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NVIC 06-03 Change 1

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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 06-03, CHANGE 1

SUBJ: CH-1 TO NVIC 06-03; COAST GUARD PORT STATE CONTROL TARGETING AND BOARDING POLICY FOR VESSEL SECURITY AND SAFETY

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

2. ACTION. Headquarters program managers, area and district commanders, commanding officers of marine safety offices, and activities and group commanders will adhere to the contents of this circular, and conduct activities as appropriate to meet the requirements delineated in Enclosure (1) through Enclosure (4). Internet release authorized.

3. DIRECTIVES AFFECTED. This Change (1) to NVIC 06-03 supersedes and replaces Enclosures (1) through (6) of NVIC 06-03. A summary of Changes is provided at the end of each changed enclosure. Further, this change provides a new Appendix B to Enclosure (4), providing background information on the International Port Security Program (IPSP) and related advisories.

4. BACKGROUND. NVIC 06-03 was published to assist Captain of the Port[i] (COTP) and Officer-in-Charge, Marine Inspection [ii](OCMI) personnel, by outlining port state control procedures related to risk-based targeting, reporting, examination, and control of foreign–flagged vessels in accordance with the international and domestic regulations for maritime safety, environmental protection and, beginning July 1, 2004, maritime security. The NVIC also provided useful guidance for owners and operators of affected foreign-flagged vessels. Based upon lessons learned during the pre-enforcement program for vessel maritime security enforcement and recent

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developments in the International Port Security Program, changes to NVIC 06-03 have become necessary.

5. DISCUSSION. The USCG will enforce the new requirements of SOLAS Chapter XI-2, the ISPS Code, and the maritime security regulations authorized by MTSA for all foreign vessels subject to SOLAS and all foreign commercial vessels greater than 100 GRT that enter U.S. ports. In order to provide a comprehensive framework for these maritime security standards, these standards are seamlessly integrated into the existing port State control program. The procedures and policies offered herein provide expanded program guidelines for targeting vessels for examination, conducting vessel examinations, controlling substandard vessels, and tracking and reporting results of vessel examinations.

6. IMPLEMENTATION.

   a. Ship security performance is paramount to maritime security implementation. A ship is required to have an approved security plan in place and the provisions of the plan should be fully implemented. Plan implementation, including applicable requirements of ISPS Code Part A, taking into consideration the relevant guidance of ISPS Code Part B, should be apparent to the port state control officer (PSCO).

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

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

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

safety and security compliance examinations for convention and non-convention foreign vessels. Enclosure (4) provides control and enforcement procedures for substandard vessels.

e. To meet the responsibilities discussed herein, Coast Guard Marine Safety and Operations communities need to work in concert with industry, State and local governments, and volunteer agencies to focus on preventing vessel security and safety-related incidents. In addition, units should take note of the following when applying the guidance of this circular.

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

g. The Marine Safety Manual (MSM), Volume II (Materiel Inspection) , COMDTINST M16000.7 (Series) should be used in tandem with this circular when performing compliance examinations. When the MSM guidance conflicts with the guidance provided herein, the guidance in this circular takes precedence over the MSM. In cases of apparent policy conflict between this NVIC and the MSM, Commandant (G-MOC) should be notified. It should be noted that the guidance in the MSM pertaining to port State control is scheduled for update and the guidance herein will be included in this update.

7. INFORMATION SECURITY.

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

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

c. When SSI is released to unauthorized persons, a report must be filed with the Department of Homeland Security. Such unauthorized release is grounds for a civil penalty and other enforcement or corrective action.

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

9. CHANGES. This NVIC will be posted on the web at www.uscg.mil/hq/g-m/nvic/index00.htm. Changes to this circular will be issued as necessary. Time-sensitive amendments will be issued as "urgent change" messages by ALCOAST and posted on the website for the benefit of industry, pending their inclusion to the next change to this circular. Suggestions for improvement of this circular should be submitted in writing to Commandant (G-MOC).

10. FORMS AVAILABILITY. Forms can be retrieved at http://cgweb.comdt.uscg.mil/g-mp/g-mp.htm and reproduced locally.

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Assistant Commandant for Marine Safety, Security
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Encl: (1) Risk-Based Targeting for all Vessels (CH-1)
(2) Reporting and Notification Procedures (CH-1)
(3) Boarding Procedures (CH-1)
(4) PSC Enforcement and Control Procedures and:
Appendix A Examples of Detainable Deficiencies for Security and Safety (CH-1)
Appendix B International Port Security Program and Country Advisories (CH-1)
(5) Glossary (CH-1)
(6) CG-840 "Foreign Vessel Exam Book for MTSA/ISPS Code Compliance" (CH-1)

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

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

ENCLOSURE 1

RISK-BASED TARGETING FOR ALL VESSELS

RISK-BASED TARGETING FOR ALL VESSELS

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

ENCLOSURE 1 - **Introduction**

A. **Action – Using the Matrices**

1. Targeting Philosophy – ISPS/MTSA Security Compliance
2. Targeting Philosophy – Safety and Environmental Protection Compliance

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

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

1. Step I: *ISPS/MTSA Security Compliance Targeting Matrix*
2. Step II: *PSC Safety and Environmental Protection Compliance Targeting Matrix*
3. *Compliance Verification Examination Matrices*

C. **Random Boarding Selection Process**

1. Random Boarding Philosophy
2. Concept and Applicability
3. Process
4. MISLE Documentation

D. **Boarding Decision and Location (Step III)**

1. ISPS I and Priority I (PI) Boardings
2. ISPS II and Priority II (PII) Boardings

E. **Targeting Factor Criteria**

1. ISPS/MTSA Security Compliance Targeting Criteria
2. Safety and Environmental Protection Compliance Targeting Criteria

Table 1-1: Detention Ratios and Point Assignments

Introduction.

To effectively implement the maritime security policy issued under the Maritime Transportation Security Act of 2002 (MTSA), and the International Ship and Port Facility Security (ISPS) Code, compliance actions will be seamlessly integrated into the existing port state control (PSC) program. The U.S. will be enforcing an expanded and comprehensive PSC program in order to identify and eliminate foreign merchant ships not in compliance with international conventions and domestic rules from U.S. waters.

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

The *Foreign Vessel Port Security Targeting Matrix* is a classified, risk-based tool used to evaluate the security risk of a vessel entering into port. (This risk analysis is not discussed in detail in this instruction because it is classified.) The second screening tool is used to evaluate a foreign-flag vessel's compliance with security standards. This screening is called the *ISPS/MTSA Security Compliance Targeting Matrix*. Because this matrix evaluates compliance to security standards, not security of the vessel itself, this screening is not classified. (Policy for U.S. vessel compliance with domestic security regulations is issued under different guidance.) The third risk-based screening evaluates a vessel's compliance with safety and environmental standards. This analysis is called the *Port State Control (PSC) Safety and Environmental Protection Compliance Targeting Matrix***.** Like the other compliance matrix, it is also not classified. This screening tool was previously referred to as the *Foreign Vessel Targeting Matrix*.

Use of both the *ISPS/MTSA Security Compliance Targeting Matrix* and the *PSC Safety and Environmental Protection Compliance Targeting Matrix* allows for Captains of the Port (COTPs) or Officers-in-Charge, Marine Inspection (OCMIs) to identify those vessels posing the greatest risk in all areas. When applied consistently, the targeting regime will identify the appropriate risk level and corresponding boarding frequency for each vessel, ensuring that vessels posing a higher risk for noncompliance are boarded more frequently than vessels posing a lower risk.

A. Action – Using the matrices.

All foreign-flag vessels required to submit an NOA to the NVMC shall be screened using the *ISPS/MTSA Security Compliance Targeting Matrix,* for security compliance, and the *PSC Safety and Environmental Protection Compliance Targeting Matrix,* for safety and environmental compliance. These screening activities are required to identify those vessels that pose the greatest risk of noncompliance.

In addition, all vessels will be screened for the security risk they pose to U.S. ports. Vessels selected in this process are called high interest vessels (HIVs). While all vessels may be subject to random security boarding, these vessels are of higher interest to law enforcement authorities. This enclosure will not provide details on this screening process, since it is discussed in a separate, classified instruction. Figure 1 provides a pictorial view of the three screening processes related to vessel examinations and security boardings that are applied to arriving vessels.

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

   a. Applicable Factors. The *ISPS/MTSA Security Compliance Targeting Matrix* is a screening tool that systematically evaluates several factors related to a vessel's compliance or noncompliance with domestic and international maritime security standards. The *ISPS/MTSA Security Compliance Targeting Matrix* enables the USCG to systematically identify and target commercial vessels (identified in 33 CFR Part 160, Subpart C) that pose the greatest risk of noncompliance taking into consideration the following five risk factors: *ship management*; *flag State*; *recognized security organization* (RSO), the *individual vessel's security regulation compliance history* (the degree that vessel meets both domestic and international maritime security standards) and *last ports of call* information.

   b. Functionality. Using the *ISPS/MTSA Security Compliance Targeting Matrix*, points are assigned to a vessel based on the various risk factors. Assignment of points does not signify that the vessel is substandard; assignment of points only signifies that a examination should take place to determine the compliance of the vessel with domestic and international standards. The total points are compared to the point value thresholds to determine whether or not an examination should take place. Total points also determine where an examination should take place.

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

   d. Random Vessel Targeting. Every vessel visiting the U.S. will be examined at its first U.S. port of call. The *ISPS/MTSA Security Compliance Targeting Matrix* will identify those vessels posing the greatest risk of noncompliance with SOLAS Chapter XI-2, the ISPS Code, and the regulations issued under MTSA. In addition, the COTP or OCMI will randomly examine a certain percentage of the vessels that do not screen for an ISPS/MTSAsecurity compliance examination. Such random examinations should normally be conducted in port, but may be combined with other examinations scheduled for the vessel as it arrives.

