inspections under the ACP shall notify the cognizant OCMI and the issuer of the vessel's SMC of any significant materiel deficiency that might affect the validity of the SMC as discussed in enclosure (2). OCMI's should note that ISM Code certificates may be issued by an ACS other than the ACP Classification Society with whom the vessel is enrolled.

- h. Request to Enroll in the ACP. Enclosure (2) contains specific instructions on procedures for vessel enrollment in the ACP. For public vessels otherwise exempt from compliance with international conventions, enrollment in the ACP will require that they voluntarily comply with all international convention requirements (including the ISM Code). The Coast Guard accepts classification society issued Statements of Voluntary Compliance (SOVCs') in lieu of convention certificates. The ACP does not in any way limit the Coast Guard's authority to verify that U.S. vessels are designed, built, equipped, maintained and operated in accordance with all applicable requirements.

- i. Overseas Inspections. To the maximum extent possible the Coast Guard will attempt to work with vessel operators to schedule annual examinations and oversight when the vessel is in a U.S. port. However, for vessels that operate or conduct drydockings overseas, the owner should, when practicable, make the vessel available in an accessible

port and schedule Coast Guard personnel to attend. Additionally, the company should reimburse the Coast Guard for the travel expenses of marine inspectors attending any examination including those for unscheduled oversight.

(1) In some cases vessels operate in foreign locations not accessible to Coast Guard marine safety personnel because of U.S. State Department travel restrictions. In this unique circumstance, the vessel's master must attest to the cognizant OCMI that the vessel is in compliance with all applicable laws and regulations, and the ACS must verify that the vessel is in compliance with the certificates which it has issued. The owners will notify the Coast Guard when the vessel will be at its first port of call accessible to Coast Guard inspection personnel so an inspection can be scheduled.

- j. Coast Guard requests for attendance of Classification Society Personnel. The Coast Guard may request that a classification society surveyor attend the vessel to verify compliance with any certificate issued by the ACS. Attendance of the classification society surveyor may be in conjunction with Coast Guard inspector attendance to the vessel. The Coast Guard will initiate the request for attendance of a classification society surveyor with the vessel's master and/or the vessel's company representative whenever possible so that they may assume responsibility for requesting the attendance of the classification society surveyor or auditor. However, if the master or company declines to make the request, the Coast Guard may directly request classification society attendance. All fees and other expenses for the attendance of a classification society surveyor whether initiated by the Coast Guard or the vessel owner or operator, is the responsibility of the vessel owner or operator. If Class is suspended for any reason the vessel is considered to be involuntarily disenrolled from the ACP.
- k. Disenrollment from the ACP and reversion to Coast Guard inspection. Disenrollment may take place either voluntarily or involuntarily. Enrolled vessels may voluntarily disenroll from the ACP or discontinue the use of an ACS and revert to Coast Guard inspection. When practicable, this transfer should take place in conjunction with a scheduled annual examination. Vessel owners or operators wishing to voluntarily disenroll from the ACP should notify the local OCMI in writing via a CG-3752 (Application for Inspection) as well as the ACP classification society. The OCMI should also notify Commandant (G-PCV-1) of such occurrences to ensure program records are updated.
- (1) Voluntary Disenrollment. The vessel owner may re-enroll in the ACP at any time following a voluntary disenrollment, but not before the first anniversary. Re-enrollment examinations should be scheduled so as not to interrupt certificate harmonization.
- (2) Involuntary Disenrollment. Vessels not maintained in accordance with applicable rules, regulations, or policies may be involuntarily disenrolled from the program. Vessels involuntarily disenrolled will be ineligible to re-enroll in the ACP for 5 years. Commandant (G-PCV-1) will make involuntary ACP disenrollment determinations for all vessels. Below are some examples that could lead to disenrollment:

- (a) Removal of the participating vessel from Class;

- (b) A recommendation from the ACP Classification Society to disenroll the vessel;
- (c) Invalidation or revocation of one or more of the vessel's International Convention Certificates;
- (d) Invalidation or revocation of the vessel's Certificate of Inspection; and
- (e) A pattern of two or more foreign detentions and/or U.S. control actions within a 12 month period.

(3) Consideration Process for Port State Control Detentions. Vessel owners who are involved with a foreign port state control detention may contact Commandant (G-PCV-1) in writing within 30 days to consider mitigating factors. Commandant (G-PCV-1) may assess factors leading to the detention and weigh them against how a similar discrepancy would have been evaluated by the Coast Guard on a U.S. flag vessel. Items warranting consideration may include items such as oil in the bilges or failures resulting from an act of God, which the vessel had not had reasonable time to correct. In such rare cases, Commandant (G-PCV-1) may suspend using a foreign port state control detention as criteria for involuntary disenrollment.

- l. Post Disenrollment Standards. During the period that the vessel is returned to Coast Guard inspection, it will continue to be inspected to the same standards as it was under the ACP, that is, classification rules, international conventions, and the U.S. Supplement under which it was originally enrolled. However, repairs, modifications, conversions, and equipment renewals will comply with the applicable CFR and Coast Guard policies. It is recommended that vessel owners retain a copy of the U.S. Supplement under which the vessel enrolled to ensure proper record keeping and future inspection consistency.
- m. Transfer of Class. Vessels enrolled in the ACP may transfer to another classification society with ACP authorization with prior Commandant (G-PCV-1) approval. The transfer must be completed in accordance with International Association of Classification Societies (IACS) Procedural Requirement No. 1A. Notification of intent to transfer class should be made to Commandant (G-PCV-1) in writing at least 30 days in advance of the anticipated transfer hand-over survey. In addition, the application procedures for new entries will be completed including completion of a hand-over survey attended by the gaining society surveyor, the losing society surveyor and a Coast Guard marine inspector.

(1) During this evolution (before the hand-over survey) the gaining classification society is responsible for the completion of a thorough gap analysis to determine variations between the two societies rules and U.S. Supplements applicable to the particular vessel, as well as any determinations regarding vessel modifications or equivalencies required. The gap analysis should be sufficiently detailed with regulatory cites and/or classification rules of deficient items and reference the corrective cites. This analysis will be documented and submitted to Commandant (G-PSE) for review and approval at least 30 days before the transfer of class. A comprehensive list of plans must accompany the gap analysis for administrative use. Specific plans should be provided upon Coast Guard request to facilitate gap analysis oversight as required. After the transfer of classification societies, the

vessel will be inspected using the gaining classification society's rules, the gaining classification society's U.S. Supplement and international conventions. Marine inspectors should focus on potential disparities between classification society U.S. Supplements to avoid regulatory gaps during the transfer inspection.

