

USCG USCG Marine Safety Manual, Vol. II: Materiel Inspection

SECTION B: DOMESTIC INSPECTION PROGRAMS

CHAPTER 5: INSPECTION OF PUBLIC VESSELS

**A. INTRODUCTION**

Public vessels of the United States, other than those owned or operated by the Maritime Administration (MARAD), are not generally required by law to be inspected and certificated. However, several government agencies have requested the Coast Guard to assist them by conducting safety inspections on their vessels. In some cases, what is requested is a full inspection resulting in issuance of a Certificate of Inspection (COI). In other cases, inspections of limited scope or of specific items are requested. The Commandant intends to cooperate with these agencies by carrying out requested inspections in accordance with inspection agreements, as resources permit. Public vessels subject to inspection under federal statutes and regulations shall be inspected under the appropriate regulations in Title 46, Code of Federal Regulations (CFR).

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**B. REFERENCES**

**1. Statutes** The statutes relating to inspection of public vessels are primarily contained in 46 U.S.C. 2101(24) and 2109.

- a. 46 U.S.C. 2101(24). This section defines a public vessel as one that "is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and . . . is not engaged in commercial service."
- b. 46 U.S.C. 2109. This section states that Subtitle II of Title 46 does not apply to a "public vessel of the United States," but that Subtitle II does apply to vessels owned or operated by the Department of Transportation (DOT), with the exception of Coast Guard and St. Lawrence Seaway Development Corporation vessels.

**2. Regulations** The regulations explaining the application of inspection requirements to public vessels include the following:

	TYPE	CFR CITE
a.	Tank Vessels	46 CFR 30.01-5(d)(3)
b.	Passenger Vessels	46 CFR 70.05-1(a)(3);
c.	Cargo and Miscellaneous Vessels	46 CFR 90.05-1(a)(4);
d.	Public Nautical School Ships	46 CFR 167
e.	Small Passenger Vessels	46 CFR 175.05-1(a)(3)
f.	Oceanographic Research Vessels	46 CFR 188.05-1(a)(4)

**C. GENERAL INSPECTION PROCEDURES**

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- 1. Administrative Procedures**

An Application for Inspection, Form CG-3752, shall be addressed to the officer in charge, marine inspection (OCMI) in whose zone the vessel is located. Upon satisfactory completion of the inspection, the OCMI shall issue the vessel a COI. The government agency involved may, upon request, obtain a copy of the certificate. Unless a public vessel is able to comply with all applicable requirements (except as modified by agreements or additional instructions), no COI shall be issued. Instead, a letter will be addressed to the agency operating the vessel, indicating the extent of the inspection and all deficiencies noted.

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  - 2. Acceptance of Alternate Equipment or Arrangement**

For certain vessels, agreements have been made to accept certain equipment or other standard specifications as equivalent to those specified in the regulations (these equivalents are described below). Inspectors shall exercise the same degree of care and diligence in inspecting government vessels as they would for commercial vessels.

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  - 3. Reporting Procedures**

Inspection reports shall be made in the same manner as for commercial vessels insofar as practicable, in the appropriate CG-840 inspection booklet. Specialized local report forms may be used to cover limited inspections. Reports of all inspections shall be filed by the OCMI (See MSMII, Section A, Chapter 3).
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D. MISCELLANEOUS DECISIONS AND INTERPRETATIONS

1. Public Vessels

The term "public vessel," as defined in 46 U.S.C. 2101(24) to obtain exemption from inspection requirements, refers to those vessels that are:

- a. Not engaged in commercial service; and
- b. Owned, or demise chartered, and operated by the United States Government or the government of a foreign country.

**NOTE:** The definition of "public vessel" generally excludes use in trade or commerce. Military vessels which engage in a commercial activity lose their public vessel exemption status for the duration of the commercial operation. They must apply to the OCMI for inspection and certification for the route and service in which they wish to engage.