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

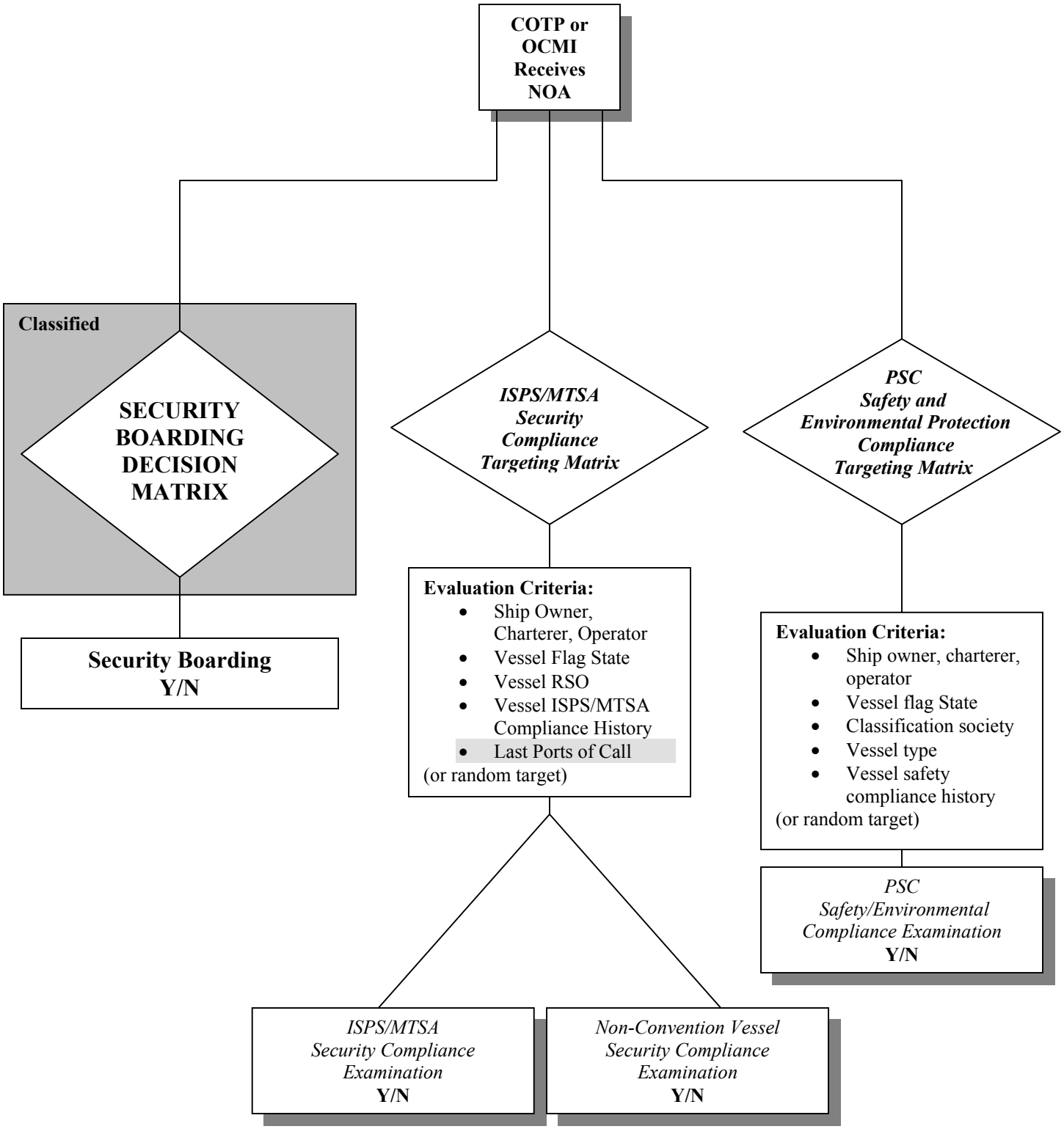
   a. Applicable Factors. A targeting regime has been successfully used to consistently focus Coast Guard port state control efforts since 1994. This risk-based approach evaluates vessels using five factors. These factors are a *ship management*, *flag State*, *classification society*, *compliance history* and *vessel type*. The risks associated with each of these factors are evaluated using Coast Guard boarding data developed over previous years. Points are assigned based on performance and using the targeting matrix, which subsequently determines a safety boarding priority.

   b. Functionality. Using the *PSC Safety and Environmental Protection Compliance Targeting Matrix*, points are assigned to a vessel based on the various risk factors. Assignment of points does not signify that the vessel is substandard; assignment of points only signifies that a boarding and examination should take place to determine the compliance of the vessel with international standards.

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

   d. Random Vessel Targeting. The *PSC Safety and Environmental Protection Compliance Targeting Matrix* will identify those vessels posing the greatest risk of noncompliance with safety and environmental protection aspects of SOLAS. In addition, the COTP or OCMI will randomly examine a certain percentage of the vessels that do not screen for an examination. Such random examinations should normally be conducted in port, but may be combined with other examinations scheduled for the vessel as it arrives.

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



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

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

As stated previously, the *ISPS/MTSA Security Compliance Targeting Matrix* is a tool for the COTP or OCMI to determine whether a particular vessel scheduled to arrive should be targeted for examination. NOA information and Marine Information for Safety and Law Enforcement (MISLE) data shall be used to determine a score. This needs to be done manually until an automated, MISLE-embedded targeting tool is completed. The score calculated for a particular vessel will determine whether a vessel is examined at sea, examined in port, or not targeted (all vessels are subject to random boardings).

Criteria to make ISPS/MTSA security examination decisions are based on the *control action ratio* (CAR). The CAR is similar to the *detention ratio* that is used to make PSC safety/environmental protection examination decisions. The CAR scoring index will be calculated and provided by the Foreign and Offshore Compliance Division (G-MOC-2) via the monthly port state control message. The CAR is defined below and calculated based on the previous three years. CAR data accumulation begins on 1 July 2004. The # *of major ISPS/MTSA-related control actions* include security-related denials of entry or expulsions from port, as well as security-related detentions, within the period of interest.

$$\text{CAR} = \frac{\text{\# of major ISPS/MTSA-related control actions}}{\text{\# of ISPS/MTSA examinations}} \times 100 \text{ percent}$$

a. Column I: Ship Management. For the purposes of ship management targeting for ISPS compliance, the CAR is defined below. The # *of major ISPS/MTSA-related control actions* include security-related denials of entry or expulsions from port, as well as security-related detentions, within the period of interest.

$$\text{CAR} = \frac{\text{\# of major ISPS/MTSA Ship Management -related control actions}}{\text{\# of ISPS/MTSA examinations}} \times 100 \text{ percent}$$

1) If MISLE data indicates that the owner, operator, or charterer has been associated with any vessel that has been the subject of ISPS security control actions involving denial of entry or expulsion from port within the last 12 months, *assign ISPS I status to the vessel*. (See section 3, Compliance Targeting Matrices, for further information of *ISPS status*.) The COTP or OCMI may relax status to ISPS II depending on the circumstances of the control action (example: If the Security Plan was not properly implemented, and the owner has since initiated steps to correct security implementation.) Assign 2 points if entry was denied due solely to lack of proper NOA.

2) If the owner, charterer, or managing operator of a vessel is included on the

Targeted Ship Management List provided by the Office of Compliance (G-MOC), assign 5 points.

3) If the owner, charterer, or managing operator is associated with more than 10 vessel examinations in the last three years, beginning July 1, 2004, and has a CAR greater than 5 percent during that period, assign 5 points.

4) If the owner, charterer, or managing operator of a vessel is associated with more than 10 vessel examinations in the past three years, beginning 1 July 2004, and has a CAR greater than 1 percent, but up to 5 percent during that period, assign 2 points.

5) If the owner, charterer or managing operator of a vessel has been associated with 10 or fewer vessel examinations in the past three years, beginning 1 July 2004, assign 2 points.

6) A maximum total of 5 points may be assigned.

7) Proceed to Column II.

b. Column II: flag State. The CAR is defined below for the purposes of flag State targeting for compliance. The # *of major ISPS-related control actions* include all security-related denials of entry or expulsions from port and ISPS-related detentions to vessels flying the flag of that State within the period of interest.

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

1) Check the vessel's flag State against the current targeted flag State list. If the flag State is listed as a targeted flag State, assign 7 points. Listing criteria: Flag State is associated with more than 20 vessel examinations in the past three years, beginning 1 July 2004, and has a CAR greater than 5 percent during that period.

2) If the flag State of a vessel is associated with more than 20 vessel examinations in the past three years, beginning 1 July 2004, and has a CAR greater than 1 percent, but up to 5 percent during that period, assign 2 points.

3) If the flag Administration of a vessel has been associated with 20 or fewer vessel examinations in the past three years, beginning 1 July 2004, assign 2 points.

4) Proceed to Column III.

c. Column III: Recognized Security Organization (RSO). For the purposes of RSO targeting for ISPS compliance, the CAR is defined below. The # *of major ISPS-related control actions* include security-related denials of entry or expulsions from port and ISPS-related detentions *attributable to the RSO* within the period of interest.

Control actions are attributable to the RSO when a procedure in the RSO-approved security plan does not conform to SOLAS Chapter XI-2 and the ISPS Code or when a security procedure verified by the RSO does not conform to the approved security plan. When the flag State does not allow an RSO to act on its behalf, Column III may also be used to add points for targeting the flag State when the ISPS/MTSA control actions discussed herein are attributable to the flag State (in similar fashion to that for an RSO).

$$\text{CAR} = \frac{\text{\# of major ISPS/MTSA RSO-related control actions}}{\text{\# of ISPS/MTSA examinations}} \times 100 \text{ percent}$$

1) Check the vessel's RSO against the current targeted RSO list. Listing criteria: If the RSO is associated with more than 20 vessel examinations in the past three years, beginning 1 July 2004, and has a CAR greater than 5 percent during that period, assign ISPS I status to the vessel.

2) If the RSO is associated with more than 20 vessel examinations in the past three years, beginning 1 July 2004, and has a CAR greater than 1 percent and up to 5 percent, assign 5 points; or has a CAR greater than 0.5 percent and up to 1 percent, assign 2 points.

3) If the RSO of a vessel has been associated with twenty or fewer vessel examinations in the past three years, beginning 1 July 2004, assign 2 points.

4) Proceed to Column IV.

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

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

   a. The COTP or OCMI may relax status to ISPS II depending on circumstances of control action (Example: The vessel was expelled from port because of failure to implement security plan procedures, but has corrected the situation and compliance was verified by USCG subsequent examination.)

   b. If denial of entry due solely to lack of proper NOA, assign 2 points.

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

2) If MISLE data indicates the vessel has not been examined for compliance with

SOLAS Chapter XI-2 and the ISPS Code in the past 12 months, assign ISPS II status to the vessel.

3) If MISLE data indicates that the vessel has CAR greater than 1 percent, assign 5 points to the vessel.

4) If MISLE data indicates that the vessel has CAR greater than 0.5 percent and up to 1 percent, assign 2 points to the vessel.

5) If MISLE data indicates that the vessel has been examined more than once, but ten or fewer times in the past 3 years, for compliance with SOLAS Chapter XI-2 and the ISPS Code, assign 2 points.

6) If MISLE data indicates that the vessel has had any ISPS or MTSA-related operational control, excluding denial of entry, expulsion from port, or detentions, assigned within the last 12 months, assign 1 point for each operational control.

7) The total points in Column IV are unlimited.

8) Proceed to Total.

e. Last Ports of Call.

1) The last five ports of call information in a vessel's notice of arrival shall be considered for ports identified as non-compliant and for which a country advisory has been issued.

2) Country Advisory process. Based upon an unsatisfactory country assessment or credible and significant information that a country, or country's port(s), do not comply with SOLAS XI-2 and the ISPS Code, the International Port Security Program (IPSP) will initiate the country advisory process. The country advisory process is intended to identify countries that do not maintain effective anti-terrorism measures in their ports and prescribe corrective measures. This process is discussed in greater detail in Appendix B to Enclosure (4).

3) A Federal Register notice is part of the country advisory process and will be used to formally notify foreign ports and vessels that prescribed conditions for entry will be required for vessels that have called on the non-compliant port within the last five ports of call. Further, if the Secretary, in consultation with the interagency, determines that prescribed conditions of entry are not sufficient, the Federal Register may specify that vessels that have called on the non-compliant port within the last five ports of call may be denied entry.

4) The COTP or OCMI shall deny entry to any vessel failing to meet prescribed conditions for entry.

5) At MARSEC 1, vessels that have called on a non-compliant port during the last five ports of call are also subject to a combination of a security boarding and ISPS examination as directed by Commandant. At MARSEC 2 and 3, vessels that have called at a non-compliant port during the last five ports of call are subject to a security boarding, unless otherwise directed by Commandant.

f. Total.

Total the assigned points from each column. Note the *ISPS status* below:

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

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

This matrix is automatically calculated in MISLE once the vessel has been imported from the Ship Arrival Notification System (SANS); however, the Boarding Wizard must be used to complete the final score. For details regarding these tools, refer to the MISLE user guide at http://mislenet.osc.uscg.mil/user_guides.aspx

a. Column I: Ship Management

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

2) A maximum total of 5 points may be assigned.

3) Proceed to Column II.

b. Column II: Flag.

1) Check the vessel's flag State against the current targeted flag State list. If the flag State is listed as a targeted flag State, assign 7 points.