8. FORMS AVAILABILITY. Form CG-4428, Request for Directives, is available through the Engineering and Logistics Center. This form may be used until stock is depleted. Other forms which may be required by this NVIC may be accessed via the internet at: www.uscg.mil.ccs/cit/cim/forms1/welcome.htm.



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- Encl: (1) ACP Classification Society Authorization Procedures
(2) ACP Enrollment Procedures and Participation Conditions
(3) Responsibilities of Parties
(4) Appeals, Interpretations, Equivalencies and Exemptions from the Requirements of International Conventions
(5) ACP Decision Management Matrix

1. ACP Classification Society Authorization Procedures

1.1 ACP Classification Society Requirements

An Authorized Classification Society (ACS) is a recognized classification society (Title 46 CFR Part 8), that is authorized to conduct certain functions and certifications on U.S. flagged vessels on behalf of the Coast Guard. The classification society must enter into an agreement with the Coast Guard for individual certificate authorizations (Load Line, Tonnage, Safety Construction, etc). An authorized classification society may receive the additional ACP authorization (as an "ACP ACS") from Commandant (G-P) after satisfactorily performing certain prescribed functions for at least two years. A current list of authorized classification societies may be found on the web at www.uscg.mil/hq/g-m/mse/acp/acp.htm.

Before being considered for an ACP authorization, an ACS must meet the prerequisites listed below. A list of classification societies and their authorizations may be found on the web at <http://www.uscg.mil/hq/g-m/mse/acp/acp.htm>

To receive the ACP authorization, a classification society must:

- Be ISO 9000 (or equivalent) compliant;
- Become a Recognized Classification Society;
- Be delegated international certificate issuing authority as an ACS by the Coast Guard;
- Complete a minimum 2-year probationary period as an ACS;
- Develop a U.S. Supplement;
- Obtain a U.S. Supplement evaluation and approval by Commandant (G-PSE); and
- Be authorized as an ACP Classification Society participant.

ACP is an additional, separate authorization granted to an ACS that has been authorized to issue at least all of the following certificates to a U.S. vessel: International Load Line Certificate, SOLAS Safety Equipment Certificate, SOLAS Safety Construction Certificate, International Oil Pollution Prevention Certificate, and International Tonnage Certificate. ACSs desiring this additional designation must demonstrate, for a minimum of two years, satisfactory performance and experience in issuing the above certificates to U.S. vessels before being eligible to make application for ACP authorization. The two-year period starts with the first issuance of either the SOLAS Cargo Ship Safety Construction Certificate or Cargo Ship Safety Equipment Certificate, however all major certificate authorizations must be completed to achieve ACP status. This probationary period assists the Coast Guard with monitoring the performance of the ACS and allows Coast Guard personnel to become familiar with the rules and survey processes of that classification society. Attaining final ACP authorization requires a demonstrated commitment by the classification society to complete continuous quality and vigorous verification of each vessel's condition and compliance with applicable standards.

1.2 Non-ACP Classification Societies (with certain Certificate Authorizations)

Some classification societies that do not have the ACP authorization are granted authorizations to issue individual international convention certificates for the Coast Guard. In these cases, compliance with the international convention and class rules are not considered to be in accordance with ACP.

1. ACP Enrollment Procedures and Participation Conditions

1.1 Introduction

Enrollment in the ACP is voluntary for U.S. vessels certificated for international operation. A request for vessel enrollment must be made by its owner or operator in order to be initiated. Based upon the provisions outlined below, the Coast Guard may enroll a vessel after verification of the conditions of enrollment noted in paragraph five.

1.2 Where to apply

Owners, operators, or builders who wish to enroll a vessel in the ACP should apply by submitting an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI. The form must indicate the owner's desire to have a vessel become an enrolled vessel and the name of the authorized ACP classification society that will verify compliance of the vessel with the ACP requirements. The applicant must individually identify each vessel proposed for enrollment. The OCMI will endorse each request and forward it to the Commandant (G-PCV-1) for final approval.

For new construction, applications are required from both the builder and the eventual owner/operator of the vessel.

1.3 When to apply

Make applications for:

- A vessel under construction at the time the building contract is signed, or as soon thereafter as practicable;
- Existing certificated vessels at any time; or
- Reflagged vessels at the time of initial application for inspection or anytime thereafter.

1.4 Obtaining information

For additional application procedures or questions concerning ACP duties, responsibilities, practices and procedures in carrying out the program, contact the cognizant OCMI or the classification society's ACP Coordinator.

Information regarding Coast Guard activities with the Recognized and Authorized Classification Societies may also be obtained from the Coast Guard Liaison Officer for Recognized and Authorized Classification Societies (LORACS) located at the ABS Americas Headquarters Office in Houston TX, at (281) 877-6523 or by mail at:

Liaison Officer to Recognized and Authorized
Classification Societies
ABS Plaza
16855 Northchase Drive
Houston, TX 77060

1.5 Conditions of enrollment

Self-propelled U.S. vessels must:

- Have a Coast Guard Certificate of Inspection (COI).
- Be subject to, and have valid applicable international convention certificates:
 - a. International Load Line Certificate;
 - b. SOLAS Cargo Ship Safety Equipment Certificate;
 - c. SOLAS Cargo Ship Safety Construction Certificate;
(MODUs may substitute the relevant SOLAS Safety Certificate in lieu of Cargo Ship Safety Equipment and Safety Construction Certificates);
 - d. International Oil Pollution Prevention Certificate;
 - e. International Tonnage Certificate;
 - f. International Safety Management Document of Compliance (for the company) and Safety Management Certificate (for each vessel);
 - g. Continuous Synopsis Record (issued by Coast Guard only);
 - h. International Ship Security Certificate (issued by Coast Guard only);
 - i. High Speed Craft Certificate (pending)
 - j. International Air Pollution Prevention Certificate* (pending); and;
 - k. Passenger Ship Safety Certificate (for passenger ships only; in lieu of the relevant Cargo Ship Safety Equipment and Safety Construction Certificates (pending)).

