

CHAPTER 2: ADMINISTRATION OF MERCHANT VESSEL INSPECTIONS

A. ASSIGNMENT OF MARINE INSPECTORS

1. Introduction Many factors have a bearing on the number of inspectors that are assigned to any one inspection. The number and technical qualifications of inspectors necessary to conduct an adequate inspection or examination is at the discretion of the OCMI. One inspector (either deck or engineering) is usually sufficient to inspect small vessels such as tank barges, seagoing barges, or small passenger vessels. Larger vessels or those requiring an accelerated inspection may require two inspectors (deck and engineering) and perhaps more, as the need arises.

2. Training and Experience Inspectors are considered either deck or engineering inspectors. The OCMI should ensure that all inspectors are cross-trained, within the limits of their capabilities, to serve in both capacities. Thus, an engineering inspector will normally be expected to be capable of making examinations such as the checking of repairs to a lifeboat. A deck inspector will likewise be expected to be capable of making simple engineering examinations, such as checking a fire pump.

3. Overseas Inspections There has been a vast expansion of repair and construction of U.S. vessels overseas in recent years. As a result, we are routinely being asked to conduct inspections in overseas locations where our inspectors may be exposed to potential threats to their physical security. Coast Guard inspectors are easily identified as Americans and, if identified as Coast Guard officers, easily associated with the military. Although we have a responsibility to U.S. ship owners, operators, and seafarers in carrying out our commercial vessel safety mission, we also have a responsibility for addressing the safety of our people. OCMI's must also keep in mind the potential impact that overseas inspection decisions may have on both local and national policy. Commanding Officers of the Marine Safety Units (MSOs, MIOs, Activities, etc.) should follow the procedures outlined below when responding to requests for overseas inspections.

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Requests for
Overseas
Inspections

- a. Requests for overseas inspections should be routed sufficiently high within each office to address the policy issues involved. Requests that are general in nature (that is, simply inquiring whether the Coast Guard is sending inspectors into certain areas), should be answered carefully to ensure that a general response does not include a statement that the Coast Guard is not traveling to a particular country. This can and has caused political consternation both within our government and with foreign governments. Responses to this type of request should contain statements to the effect that no general Coast Guard travel bans exist and that inspector availability and assessment of the threat to personnel is done on a specific case-by-case basis.

Threat Assessment

- b. When considering requests to conduct inspections of specific ships or in specific areas, the latest threat assessments should be reviewed. These can be obtained from district (oil), or by contacting the International Affairs Office at Coast Guard Headquarters. The State Department also issues travel advisories for U.S. citizens. The Citizens Emergency Center at the State Department in Washington, D.C. provides general information on possible danger areas for U.S. citizens around the world. They may be contacted at (202) 647-5225.

Message
Notification

- c. If a preliminary decision is made to send an inspector overseas, then the OCMI shall request country clearance from the cognizant U.S. Embassy or Consulate by message in accordance with COMDTINST 5000.5E. The message format and wording shall be as shown in Figure 2-1. The message shall include the name of the inspector, the dates of travel, the purpose of the travel, a statement regarding whether assistance by post officials is/is not envisioned, and the name, position title, and telephone number of a contact person.

