



COMDTINST 16715.5

20 MAY 1994

COMMANDANT INSTRUCTION 16715.5

Subj: MARINE SAFETY CENTER REGULATION INTERPRETATION RESPONSIBILITY

1. PURPOSE. This instruction is promulgated to notify Coast Guard personnel involved in the Commercial Vessel Safety Program of the expansion of the Marine Safety Center's authority to make interpretations of regulations related to vessel plan review. No longer will issues requiring interpretation of existing regulations and technical requirements have to be forwarded to Commandant for action. This will now be within the purview of the MSC. This change in approval authority is consistent with the MSC's new role as the maritime community's "window" to technical issues in the Coast Guard Commercial Vessel Safety Program.
2. ACTION. Area and district commanders, commanders maintenance and logistics commands, commanding officers of headquarters units and Commander, Coast Guard Activities Europe shall ensure wide dissemination of the information in this instruction.
3. BACKGROUND. Historically, the Marine Safety Center has concentrated its resources on detailed review of drawings and calculations submitted to demonstrate compliance with the Code of Federal Regulations. Interpretations of the regulations and other technical requirements have been reserved for Commandant. However, since innovative, dynamic markets force vessel designers to push the design envelope, this division of decision making authority has not proved responsive enough in the present engineering environment. Frequently, the plan review process involves designs for which regulatory interpretations are essential prior to system approval. The authority for these technical determinations has previously rested with the Marine

Technical and Hazardous Materials Division. Through day to day involvement in the plan review process, Marine Safety Center personnel gain an excellent working knowledge of the regulations, which permits them to be able to provide consistent and uniform application of regulations. It also places the Marine Safety Center in an ideal position to make technical/regulatory determinations. The added benefit of "one stop shopping" for the industry places us in a better position to serve our customers.

4. DISCUSSION. Determinations concerning regulatory implementation of a technical nature can now be performed by the Marine Safety Center. A consequence of providing interpretation of existing regulations is frequently the creation of policy. With this shift in responsibility, it is recognized that the MSC will often be establishing policy in the plan review area. However, program policy will remain the responsibility of G-M. It may be difficult to clearly define for the maritime community and Coast Guard field units the boundary between these two categories. Thus, it is paramount that we facilitate the implementation of this new approach. In this regard, the Marine Safety Center will be the first point of contact for all interpretations of technical requirements involving the vessel design and approval aspects of the commercial vessel safety program. The Marine Safety Center will determine if the request falls under their new authority. If so, it will be handled by the appropriate division at the Marine Safety Center. If the request requires a determination affecting program policy, it will be forwarded to the appropriate division in G-M. Likewise, any waivers or exemptions from the regulations will remain the responsibility of G-M. The Marine Safety Center and Commandant(G-M) will maintain an effective communication process to ensure that technical decisions and interpretations made at the MSC are fed back into continued improvement of the regulations. Effective immediately, all commercial vessel design issues shall be directed to the Marine Safety Center. The marine Safety Center will take appropriate action for all requests including those that require technical and/or regulatory interpretations. All requests that are identified as outside the scope of technical regulatory implementation will be forwarded by the Marine Safety Center to the appropriate division in G-M.

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