*** NOTE:** There is no delegation of Engine International Air Pollution Prevention (EIAPP) Certificates required by MARPOL Annex VI. Only the U.S. Environmental Protection Agency issues EIAPPs).

- Be classed by an ACP authorized classification society that has an approved U.S. Supplement under which the vessel will be certificated. Generally, a valid certificate for hull and machinery issued by the classification society is evidence that a vessel is “classed.” A vessel may be dual or double classed as long as one of the classification societies has an ACP authorization, and the ACP authorized classification society issues all statutory and convention certificates listed above except for g. and h. In the case of a dual or double classed vessel where both classification societies have an ACP authorization, the owner may select either society, but, as listed above, all statutory and convention certificates must be issued by one classification society. International Safety Management certification may, but is not required to be issued by the selected ACP Authorized Classification Society.
- Not qualify for involuntary disenrollment as described in paragraph 7.k of this Circular.
- For new construction, major conversions, and reflag enrollments, the vessel owner should provide a detailed list of plans that the ACS has or will review and approve on behalf of the Coast Guard. See the Reflag NVIC for further guidance. The ACS must ensure that the list of plans is provided to the Marine Safety Center (MSC). The list may be submitted to the MSC electronically via the Electronic Correspondence link on the MSC’s website www.uscg.mil/hq/msc. A vessel will not be enrolled until the list of plans has been submitted and is verified.
- For reflag enrollments, provide a complete suite of international convention certificate copies to the MSC in the same fashion as described above.

- Major Conversion determinations (if required) should be made by the MSC prior to provisional ACP enrollment. The ACS is not authorized to make Major Conversion determinations.

Articulated and Integrated Tugs and Barges (ATB and ITB):

- ATBs and ITBs must, in addition to the criteria above, be inspected using an approved U.S. supplement which specifically addresses the barge/tug connection system and NVIC 2-81, "Coast Guard Inspection Guidance Regarding Integrated Tug Barge Combinations."
- Further, only ATBs and ITBs which are designated as "Pushing Mode" in accordance with NVIC 2-81 and subsequently required by their COI to be operated in combined configuration may be enrolled in the ACP. The ACP does not apply to barges that are not part of an articulated or integrated unit.

NOTE: For new construction or for reflagging vessels; Commandant (G-PCV-1) may enroll vessels into the ACP that are in the process of obtaining all of the above certificates. For new construction, shipyards may make the initial application for inspection but must include a letter from the prospective owner/operator indicating their intention to enroll the vessel in the ACP at the time of delivery.

1.6 Notification to vessel's crew of ACP enrollment

Vessel representatives shall advise the vessel's crewmembers that the vessel is enrolled in the ACP. The crew will be advised so that they may contact the local Coast Guard any time they feel the vessel has a major material deficiency or major non-conformity of the ISM Code certified safety management system (SMS). This notification shall be given to each new crewmember as part of their initial orientation required by the SMS.

1.7 Reimbursing the Coast Guard (Foreign locations only)

For activities performed by Coast Guard personnel at foreign locations, ACP applicants must reimburse the Coast Guard for expenses incurred for all inspection activities, including:

- New construction inspections;
- Inspections for certification (including reflaggings);
- Periodic oversight re-examinations;
- Drydock examinations;
- Damage surveys;
- Oversight and ISM Code audit observation; and
- Ship Security Plan assessment and Certificate issuance verification (as needed).

1.8 User Fees

Annual vessel inspection fees and overseas inspection fees are to be paid as required by Title 46 CFR Part 2.10, regardless of enrollment in the ACP.

2. Steps to Complete an Initial ACP Inspection

Step	Action
1	<u>Application</u> : Vessel owner or operator submits a CG-3752 to the cognizant OCMI to become an enrolled vessel. The OCMI assures the vessel is eligible, the class society is authorized (with appropriate supplement(s)) and endorses and forwards to G-PCV-1 for final approval. *For new construction or major conversions, a list of plans must be submitted to the Marine Safety Center electronically via the Electronic Correspondence link on the MSC's website http://www.uscg.mil/hq/msc/ . Vessels may not be enrolled until the list of plans is received by the MSC.
2	<u>Eligibility & Data Transfer</u> : Once the OCMI determines that the vessel meets the enrolled vessel criteria, a copy of the vessel's Coast Guard inspection record and a copy of the CG-3752 is sent to the classification society ACP coordinator.
3	<u>Processing</u> : The classification society ACP coordinator enters the Coast Guard's information into the vessel's classification computer record (including pending CG-835s and inspection notes). When the computer details are aligned arrangements are made for the hand-over survey.
4	<u>Hand-over survey</u> : Hand-over surveys should be scheduled to harmonize with the vessel's window of surveys. The hand-over survey is conducted by an ACP classification surveyor and a Coast Guard Marine Inspector. The survey consists of the mandatory annual survey for the SOLAS Cargo Ship Safety Construction Certificate, Safety Equipment Certificate and the IOPP Certificate (MARPOL). Surveys required for certificates due for renewal or annual classification surveys will be completed as part of the hand-over survey. Coast Guard issued Safety Equipment and MARPOL certificates will be replaced with classification society issued certificates as part of the hand-over survey. The inspector and the surveyor shall co-sign or endorse any certificates on board with the exception of the COI, which is signed, issued and endorsed only by the Coast Guard. After a successful hand-over survey, the OCMI notifies G-PCV-1. A vessel may be enrolled in the ACP with outstanding (but not overdue) CG 835s and/or conditions of class provided they are not Major Non-conformities or "No Sail" items.
5	<u>New Construction and Major Conversions</u> : Vessels will be provisionally enrolled at the beginning of construction pending successful construction and plan review oversight, as well as completion of all required certificate issuance and final hand-over survey. A second application must be made to the OCMI near the end of construction to schedule a final hand-over survey. A list of plans must be submitted to the MSC as discussed in item one before a vessel is provisionally enrolled. Major Conversions should be determined by MSC before provisional enrollment.
6	<u>Notification of Enrollment</u> : G-PCV-1 notifies the vessel's owner by letter (with a copy to the classification society's ACP Coordinator and the OCMI) of the vessel's enrollment into the ACP.