2) Proceed to Column III.

c. Column III: Classification Society.

1) Check the vessel's classification society against the current targeted classification society list. If the classification society is listed as a targeted classification society, assign the appropriate number of points as indicated at http://cgweb.comdt.uscg.mil/g-mo/moc/mochm.htm.
2) Proceed to Column IV.

d. Column IV: Vessel History.

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

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

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

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

5) If MISLE data indicates the vessel has not been boarded in the past 6 months, assign a maximum of 1 point for this category.

6) The total points in Column IV are unlimited.

7) Proceed to Column V.

e. Total.

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

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

3. *Compliance Verification Examination Matrices*.

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

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
SHIP MANAGEMENT	FLAG STATE	RECOGNIZED SECURITY ORGANIZATION	SECURITY COMPLIANCE HISTORY	LAST PORTS OF CALL
ISPS I Owner, operator, charterer associated w/ ISPS-related denial of entry/expulsion from port in past 12 months * **5 Points** Owner, Operator, or Charterer has a CAR of 5 percent or more or is on the G-MOC Targeted Ship Management List **2 Points** Owner, Operator, or Charterer has a CAR of 1 percent, and up to 5 percent **2 Points** *Owner, Operator, or Charterer associated w/ 10 or fewer vessel exams in the past 3 years beginning 1 July 2004*	**7 Points** Flag State has a CAR of 5 percent or more **2 Points** Flag State has a CAR from 1 percent to 5 percent **2 Points** *Flag State associated w/ 20 or fewer vessel exams in the past 3 years beginning 1 July 2004*	**ISPS I** RSO has a CAR of 5 percent or more **5 Points** RSO has a CAR of 1 percent, and up to 5 percent **2 Points** RSO has a CAR of 0.5 percent, and up to 1 percent **2 Points** *RSO associated w/ 20 or fewer vessel exams in the past 3 years beginning 1 July 2004* Note: Use RSO attribution process for flag States not using RSOs	**ISPS I** ISPS-related denial of entry/expulsion from port in past 12 months * **ISPS II** *If matrix score does not result w/ ISPS I exam & no ISPS compliance exam within the past 12 months* **5 Points** Vessel has a CAR of 1 percent or more **2 Points** Vessel has a CAR of 0.5 percent, and up to 1 percent **2 Points** *More than 1, but 10 or fewer ISPS Compliance exams in the past 3 years beginning 1 July 2004* **1 Point** For each occurrence of any operational control assigned w/ past 12 months	**PRESCRIBED CONDITIONS OF ENTRY AND/OR DENY ENTRY** For last 5 ports, as specified by Federal Register; refer to G-MOC targeted list **ISPS I** For last 5 ports, if designated ISPS I; refer to G-MOC targeted list **ISPS II** If matrix score does not result w/ ISPS I exam & for last 5 ports, if designated ISPS II; refer to G-MOC targeted list

Italics indicate applicable scoring criteria at the onset of MTSA/ISPS enforcement. Non-italicized criteria will require time to develop sufficient owner, operator, charterer, Flag, RSO, and vessel history

* Depending upon circumstances of denial of entry, COTP or OCMI may relax assignment to ISPS II. Also, if denial of entry due solely to failure to provide NOA, assign 2 points

Vessels that score 17 points or higher are ISPS I vessels and should be boarded prior to port-entry.

Vessels that score between 7-16 points are ISPS II vessels and need not be examined prior to entry but should be examined upon port arrival.

Vessels scoring fewer than 7 points are ISPS III vessels and need not be boarded unless selected at random for random MTSA/ISPS examination.

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

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
SHIP MANAGEMENT	FLAG STATE	CLASSIFICATION SOCIETY	VESSEL HISTORY	SHIP TYPE
5 Points Listed Owner, Operator, or Charterer	**7 Points** Listed Flag State	**Priority 1** A detention ratio equal to or greater than 2% **5 Points** A detention ratio equal to 1% or less than 2% **3 Points** A detention ratio equal to 0.5% or less than 1% **0 Points** A detention ratio less than 0.5%	**Priority II** First Time to U.S. **5 Points Each** Detention within the previous 12 months. **1 Point Each** Other operational control within the previous 12 months **1 Point Each** Casualty within the previous 12 months. **1 Point Each** Violation within the previous 12 months. **1 Point Each** Not boarded within the previous 6 months.	**1 Point** Oil or Chemical Tanker **1 Point** Gas Carrier **2 Points** Bulk Freighter over 10 years old. **1 Point** Passenger Ship **2 Points** Carrying low value commodities in bulk. **TOTAL:**

Priority I Vessel (PI):

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

Priority II Vessel (PII):

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

Non-Priority Vessel (NPV):

- 6 points or fewer points on the Matrix,
- Vessel is a low risk, and will probably not be boarded.

Downgrade Clause. If a vessel has scored either a PI or PII based on points or association, and has had a USCG PSC examination within the past 6 months with no serious deficiencies, it may be downgraded to an NPV. If vessel downgraded, it must be considered for the pool of random boardings.

C. Random Boarding Selection Process.

1. Random Boarding Philosophy. Random boarding, in addition to the boardings that result from the targeting processes described herein, is an important tool that provides a strong deterrent against subversive actions or substandard operations. If targeting falls into a predictable pattern, we leave open an avenue for organizations to understand and study ways to subvert the targeting systems and possibly allow substandard ships into U.S. ports without examination. A random boarding selection process injects unpredictability into the targeting process and undercuts those intending to subvert our targeting systems. Accordingly, we must ensure that our random boarding selection process has no pattern. A truly random pattern plays a role in the success of our program and a methodology for making random boarding selections is provided for use nationwide. Random boarding begins on October 1, 2004.

2. Concept and Applicability. Our stated goal is to conduct 10% random boardings on the vessels that arrive in the United States which have not been targeted for an ISPS/MTSA Security Compliance Examination or a Port State Control Safety and Environmental Compliance Examination. Vessels not targeted for one of these examinations are subject to selection for random examination comprised of both a port state control safety and environmental compliance examination and an ISPS/MTSA Security Compliance examination at a nominal 10 % selection rate: Security boardings will also be conducted on a random basis for vessels not designated as high interest vessels. The process for this random selection process is addressed in separate correspondence.

For example:

Port X receives **106** vessel arrivals on average per month based on historical data. Also, conducts the following on a monthly average based on historical data:

9 ISPS/MTSA Security Compliance Examinations and
9 PSC Safety and Environmental Compliance Examinations, and
3 vessels were subjected to combined port state control safety and environmental compliance and an ISPS/MTSA Security Compliance examinations,

Then, for planning purposes:
There were **91** untargeted vessels (106-9-9+3=91):
10% of the untargeted 91 vessels (.10*91 = 9.1) should be subject to each type of boarding and examination per month.
In this case the number would be rounded down.
Each month, Port X should conduct **9** combined port state control safety and environmental compliance and an ISPS/MTSA Security Compliance examinations.

Similarly, if, in a one month period, Port Y has 79 vessel arrivals, and on average 7 ISPS/MTSA Security Compliance Examinations and 6 PSC Safety and Environmental Compliance Examinations, and 2 vessels were subjected to combined port state control safety and environmental compliance and an ISPS/MTSA Security Compliance

examinations, then, for planning purposes, 10% of the remaining 68 vessels should be subject to ISPS/MTSA Security Compliance Examination (.10*68 = 6.8, or rounded up, 7 random combined port state control safety and environmental compliance and an ISPS/MTSA Security Compliance examinations

3. Process. To a true random process, vessels must be selected for boarding from the population of vessels that were not targeted for ISPS/MTSA Security Compliance Examination or Port State Control Safety and Environmental Compliance Examination. For example, a vessel targeted for a P1 PSC examination will not be selected for a *random* ISPS/MTSA Security Compliance Examination, as this will affect the quality of the randomness and will not enable us to meet vessel boarding goals. Using this method will allow the Coast Guard to visit more vessels, during which port state control personnel will effectively check for evidence of non-compliance with all applicable domestic and international standards. The following outlines the procedures to be utilized to establish a random selection process. Please refer to the screen shot below on these steps for further clarification:

a. Preparation phase. Prior to implementation, the COTP or OCMI should determine average monthly arrivals and estimate monthly totals of ISPS/MTSA security compliance and PSC safety and environmental compliance examinations conducted. Based upon this data, calculate 10% of the vessels not selected for ISPS/MTSA security compliance and PSC safety and environmental compliance examinationand this will provide the initial estimate of random ISPS/MTSA Security Compliance Examination or Port State Control Safety and Environmental Compliance Examination that need to be conducted.

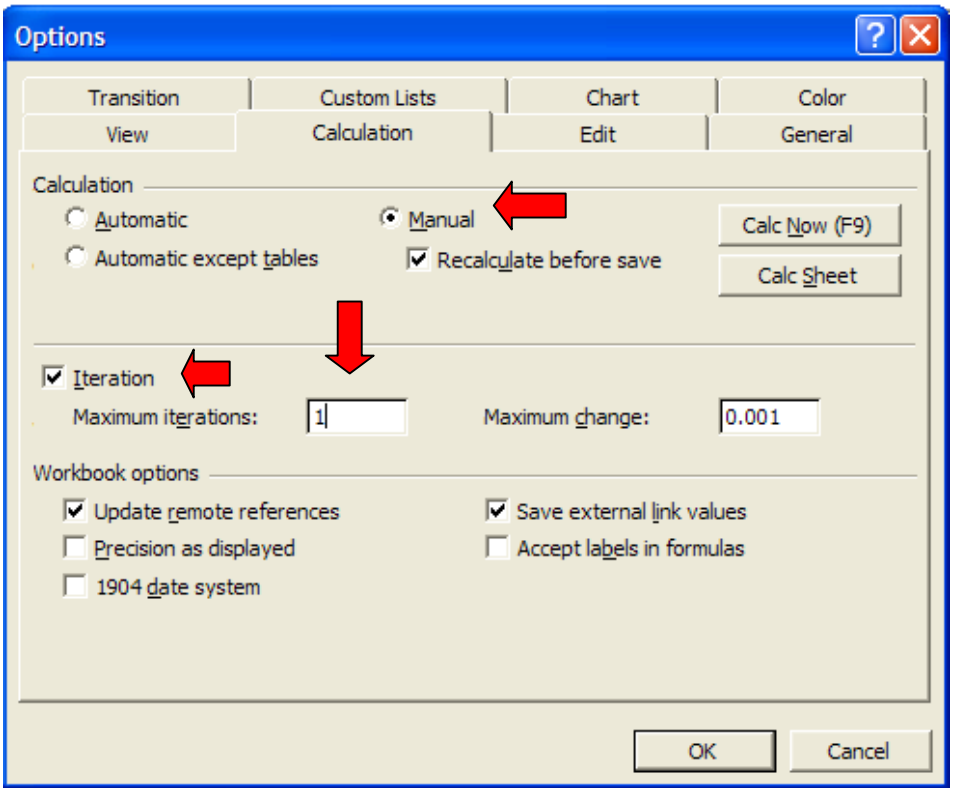
1) Step 1. On the first of the month, from either MISLE or SANS, export your arrival information into an Excel spreadsheet. Title it for the month and year you are working i.e. Apr 04. Eliminate any unnecessary columns that clutter your worksheet.

2) Step 2. From the list of vessels, create a highlighted color scheme to identify the types of vessels, which have been targeted for boardings. For example, if it has been targeted for ISPS, shade blue and PSC shade red. If a vessel was boarded after random selection, cross off row to help you quickly identify those vessels. This helps the user identify which vessels are available for random examination.