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FIGURE 2-1: SAMPLE COUNTRY CLEARANCE REQUEST MESSAGE

FROM: YOUR PLA
TO: AMEMBASSY (IN CAPITAL)
USDAO (IN CAPITAL)
INFO: AMCOUNSUL (IF NEAR TO DESTINATION)
APPROPRIATE UNIFIED COMMAND (SEE LIST BELOW)
COMDT COGARD WASHINGTON DC//G-CI/G-OIN/G-OIS//
COGARD INTELCOORDCEN WASHINGTON DC
COMLANTAREA OR COMPACAREA COMMANDER
DISTRICT COMMANDER
SECSTATE WASHINGTON DC
ACTEUR, FESEC, MARSEC, GANTSEC IF APPROPRIATE
UNCLAS//N05050// (NOTE: ALL COMMANDANT TRAVEL SHOULD BE "CONFIDENTIAL.")
SUBJ: COUNTRY CLEARANCE REQUEST FOR COAST GUARD PERSONNEL
IAW THE DOD FOREIGN CLEARANCE GUIDE, REQUEST CLEARANCE AS FOLLOWS:
A. CITIES AND COUNTRIES TO BE VISITED.
B. FULL NAME, GRADE, POSITION TITLE, AND SECURITY CLEARANCE OF VISITOR(S).
C. SPECIFIC PURPOSE OF VISIT. (INCLUDE WHETHER CLASSIFIED INFORMATION WILL BE DISCLOSED ANJD THE AUTHORITY FOR DISCLOSURE). (AVOID ACRONYMS. A FULL EXPLANATION IN EASILY UNDERSTOOD TERMS IS REQUIRED.)
D. DATE AND NATURE OF INVITATIONS ON WHICH VISIT IS BASED, IF APPROPRIATE.
E. PROPOSED ITINERARY, INCLUDING ESTIMATED DATES/TIMES OF ARRIVAL AND DEPARTURE AND MODE OF TRANSPORTATION AT EACH PLACE.
F. ALTERNATE VISIT DATE, IF VISIT CANNOT BE ACCOMMODATED AT PREFERRED TIME.
G. NAME, GRADE, AND POSITION TITLE OF KEY PERSONNEL TO BE VISITED.
H. LOGISTICAL/ADMINISTRATIVE SUPPORT REQUIRED, INCLUDING BILLETING AND GROUND/AIR TRANSPORTATION. (IF NONE REQUIRED, FOLLOWING STATEMENT SHOULD BE INCLUDED: "ALL ARRANGEMENTS FOR TRAVEL AND ACCOMMODATIONS ARE BEING HANDLED BY TRAVELER; NO POST ASSISTANCE IS ANTICIPATED").
I. NAME AND PHONE NUMBER OF CG POINT OF CONTACT.
J. COMPLETE EXPLANATION IF REQUEST DOES NOT MEET REQUIRED LEAD TIME.
K. INCLUDE THE FOLLOWING STATEMENT "WE WILL ASSUME THAT COUNTRY CLEARANCE IS GRANTED UNLESS A NEGATIVE REPLY IS RECEIVED" IN ALL MESSAGES WITH THE EXCEPTION OF MESSAGES TO AUSTRIA, BRAZIL, CUBA, FINLAND, LEBANON, NORTHERN IRELAND, PERU, RUSSIA AND SWEDEN. NOTE: THIS LIST MAY ALTER DUE TO POLITICAL CHANGES, CONSULT G-CI IF IN DOUBT.

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FIGURE 2-1: SAMPLE COUNTRY CLEARANCE REQUEST MESSAGE (Cont.)

UNIFIED COMMAND LIST

USCINCLANT NORFOLK VA//J55// FOR CARIBBEAN

USCINCCENT MACDILL AFB FL// FOR MIDDLE EAST, EGYPT, HORN OF AFRICA AND PAKISTAN

USCINCEUR VAIHINGEN GF//ECJ4-SAA//FOR EUROPE (INCLUDING TURKEY, ISRAEL, LEBANON),
AFRICA, RUSSIA

USCINCPAC HONOLULU HI//J5//FOR PACIFIC, AUSTRALIA, ASIA, INDIAN OCEAN COUNTRIES,
RUSSIA

USCINCSO QUARRY HEIGHTS PM//SCCG//FOR CENTRAL AND SOUTH AMERICA

No Unified Command Notification Required for MEXICO or CANADA, *HOWEVER, PLEASE NOTE: Coast Guard personnel requesting clearance to Canada should address their request*

TO: AMEMBASSY OTTAWA//ECON//

INFO: USDAO OTTAWA CA

NOTE: Coast Guard Personnel are EXEMPT from obtaining DoD Special Area Clearance.

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Overseas
Examinations of
Foreign Vessels

d. Title 46 U.S.C. Section 3317 authorizes the Coast Guard to be reimbursed for examinations of foreign vessels conducted at foreign ports or places at the request of the owner or managing operator of the vessel. Based on this authorization, the Coast Guard will conduct those overseas examinations on foreign vessels which will prove most beneficial to our Port State Control efforts while conserving time and resources. Activities which may warrant overseas travel include initial control verification exams of passenger vessels and examinations of other vessels of particular interest due to their unique design or type of cargo carried (e.g., liquefied gases). Most other foreign vessel exams will be conducted in U.S. ports. Field units which receive requests for overseas examinations of foreign vessels must contact Commandant (G-MOC-2) for approval. Commandant (G-MOC-2) will evaluate the request, and if approved, will coordinate/organize any augmentation teams necessary to assist the field unit to perform the examination.