NOTE: Major Non-conformities: If ISM Code major non-conformities are discovered during the hand-over survey, the vessel may not be accepted into the ACP even if the major non-conformities are downgraded. In the event a vessel is not accepted based upon ISM Code major non-conformities, the OCMI should attend the Recognized Organization's follow-up audit not more than 90 days following the hand-over survey. The vessel may re-apply for the ACP one year after the original hand-over survey. It is the intention of the Coast Guard to provide the vessel operator an additional year under the traditional inspection program to bolster shipboard performance and Safety Management System compliance.

Responsibilities of Parties

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1. Duties and Responsibilities of Vessel Owners and Operators

1.1 Scheduling Coast Guard inspections

- A vessel owner or operator wishing to have a vessel inspected under the ACP must apply by submitting an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI.

The Application must:

- Indicate the vessel's enrollment/status in the ACP, and
- The name of the ACP classification society.

1.2 Periodic Oversight Re-Examination Scheduling

The local OCMI should coordinate with the vessel owner or operator as soon as possible when a vessel has been selected for a periodic oversight re-examination.

1.3 Scheduling ACP surveys

Except in the case of casualty damage or other unforeseen contingencies, owners should notify the ACP classification surveyor at least 14 days in advance of the commencement of a survey so as to allow for adequate notification by the classification society to the cognizant OCMI.

Contact the ACP classification society to schedule the following:

- Surveys required as a condition of classification,
- Surveys for issuing international convention certificates, and
- Surveys to verify compliance with requirements of the ACS's U.S. Supplement.

1.4 Notice of Marine Casualties

In the event of a marine casualty required to be reported by Title 46 CFR 4.05-1 and 46 CFR 4.05-10, owners, agents, masters, operators or persons-in-charge of a vessel involved shall make the report directly to the Coast Guard.

1.5 Activities retained by the Coast Guard

Activity	Contact	Comment
Drydock interval extensions	G-PCV-1 via local OCMI & ACP ACS	Beyond 90 days only, less than 90 days may be extended directly by the Classification Society.
Underwater survey in Lieu of Drydocking (UWILD) participation	G-PCV-1 via ACP Class Society	All requests for participation in the UWILD program by an ACP enrolled vessel must be made in accordance with NVIC 01-89.
International convention waivers/exemptions	G-PCV-1/MS* via local OCMI & ACP Class Society	*MSC reviews items relating to vessel plans.
Changes of employment	G-PCV-1 via local OCMI & ACP Class Society	Normally issued to vessels restricted to inland or near coastal waters so they can make a single voyage upon the ocean to arrive at another inland or coastal location where they will then operate.
Marine Casualty/Personnel Investigations	Local OCMI	Contact the cognizant OCMI as required by Title 46 CFR Part 4.05 and 5.101.
Alternate Compliance with COLREGS	Local Coast Guard District Commander via local OCMI	Rules of the road deviations.
Approvals required by 46 CFR Part 2.75	G-PSE	Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel.
International Ship Security Certificates	Local OCMI for certificates and MSC for associated plan approval	MSC approves all U.S. Vessel Security Plans before local issuance of an International Ship Security Certificate.
Continuous Synopsis Records (CSR)	National Vessel Documentation Center	The National Vessel Documentation Center issues CSRs.

1.6 Contact the local Coast Guard OCMI directly for:

Activity	Contact	Comment
Excursion permits	Local OCMI	Normally used for embarking a group of non-paying guests to ride a vessel for a one or two day trip close to land but the total number of guests exceeds the vessel's lifesaving equipment capacity. Additional life rafts, lifejackets and other measures may be temporarily put onboard to supplement the vessel's total lifesaving equipment capacity.
All manning issues	Local OCMI	e.g. reduced manning for engine room automation (based upon a Class Society approved automation system).
Permits to proceed	Local OCMI	Used in cases where a vessel has such significant deficiencies that its COI is withdrawn. This temporary permit allows the vessel to proceed only to a repair facility.
Vessel security issues	Local OCMI	For assessments, verification, and certificates.
Critical Area Inspection Plan (CAIP) Examinations	Local OCMI	Special program normally used for tracking fracture problems in large oil tankers.
Ballast Water Management	Local OCMI	Local OCMI's should verify vessel plans and practices during oversight examinations. OCMI's may conduct enforcement action as necessary.

NOTE: Permits to Proceed and Changes of Employment apply only to the COI. They do not replace international convention certificates. If the vessel will call in a foreign port, it must have valid international convention certificates or waivers.

1.7 Access to reports and records

The Coast Guard must have unrestricted access to review any and all classification society records for vessels in the ACP. Records may include but are not limited to: international certificates issued by an ACS on behalf of the Coast Guard, records, files, reports, documents, certificates, or similar material held or issued by the ACS.

2. Duties and Responsibilities of the Classification Society

2.1 General

The classification society shall abide by the requirements of its Memorandum of Agreement (MOA) with the Coast Guard. Classification society surveyors conduct surveys to assess a vessel's compliance with class rules, U.S. supplement and international codes and conventions.

2.2 Program administration

- Develop and maintain a current U.S. supplement for each subchapter of Title 46 CFR under which vessels may be enrolled and for which the ACP is authorized
- Obtain U.S. Supplement approvals from Commandant (G-PSE);
- Coordinate initial vessel “hand-over surveys” with the OCMI upon application for enrollment; and
- Provide the Coast Guard unrestricted access to review any and all classification society records for vessels in the ACP. Records may include but are not limited to: international certificates issued by an ACS on behalf of the Coast Guard, records, files, reports, documents, certificates, or similar material held or issued by the ACS.

2.3 ACP & other authorized surveys

In accordance with the policies and procedures established to carry out authorized activities, including the ACP, a classification society will perform surveys for:

- Vessel classification requirements;
- Compliance with its approved U.S. supplement; and
- Issuing certain international maritime safety and pollution prevention certificates.

When the vessel’s survey window allows, an enrolled owner or operator may request that the classification society perform surveys to coincide with Coast Guard inspections.

The classification society shall use only exclusive surveyors for the conduct of any survey or plan review under a Coast Guard authorization. In general terms **exclusive surveyors are:**

Salaried employees of a classification society who maintain all training and qualification standards required by the classification society’s quality system. The annual salary and the frequency of surveys being conducted is not relevant to the test of exclusivity, only that the surveyor performs surveys exclusively for a single classification society, and that all training and qualification required is fully maintained and tracked by the classification society’s quality system. Surveyors who are not salaried and are being paid for individual surveys are not exclusive surveyors. Exclusive surveyors may not have any other source of income or employment in the maritime sector independent of their surveyor salary that could create a conflict of interest. Retirement income from a classification society may be considered as salary for the purpose of being an exclusive surveyor to that classification society provided all training and qualification is up-to-date and no conflict of interest is present.