2. State-Owned Vessels as "Passenger Vessels"

The Passenger Vessel Safety Act (PVSA) of 1993 established clear definitions of the terms "passenger," "passenger for hire," "passenger vessel," "small passenger vessel," and "uninspected passenger vessel." These new definitions should alleviate the former difficulties in determining whether or not state owned vessels are subject to inspection.

3. Carriage of Vehicles Containing Hazardous Materials

There is no regulatory basis for the inspection of vessels based solely on their carriage of transport vehicles containing hazardous materials. (See MSM II, Chapters 11.D and 11.I for a discussion of "bulk" or "packaged" and for operating requirements when carrying portable and/or fixed tanks.)

- a. With regard to the transportation of hazardous materials in the transport vehicles, the Coast Guard may still enforce the provisions of 49 CFR 176 specifically 49 CFR 176.11(d), for transportation of those materials by vessel. Additionally, free ferries (state-owned and operated vessels which do not charge) meet the definition of uninspected vessels in 46 USC 2101(43) and are therefore subject to the provisions of 46 USC Chap. 41 as well as 46 CFR Subchapter C.

**NOTE:** Free ferries are not uninspected passenger vessels because they do not carry passengers for hire, but they do meet the definition of uninspected vessel.

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- b. In addition to the safety oversight, there is also authority under the Ports and Waterways Safety Act, 33 USC 1223, to impose conditions of operation on free ferries if there is a determination that such action is justified in the interest of safety. This means that that should the Captain of the Port (COTP) determine that the carriage of hazardous materials aboard these vessels is unsafe for passengers, the COTP could impose specific conditions of operation on these vessels. Before doing so, the COTP is required to take into account the considerations established in 33 USC 1224. Issues which may be considered as conditions of operation are not limited to the vessel's structural condition, equipment or route, but, if deemed appropriate could include items such as restricting passenger carriage and/or imposing crew qualifications while the vessel is carrying hazardous materials.
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E. VESSELS OF THE MILITARY SEALIFT COMMAND (MSC)

1. **Inspection Agreement**

The Commander, MSC (an arm of the U.S. Navy (USN)) has requested that the Coast Guard inspect and certificate MSC vessels, which are operated by civilian merchant mariners. Such a vessel is normally designated "MSC, in service, civilian-manned" on the COI; the term "in service" contrasts with "commissioned" naval ships, which are manned by military personnel. MSC intends that no civilian-manned vessel will be operated without a COI, unless military requirements make it necessary. However, the Coast Guard will not normally be asked to inspect and certificate the following vessels:

- a. Those vessels controlled by the Commander, MSC Far East Area;
- b. Landing craft-type vessels, such as Landing Ships, Tank (LST's) and Landing Crafts, Medium (LCM's); and
- c. Vessels that are essentially military in character, by virtue of assignments or construction standards.

The Coast Guard will inspect MSC vessels for which inspection requests are filed to verify that they comply with the appropriate requirements. OCMI's shall certificate MSC vessels that comply with the regulations (as modified by further agreements or instructions). COI's shall not be issued to MSC vessels that do not meet the requirements.

2. **Applicability of SOLAS 74/78**

Vessels certificated as "MSC, in service, civilian-manned" are Department of Defense (DOD) vessels used for public purposes. They are not subject to the requirements of the 1974 SOLAS Convention and its 1978 Protocol, and shall not receive SOLAS certificates, even if the vessel meets SOLAS in full and a certificate is requested by MSC. A letter stating the vessel's compliance may be issued.

**NOTE:** This provision does not apply to those commercial vessels on time charter to MSC from MARAD.

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3. COI  
Modifications

- Route Permitted and Conditions of Operation
- a. An asterisk shall be inserted at the word "thereunder" in the eighth line of COI Form CG-841. In the space for "Route Permitted and Conditions of Operation" there shall be inserted an asterisk and the notation "In accordance with the standards applicable to MSC vessels."
- Class
- b. In the space provided for the vessel's class, insert the designations "Naval transport/cargo vessel/tankship (as appropriate), in service, civilian-manned."
- Manning
- c. In the case of P2, C3, and C4-type vessels, the presence aboard of three additional Able Seamen, not required to stand watches, shall be included for persons authorized to be carried in the crew.
- Persons in Addition to the Crew
- d. When deemed necessary for defense purposes by the Commander, MSC, inspected MSC vessels may carry civilian or military personnel in addition to the crew expressly to carry out vessel missions. Such personnel shall not be involved in the navigation of the vessel, and are not considered members of the crew or passengers. Their presence shall be indicated in a separate endorsement of the COI and reflected in the total of persons allowed aboard.