3) Step 3. Create a random number generator =rand() for the remaining vessels. Copy random generator down in column to allot for the total number of arrivals that can be expected for that month. This will be calculated in the preparation phase. To ensure that the random numbers are not recalculated, suggest thata second column be generated entitled ‘random sorter’. Once the numbers are created in the random generator number column, , and before sorting, select the random generator column, copy and ‘paste special’ only the ‘values’ (not the function) into the random sorter column. This way, the numbers can be sorted without regenerating an entirely new set of numbers for each vessel.

Step 4. Vessels to be boarded will be selected from the remaining vessels not highlighted or crossed. The total number for each kind of boarding to be randomly boarded has been generated from the preparation phase above. The COTP or OCMI will need to plan and board vessels randomly in accordance with their preset numbers based on resources available and daily schedule. Using a hierarchical methodology, vessels will be selected for random examination starting with the highest random number that has not been targeted for ISPS/MTSA /PSC examination or has not been already randomly boarded, and then work down from that number picking the appropriate number of random vessels that need to be completed. This system is designed to give the COTP./OCMI as much flexibility as possible to board the randomly selected vessels when the resources and time best permit within a 30-day window

b. Daily Maintenance. Each day, new vessel arrival will be imported to this spreadsheet. Steps 2 & 3 will be repeated daily to ensure the vessel list is current. Duplicates must be eliminated from the sheet. It will be much easier to sort by the random sorter column when viewing vessels. After the vessels are entered, the best way to do this will be to select 'options' then 'calculation' tab and then select 'manual'. This will allow the random numbers selected for those particular vessels to stay with the vessel and move with the vessel if you want to rank order the random numbers.



c. Monthly Maintenance. A new tab will be created for each month and steps repeated.

4. MISLE Documentation. In order to better allot our resources, this random process will enable us to analyze the effectiveness of our targeting matrices so we board vessels that need to be boarded. To that end, it is imperative that these random boardings are accurately documented in MISLE. When conducting a random boarding for ISPS/MTSA/PSC, the inspection type will be 'Vessel Inspection/PSC Exam' and the sub category will include the following in the pull down menu: Random ISPS/MTSA/PSC. This will help the program fine tune the process and improve the matrices. The end goal will be better resource allocation and a better system of targeting poor performers.

Random numbers are generated using Excel function (=rand()).

Screen Shot:

Random number generators are "pasted special" to this column to allow sorting. In order to do this, 'Tools'; 'Options' and Manual settings must be adjusted as per NVIC to keep numbers from regenerating.

Microsoft Excel - Spreadsheet for random

File Edit View Insert Format Tools Data Window Help Adobe PDF

Block/Formula | Capital Assets | Comp Grants | Credit | R-D | Regulatory | Add_Measure

A14 = AMERICAN EAGLE

	A	B	C	D	E	F	G	H	I	J
1	Vessel	Flag	Type	ETA	ETD	Points	Priority	Generator	Random Sorter	
2	~~CARNIVAL MIRACLE~~	~~PM~~	~~Ocean Cruise Vessel~~	~~2004/05/23 0700~~	~~2004/05/23 1630~~	~~9~~	~~* 2~~	~~0.5469354~~	~~0.927155825~~	
3	WORLD EXPRESS	HK	General	2004/05/28 0800	2004/05/29 0600	1	* 4	0.2593823	0.275570529	
4	~~AMBER QUEEN~~	~~LG~~	~~General~~	~~2004/05/27 0800~~	~~2004/05/28 1600~~	~~1~~	~~* 2~~	~~0.6635319~~	~~0.430284484~~	
5	EUROPEAN HIGHWAY	PM	Ro-Ro/Container	2004/05/23 2100	2004/05/24 1700	7	* 2	0.4080135	0.381324805	
6	TORM TINA	PM	General	2004/05/20 0900	2004/05/24 0530	8	* 2	0.9934596	0.202235331	
7	~~SHENANDOAH HIGHWA~~	~~PM~~	~~Ro-Ro/Container~~	~~2004/05/21 0630~~	~~2004/05/22 1230~~	~~7~~	~~* 2~~	~~0.4146484~~	~~0.760191084~~	
8	GLOBAL SANTOSH	PM	General	2004/05/23 1400	2004/05/29 1800	9	* 2	0.7579329	0.153621406	
9	HUAL ASIA	BF	Ro-Ro/Container	2004/05/22 0600	2004/05/22 1800	5	* 3	0.9940234	0.035247938	
10	GRAND PIONEER	PM	Ro-Ro/Container	2004/05/27 0700	2004/05/27 1700	8	* 2	0.9522794	0.577202503	
11	CENTURY STAR	PM	General	2004/05/20 0600	--	7	* 2	0.0370413	0.28298737	
12	MSC RIO PLATA	AC	Container Ship	2004/05/22 1800	2004/05/23 010[illegible]	7	* 2	0.8700654	0.58948843	
13	ATLANTIC ACTION	MT	General	2004/05/21 0001	2004/05/27 0000	10	* 2	0.1236924	0.0659393	
14	AMERICAN EAGLE	US	Excursion/Tour Vessel	2004/05/21 0900	2004/05/22 1300	1	* 4	0.0964467	0.104570752	
15	ALMA ATA	TU	General	2004/05/25 0000	2004/05/29 0000	13	* 2	0.1551718	0.808682584	
16	HERCULES LEADER	PM	Ro-Ro/Container	2004/05/22 0000	2004/05/22 0000	[illegible]	* 2	0.4731434	0.8011963	
17	PERAMOS I	CY	General	2004/05/20 0600	2004/05/22 2300	[illegible]	* 2	0.1533332	0.364514127	
18	ATLANTIC CONVEYOR	SW	Ro-Ro/Container	2004/05/21 0700	2004/05/21 2300	[illegible]	* 4	0.9778076	0.785037635	
19	AMAZON	RM	Chemical Tank Ship	2004/05/22 1200	2004/05/23 2359	2	* 4	0.4293042	0.047964998	
20	GRANDEUR OF THE SE	BF	Ocean Cruise Vessel	2004/05/21 0900	2004/05/21 1700	1	* 4	0.5147974	0.200686676	
21	BULK SATURN	PM	General	2004/05/25 2300	2004/05/29 2300	8	[illegible]	0.3120037	0.67860439	
22	BARCELONA	PM	Vehicle Carrier	2004/05/22 2330	2004/05/23 0530	7		0.6047468	0.917110508	

Spreadsheet for random

Sum=1.201017481

Desktop | Inbox - Microsof... | Microsoft Exce... | PSC - Enc 1, Ma... | 12:30 PM

Vessels already selected for PSC Boardings (Red)

Vessel already targeted for ISPS Boarding (Blue)

WORLD EXPRESS would be the 1st Random Boarding Selected. The next one would be HUAL ASIA and so forth…

D. Boarding Decision and Location (Step III).

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

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

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

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

3. ISPS III and Non-Priority Vessel (NPV) Boardings. While ISPS III and NPV designated vessels theoretically represent the smallest risk, they still require random boardings. ISPS III and NPV exams will normally be conducted pier-side at a time convenient to the COTP or OCMI. The COTP or OCMI will not hold up loading or offloading of cargo and passengers prior to commencing a ISPS III or NPV exam. Vessels on a voyage involving consecutive U.S. port calls (without calling on a foreign port), and having been examined with satisfactory results, at one of the previous consecutive U.S. port calls, may be designated as ISPS III and NPV.

4. MISLE Reporting. To assist other ports in correctly targeting vessels for examination, it is critical that field units quickly and properly document boarding activities and results in MISLE. Field units shall open an inspection activity and schedule an inspection immediately after targeting a vessel for examination. Within four hours after completing an examination, field units shall, at a minimum, document in MISLE outline any control actions taken and all outstanding deficiencies found. Complete MISLE entries may be accomplished at a later time. See Enclosure (2) for details.

E. Targeting Factor Criteria.

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

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

   This section provides a more detailed explanation regarding the security risk factors listed in the *ISPS/MTSA Security Compliance Targeting Matrix*. Criteria to make security examination decisions have been established. A common element integral to many of the criteria is the CAR, which is similar to the detention ratio used to make PSC safety compliance examination decisions. The CAR is generally defined below. The *# of major ISPS-related control actions* include security-related denial of entry or expulsion from port (within the 12 to 36 month period prior to the current vessel arrival). It also includes security-related detentions within the last three years, beginning on 1 July 2004. The *# of ISPS examinations* include a specified minimum number of distinct ISPS examinations.

$$\text{CAR} = \frac{\text{\# of major ISPS-related control actions}}{\text{\# of ISPS examinations}} \times 100 \text{ percent}$$

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

      1) Targeted Ship Management List. G-MOC will develop and maintain a monthly listing of targeted owners based on CAR values.

      2) Application. All vessels associated with owner, operator, or charterer having a CAR of 1 percent or more will receive points towards the security examination decision. With certain exceptions as noted in the *ISPS/MTSA Security Compliance Targeting Matrix*, vessels linked to an owner, operator, or charterer associated with an ISPS/MTSA-related denial of entry or expulsion from port will be targeted for an at-sea security compliance examination.

3) Downgrading and Removal. As performance improves, a targeted ship manager will receive fewer points or be removed from the list. The targeted ship manager will be removed from the list if the CAR associated with that entity drops below 1.0 percent.

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

1) Flag Administration CAR for Security Compliance. G-MOC will develop and maintain a monthly listing of targeted owners based on CAR values.

2) Application. All vessels associated with a flag Administration having a CAR of 1 percent or more will receive points towards the security compliance examination decision.

3) Removal. As performance improves, a targeted flag Administration will receive fewer points or be removed from the list. The targeted flag Administration will be removed from the list if the CAR associated with that entity drops below 1.0 percent.

4) Release of Information. The targeted flag Administration list for security compliance performance will be published in the PSC Annual Report as well as on the PSC website at http://www.uscg.mil/hq/g-m/pscweb/flag.htm.

c. Targeted Recognized Security Organization (RSO)

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

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

3) Application. All vessels associated with an RSO having a CAR of 1 percent to 5 percent will receive points towards the ISPS/MTSA security compliance examination decision. Any vessel associated with an RSO having a CAR more than 5 percent will be targeted for an at sea ISPS/MTSA security compliance examination.

4) Removal. As performance improves, a targeted RSO will receive fewer points or be removed from the list. The targeted flag Administration will be removed from the list if the CAR associated with that entity drops below 1.0

percent.

5) Release of Information. The targeted RSO list for security compliance performance will be published in the PSC Annual Report as well as on the PSC website at http://www.uscg.mil/hq/g-m/pscweb/flag.htm.

2. Safety and Environmental Protection Compliance Targeting Criteria.

To implement the targeted boarding regime, it is necessary to identify which vessels, vessel management, classification societies, and flag States are most often associated with substandard ships. These determinations are made by G-MOC based on Coast Guard boarding and intervention data. To understand how these determinations are made, it is necessary to define certain terms of reference.

a. Targeted Ship Management.

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

1) Targeted Ship Management List. G-MOC develops and maintains a current listing of targeted ship managers based on detention reports received from field units. The list is updated monthly.

2) Application. All vessels associated with a targeted owner receive 5 points under Column I of the *PSC Safety and Environmental Protection Compliance Targeting Matrix*.

3) Removal. A targeted owner is removed from the list if they are associated with less than two detentions carried out under the authority of an international convention within the previous 12 months.

b. Targeted Flag Administration.

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

1) Flag Administration Safety Detention Ratio. A flag Administration's safety detention ratio is calculated by dividing the number of its vessels detained under the authority of an international convention by the number of vessels under its registry, which entered U.S. waters. An average safety detention ratio for all flag Administrations with vessels operating in U.S. waters is

obtained by dividing the number of vessels detained under the authority of an international convention by the number of vessels that entered U.S. waters. Individual flag Administration detention ratios are calculated based on the previous three years' data to reduce the effects of any anomalies.