2.4 Plan Review

Classification societies should review and approve vessel plans based upon applicable classification society rules, the international conventions/codes, and the U.S. supplement. Plans that are approved on behalf of the Coast Guard should be stamped (or otherwise marked) by the classification society as “Approved on behalf of the U.S. Coast Guard per the ACP” or similar language to distinguish the specific program under which the plan approval was authorized. Concurrent with notification of approval on behalf of the Coast Guard, the ACS must notify the Marine Safety Center per Marine Safety Center Technical Note 04-03 Change 1.

2.5 International certificates

As provided in the specific authorization by the Coast Guard, a classification society may issue, endorse or extend international certificates in accordance with the provisions of each convention to U.S. vessels. Title 46 Code of Federal Regulations Part 8.320 provides a current list of authorizations. Below is a list of these certificates as of the date of this Circular.

- International Load Line Certificate;
- International Tonnage Certificate;
- SOLAS Cargo Ship Safety Construction Certificate;
- SOLAS Cargo Ship Safety Equipment Certificate;
- International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
- International Certificate of Fitness for the Carriage of Liquefied Gasses in Bulk;
- IMO Mobile Offshore Drilling Unit Safety Certificate;
- ISM Code Document of Compliance & Safety Management Certificate;
- MARPOL 73/78, International Oil Pollution Prevention Certificate (See Note¹);
- MARPOL 73/78, International Oil Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- MARPOL 73/78, International Sewage Pollution Prevention Equivalency Certificate (optional certificate, see Note²)

Pending Certificate Authorizations

- International Passenger Ship Safety Certificate
- International High Speed Craft Code Certificate
- MARPOL 73/78, International Air Pollution Prevention Certificate (upon U.S. ratification)

NOTE¹: The Coast Guard may issue an International Oil Pollution Prevention Certificate for certain vessels without impacting their ACP eligibility as per G-PCV-1 Policy Letter 04-11.

NOTE²: The United States is not signatory to MARPOL ANNEX IV (Sewage). However vessels must comply with the Marine Sanitation Device regulations in Title 33 CFR 159. Classification Societies may issue Statements of Voluntary Compliance (SOVC) on behalf of the United States to vessels found in full compliance with Annex IV in accordance with G-PCV-1 policy letter 03-03. Most vessels do not fully comply with Annex IV, which makes them ineligible for a Classification Society SOVC. Therefore, OCMI's should be prepared to issue International Sewage Pollution Equivalency Certificates to applicable vessels as required by G-PCV-1 policy letter 03-03.

When authorized, the classification society may:

- Issue short term or interim international certificates for participating vessels (see above)
- Grant extensions (see Note ³) to international convention certificates, and
- Accept equivalencies to international codes and convention regulations based on interpretations published by the Coast Guard, (see enclosure (4)).

NOTE ³: The ACP classification society may extend the endorsement of international certificates up to 90 days from the last date required on a valid full term certificate. Extensions of expiring full term certificates is not allowed, however the classification society may issue provisional certificates for up to 90 days in order to complete the surveys necessary to issue a full term certificate. G-PCV-1 must approve extensions beyond these time frames.

2.6 Notification requirements

Notify the local OCMI whenever:

- A survey involves drydocking (including Underwater survey in Lieu of Drydocking) or internal structural examination (provide the completion dates of drydock and internal structural exams); and
- Clearing a Coast Guard issued CG - 835.
- Any survey or audit reveals evidence of:
 - An apparent violation of any applicable law or regulation on the part of an enrolled vessel's owners, operators, licensed or documented crewmember (e.g., presence of oily residue in a segregated ballast tank may be evidence of an apparent violation of pollution prevention regulations);
 - Previously unreported vessel damages; and
 - Safety Management System major non-conformities.
- Extending to an enrolled vessel:
 - A classification certificate;
 - An international convention certificate as noted above; or
 - Equivalencies to international codes and conventions (see enclosure (4) for procedures).
- A certificate should be revoked or withdrawn:
 - Only the Coast Guard OCMI or Coast Guard District Commander may revoke an international certificate.
 - The OCMI may also need to revoke or suspend the COI depending on the severity of the item(s) causing the international certificate(s) to be revoked or withdrawn.
 - Only Commandant (G-PCV) may revoke an ISM Document of Compliance.

2.7 Liaison with the Coast Guard

The ACS will establish and maintain liaison with the Coast Guard in accordance with the terms and conditions specified in the MOA. Among other things, this promotes effective communication at all appropriate levels of the respective organizations and facilitates sharing written and computer information relevant to the vessels participating in this program.

2.8 Confidentiality

Except as otherwise required by law, classification society surveyors will not divulge the identity of persons who report deficiencies on enrolled vessels to anyone including the vessel owner or operator without that person's expressed written consent.

3. Duties and Responsibilities of the Coast Guard

3.1 General

The Coast Guard will verify that vessels of the United States are designed, built, equipped, maintained, and operated in accordance with all applicable international and domestic requirements.

<p>NOTE: Prima facie evidence - Evidence sufficient to establish a fact or to raise a presumption of fact.</p>

3.2 Liaison Officer to Recognized and Authorized Classification Societies (LORACS)

The Coast Guard will establish and maintain liaison with the Recognized and Authorized Classification Societies in accordance with the terms and conditions specified in the classification society agreement or MOA. The Coast Guard LORACS may be contacted using the contact information found on Page 1 of enclosure (2), under “Obtaining Information.”

3.3 Annual Examinations

The purpose of the annual examination is to carry out activities that the ACS is not authorized to perform under the terms and conditions of the ACP and to verify continued compliance with the issued certificates. The examination is similar in scope to an annual examination under the port state control program and includes drills to assess the crew's proficiency in handling likely shipboard emergencies such as:

- Fires;
- Abandon ship;
- Failures of critical safety systems;
- Pollution incidents; and
- Security

During the examination, Coast Guard personnel should verify that the conditions documented in the various international certificates and the ACS's reports accurately reflect the actual condition of the vessel and that no unsafe conditions exist.