4. Regulatory  
and  
Equipment  
Modifications

- General
- a. In addition to material normally accepted by the Coast Guard, the OCMI may accept materials and equipment on MSC vessels that meet the requirements of any of the following authorities:
- (1) The technical bureaus of the Department of the Navy;
  - (2) Military specifications (MILSPEC's), including Joint Army Navy (JAN) specifications;
  - (3) Federal specifications used for military purchases; or
  - (4) National Military Establishment (NME) specifications.

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- Vessels of Special Design      b.    The Commandant may, in cases of specially designed MSC vessels, permit variations from statutory and regulatory requirements that are necessary for the special purposes for which the vessels are intended. Initial inspection files shall include correspondence and other information on the variations allowed; these should be consulted at subsequent inspections for certification.
- Structural Steel Renewals      c.    These must incorporate at least the minimum requirements of the Coast Guard and the American Bureau of Shipping (ABS).
- Lifesaving Equipment      d.    Requirements for lifesaving equipment on inspected vessels are shown in Figure B5-1. Percentage requirements are based on the total number of persons on board.
- Pyrotechnics      e.    USN pyrotechnics may be carried in lieu of Coast Guard approved pyrotechnics.
- Lifefloats      f.    USN lifefloats that are identified by nameplates as complying with the provisions of MILSPEC MIL-F16143 are acceptable, provided they are in good condition.
- Canned Drinking Water      g.    Emergency drinking water canned under MILSPEC MIL-W-15117 may be accepted in lieu of Coast Guard approved drinking water. Such cans are undated and may remain in service for an indefinite period. Rejection shall be based on deterioration of cans or other defects that the inspector judges to make the water unusable. Coast Guard approved water cans will be rejected after 5 years.
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**FIGURE B5-1: LIFESAVING EQUIPMENT FOR OCEANGOING MSC VESSELS**

(To be included in future revision)

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5. **Inspection Waivers**      Waivers from inspection requirements shall be made in accordance with the provisions of 46 CFR 6.06.
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6. **Cargo Tank Examinations for Marine Prepositioning Ships (MPS)**      It is understood that Marine Prepositioning Ships carry large quantities of bulk liquid cargo. Therefore, it may be impracticable to conduct cargo tank internal inspections except when the vessels are in drydock and the cargo tanks are gas free. Inspections of any tanks which are gas freed, safe for entry, and accessible, together with internal structural examinations, may be conducted to satisfy the requirement for alternate cargo tank internal examinations. These inspections will be conducted to the satisfaction of the OCMI.
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F. VESSELS OF THE U.S. ARMY CORPS OF ENGINEERS (USACE)

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**1. Inspection Agreement** Upon application for inspection, the Coast Guard will inspect and certificate USACE vessels that comply with applicable statutory and regulatory requirements. When a USACE vessel does not comply with requirements, a written statement of the conditions found will be forwarded to USACE, with the returned application.

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**2. Regulatory and Equipment Modification**

Lifesaving Equipment

a. At the request of the Chief of Army Engineers, the Commandant has accepted unicellular plastic lifesaving ring buoys, MILSPEC MIL-R-0016847, for use on USACE vessels. Agreement has been reached with USACE on upgrading of the safety standards for lifesaving equipment. The USACE has agreed to replace unicellular plastic foam work vests (MIL-L-17653) with Coast Guard approved personal flotation devices (PFD's). The old work vests will be replaced on all USACE vessels except those engaged on river routes, in quantities specified by Coast Guard regulations. However, they may be retained for use by crewmembers working near or over the water, as per the regulations.