2) Targeted Flag Administration List. This list consists of the targeted flag Administrations compiled by G-MOC on an annual basis for use with the *PSC Safety and Environmental Protection Compliance Targeting Matrix*. The list can be found on the Web at http://www.uscg.mil/hq/g-m/pscweb/flag.htm

3) Application. All vessels registered with a targeted flag Administration are assigned 7 points in Column II of the *PSC Safety and Environmental Protection Compliance Targeting Matrix*.

4) Removal. A targeted flag Administration is removed from the list when its safety detention ratio drops below the average safety detention ratio for all flag Administrations with vessels operating in U.S. waters or when it is associated with less than two detentions carried out under the authority of an international Convention within the past 12 months.

c. Targeted Classification Society.

Classification Societies are evaluated on their performance over the previous three years to normalize the data. If they have a 3-year safety detention ratio that exceeds the fixed 3-year safety detention ratio (0.5%), then they will receive points. See the Classification Society chart below for details.

1) Classification Society. A classification society is an organization, other than a flag State that issues Certificates of Class or International Convention Certificates. When working on behalf of a flag Administration they are referred to as Recognized Organizations (ROs).

2) Targeted Classification Society List. The Targeted Classification Society List contains the names of classification societies that will receive points in the *PSC Safety and Environmental Protection Compliance Targeting Matrix*.

3) Classification Society Detention Ratios. Classification society performance is based on their class-related safety detention ratio (number of class-related safety detentions divided by the number of distinct arrivals over a 3-year period). This ratio is then compared to the fixed ratios of acceptable performance. These classification societies are then assigned points according to where their safety detention ratios fall. See Table 1-1 below:

Table 1-1: Detention Ratios and Point Assignments.

Classification Society's 3-year	Matrix Point

Detention Ratio	Assignment
A detention ratio less than 0.5%	0 Points
A detention ratio equal to 0.5% or less than 1%	3 Points
A detention ratio equal to 1% or less than 2%	5 Points
A detention ratio equal to or greater than 2%	Priority I

Summary of Changes.

Ch-1.

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

ENCLOSURE 3

BOARDING PROCEDURES, CH-1

BOARDING PROCEDURES, CH-1

This enclosure details the guidelines and procedures for vessel boardings.

ENCLOSURE 3 - **Introduction**

1. Types of Boarding Exams
2. Authority

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

Table 3-1 Boarding Decision/Boarding Location Reference Table

B. Security Boarding Procedures

1. Purpose
2. Authority
3. Boarding Procedure
4. Discussion
5. Procedures

C. Security Compliance Examination Procedures: ISPS/MTSA Security Compliance Examination and Non-Convention Vessel Security Compliance Examination

1. Vessel Security Level
2. Non-Compliant Port
3. Verify ISSC
4. Verify Ship Security Performance
5. Review the CSR
6. Records
7. Manning
8. Non-Convention Vessel Security Compliance Examination

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

1. Purpose
2. Authority
3. Procedures

Introduction.

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

1. Types of Boardings and Examinations.

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

   An security boarding is different than a *ISPS/MTSA Security Compliance Examination* or a *Non-Convention Vessel Security Compliance Examination*. Rather than examining a vessel for compliance with regulations or conventions, the purpose of a security boarding is to conduct a security sweep of the vessel prior to port entry. Thus, a security boarding is not predicated on the results of *Compliance Verification Examination Matrices*. The decision to make a security boarding is based on the outcome of a classified screening process called the *Foreign Vessel Port Security Targeting Matrix.*

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

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

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

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

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

2. Authority.

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

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

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

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

Each Notice of Arrival (NOA) received by a COTP leads to the use of one or more screening tools. These tools, collectively referred to as the *Compliance Verification Examination Matrices*, use Risk-Based Decision Making (RBDM) to determine the potential risk a vessel poses to a U.S. port. The *Compliance Verification Examination Matrices* will also determine what type of boarding will occur, their priority and where the examination will be conducted. The table below describes the boarding requirement for each vessel entering a U. S. port. It merges both the ISPS/MTSA Security Compliance Examination Matrix with the PSC Safety and Environmental Protection Compliance

Matrix Examination. This table does not address vessels designated as an HIV. Vessels designated by the COTP as HIVs will be subject to a security boarding at sea in accordance with the requirements of section B of this enclosure.

Table 3-1 Boarding Decision/Boarding Location Reference Table

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

The *Compliance Verification Examination Matrices* apply to vessels in port and to those arriving. If a vessel experiences a situational change, such as a change of flag State, the matrices should be reapplied to determine whether a change in boarding priority is indicated. For example, a vessel not designated as an HIV prior to port entry may be redesignated as an HIV when in port due to a change in its situation, and a security boarding should be conducted as soon as possible, but no later than vessel's departure.

B. Security Boarding Procedures.

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

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

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

3. Boarding Procedures. Security boardings are law enforcement boardings and should be conducted in accordance with the policy and procedures outlined in the MLEM. Chapters 1 through 4 of the MLEM, contain overarching policy regarding the conduct of MLE operations, including a law and policy framework, policy on the conduct of boarding operations and rules governing the use of force. Chapter 10 of the MLEM further discusses policy and procedures for conducting security boardings. Boarding team members should be qualified in accordance with the MLEM. Exceptions to arming team members or removal of law enforcement equipment should comply with Chapter 3 of the MLEM. A qualified marine inspector or Port State Control Officer (PSCO) will also attend each security boarding, and should hold a relevant qualification. For example, if the boarding team will be boarding a tank vessel, then the Marine Inspector should hold a tank vessel inspection qualification. The primary responsibility of this individual is to assist the boarding officer (BO) in identifying shipboard hazards as well as using the inspector's knowledge to confirm the vessel's declared intent. Generally, in this context, the BO is the lead person on the boarding team.

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

   a. Observation of the vessel prior to boarding;

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

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

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

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

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

5. Procedures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

g. Vessels that have been denied entry or otherwise required to depart U.S. waters as a result of security-related discrepancies may be targeted for future security boardings or *ISPS/MTSA Security Compliance Examinations* or both at sea prior to any subsequent U.S. port entry.

C. Security Compliance Examination Procedures. ISPS/MTSA Security Compliance Examination and Non-Convention Vessel Security Compliance Examination. Those ships selected for an at-sea *ISPS/MTSA Security Compliance Examination* will be examined for compliance with SOLAS maritime security requirements as follows:

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

2. Non-Compliant Port. If the vessel has arrived from a non-compliant port, determine the security level that the vessel maintained at that port. If the vessel did not maintain at least security level 2, additional PSC measures should be considered as outlined in Enclosure 4 of this NVIC.

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

4. Verify Ship Security Performance. The flag Administration, or an RSO on behalf of the flag Administration, should approve the SSP. The SSP should be on board the vessel or kept in an electronic format, and protected from unauthorized disclosure. For at-sea boardings, PSCO's should verify that the SSP is on board the vessel. The SSP should be written in the working language, or languages, of the crew, and, if this language is not English, French or Spanish, a translation into one of these languages should be available. **The SSP is not generally subject to inspection**; however, the PSCO should, through observation, asking questions and reviewing security records, determine whether there are non-conformities related to vessel security. If there are clear grounds for believing that the ship does not have required security procedures in place, or is otherwise in violation of security provisions that should be specified in the SSP, PSCO's should examine the relevant sections of the plan. Before doing so, the PSCO must obtain the consent of either the vessel's flag State, or the master of the vessel as specified in Paragraph 9.8.1 of ISPS Code Part A. **Note: the security provisions addressed in Paragraph 9.4, subparagraphs .2, .4, .5, .7, .15, .17, and .18 of Part A of the ISPS Code, may not be reviewed without the consent of vessel's flag State.**

   The following is a discussion of each of the required elements of a SSP per Section 9.4 of ISPS Code Part A and the PSCO's verification procedures for each:

   a. ** Measures designated to prevent weapons, dangerous substances and devices intended for use against people, ships or ports from being carried on board the vessel*. The PSCO should observe procedures in place to determine whether security personnel are screening persons, packages, baggage, and stores to ensure weapons, dangerous substances and devices are not brought on board and whether security personnel show competence in these duties. The PSCO should ask security personnel tasked with these duties related questions such as, "*How do you screen carry on baggage and persons coming on board from bringing on board unauthorized weapons?*" or "*How do you intensify such screening as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*" or "*How do you segregate checked persons and their personal effects from unchecked persons and their personal effects?"* For cruise ships, the PSCO should also verify that the vessel meets the screening requirements contained in

33 CFR 104.295, which requires screening of **all** persons, baggage and personal effects at all MARSEC levels. Additional guidance regarding this required element may be found in the ISPS Code, part B, section 9.

b. *Identification of the restricted areas on board the vessel and measures for the prevention of unauthorized access to the ship and to restricted areas*. The PSCO should observe whether effective access control procedures, such as locks or guards, are in place for key spaces on board the ship including, but not limited to, the bridge, steering gear compartment, engine room, cargo control spaces, communications rooms, and similar spaces. The PSCO should ask security personnel tasked with these duties related questions, such as, "*What methods do you use to prevent unauthorized individuals from accessing restricted areas such as the bridge, main engine room, steering compartment, cargo areas, and other control stations?*" or "*How do you intensify actions to prevent unauthorized access to restricted areas as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*" or "*Does the ship use surveillance equipment in restricted areas and is this equipment continuously monitored?*" For passenger vessels and ferries, the PSCO should verify that the vessel meets the applicable requirements related to security sweeps prior to getting underway contained in 33 CFR 104.292. For cruise ships, the PSCO should verify that the vessel meets the applicable requirements related to security patrols and searching selected areas prior to embarking passengers and sailing contained in 33 CFR 104.295.

c. * *Measures for the prevention of unauthorized access to the ship*. The PSCO should observe that access control procedures are in place at all potential vessel accesses, that persons coming on board the vessel are screened and that the security personnel performing access control duties are knowledgeable. The PSCO should observe that crew with access control duties closely examine personal identification for validity and determine whether persons seeking to come on board have lawful business to come on board the vessel. The PSCO should ask security personnel related questions to determine their familiarity with access control procedures, such as, "*How do you identify persons coming on board and ensure they have a valid reason for being on board?*" or "*How do you intensify such screening activities related to personal identification and valid reason to be on board as the security level (or MARSEC level) increases from security level 1 to 2 or from level 2 to 3?*" or "*Have you identified the access points to the vessel when it is moored and how do you protect these areas against unauthorized access?"* For passenger vessels and cruise ships, the PSCO should verify that the vessel meets the applicable requirements for the related to screening of persons contained in 33 CFR 104.292 and 104.295 which discuss security sweeps of vessels if left unattended, identification checks and confirmation of reasons for coming on board and alternatives to identification checks and passenger screening.

d. *Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operation of the ship or ship/port interface*.