Denial of Overseas
Inspection Request

e. If a preliminary decision is made not to send an inspector, Commandant (G-MOC) should be notified before any further action is taken. Commandant (G-MOC) will contact the cognizant Coast Guard offices to ensure that all available information has been considered, and then advise the OCMI of any new information that bears on the preliminary decision. Responsibility for the final decision rests with the OCMI. Commandant (G-MOC) shall be advised of the final decision.

Inspector's
Responsibilities

f. When traveling overseas, the inspector should make his own travel arrangements directly with transportation carriers. The use of foreign carriers is also permitted to obtain indirect routing around high risks areas. Under the Travel Charge Card Program, inspectors may be issued a Government-issued Credit Card, or they may use their own charge cards or other means of payment to facilitate overseas ticketing. Currently, these government-issued credit cards indicate that the holder is an employee of the U.S. Government. For this reason, inspectors should use discretion with this card. Cognizant OCMI's should ensure expeditious reimbursements of expenses with the district travel office in accordance with the JTR.

Reporting of
Overseas
Inspections

g. MSIS reports for inspections conducted overseas shall have the proper country code indicated in the appropriate field of the Marine Inspection Activity Report (MIAR).

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4. Performance of Reimbursable Overtime by Civilian Marine Inspectors

Depending upon workloads and the availability of trained personnel, it may at times be necessary to assign civilian marine inspectors to duties that may involve the payment of overtime compensation.

Computation for Services

- a. 46 U.S.C. 2111 is to be used for computing overtime compensation for services performed after hours, on Sundays and holidays. Saturdays are considered normal work days. Overtime, other than that specifically provided for in Title 46, is computed according to 5 U.S.C. 5542.

Reimbursements from Industry

- b. Reimbursements from industry for overtime services by civilian inspectors are not to be viewed as an offset to the district's civilian overtime ceiling. 46 U.S.C. 2111 requires that overtime be paid to the employee out of annual appropriations and that reimbursements from industry be deposited in the U.S. Treasury. Rather than sidestepping the district's civilian overtime ceiling, the provisions of the statute will actually cause the overtime account to be drawn down more rapidly as payments to civilian documentation officers and inspectors are considerably more generous than those paid to other employees.

Availability of District Funding

- c. Presently, there are no means by which the Coast Guard may recover the deposits of overtime reimbursements from the Treasury. This may create a problem when overtime funding is no longer available at the district level. Until a means is established to recover the reimbursements deposited in the Treasury to supplement the overtime ceilings, Commandant (G-MOC) should be contacted regarding the possibility of providing program funds to cover overtime expenses for the purpose of preventing any disruption in our services.

Assignment of Civilian Inspectors

- d. OCMI's should exercise care in assigning civilian inspectors to ensure that the same companies are not repeatedly burdened with the extra cost while others escape the added expense altogether. This will avoid the appearance of unfairly treating any particular party. Also, a written acknowledgement must first be obtained from the vessel operators that they will reimburse the Government for overtime costs.

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B. REGULATIONS

During the inspection of a vessel, care must be taken to ensure that each regulation being applied is relevant to the vessel and situation under consideration. In the application of regulations, situations will arise, especially with regard to new procedures and new products, in which the regulations seem to apply, but either don't or are not in the best interests of overall safety. Inspectors should be alert to such situations and should seek advice from the Senior Inspector of Materiel (SIM), Chief, Inspection Department (CID), or the OCMI before requiring changes based on such applications. Likewise, the OCMI, when in doubt, should ask advice from the district commander (or the Commandant, via the chain of command).

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C. INSPECTION DEFICIENCIES

- 1. Definition** A "deficiency" is any failure to meet minimum requirements of the vessel inspection laws or regulations. The condition of material or equipment is considered deficient if:
- a. It is presently unsatisfactory to the inspector; or
 - b. It has a reasonable possibility of becoming unsatisfactory prior to the next inspection for certification or the next required hull examination.