Manning

b. Vessel manning issues are discussed in MSM III.

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**G. DOD/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) INSTRUMENTATION SHIPS**

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**1. Introduction** Special-purpose ships that are owned by the U.S. and operated as public vessels to provide instrumentation facilities for DOD and NASA missile and space programs are classed as "instrumentation ships." These are under the control of the Commander, MSC.

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**2. Inspection and Certification** Upon application, these vessels will be inspected and certificated by the Coast Guard. 46 CFR, Subchapter I (Cargo and Miscellaneous Vessels) applies to instrumentation ships, insofar as practical. The entry for "Total persons allowed" on the COI shall be the maximum number permitted by the Coast Guard (normally, the capacity of the primary lifesaving equipment aboard will be the determining factor). Such vessels manned by military rather than civilian personnel will be awarded Letters of Inspection in lieu of COI's. Civilian crewmembers must be licensed or certificated as a condition of employment on such vessels. When the number of persons aboard exceeds normal manning standards, or the vessel varies significantly from the standard "cargo ship" configuration, additional requirements for improved access and fire protection may be imposed.

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**3. Special Instrumentation Equipment** In regard to such systems, the Coast Guard exercises plan approval and inspection of electrical distribution systems only to the point of the vessel's electrical power takeoff. The Coast Guard's concerns are fire, personal hazard, and interference to the vessel's service power or main propulsion plant that may be caused by instrumentation systems, not the proper functioning of such systems themselves.

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**4. Manning Standards** The OCMI specifies the minimum manning requirements for instrumentation ships on the COI; however, the categories of persons on board is not limited. For "normal" operation under the COI, the Commandant requires manning by properly licensed and certificated personnel in the deck, engineering, staff, and steward departments. All persons not employed in those categories are considered other persons "employed or engaged in the business of the vessel" (see 46 CFR 90.10-29) and are not required to hold Merchant Mariner's Documents (MMDs).

**NOTE:** For more information, see volume III of this manual.

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5. **Accommodations** The requirements of 46 CFR 92.20 do not apply to "other persons employed or engaged in the business of the vessel."
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6. **Operation Under Special Conditions** Under certain unforeseen conditions and mission requirements, it may be necessary for instrumentation ships to sail under conditions not permitted by the COI. When such conditions prevail, the Commander, MSC will authorize the vessel to sail without compliance and notify Commandant (G-MOC) of such authorization.
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7. **Casualty Review** The masters/commanding officers (COs) of civilian or military manned instrumentation ships are not required to report marine casualties to the Coast Guard, and the Coast Guard will not investigate such casualties unless specifically requested to by DOD. However, contract-operated instrumentation ships and their masters are required to report marine casualties to the Coast Guard, which will investigate them unless specifically requested not to by DOD.

**NOTE:** For more information, see volume V of this manual.

8. **Disciplinary Actions Against Crewmembers** Necessary disciplinary actions shall be taken in accordance with existing agreements, modified as necessary, between the Coast Guard and MSC. (See MSM V for more information on this subject.)
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9. **Lifesaving Equipment**

- Lifeboats a. Lifeboats. Generally, these must be approved under 46 CFR 160.035 for a 200-percent requirement. If the vessel meets requirements for one-compartment subdivision and stability in accordance with 46 CFR 73-74, only 100-percent lifeboatage is required.
- PFDs b. PFDs. These must be approved under 46 CFR 160.002, 160.005, or 160.055, or USN MIL-L-10845, for a 100-percent requirement.
- Inflatable Life Rafts c. Inflatable Life Rafts. These must be approved under 46 CFR 160.051. 46 CFR 94.10-55 provides for certain substitutions of inflatable life rafts for lifeboats.
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10. **Pyrotechnics** USN pyrotechnics are acceptable.