The PSCO should ask security personnel with duties related to security response related questions, such as, "*Do you have procedures in place for security threats including bomb threats, unauthorized attempts to access the ship or its restricted areas, sabotage, or terrorist or criminal activity?*" and "*What, for example, is supposed to happen if someone attempted to gain unauthorized access to the bridge?*" or "*If a breach of security occurs during passenger embarkation, what procedures are in place to continue or suspend such operations?*"

e. *Procedures for responding to any security instruction a Contracting Government may give at security level 3*. The security program of the vessel must address security procedures that are always in place regardless of security level, including security level 1. Additional or enhanced security procedures are required at security (or MARSEC) levels 2 and 3. The PSCO should ask security personnel with duties related to increasing security posture related questions, such as, "*Do you have procedures in place to quickly respond to changes in security (or MARSEC) levels mandated by governments of ports at which the ship calls?"* and *"Could you provide some examples?*" Also, 33 CFR 104.240 mandates additional requirements including: ship notification to COTP when the ship has achieved a mandated MARSEC level; timeliness requirements for achieving mandated MARSEC levels; notification and approval procedures for entering port when mandated MARSEC levels have not been achieved; and additional physical security measures vessels must provide when the port is at MARSEC level 3. If the port is at security level 3, the PSCO should verify that the ship has complied with each security instruction (or MARSEC Directive) issued and these additional security measures.

f. ** Procedures for evacuation in case of security threats or breaches of security*. The PSCO should ask security personnel with duties related to evacuation related questions, such as, "*Do you have procedures in place to evacuate the vessel if the magnitude of a security breach or threat justifies this action*?", "*If so, how do you ensure passengers or visitors are accounted for*?" and "*How do you interface with the port facility and contracting government during such an incident?*"

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

should limit questions to what these personnel do during security incidents, such as "*What is your responsibility if there is a security incident on board?*" The PSCO should ask similar questions to the SSO, and other questions regarding the specific SSO duties as outlined in ISPS Code, Part A, Section 12.2 on the following issues:

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

h. *Procedures for auditing the security activities*. The PSCO should ask the SSO questions concerning frequency and procedures for SSP auditing, such as, "*What are the basic steps for performing an audit of the security procedures?*", and "*How often do you audit ship security procedures and are there instances that would cause you to review a specific security procedure?"* The PSCO should also review vessel records pertaining to audits of security procedures to ensure these are being performed.

i. *Procedures for training and exercises and drills associated with the plan*. The PSCO should review security records related to security training, drills, and exercises to ensure that records are being kept and that drills are being conducted periodically as required by the ISPS Code. In addition, The PSCO should ask the SSO questions related to training, drills, and exercises such as "*How often do you perform security drills?*", "*Could you describe the last security drill in which you participated?*", or "*Do you have any requirements for on board security training?*".

j. * *Procedures for interfacing with port facility security activities*. The PSCO should observe security procedures in place relative to the ship-to-ship or ship-to-port-facility interface. The PSCO should ask if the ship has executed a Declaration of Security with the port facility or another ship (Note: Check 33 CFR 104.255 to see whether a Declaration of Security (DOS) is required for the vessel) and review this if a DOS is in place. Further, the PSCO should ask to see any DOS executed by the ship in any of its last ten port calls (refer to SOLAS Chapter XI-2, Reg. 9.2.3). The PSCO should verify that the provisions outlined in a current DOS are being followed. The PSCO should also ask the SSO questions related to procedures for interfacing with port facility security activities, such as "*Does the ship have a process for receiving information from Contracting Governments*

requiring them to execute a DOS with a port facility, and if so, please elaborate?" or "*Does the ship have a process in place to execute a DOS with a port facility, and if so, please elaborate?"*

k. *Procedures for the periodically reviewing and updating the SSP*. The PSCO should review security records related to SSP updates to ensure that security reviews are being conducted. In addition, The PSCO should ask the SSO questions related to periodic SSP review, such as "*Does the ship have a process for conducting periodic review of the SSP, and if so, please elaborate*?"

l. *Procedures for reporting security incidents*. The PSCO should also review security records to ensure these are updated to include a history of security incidents and related communications. The PSCO should ask security personnel questions related to reporting specific types of security incidents, such as *"Does the ship have procedures for reporting security incidents, and if so, please elaborate?"* or *"Has there been a recent security incident on board the vessel and, if so, what happened, what action did the ship take, and did these actions conform to the SSP?*"

m. *Identification of the SSO*. Soon after arrival on board, the PSCO should identify the SSO.

n. *Identification of the CSO including 24-hour contact details*. The PSCO should ask the SSO regarding the name and contact information for the CSO.

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

p. *Identification of the locations where the ship security alert system activation points are fitted*. The PSCO should attempt to observe security alert activation points on board the vessel. One of these must be located on the vessel's bridge. The PSCO may **not** ask vessel security personnel where the activation points are located unless there is evidence or reliable information (for example a anonymous report from a crewmember) that this required system has not been installed.

q. *Procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting*. The PSCO should also ask the SSO how the system works. Do not test this system unless: (a) there is evidence or reliable information that this system is not operational and (b) the

competent Authority designated by the Administration (see SOLAS Chapter XI-2, Reg. 6.2) is aware of and acknowledges the test beforehand.

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

6. Records. Vessels should keep security records outlined below on board for a period specified by the Contracting Government (at last the last ten port calls). The PSCO should request to view these records as a verification that the vessel's security program meets specified security requirements. The PSCO should note that records may be kept in paper or electronic format. These records should be protected against unauthorized disclosure. The PSCO should also review the security records to determine if the vessel visited non-compliant ports in its recent history (not to exceed 10 previous port calls). Any information gathered on non-compliant port calls should be forwarded via a Field Intelligence Report (FIR).

   a. Training, drills, and exercises. Vessels should keep records of the date, description of the on-board training, drill or exercise conducted, and a list of participants. (The PSCO should note that records are not required for off-ship training provided to crew. Competence of crew in security duties, and related responsibilities, is a more appropriate measure that personnel have received appropriate training.) ISPS Code, Part A Section 13.4 requires security drills at appropriate intervals. (Note: Section 13.6 of the ISPS Code, Part B, recommends that security drills be conducted at least quarterly and in circumstances in which more than 25% of the crew has changed at any one time, with personnel that have not previously participated in a drill on that ship within the past three months). The PSCO should require security drills if there is evidence or reliable information that the vessel has failed to meet its periodic drill requirement.

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

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

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

   e. Communications relating to the direct security of the ship. At a minimum, vessels should keep records of all communications pertaining directly to the security of the ship. Communications include reports made to Contracting Governments and flag States concerning security threats and breaches, security instructions received

by the ship from Contracting Governments and flag States, and any responses acknowledging such instructions. The PSCO should examine any report of security incidents and breaches and should find associated records of security communications, Similarly, The PSCO should examine records of changes in security levels, and should find associated records.

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

g. Periodic review of the ship security assessments. Vessels should keep records of the date periodic reviews were conducted, and the results of such reviews.

h. Periodic review of the SSP. Vessels should keep records of the date of periodic reviews, and the results of such reviews should be kept. The SSP should be reviewed on an annual basis.

i. Implementation of any amendments to the SSP. Once an amendment to the SSP has been approved by the Administration, these should be put in place. Documentation of such approvals should be maintained on board and the PSCO should review such documentation. These records should include installation records of new security equipment installed after issuance of the original ISSC.

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

7. Manning. In establishing the minimum safe manning level of a ship the flag Administration should take into account the manning level of the ship such that persons with responsibilities for safe navigation of the vessel are not tasked with extensive security-related responsibilities. The PSCO should be sensitive to manning on board the ship to ensure it is safely and effectively manned for both navigation responsibilities and security responsibilities. The PSCO should be satisfied that the crew work and rest hours established in STCW Chapter VIII are being met by the manning level set by the Administration. For further guidance, refer to the ISPS Code, Part B, Section 4.28.

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

attesting to USCG approval of its SSP, or ASP, as applicable. This would generally be in the form of a plan review approval letter from the Marine Safety Center, or in the case of an ASP, an approval letter from Commandant (G-MP). Since the VSP is a Coast Guard-approved document, the PSCO may ask to look at the VSP when necessary to verify on board security processes. Non-SOLAS foreign commercial vessels subject to MTSA will be examined for compliance with applicable maritime security requirements following the guidance contained in Enclosure (X) to NVIC 04-03. For non-SOLAS foreign vessels that hold a valid ISSC, use the examination guidance contained in paragraph 5 of this enclosure.

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

1. Purpose. The purpose of the U.S. PSC program is to reduce deaths, injuries, loss of damage or property, marine pollution and disruptions to maritime commerce resulting from foreign vessels.

2. Authority. PSC authority is derived from several sources, both domestic and international. A State may enact its own laws and regulations imposing requirements on foreign vessels trading in its waters (i.e., the double hull requirements imposed under the Oil Pollution Act of 1990 (OPA 90), or the navigation safety regulations found in 33 CFR part 164). In addition, States which are party to certain international conventions (i.e. SOLAS, International Convention on Load Lines 1966 (ICLL); International Convention for the Prevention of Pollution from Ships 73/78 (MARPOL); the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW 95); and International Labor Organization Convention No. 147, The Convention Concerning Minimum Standards in Merchant Ships (ILO 147)) are empowered to verify that vessels of other nations operating within their waters comply with these conventions, and to take action to bring these ships into compliance if they do not.

3. Procedures. The general examination (i.e. "walk through") portion of PSC Safety and Environmental Protection Compliance Examination should be conducted with the following purposes in mind:

   a. The ISPS Code plays a significant role in establishing whether security measures are in place on board a vessel. Certain elements of the ISPS Code assist in determining the security risk that a vessel poses to the U.S. These items should be examined and reviewed as part of every *ISPS/MTSA Security Compliance Examination*, and are discussed in more detail in Part C of this enclosure. Brief descriptions of ISPS Code elements that should be examined during this boarding are as follows:

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

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

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

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

(5) Verify the Ship Hull Identification number is permanently marked and matches that listed on the ISSC. Note: This may be done immediately prior to boarding as described above.

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

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

(2) Hull Portion. Significant areas of damage, cracking, wastage, corrosion, or pitting of plating and associated scantlings in decks and hull affecting material fitness or strength to take local loads may justify detention. When practical, internal structural members visible from deck in open cargo bays or upper wing tanks should be observed. The boarding team should be vigilant to evidence of improper temporary repairs, soft patches, recent welding or other hot work, and seepage from fuel, cargo, or ballast tanks and sideshell plating.

(3) Ballast Tank Entry. Due to concern for the personal safety of marine inspectors, entry into ballast tanks is no longer part of a *PSC Safety and Environmental Protection Compliance Examination* for chemical tankers, liquefied natural gas carriers, and liquid petroleum tankers. The policy of

annual ballast tank entry and examination on foreign oil tankers over 10 years old is outlined in MSM II-D6.C.6.c.

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

(5) Material condition affecting the vessels service and route intended. Damage not affecting the material condition of the vessel will not constitute grounds for judging that a vessel should be detained, nor will damage that has been temporarily but effectively repaired for a voyage to a port for permanent repairs. However, in assessing the effect of damage, the boarding team should regard the location of crew accommodations and whether the damage substantially affects its habitability.

(6) Voyage Damage. Voyage damage that is being properly addressed by the vessel's crew, owner, classification society or flag State without prompting from the Coast Guard should not constitute grounds for detaining a vessel. Other control measures, (i.e. requiring tug assists, daylight transits, portable pumps or generators etc.) may be imposed through a COTP Order in these cases. However, if voyage damage is not being properly addressed, or it appears that the vessel intends to depart port in a material condition affecting the vessels service and route intended, the OCMI or COTP should consider taking immediate steps to detain the vessel. Substitution of liferafts for a damaged lifeboat (with the approval of the Flag Administration, or other organization that issued the Safety Equipment Certificate), should be evaluated to ensure that 100% of the crew will be accommodated, and that another boat (rescue or lifeboat) is available for marshalling rafts.

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

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

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

(2) Maintenance. During examination of the machinery spaces, the boarding team will form an impression of the standard of maintenance. Frayed or disconnected wires, disconnected or inoperative reach rods, quick closing

valves or machinery trip mechanisms, missing valve hand wheels, evidence of chronic steam, water and oil leaks, dirty tank tops and bilges, or extensive corrosion of machinery foundations are indicative of poor maintenance. A large number of temporary repairs, including pipe clips or cement boxes, indicate a reluctance to make permanent repairs.