3.4 Periodic Oversight Re-Examinations

The Coast Guard may, at any time between Annual Examinations, board an ACP enrolled vessel to verify compliance. Periodic Oversight re-examination frequency and scope may be directed through a risk-based list developed and disseminated by Commandant (G-PCV-1).

3.5 Dry dock examinations and Underwater Surveys In Lieu of Drydock (UWILD)

The Coast Guard may attend drydock and internal structural examinations or underwater surveys (including UWILDs) conducted by an ACP classification society under the terms and conditions of this program. The extent of work to be performed and Coast Guard training needs will be considered in determining the level of Coast Guard participation in any examination. ACP vessels may participate in the UWILD program if otherwise eligible. Refer to NVIC 01-89, "Underwater Survey Guidance" or guidance on that program. Requests to participate in the UWILD program must be submitted to the ACP classification society. The ACS will forward the request to Commandant (G-PCV-1), with a recommendation regarding suitability for enrollment in the UWILD program. Only Commandant (G-PCV-1) may approve UWILD surveys for ACP enrolled vessels (after verification of NVIC 01-89 guidance, e.g. hull markings and initial reference video, etc.).

a. UWILD Processing

Step	Action
1	The vessel's owner will prepare initial and subsequent UWILD request packages meeting the requirements of NVIC 01-81 and submit to the classification society.
2	The classification society will assess the request in accordance with NVIC 01-81 and forward the request with a recommendation to Commandant (G-PCV-1).
3	Commandant (G-PCV-1) will assure that the vessel meets the requirements of NVIC 01-81 and issue a denial or approval letter back to the Classification Society. The classification society will notify the vessel owner of the decision.
4	The OCMI shall ensure that an appropriate MISLE Special note records initial enrollment into the UWILD program. The OCMI may attend the UWILD if resources permit.

3.6 New Construction or Major Conversions

New construction of vessels involves many variables, such as the vessel type, prior experience with the builder, as well as the vessel's owners and operators. These variables may dictate the degree of information the cognizant OCMI needs in order to verify that the vessel is being constructed in accordance with the terms and conditions of the ACP. The amount of information required for review by the OCMI should be based on several factors including the type of vessel under construction, prior experience with the builder, the vessel's owner and operator, and OCMI's own "comfort level" with the various parties involved in the project. The OCMI shall perform ACP oversight on the hull and vital machinery items surveyed by the ACS during new construction as well as lifesaving, firefighting and pollution prevention equipment. Cruise ship construction and major conversion oversight should receive higher levels of oversight, especially for surveys of the hull, vital machinery, structural fire protection, fire detection and extinguishing systems, and lifesaving appliances. Systems of elements of novel design must be assessed by the MSC before enrollment. See the Reflag NVIC for additional guidance. The Marine Safety Manual provides greater detail for oversight levels for new vessel construction. High profile or particularly complex new construction and major conversion projects can be aided by an oversight plan. While not required a part of enrollment, a plan can be a useful tool to reduce confusion regarding responsibilities and expectations among the OCMI, the classification society, and the builder. The plan is an ideal vehicle to establish desired procedures for unique situations such as novel design determinations and potential waivers or exemptions.

It can also be used to target certain systems for heightened oversight (including plan review). If plans are targeted for plan review oversight, then early and direct contact between the OCMI and the MSC may be needed to determine the urgency and feasibility of the oversight.

3.7 Marine Casualties and Damage Surveys

The Coast Guard will conduct marine casualty investigations as authorized and required by federal law. Notwithstanding requirements imposed by the classification society to report damage of classed vessels; owners, agents, masters or persons in charge of an ACP vessel involved in a marine casualty are required to report and shall provide that report directly to the Coast Guard as required by Title 46 CFR Part 4.05-1. Following any marine casualty, enrolled vessel owners may have the ACS assess the materiel condition of the affected vessel and approve repairs. The OCMI in whose zone the reportable casualty occurred may take into account the classification society's repair recommendations. However, the OCMI retains final authority to review and approve temporary repair proposals in cases in which damage to the vessel involves or is likely to result in a pollution incident, or poses a hazard to the safety of a U.S. navigable waterway. Generally, OCMI's should accept the classification society's approval of recommended permanent repairs when the vessel no longer poses an immediate pollution or navigation safety threat.

3.8 Materiel Deficiencies

Deficiencies detected by Coast Guard personnel shall be reported to the classification society. The ACP surveyor-in-charge should be notified prior to any action against the vessel's COI or any action against the vessel's owners or operators, which is based either on the vessel's materiel condition or Safety Management System (ISM Code) compliance. For major materiel conditions items (no-sail items) the procedure contained later in this enclosure shall be followed. For items that may be deferred for correction to a later date, the OCMI may issue deficiencies to the master, which are recorded on CG-Form 835 (Record of Deficiency). The OCMI shall provide copies of these "CG 835s" to the ACS's local office. The classification society's local office will forward the CG 835 to the classification society's central record division for inclusion into the vessel's status (computer record) as a "Condition of Class." The society will then return the CG 835 and a copy of the "Condition of Class" to the issuing OCMI. The ACS's surveyor may extend or modify an CG 835 with permission from the issuing OCMI via the local OCMI. The surveyor may, after verifying that an CG 835 item has been resolved, "clear" the CG 835 by simply drawing a line through the outstanding item and signing the CG 835. ACS class surveyors should also make an appropriate notation on the bridge record card when clearing a CG-835. Afterwards, the surveyor will provide the original CG 835 to the local OCMI for disposition. The Coast Guard inspector should first use the classification society's available corrective measures. Coast Guard issued CG 835s should be a last resort after all other corrective measures have proven impractical or if a classification society surveyor is not immediately available to attend the vessel.

3.9 Denial or Revocation of a COI

Cognizant OCMI's may deny or revoke a COI to an enrolled ACP vessel for non-compliance with an ACS's condition of class, statutory deficiencies (including non-conformities issued in conjunction with an ISM Code Safety Management Certificate), or Coast Guard marine inspection deficiencies (CG-835); unreasonable delays in correcting conditions of class or

deficiencies; or, expiration or invalidation of required documents. A civil penalty action and/or Suspension and Revocation may also be initiated if the vessel is operated without a valid COI. COI revocation may be grounds for involuntary disenrollment from the ACP.