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11. **Repairs and Alterations** Plan approval for new construction, conversion, and alterations will be carried out in accordance with applicable Coast Guard regulations. Notice of repairs or alterations shall be submitted to the Coast Guard in accordance with 46 CFR 91.45-1. Inspections of such alterations or repairs shall be accomplished in accordance with 46 CFR 91.45-5.

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**H. NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC ADMINISTRATION (NOAA) VESSELS**

NOAA vessels that meet single-compartment subdivision and stability requirements of 46 CFR 73-74 require only 100-percent lifeboatage.

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**I. VESSELS CHARTERED BY THE NATIONAL MARINE FISHERIES SERVICE (NMFS)**

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**1. Introduction** An inspection agreement between the Coast Guard and the NMFS concerns commercial fishing vessels chartered to the agency for regulatory or research purposes. When a commercial fishing vessel is selected by NMFS for a charter, the Coast Guard District Fishing Vessel Safety Coordinator or local MSO examiner will be so advised of the vessel's name, official number and location in order to schedule an agreeable time to conduct a dockside examination.

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**2. Inspection Standards** NMFS chartered vessels shall comply with all applicable laws and regulations for fishing vessels. The Fishing Vessel Examiner will conduct a dockside examination of the vessel. The examination record shall indicate whether or not the vessel is in compliance with applicable regulations. The Examiner shall leave the original inspection booklet aboard the vessel, retain a copy locally, and forward copies to the NMFS and the District Fishing Vessel Safety Coordinator.

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**3. Standards of Seaworthiness** NMFS will make a careful selection of the vessels it desires to charter to ensure that they are basically seaworthy. The Coast Guard inspection is not primarily an inspection for seaworthiness. However, unsafe structural conditions that are observed shall be reported to Commandant (G-MOC), and a Letter of Inspection shall not be issued. In such a case, NMFS generally will cancel the charter and hire another vessel.

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**4. Letters of Inspection** Vessels that comply with the applicable requirements shall be issued Letters of Inspection by the OCMI. A sample letter is located in Figure 12-2. The original Letter of Inspection shall be posted aboard the vessel, with a copy retained by the OCMI and two copies forwarded to Commandant (G-MOC).

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FIGURE B5-2: SAMPLE LETTER OF INSPECTION FOR  
CHARTERED COMMERCIAL FISHING VESSELS

This letter expires on (expiration date of charter).

The (VESSEL NAME), (O.N.), was inspected by the Coast Guard on (DATE), at (PLACE) and was found to be in compliance with the applicable inspection criteria approved jointly by the National Marine Fisheries Service and the U.S. Coast Guard.

This vessel is considered satisfactory for operation during the period of charter on (ROUTE).

It is understood that a maximum of crew and persons in addition to the crew will be carried. Total persons allowed is (#).

Primary Lifesaving

Portable

Fixed

Equipment Data

Fire Extinguisher Data

Officer in Charge, Marine Inspection  
Inspection Zone

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**J. VESSELS CHARTERED BY THE INTERNATIONAL HALIBUT COMMISSION**

These vessels shall be inspected and certificated in the same manner as NMFS chartered vessels.

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**K. INSPECTION OF BOILERS OR PRESSURE VESSELS ON FLOATING EQUIPMENT**

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- 1. Application for Inspection** Application for inspection of boilers or pressure vessels only, on federally owned floating equipment, shall be made to the OCMI in whose zone the equipment is located.

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- 2. Inspection Reports** All reports concerning such inspections shall normally be made on the form(s) supplied by the agency having custody of the equipment being inspected and filed by the OCMI. Copies of the report shall be forwarded to the representative of the agency involved.
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L. MARITIME ADMINISTRATION READY RESERVE FORCE (RRF) VESSELS

**1. Introduction** As previously noted in the introduction to this chapter, public vessels, except those owned or operated by the Maritime Administration (MARAD) are not generally subject to inspection. Coast Guard policy concerning inspection of MARAD RRF vessels is outlined in a Memorandum of Understanding between the Coast Guard and the Maritime Administration contained in volume X of the Marine Safety Manual. The MOU recognizes the special nature of these vessels and the need for a special inspection policy.