(3) Tests and Trials. While it is not possible to determine the condition of the machinery without performance trials, general deficiencies such as leaking pump glands, dirty water gauge glasses, inoperable pressure gauges, rusted relief valves, inoperative or disconnected safety or control devices, evidence of repeated operation of diesel engine scavenger belt or crankcase relief valves, malfunctioning or inoperative automatic equipment and alarm systems, and leaking boiler casings or uptakes, would warrant inspection of the engine room log book and investigation into the record of machinery failures and accidents and a request for running tests of machinery.

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

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

(6) Remote Shut-Off Valve for Tanks Less Than 500 Liters. Regulation II-2/15.2.5 of SOLAS 74 (amended) requires every fuel oil pipe from a storage, settling or daily service tank to be fitted with a means to secure flow from outside the space in which the tank is situated. The U.S. accepts the IMO interpretation of SOLAS II-2/15.2.5 that was adopted at the 69th session of the Marine Safety Committee in May 1998. Therefore, vessels with emergency generator fuel tanks installed on or after May 14, 1998, of 500 liters (0.500 cubic meters) and greater must have valves installed that meet this regulation. Existing installations with a capacity of 500-1,000 liters (0.500-1.000 cubic meters) are grandfathered.

d. Navigation Safety Equipment Check. Determine through operator competence if all equipment was working properly during the last voyage. If equipment is not working, determine when repairs will be made. If a major piece of electronic equipment (like the radar or Automatic Radar Plotting Aid (ARPA)) is not operational, the OCMI or COTP should be contacted for instructions.

Conduct a thorough check of the bridge and navigation spaces for compliance with the Navigation Safety Regulations (33 CFR 164). Ask to have the electronic equipment operating if cargo operations permit.

Check the complete list of navigation safety items, paying special attention to the extra requirements for vessels over 10,000 gross tons. Check or test the equipment paying particular attention to the following:

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

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

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

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

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

(6) Magnetic Steering Compass. Check to see if there is a current deviation table posted near the magnetic compass. The table should be derived from swinging the vessel and there should be a comparison log showing entries of the differences between the vessel's true, gyro and magnetic north compass readings. The magnetic compass can vary depending on the type of cargo loaded and it may show differences from voyage to voyage. Check the emergency steering compass periscope, if fitted, to ensure that you can see the card. Check compass illumination.

(7) Gyrocompass. Check the reading on the steering gyrocompass against the repeaters on the bridge wings, the second steering station and the steering engine room. Be sure to ask if the gyro is operable since they are sometimes secured during an extended port stay. Look at the comparison log for any fluctuations between the gyro, magnetic and true readings.

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

(9) Navigation Information.

(a) Charts. Check charts of the areas to be transited within the COTP zone to see if they are maintained up-to-date. Use a list of the most recent Defense Mapping Agency (DMA) notice to mariners changes to verify that a chart is corrected up-to-date. Foreign charts are acceptable if they contain similar information and are of a large enough scale to permit safe navigation. NVIC 9-83 provides additional guidance regarding application of the requirements for carriage of charts. Electronic charts are not an acceptable substitute for paper charts.

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

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

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

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

f. Cargo Ship Safety Radio Operation. The validity of the Cargo Ship Safety Radiotelegraphy, Safety Radiotelephony Certificate, or Cargo Ship Safety Radio Certificate may be accepted as proof of the provision and effectiveness of its associated equipment, but the boarding team should also ensure that appropriate certified personnel are carried for its operation and for listening periods. The radio log should be examined to confirm that mandatory safety radio watches are being maintained.

g. Equipment in Excess of Convention or Flag State Requirements. Equipment on board that is expected to be relied on in situations affecting safety or pollution

prevention must be in operating condition. If such equipment is inoperative and is in excess of the equipment required by an appropriate convention or the flag State, it should be repaired, removed or, if removal is not practicable, clearly marked as inoperative and secured.

h. Garbage. The boarding team may determine if all operational requirements of Annex V of MARPOL 73/78 have been met. The boarding team may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.

i. Manuals and Instructions. The boarding team must determine if appropriate crewmembers understand the information given in manuals and instructions relevant to the safe condition and operation of the vessel and its equipment. They must also ensure that they are aware of requirements for maintenance, testing, training drills, and required logbook entries.

j. STCW 95. STCW sets qualification standards for masters, officers and watch personnel on seagoing merchant ships. STCW was adopted in 1978 at the International Maritime Organization (IMO) in London, and entered into force in 1984. The Convention was significantly amended in 1995. The 133 current state-parties to the Convention represent approximately 98 percent of the world's merchant vessel tonnage. The United States became a party in 1991. The 1995 amendments greatly altered the Convention by including addressing several factors commonly discussed as the human element:

(1) Multinational Crews. The 1995 Amendments take into account the increasing use of multinational crews. Therefore, the responsibility for competency of crews, which once fell only on flag State administrations, is now spread over all parties that issue certificates. Under the new rules, the party issuing the original certificate must comply with the requirements of the Convention, and the flag State may issue a separate "recognition" certificate only after confirming that the original certificate was issued in accordance with the Convention. This recognition process does not affect U.S. citizens serving on U.S. vessels. U.S. mariners serving on foreign-flag vessels, however, would be affected.

(2) PSC. The 1995 Amendments strengthen the PSC provisions of the STCW Convention by expanding the grounds on which a foreign ship may be detained, and allowing PSCOs to look beyond merchant mariner's certificates and conduct direct assessments of the competence of merchant mariners.

(3) Rest Periods. To address the problem of crew fatigue, the STCW Amendments requires that every person assigned duty as an officer in charge of a watch or as a rating forming part of a watch should receive a minimum of 10 hours of rest in any 24-hour period. These 10 hours of rest may be divided

into two parts as long as one segment is at least 6 hours long, with strictly limited exceptions.

(4) Training Requirements. The Amendments require that seafarers be provided with "familiarization training" and "basic safety training" which includes basic fire fighting, elementary first aid, personal survival techniques, and personal safety and social responsibility. This training is intended to ensure that seafarers are aware of the hazards of working on a vessel and can respond appropriately in an emergency.

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

(6) Bridge Teamwork Procedures. The Amendments require that the master and deck officers have a thorough understanding of bridge teamwork procedures. In the U.S., this is understood to be an ability to apply principles of bridge resource management.

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

(8) Quality Standards System. STCW, as amended, requires all training and assessment activities to be "continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of instructors and assessors." The 1995 amendments require those responsible for instruction and assessment of the competence of seafarers to be qualified for the type and level of training or assessment involved. Persons performing these roles are expected to have received guidance in instructional techniques and assessment methods. The Coast Guard has drafted policy guidance for use in qualifying and managing training and assessment personnel.

(9) RO-RO Passenger Ships. The 1995 Amendments included new regulations (V/2) on training and qualification for masters, officers, ratings and other personnel on Roll-on Roll-off (RO-RO) passenger vessels. These regulations

were developed by the IMO as a matter of urgency following the sinking of the ferry ESTONIA. A subsequent set of amendments in 1997 adds similar regulations (V/3) on personnel serving on passenger ships other than RO-RO passenger ships. Regulations currently being developed would incorporate STCW Regulation V/3 into the U.S. licensing system to meet the requirements of the 1997 Amendments. This proposed rule would only apply to U.S. passenger ships to which SOLAS certificates are issued, that is, those on international voyages.

(10) For specific guidance regarding enforcement and examination procedures during *PSC Safety and Environmental Protection Compliance Examination*s, refer to G-MOC Policy 02-04, "Policy for the Enforcement of the 1995 Amendments to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers, 1978, (STCW 95)."

k. International Safety Management (ISM). Compliance with SOLAS Chapter IX and the ISM Code is mandatory for a vessel engaged on an international voyage.

The objectives of the ISM Code are to ensure safety at sea, prevent the occurrence of human injury or loss of life, and avoid environmental and property damage. Specifically, the ISM Code seeks to address the issues of human error and human omissions. To accomplish its objectives, the ISM Code requires owners of ships, or other organizations such as the managers, or bareboat charterers, who have assumed responsibility for ship operations, to implement SMS for their ships and companies.

Specific guidance regarding the enforcement of ISM and examination details is found within NVIC 4-98.

l. International Labour Organization (ILO) 147. During annual examinations and reexaminations, be alert for especially hazardous or unsanitary conditions. We cannot hold other countries to the same standards we expect here in the U.S. However, we should be alert to those conditions that are blatantly unsafe. Labor or pay complaints should be brought to the attention of the Department of Labor by contacting G-MOC. Where intervention authority is lacking, local humanitarian or religious organizations (i.e. Seamen's Friends Society) may be able to assist in correcting unsanitary practices or in assisting crewmembers. See COMDINST 16711.12 for further guidance.

m. Structural Integrity. During annual examinations and reexaminations, look for evidence of long term neglect, wastage, corrosion, cracking, pitting or casualty damage. The presence on deck of plating, sections of piping, or an excessive number of oxyacetylene tanks may indicate unauthorized repairs or other problems. Look for recent burn marks from welding particularly on the reverse slope plates of the upper wing tanks if possible. Temporary repairs including cement boxes, epoxy patches, postage stamp inserts and drill stopped cracks may

indicate problems. Each situation must be evaluated to determine whether the temporary repair is adequate or whether the vessel should be detained until permanent repairs are made.

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

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

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

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

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

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

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

Foreign flag cargo vessels found to not have an Administration-approved CSM will be required to provide a CSM prior to the next U.S. voyage. For vessels with dangerous goods/hazardous materials cargoes already aboard, CG PSCO's will evaluate the vessels securing arrangements for the dangerous goods/hazardous materials cargoes. In cases where the dangerous goods/hazardous materials cargo securing is found insufficient, appropriate corrective action will be required as a condition for departure.

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

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

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

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

p. On Deck.

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

(2) Check the material condition of the fuel vents (Note: There is noSOLAS requirement for fuel tank vent screens on foreign vessels.);

(3) Examine closure mechanisms for cargo hatches, sideports, watertight doors and other openings that maintain the condition of the vessel; and

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

(5) Lifesaving Equipment Check. During annual examinations and reexaminations, spot-check the vessel's lifesaving equipment. Observe the condition of the lifeboats paying particular attention to the hull and davits. Liferaft stowage and missing weak links are common problems that can usually be corrected quickly without detaining the vessel. The effectiveness of lifesaving equipment depends heavily on good maintenance by the crew and their use in regular drills. The lapse of time since the last survey or Safety Equipment Certificate can be a significant factor in the degree of deterioration of equipment. Apart from failure to carry equipment required by a convention or obvious defects such as holed lifeboats, look for signs of disuse of, or obstructions to, boat launching equipment that may include paint accumulation, seizing of pivot points, absence of greasing, condition of blocks and falls, and improper lashing or stowing of deck cargo. See D5.C.7.h. for guidance on abandon ship drills.

(6) Firefighting Equipment Check. Review the vessel's fire control plan and note the adequacy and condition of firefighting equipment. Check the fire stations to ensure that there are hoses, extinguishers, fixed CO2 systems, and other firefighting equipment on the vessel as indicated in the fire control plan and/or general arrangement plan. Examine the fire detection and sprinkler systems if applicable. During annual examinations, test the fire main and pumps by charging the system and witnessing the pressure at widely separated deck stations simultaneously. Do not spend the time to look at every station, but ensure the vessel's readiness to respond to a fire. Determine if international shore connections are provided where required. For vessels in general, the

poor condition of fire mains and hydrants and the possible absence of fire hoses and extinguishers in machinery or accommodation spaces points to a need for close inspection of fire safety equipment. In addition to compliance with convention requirements, look for evidence of a higher than normal fire risk. This might be brought about by a lack of cleanliness in the machinery space that, together with significant deficiencies of fixed or portable fire extinguishing equipment, could lead to a judgment of the vessel's being substandard. PSCOs should not require servicing of hand portable extinguishers by servicing contractors unless obvious deterioration is present. A last servicing date of greater than 1 year, by itself, is not sufficient to require servicing.