2. Notice of Deficiency Using Form CG-835

Introduction

- a. If, during the course of any inspection or examination of a vessel, the vessel or its equipment is found not to comply with the requirements of vessel inspection laws or regulations, or is deficient as to condition, the inspector should point out all deficiencies and discuss all requirements with the vessel's owner or the owner's representative. When necessary, the inspector should explain that failure to fulfill the requirements before completion of the inspection or examination may result in refusal to issue or withdrawal of the vessel's COI. The owner/representative should also be advised that he or she may discuss, with the OCMI, any deficiency that is not expected to be corrected by the completion of the inspection or examination. The OCMI may then decide whether to permit the deficiency to remain outstanding. Deferment of correction of minor deficiencies may be settled by discussions between the owner/representative and the inspector when authorized by the OCMI. If the owner or his representative desires further clarification or reconsideration of any requirement, that person should consult the OCMI. Outstanding deficiencies, and any deficiencies corrected during the inspection that may have affected the seaworthiness of the vessel, or are of an unusual or complex nature that may indicate a problem with a system or item on other vessels, should be entered into the MSIS Marine Inspection Deficiency Report (MIDR) as soon as possible. Entering deficiencies corrected during the inspection utilizes the safety performance tracking capability afforded by MSIS.

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- Notification
- b. When one or more deficiencies are found, the master of the vessel must be notified. The master and other officers having primary interest in the inspection, such as the chief mate or chief engineer, should be kept fully informed of all deficiencies found and requirements issued, even though a port engineer or other owner's representative may be directly concerned with correction of the deficiencies. Notification of the deficiency by the inspector may be given verbally or in writing, as circumstances dictate (see paragraph 2.C.3 below). Written notification to correct a deficiency should normally be on Form CG-835, Notice of Merchant Marine Inspection Requirements. The original copy of Form CG-835 should be issued to the vessel's master or, if not available, to either the chief engineer or the owner/representative. If issued to the owner or representative, that person's capacity with respect to the vessel (title), should be noted on the form.
- Follow-Up on Requirements
- c. It is important for the owner or the owner's representative to be informed of deficiencies as soon as possible after the inspection or examination has begun. In the case of spaces that must be inspected but are inaccessible, it is within the prerogative of the inspector to issue Form CG-835 requiring the opening of such spaces. Failure to do so by the vessel representative may delay the completion of the inspection or examination.
- Pending Requirements
- d. When a vessel other than a T-Boat is permitted to depart with outstanding deficiencies following an inspection, the inspector should make a brief entry on the Vessel Inspection Record, Form CG-2832, indicating the inspection requirements issued. The entry should be made in accordance with the instructions on the form. For all vessels, the inspector should then ensure that outstanding deficiencies, and any corrected deficiencies that may have directly affected the seaworthiness of the vessel, are entered into the Marine Safety Information System (MSIS) as soon as possible.

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On subsequent visits, inspectors should determine the status of any outstanding requirements either by reviewing the vessel's MSIS Critical Profile (MICP) prior to going on board the vessel, or by noting the Vessel Inspection Record when first boarding the vessel. If there is a question regarding any outstanding requirements, the issuing office should be contacted. When deficiencies are satisfactorily corrected, or not corrected, the witnessing inspector should note completion of the items, with the port, date, and his or her signature on the Vessel Inspection Record. MSIS should then be updated and the issuing office will be notified automatically by MSIS.

3. When to Issue Form CG-835

Form CG-835 should be issued to cover outstanding deficiencies in each of the following cases:

- a. When it is apparent that the correction of a deficiency may be subject to controversy between the ship owner or operator and the Coast Guard;
- b. When it is desirable to make exact requirements a matter of record;
- c. When some deficiencies have not been corrected by the end of the inspection and are permitted to remain outstanding;
- d. When it is anticipated that all deficiencies will not be corrected by the end of the inspection or examination;
- e. When deficiencies have not been corrected before the vessel proceeds to another inspection zone for completion or continuation of an inspection;
- f. When it is anticipated that an inspection will be completed by another inspector;
- g. When the owner's representative requests a written requirement to cover items considered by the inspector to be deficiencies; or
- h. When the OCMI determines such action to be expedient.

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NOTE: In instances when deficiencies are not controversial and corrective action is being taken, the inspector may use discretion in determining whether or not to issue Form CG-835. Written requirements on Form CG-835 should not be issued at the request of the owner's representative or a crewmember to cover repairs or changes initiated by the owner, when such repairs or changes would not have been required by the inspector. However, when such repairs or changes are undertaken, they must be accomplished to the satisfaction of the inspector.