**2. Background** MARAD vessels which are being maintained in continuous operation generally conform to the same regulations and inspection intervals applicable to their commercial counterparts. However, most RRF vessels spend the majority of their life in a deactivated, non-operational status. Because of this unique set of circumstances, the USCG/MARAD MOU allows inspection intervals to be modified and the correction of outstanding deficiencies delayed when RRF vessels are in a deactivated status. The current MOU was a direct outgrowth of lessons learned by both OCMI's and MARAD personnel during RRF vessel inspections conducted for activation in support of operation DESERT SHIELD/DESERT STORM (August 1990 to July 1991). The MOU is intended to permanently capture the knowledge and experience gained during this first large scale activation of the RRF since its creation in 1976.

**3. Summary of Significant Additions to the USCG / MARAD MOU.**

Annex III,  
Command, Control  
and Communication

- a. A third annex was added to the MOU which outlines procedures for coordination and communication between USCG/MARAD and contract vessel operators at various levels within each organization. Emphasis is on early and frequent communication for resolution of inspection issues.

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Time Limit for Completion of Deficiencies

- b. A limit of one year after completion of the inspection for certification was placed on correction of material deficiencies for RRF vessels in phase IV, maintenance. Under the previous MOUs, material deficiencies could be deferred indefinitely during phase IV, until the vessel was activated for operations. Attempting to correct all these deficiencies upon activation resulted in substantial delays to commencement of operations. This time limit is intended to minimize the number of deficiencies which will require correction should an RRF vessel be required to activate on short notice. By allowing a year from the date the COI inspection is completed to correct deficiencies, MARAD has retained the flexibility to schedule necessary shipyard periods and operational tests of the vessels' systems during the phase IV.

RRF Vessels in Phase IV that Exceed the Time Limit for Correction of Deficiencies

- c. The MOU allows OCMI's to remove RRF vessels from certificated status if deficiencies remain uncompleted beyond the allowable time limit established in the MOU. This is not intended to be viewed by either party to the MOU as being a punitive measure. The intention of this provision is to match inspections to those periods when actual repairs or operations are being conducted. OCMI's should focus inspections on those periods when the vessel is ready to make repairs, conduct tests or demonstrate the proper operation of equipment or systems. If for whatever reason an RRF vessel cannot conduct required repairs, tests or inspections before the time limit, it lapses into a period during which its COI is no longer valid. However, realizing that ultimately MARAD may seek to recertify the vessel at a future date, OCMI's should retain vessel files, update records of the vessel and witness equipment tests and repairs when requested by MARAD or their authorized representative. The goal of both MARAD and the Coast Guard in the inspection process is to maintain RRF vessels in a certificated status with valid COI's in the possession of the vessels' operator. Ideally, the only outstanding deficiencies on any RRF vessel in phase IV should be to witness reinstallation and testing of equipment which has been intentionally removed to prevent damage during extended periods of deactivation.

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**4. National  
Defense  
Waiver  
Requests**

When necessary, national defense waiver requests will be coordinated between MARAD and the Department of Defense (DOD) and submitted under authorized DOD signature to the Coast Guard. The previous MOU required the same level of coordination, but directed MARAD to sign and submit the waiver form. Regulations contained in 46 CFR Part 6 give DOD the right to waive inspection requirements for the purpose of national defense for vessels operated or chartered by DOD, in this case RRF vessels. Other government agencies may request a waiver of inspection requirements based on national defense for the Coast Guard's consideration if "the urgency of the situation outweighs the marine hazard involved" (46 CFR 6.01(b)). Because of MARAD's location within the Department of Transportation, vice DOD, the Coast Guard could deny their requests for national defense waivers if, in the opinion of the Coast Guard, it did not meet the test of the regulations. This change to the MOU places the evaluation of the level of hazard to RRF vessels and crew with DOD when the primary consideration is national defense. The Secretary of Defense has delegated signature authority for national defense waivers to the Commander, Military Sealift Command.

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