3.10 Plan Review Oversight

The MSC may conduct plan review oversight for all new construction, modifications (including major conversions), and vessel re-flags. The MSC is the point of contact for all plan related queries and issues. The ACS should submit a comprehensive list of plans to the MSC as part of the initial enrollment to allow the MSC to select plans for oversight and better communicate with the involved parties. Plan Review oversight is not done in real time as it is meant to be a process verification vs. quality review. In some cases plan review oversight may not be conducted at all. If significant items arise from plan review oversight, then scope and detail of plan review oversight may be increased. If there are specific (and significant) systems or areas of concern to an OCMI, then targeted MSC plan review oversight may be requested in writing via G-PCV-1 endorsement. If plans are targeted for oversight, then early and direct contact between the OCMI and the MSC may be needed to determine the urgency and feasibility of the oversight request. MSC MTN 04-03 Change 1 is very helpful in describing processes and administrative steps used by the MSC to support and assess ACS plan review and other technical work.

3.11 Major materiel condition deficiencies or major non-conformities for ISM Code

Any deficiency or non-conformity that poses a direct and immediate threat to the vessel’s crew, the safety of navigation or the marine environment is considered a major. Major materiel condition deficiencies and major non-conformities are those that, if discovered on a foreign flag vessel, would justify a Port State Control detention (e.g, no-sail CG 835s). During any examination, the OCMI will notify the ACS if an ACP vessel is unfit to proceed to sea, or if it presents a serious threat to life, property, or to the marine environment.

a. Upon detection of a major materiel deficiency¹

Step	Action
1	The OCMI shall promptly contact the vessel's owner or operator and the classification society surveyor-in-charge to inform them of the specific nature of the deficiency and ascertain their proposed corrective action.
2	The OCMI may suspend, deny or revoke the COI, issue CG 835s or similar control action.
3	If a control action is required on an ACP vessel, the OCMI shall notify G-PCV-1.
4	Civil penalty and/or Suspension and Revocation action is an additional enforcement option for non-compliance.

¹ Includes the detection of Port State Control Actions

b. Upon detection of a major non-conformity within the SMS

Step	Action
1	Where a deficiency may be linked to an apparent non-conformity with the Safety Management System (SMS) under the ISM Code, the OCMI may require a special verification audit to be conducted on the vessel, company or both to establish compliance with the ISM Code.
2	If a special verification audit is required by the OCMI, G-PCV-1 should be notified immediately.
3	If a special verification audit is required by the OCMI, the ACS and vessel's Recognized Organization shall be notified immediately by the OCMI.

Appeals, Interpretations, Equivalencies and Exemptions from the Requirements of International Conventions

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2	Appealing ACP classification society decisions pertaining to ACP classification rules
2	Appealing ACP classification society decisions pertaining to its U.S. Supplement or International Codes and Conventions
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4	Interpretations of ACP Classification rules
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5	Equivalencies and Exemptions
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6	Requesting International Convention or Code Exemptions

1. Introduction

1.1 General

The process for appealing the decision of a classification society acting on behalf of the Coast Guard is established in 46 CFR 1.03-35. This enclosure provides vessel owners, operators and builders with:

- Alternative procedures for appealing decisions of the Coast Guard and the ACS; and
- Procedures to obtain interpretations of and an equivalency determination for:
 - ACS' classification society class rules,
 - U.S. supplement, and
 - International codes and conventions.

2. Appealing ACP Classification Society Decisions Pertaining to ACP Classification rules

2.1 Plan review

Parties aggrieved by an ACP classification society's decision pertaining to the application of a classification rule under the ACP are encouraged to resolve the matter at the most immediate level practicable (i.e., with the attending surveyor or surveyor-in-charge).

An aggrieved party should appeal to the ACP classification society. The ACP classification society will specify the procedures to follow to file the appeal. Failing resolution at the most immediate level, an aggrieved party may advance the appeal to the appropriate ACP classification society management level. The decision of the ACP classification society's management is final. The ACP classification society will notify Commandant (G-PSE) and the MSC of its decision.

2.2 New construction and conversions

Parties aggrieved by an ACP classification society's decision pertaining to the application of a classification rule under ACP are encouraged to resolve the matter at the most immediate level practicable (i.e., with the attending surveyor or surveyor-in-charge).

Aggrieved parties should appeal to the ACP classification society. The ACP classification society will specify the procedures to be followed to file the appeal. Failing resolution at the most immediate level, an aggrieved party may appeal to the survey manager at the ACP classification society. The decision of the ACP classification society's survey manager is final. The ACP classification society will notify the Coast Guard, Commandant (G-PSE) of its decision.

3. Appealing ACP Classification Society Decisions Pertaining to its U.S. Supplement or International Codes and Conventions

3.1 Plan review

Owners or operators of enrolled vessels aggrieved by an ACP classification society's decision on matters involving its U.S. Supplement or international codes and conventions are encouraged to resolve the matter at the most immediate level practicable (i.e., with the attending surveyor or surveyor-in-charge).

Aggrieved parties must first appeal the matter to the ACP classification society. The ACP classification society will specify the procedures to be followed to file the appeal. Failing resolution of the matter at the most immediate level, an aggrieved party may advance the appeal to the appropriate ACP classification society management level. If resolution is achieved, the ACP classification society will notify the Coast Guard of its decision.

Failing resolution with the ACP classification society, an aggrieved party may appeal the matter to the Coast Guard in accordance with the procedures in 46 CFR 1.03-35(a). The Coast Guard may issue an interim response in complex cases in which final resolution requires extensive research or deliberation. All decisions of Commandant (G-PS) are final and may be applied as Coast Guard policy.

Step	Action
1	Address appeal in writing to G-PS via the ACP classification society with a copy to the Coast Guard LORACS.
2	The ACP classification society forwards the appeal, along with its comments, to G-PS within five working days of receipt.
3	G-PS should respond to the appellant within ten working days of receipt from the ACP classification society.
4	The Coast Guard will notify the ACP classification society of its decision.

3.2 Surveys and examinations

Owners or operators of vessels enrolled in the ACP who are aggrieved by an ACP classification society's decision on matters involving its U.S. supplement or international codes and conventions are encouraged to resolve the matter at the most immediate level practicable (i.e., with the attending surveyor or surveyor-in-charge).