**4. How to Write
Deficiency
Requirements**

Introduction

- a. Special care should be exercised in the writing of requirements to correct deficiencies. The master should be notified in clear and concise language of the nature of a deficiency and the steps that must be taken to correct it. Unless a particular sequence or system of actions is dictated by statutes, regulations, instructions, or established marine practice, the method of correction should be left to the discretion of the owner or the owner's representative, subject to the inspector's approval.

Basis for
Requirements

- b. CG-835 requirements are to be based upon specific requirements contained within the regulations. Requirements issued that are based upon the discretion of the OCMI, where allowed by the regulations, are to be clearly worded so that the deficiency to be corrected is clearly understood by the master, chief engineer, or owner. Requirements that cannot be supported by regulations or definitive OCMI policy should not be written.

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Completeness c. Each written requirement should be as nearly complete within itself as practicable. Requirements will normally have completion dates based upon policy established by the OCMI. Vague statements, such as "Bring into compliance with 46 CFR. . .," should be avoided. A statement of the inspector's authority (law or regulation) is not necessary on Form CG-835 unless specifically required by the OCMI. However, when a particular law or regulation contains information that might clarify the terms of the requirements or suggest alternate means of compliance, reference to such sources may be made. It is recognized that requirements may be written under conditions requiring haste or circumstances where reference to authorities is not feasible.

Local Modifications d. In some inspection zones, standard wording has been adopted for frequently recurring requirements on Form CG-835. This practice has proven to be advantageous to inspectors and vessel owners and operators, particularly in the inspection of small passenger vessels.

5. Notations in Inspection Reports

Refer to MSM II A3 for instruction on making notations in inspection reports.

6. Letters of Outstanding Deficiencies

Introduction a. Deficiencies may remain outstanding at the completion of an inspection or examination provided that they are not contrary to law, and, in the OCMI's opinion, they will not materially affect the safety of the vessel or the environment during the time they remain uncorrected. These deficiencies will normally fall into the following categories:

- (1) Minor requirements, such as those for signs or small repairs, that can be readily accomplished by the ship's crew;
- (2) Relatively minor items of equipment that are not then available but have been placed on order;
- (3) Repairs that can be safely postponed and accomplished where those interested can most conveniently perform them;

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- (4) Deficiencies that remain outstanding when a vessel moves from one zone to another to complete an inspection;
- (5) Deficiencies that can be more readily corrected when the vessel is in drydock;
- (6) Deficiencies on vessels being laid up and placed out of operation; and
- (7) Deficiencies that are being appealed.

Notification
Procedures

- b. Upon completion of the inspection or examination, all deficiencies for which a CG-835 was issued are to be entered into MSIS (see chapter 3 of this volume). MSIS will generate a Marine Inspection Letter of Issuance of Requirements (MILIR). This letter should be printed out on letterhead stationery for the appropriate signature, and mailed to the vessel's owner or operator. This letter includes an itemized listing of the requirements issued and the compliance dates, and serves as the owner's official notification that outstanding requirements were issued against the subject vessel as a result of the inspection. The letter also advises the owner to inform the OCMI when the deficiencies have been corrected.

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Extensions of Time c. Time limits may be extended for good cause by the issuing OCMI, the district commander, or the Commandant. The time limit on a deficiency should not normally be extended by another OCMI or district commander unless the action is agreed to by the OCMI issuing the requirement. In no case should a requirement be modified or cancelled by other than the issuing OCMI.

7. Deficiencies Reported by the Crew

General a. All licensed officers are required by 46 U.S.C. 3315 to assist the marine inspector and to point out all known defects and imperfections. Inspectors should inquire about deficiencies from the master and chief engineer, and should be receptive to all reports of deficiencies made by the ship's officers and crew. In each case, the reported deficiency should be checked into and corrective action required where indicated. A note concerning each complaint of deficiency should be included in the inspector's report. Inspectors should be aware that 46 U.S.C. 3315 prohibits the disclosure of the sources of information about deficiencies.

Approaches from Safety Committees b. On many vessels, there are active safety committees under company or union sponsorship that meet regularly to consider a wide range of safety matters. Almost all of these, particularly where material items are involved, are of concern to the Coast Guard. It is highly probable that inspectors will be approached by spokespersons of ships' safety committees, either verbally or by written petition, regarding items of varying severity. Whenever such contact is made, the inspector must note those matters brought to his or her attention and inform the OCMI of the complaints and actions taken. This is necessary because copies of complaints are often forwarded to various officials, including the Commandant and members of Congress. This may lead the Commandant to contact the OCMI for additional information.

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8. Condemning
Equipment in
Use

- a. OCMI's should not condemn or impose additional or different requirements on "approved" equipment or other inspection items that have been passed or accepted by another OCMI, except in the following cases:
 - (1) When deficiencies exist and were undiscovered due to inspection errors or omissions;
 - (2) When the item has since been damaged or has otherwise deteriorated to such an extent that it is no longer fit for the service intended;
 - (3) When the requirements of law or regulation have changed and the change is retroactive;
 - (4) When the route or service of the vessel is being changed, or alterations are being made to the vessel that make changes necessary for compliance with different regulations; or
 - (5) When directed by the Commandant.

Resolution of
Disputed Approvals

- b. When equipment or other inspection items previously approved by the Commandant or one OCMI are considered by another to be unsuitable because of workmanship, arrangements, or design, both OCMI's should attempt to resolve the matter between themselves. If the problem cannot be resolved, no further action should be taken until a decision has been rendered by the cognizant district commander(s). When district commanders cannot reach agreement, the matter should be referred to Commandant (G-MOC).

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9. Deficiencies

Overlooked at Prior Inspections Items found to be deficient that were overlooked due to errors or omissions, at previous inspections (or by previous inspectors during the same inspection), normally should be required to be corrected. Reference should be made to previous inspection records, and the inspectors concerned should be contacted to determine the status of the item in question. Care should be taken that the item has not been previously approved or accepted as satisfactory before making additional requirements. The vessel owner should be given all possible consideration in the correction of such items found to be deficient because of inspection errors or omissions. Unless immediate correction of such items is considered critical to the safety of the vessel, the OCMI should allow a reasonable amount of time for their correction.

10. Changing of Inspectors During Inspections

Changing inspectors during an inspection should be avoided. When circumstances require a change, there must be a clear understanding between the inspectors concerning approved items and outstanding deficiencies. Proper use of the CG-840 inspection book series and Form CG-835 will facilitate this understanding. The relieving inspector should not change requirements imposed by the first inspector, or impose additional requirements concerning items previously approved or accepted as satisfactory, unless the relieving inspector has received authority from the OCMI or the SIM/CID. Normally, these officers should confer with the first inspector before authorizing a change in requirements or imposing additional requirements.

11. Resolution of Requirements Between Inspection Zones

General Procedures

- a. When a vessel changes inspection zones during an inspection, or when some or all outstanding deficiencies issued by one OCMI may be completed in another zone, the requirements issued by the first OCMI should be passed to the next OCMI either by phone or MSIS Mailbox. If a vessel changes its home port or primary port of operation to another zone, the OCMI should ensure that any outstanding inspection cases are filed and that deficiencies are entered into MSIS.

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Monitoring
Procedures

- b. OCMI's should ensure that deficiency requirements issued in another zone are completed. The OCMI who issued the notice of deficiency and the OCMI who last certificated the vessel will be notified automatically by MSIS that the requirements have been satisfied. Additional or modified requirements should not normally be imposed on a vessel approved in one zone when it moves to another zone for a similar operation and route. When there is disagreement between OCMI's as to deficiencies or requirements, the matter should be referred to the district commander(s) for resolution. If the district commander(s) cannot reach agreement, the matter should be referred to Commandant (G-MOC). Unless the situation is extremely hazardous, no modified or additional requirements should be imposed before the matter is resolved. When an OCMI finds it necessary to change or impose immediate additional requirements under the circumstances indicated above, he or she should notify the first OCMI, the district commander(s) and Commandant (G-MOC) by phone or MSIS Mailbox.

Transfer of
Records

- c. When previous inspection records would be of benefit in resolving questions concerning a vessel inspected in another zone, the OCMI should obtain a copy of such records from the OCMI of the zone in which the previous inspection took place.

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D. SPECIAL CONSIDERATIONS

1. Introduction Throughout the vessel inspection regulations, there are provisions for special actions and considerations to be given in certain circumstances. In many cases, the discretion to give special consideration rests with the Commandant or district commander. In some cases, the OCMI is given this authority and may further delegate the authority to inspectors. Other regulations authorize the inspector to make discretionary rulings on matters within the limits of unit policy. Provisions for special consideration should be used to provide practical application of the regulations, and to avoid unreasonable requirements and arbitrary actions or decisions not necessary to maintain an adequate degree of safety. This policy applies only to those regulations that expressly authorize these special provisions, i.e., 46 CFR 30.15, 70.15, 90.15, 108.105, 175.15, and 188.15.