Aggrieved parties must first appeal the matter to the ACP classification society. The ACP classification society will specify the procedures to be followed to file the appeal. Failing resolution at the most immediate level, an aggrieved party may appeal to the survey manager at the ACP classification society. If resolution is achieved, the ACP classification society will notify the Coast Guard of its decision.

Failing resolution with the ACP classification society, an aggrieved party may appeal the matter to the Coast Guard. Decisions of Commandant (G-PCV-1) may be applied as Coast Guard policy.

Step	Action
1	Failing resolution by the ACP classification society, the vessel's representative shall submit the final appeal to G-PCV-1.
2	G-PCV-1 should respond to the appellant within ten working days of receipt from the ACP classification society. All decisions of G-PCV-1 are final.
3	The Coast Guard will notify the vessel's representative and the ACP classification society of its decision.

4. Appealing Coast Guard Decisions

4.1 Appeals Persons aggrieved by a decision of the Coast Guard may appeal in accordance with the procedures contained in Title 46 CFR 1.03. The Coast Guard will notify the appellant and ACP classification society of its decisions. Decisions may be applied as Coast Guard policy.

5. Interpretations

5.1 Defined An interpretation is policy by a cognizant authority that establishes acceptable methods of compliance with applicable rules, regulations or standards for which there may be a variety of possible approaches to gain compliance. The ACP classification society is the cognizant authority for interpretations pertaining to those classification rules that are part of the ACP requirements. The Coast Guard is the cognizant authority for interpretations of the ACP class society's U.S. supplement and all international codes and conventions.

5.2 Interpretations of ACP Classification Rules (including Plan review and new construction or conversions)

Step	Action
1	Apply to the ACP classification society for interpretations of classification rules.
2	ACP classification society shall make the interpretation and notify the applicant.
3	ACP classification society will notify G-PSE and the MSC of its interpretation.

Interpretations of classification society rules by an ACP classification society are final.

5.3 Interpretations of ACP Classification Society's U.S. Supplement and International Codes and Conventions (including Plan review).

Step	Action	
1	Apply to the ACP classification society for interpretations of items in the U.S. supplement or International Codes and Conventions.	
2	ACP classification society will forward to the MSC its proposed interpretation.	
3	If...	Then...
	the MSC accepts the interpretation	The ACP class society will inform the applicant.
	the ACP classification society's interpretation is not accepted	MSC will provide an interpretation to the ACP classification society and the ACP class society will inform the applicant.

All interpretations by the Coast Guard are final.

5.4 Survey and examination

Step	Action	
1	Apply to the ACP classification society for interpretations of items in its U.S. supplement.	
2	Classification society will forward to G-PCV-1 its proposed interpretation.	
3	If...	Then...
	the Coast Guard accepts the interpretation	the ACP classification society will inform the applicant.
	the ACP classification society's interpretation is not accepted	G-PCV-1 will provide an interpretation to the ACP classification society, and the ACP classification society will inform the applicant.

6. Equivalencies and Exemptions (including re-flags)

6.1 Requesting an Equivalency (SOLAS Chapter I Part A Regulation 5)

Equivalencies are not waivers, but rather are alternative solutions to U.S. requirements or standards. As such, equivalencies must be in the form of a comparison analysis and meet or exceed any engineering specifications associated with U.S. requirements or standards. The following chart outlines the request and approval process for regulatory equivalencies for ACP vessels (including reflags conducted under the ACP). This system should also be used when seeking equivalencies for certain type-approved equipment and systems.

The ACS will evaluate the application of equivalent standards. Equivalency evaluations, comments and comparison analysis will be prepared by the ACS and forwarded to the MSC for final approval. The classification society comparison analysis should be prepared to clearly reflect the current standard (for which an equivalency is desired) and the suggested alternative including technical specifications. The submittal should also include a sound engineering analysis including quantified measures of merit using risk-based and/or performance based methodologies that justifies the equivalency. Only the U.S. Coast Guard can approve safety equipment materials, installations, and qualifications required by Title 46 CFR Part 2.75. Equipment not regulated under Title 46 CFR Part 2.75 may be classification society type approved; in such cases the MSC will be notified of any Classification Society determinations.

6.2 Equivalencies

Step	Action	
1	Apply to the ACP classification society to request an equivalency determination.	
2	The ACP classification society will review the equivalency request and forward to MSC its proposed determination and all technical details required for review.	
3	After evaluating the equivalency request and recommendation of the ACP classification society, the Marine Safety Center will provide a response to the ACP classification society. The response will either be an approval or denial of the request.	
4	If...	Then...
	If the vessel owner is aggrieved by MSC's decision	the vessel owner may appeal to G-PCV-1.

All determinations by the Coast Guard are final.

7. Requesting International Convention or Code Exemptions

7.1 Exemptions (SOLAS Chapter I Part A Regulation 4)

Step	Action	
1	Apply to the cognizant OCMI to request an exemption.	
2	Copy the ACP classification society to assure information sharing.	
3	The OCMI will review and endorse the request with a recommendation and forward it via the District Commander and Area Commander to G-PCV-1.	
3	If...	Then...
	G-PCV-1 approves the exemption request	G-PCV-1 will inform the applicant and copy the ACP classification society and MSC.
	G-PCV-1 denies the exemption request	G-PCV-1 will inform the applicant and copy the ACP classification society and MSC.

All determinations by the Coast Guard are final.

ACP DECISION MANAGEMENT MATRIX

SITUATION TO BE CONSIDERED	Class surveyor	CG Marine Inspector	Class surveyor in Charge	OCMI	Class Survey Mgr.	Class Engineering	LORACS	Class Corp. Ofc	COMDT (G-PCV-1)
Routine Maintenance and Repairs	A								
Damage Repairs Not Affecting Fitness To Proceed Or Hazards To The Environment	A	I	C						
Damage Repairs Affecting Fitness To Proceed Or Hazards To The Environment	R	I	C	A	I				
Loss Of Life -Boat To Be Replaced With Life Rafts	R	I	I	A	C		I		
Permission enroll/continue in UWILD			I		R		I		A
Extensions Of Trading Certificates >90days			C		R		I		A
Unusual Conditions Of Damage, Perhaps Due To Design	C	C	C	C	I	R	I	A	C

R = Recommends, A = Approves, I = Informed, C = Consults