2. OCMI's Role The OCMI is authorized by certain sections of the small passenger vessel regulations (46 CFR, Subchapter T) to permit departures from the specific requirements when special circumstances or arrangements warrant such departures. In this regard, the OCMI must recognize that local practices in meeting the peculiarities of local conditions have often proved safe under conditions that do not conform to specific provisions of the regulations.

3. Inspector's Role Marine inspectors should note in their inspection reports all items that require interpretations of regulations, and on which the OCMI, district commander, or the Commandant has rendered an interpretation. Such items include proposed equivalents, substitutions, non-approved equipment, nonstandard fuel tanks, etc. Certain marine engineering items also require notation. These notes should preclude differing requirements among inspectors by forming the basis for comparison with installed items at subsequent inspections.

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E. MAINTENANCE OF VESSEL INSPECTION RECORDS

1. Required Records The Coast Guard is required by 46 U.S.C. 3310 to keep adequate inspection records. The OCMI should ensure that records of all actions pertaining to vessel inspection (approval or disapproval) are maintained as required. Directives and file systems should be maintained in accordance with the Coast Guard Directives System, Commandant Instruction (COMDTINST) M5215.6 (series) and COMDTINST 5210.5 (series). Inspection records and files should be retained, destroyed, or transferred as required by the Paperwork Management Manual, COMDTINST M5212.12. (See Chapter 3).

2. Transfer of Records Between OCMI's The inspection records covering the initial construction and inspection of all vessels, except those inspected under 46 CFR, Subchapter T, should be maintained on a permanent basis by the OCMI conducting the initial inspection, subject to the disposal instructions in COMDTINST M5212.12. All current records, except those for the initial inspection, should be transferred to the zone where a vessel transfers its principal port of operation. All current inspection files for a "T-boat," including the files of the initial inspection, should be held by the OCMI of the zone in which the vessel is currently operating. Files should be transferred permanently between OCMI's when the vessel's principal area of operation shifts from one zone to another, and temporarily when they are needed to resolve a current inspection question. When transferring original files, the transferring office should retain adequate file copies in the event of mail loss or damage. Further, the Port of Certification (POC) should be changed in MSIS to the new port to ensure that the cognizant OCMI receives and reviews all reports relative to the vessel. The changing of POC should be directed to MSIS data administrative staff at Coast Guard Headquarters (G-MRI).

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3. Certified Copies of Inspection Records

Introduction

- a. Certified copies of inspection records will be needed at times for use in court proceedings. These certified copies may be made by a photographic copying process, or by copying the record word for word when the record consists of entries on a form and the same type of form is available. The copy requiring certification should be certified by the OCMI (or acting OCMI) in a manner similar to the following (any questions concerning certification should be referred to the district legal officer):

"I hereby certify that the attached is a true copy of the original record of inspection covering the inspection of the SS WHIZZ between 8 and 12 May 1985, on file in my office, and of which I am the custodian.

Signed and dated at Philadelphia, PA
this 15th day of May , 1985

(Signature)

by John Doe, Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection
Philadelphia, PA"

Certification of Copies

- b. If practical, the copy should be stamped with the Coast Guard seal.¹ The certification shall be placed on the front of the record or otherwise attached to it. Certification of each separate page of an inspection report is not necessary. Inspection records requiring certification or validation with the DOT seal shall first be certified by the OCMI and then forwarded to the district legal officer. Instructions with regard to charges for certification of documents are contained in 33 CFR 1.25 and 49 CFR 7.91. Policy concerning the release of investigative records to a court is contained in MSM V. See Figure A2-2 for a sample certificate of true copy.

¹ The Coast Guard seal has no legal effect and is authorized for adornment purposes only, by Department of Transportation (DOT) order. It has been officially replaced by the DOT seal for all legal purposes.

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CHAPTER 2: ADMINISTRATION OF MERCHANT VESSEL INSPECTIONS

FIGURE 2-2
CERTIFICATE OF TRUE COPY

(To be included in future revision)