(a) Fire Doors. The spread of fire could be accelerated if fire doorsare not readily operable. Inspect doors in main zone bulkheads, stairway enclosures, and boundaries of high fire risk spaces, such as main machinery rooms and galleys, for their operability and securing arrangements. Particular attention should be paid to those retained in the open position and those in main vertical zones that may have been compromised by construction.

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

(c) Escape Routes. Attention should be given to the effectiveness of escape routes by ensuring that vital doors are not maintained locked and that alleyways and stairways are not obstructed.

(7) Pollution Prevention Equipment Check. Check for compliance with the Pollution Prevention Regulations (33 CFR 155, 156 and 159) and MARPOL Regulations (Annexes I, II and V) [See 33 CFR 151 and COMDTINST M16450.30 for further guidance]. During annual examinations, this should be an in-depth look at the vessel pollution prevention requirements including examination of fuel and lubricating oil systems, waste oil handling systems, oil or liquid hazardous material transfer procedures (as applicable), garbage handling procedures, declarations of inspection, and marine sanitation devices. At a minimum, the following should be examined:

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

(a) Examine the small discharge containment and visually check the capacity. Have someone demonstrate the mechanical means of closing scuppers and

drains in the containment, and look for the means of draining or removing discharged product from the containment;

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

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

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

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

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

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

(h) Check the hoses. Check the hose burst pressure. The minimum design burst pressure for each hose assembly must be at least four times the sum of the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, at the point where the hose is installed. Check the hose working pressure. The maximum allowable working pressure (MAWP) for each hose assembly must be more than the sum of the pressure of the relief valve setting (or the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, at the point where the hose is installed. Check the hose labeling. Check to see that each hose is marked with the required information; and

(i) Make sure the appropriate signs are displayed. Locate the "Discharge of Plastic and Garbage Prohibited" placard.

q. In Engine Room.

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

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

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

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

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

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

r. In Cargo Control Area.

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

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

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

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

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

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

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

(f) include procedures and duty assignments for tending the vessels moorings during transfer;

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

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

(i) include any amendments have been incorporated.

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

s. Abandon Ship Drill. An abandon ship drill is to be witnessed by the boarding team during annual examinations. Muster crew at their stations. Check muster lists for accuracy. Check that lifejackets are properly donned. Determine if crew members are able to communicate with each other. Ensure that crewmembers are familiar with abandon ship procedures/duties and the proper use of ship's lifesaving equipment. Lower lifeboats, where practicable, to the embarkation deck. Conduct general examination of davits, falls, sheaves, etc. as boat is being prepared and lowered to the embarkation deck. Start lifeboat engines. Lowering of lifeboats into the water, releasing them and exercising the crew is not required. If the PSCO feels the crew is unfamiliar with their duties or incapable of safely operating the lifesaving equipment, then the drill should be halted and the Master told to conduct training and/or additional exercises. The USCG should be recalled when they are ready to conduct a drill. During follow-up exam, PSCOs may have crew lower boats into the water, release them and exercise crew, when practicable, to ensure competency of crew. Drills are determined unsatisfactory when language barriers interfere with adequate verbal communication, or when the competency of the crew is so inadequate that the drill cannot be executed safely.

t. Fire Drill. The PSCO should witness a fire drill and evaluate the ability of the crew to respond to emergencies. The safety officer or the officer in charge will specify the location and scope of the drill. The PSCO should determine if the drill is at sufficient scope to demonstrate crew competence. All crewmembers, except those engaged in cargo operations or on watch in machinery spaces, should participate. PSCOs should observe the alarm indication on the fire alarm panel and the responses of the vessel's officers. (A normal procedure is to send an officer or fire patrolman to investigate.) Go to the location and describe the fire situation (smoke, flames, etc.) to the investigator. Observe how the report of fire is relayed to the bridge or damage control center. At this point most vessels will sound the crew alarm to summon the firefighting parties and the remainder of the crew to their stations. PSCOs should also observe the firefighting party arriving on scene, breaking out their equipment and fighting the simulated fire. Team leaders should be giving orders as appropriate to their crews and passing word

back to the bridge or damage control center on the conditions. The firefighting crews should be observed for proper donning and use of their equipment. Officers should make sure that all of the gear is compatible; e.g., the breathing apparatus can be worn with the protective suit, the helmet can be worn with the air mask, and the lifeline can be attached to breathing apparatus or belt. Merely mustering the emergency crews with their gear is NOT acceptable.

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

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

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

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

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

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

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

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

(8) Visually inspect the steering gear and its connecting linkage; and

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

4. Expanding the Examination. During any examination, the boarding team should expand their examination of a vessel if their examination establishes "clear grounds" for believing that the condition of a vessel, its equipment, or crew do not correspond substantially with the particulars of the certificates. Expanded examinations should focus on those areas where "clear grounds" have been established and should not

include other areas or systems unless the general impressions or observations of the boarding team support such examination.

Summary of Changes.

Ch-1.

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

ENCLOSURE 6

FOREIGN VESSEL EXAM BOOK FOR MTSA/ISPS CODE COMPLIANCE

United States Coast Guard

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

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

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

Use of Foreign Vessel MTSA/ISPS Code Exam Book

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

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

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

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

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

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

Conducting the exam

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

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

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

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

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

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

(1) as defined in SOLAS Chapter IX

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

Facility Name	Completed?	Date	Contact Details

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

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

Performance of Ship Security Duties ☐ Duties of ship personnel assigned security responsibilities and of other shipboard personnel • Ship is at prescribed security level at port (MARSEC Level _____). • General walk-through of vessel/restricted areas to **observe** security provisions in place • Shipboard personnel attentive to security matters indicating active efforts being taken to ensure appropriate security measures are in place ☐ Identification of ship security officer/company security officer	33 CFR 104.240(a) ISPS Part A Sect. 7.1 & 12 ISPS Code Part B Sect 9.7
Controlling Access to the Ship (number in parentheses indicates security level) ☐ Measures to Prevent Unauthorized Access to ship • Security personnel require personal identification and reason to board (1) • Access points identified/manned to prevent unauthorized access (1) • Unattended spaces adjoining spaces accessible to passengers/visitors secured (1) • Security personnel appear to be briefed re: threats, suspicious persons, objects or activities and need for vigilance (1) • Security personnel patrolling deck areas (2) • Access points to ship limited (2) • Waterside access to ship deterred (2) • Restricted zone established on shore side of ship (2) • Visitors receive escort (2) • Full or partial search of ship conducted (2) • Access restricted to single point (3) • Access to ship limited to security personnel (3) • Directing persons on board (3) • Suspend embarkation/debarkation or evacuate ship (3) • Suspend cargo operations (3) • Move the ship to a more secure area (3) • Preparations taken for a full or partial search of the ship (3)	33 CFR 104.265 ISPS Part A Sect. 7.1 & 9.4 ISPS Part B Sect. 9.9 – 9.17
Controlling Embarkation of Persons and Their Effects (number in parentheses indicates security level) ☐ Measures to prevent unauthorized weapons, dangerous substances, and devices from being brought on board • Secure area(s) to search persons, baggage, etc. provided (1) • Checked persons/baggage segregated from unchecked persons/baggage (1) • Embarking persons segregated from disembarking passengers (1) • Ro-ros/Ferries - vehicle searches performed (1) • Unaccompanied baggage screened/searched (1) • Frequency and detail of searches (persons, effects, vehicles) increased (2) • Unaccompanied baggage 100 percent x-ray searched (2) • Unaccompanied baggage, thorough x-ray search (different angles), or refusal to accept (3)	33 CFR 104.255 ISPS Code Part A, 7.1, 9.4 ISPS Code Part B 9.14, 9.15, 9.38 – 9.41
Monitoring Deck Areas and Areas Surrounding Ship (number in parentheses indicates security level) ☐ Monitoring Security of the Ship • Mix of lighting, watchkeepers, security guards, security equipment used to observe the ship in general (1) • Stepped up use of lighting, watchkeepers, security guards, security equipment (2) • Maximized use of lighting, watchkeepers, security guards, security equipment (3)	33 CFR 104.285 ISPS Part A Sect. 7.1 & 9.4 ISPS Part B Sect. 9.42 – 9.49

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

Monitoring Restricted Areas Ensuring only Authorized Persons have Access, e.g. (number in parentheses indicates security level) ☐ Restricted Areas Monitored/Measures to Prevent Unauthorized Access (examples: Bridge, Engine Room, Steering Compartment, Cargo Control Room, Pump Room, Cargo Spaces, CO2 Room, etc.) • Surveillance Equipment in use (1) • Locked/ Secured/ Roving guard for access points (1) • Intrusion alarms devices in use (1) • New restricted areas established adjacent to access points (2) • Continuous use of surveillance equipment (2) • Added guards for access points (2) • Restricted areas established in proximity to security incidents (3) • Restricted areas searched (3)	33 CFR 104.270 ISPS Part A Sect. 7 & 9.4 ISPS Part B Sect. 9.18 – 9.24
Supervision of Cargo and Ship's Stores (number in parentheses indicates security level) ☐ Procedures for security of cargo & stores and for cargo & stores operations • cargo, transport units, and cargo spaces routinely checked before operations (1) • cargo checked for match to cargo documentation (1) • vehicles routinely searched prior to loading (1) • anti-tamper seals/methods checked (1) • cargo visually/physically examined (1) • scanning equipment/dogs used (1) • stores checked for match order prior to loading (1) • stores stowed immediately (1) • cargo, transport units, and cargo spaces checked in detail before operations (2) • intensified checks that only intended cargo is loaded (2) • vehicles search intensively prior to loading (2) • anti-tamper seals/methods checked with greater frequency and detail (2) • cargo visually/physically examined with greater frequency and detail (2) • scanning equipment/dogs used with greater frequency and detail (2) • enhanced security measures coordinated with shipper/responsible party iaw an established agreement (2) • stores more extensively checked for match order prior to loading (2) • cargo loading/unloading suspended (3) • verifying the inventory of dangerous and hazardous goods and their location (3) • stores more intensively checked, suspended, or refusal to accept (3)	33 CFR 104.275, 104.280 ISPS Code Part A 7.1, 9.4 ISPS Code Part B 9.25 – 9.37
Security Communication is available ☐ Procedures and equipment for communicating responses to security threats and communicating with port, port State, and flag State • Security Personnel have ready access to communications – ship to flag, ship to shore, SSO to security personnel	33 CFR 104.245 SOLAS Chap. V, Reg. 19

Other Items	33 CFR 104.250 SOLAS Chap XI-1, Reg. 5 SOLAS Chap XI-2, Reg. 9.1.2
☐ Security Certificates Valid	
• International Ship Security Certificate (if Interim confirm it is issued for the reasons listed in ISPS Code Part A, 19.4.1 and iaw ISPS Code Part A, 19.4.2 – 19.4.6)	
• Continuous Synopsis Record On Board and Kept Up-to-Date	
• Declaration of Security (If applicable)	
☐ Hull Markings (new ships – on delivery, existing ship by 1st scheduled drydocking after 7/1/04)	SOLAS Ch. XI-1, Reg. 3
☐ Security Related Records	33 CFR 104.235 SOLAS Ch. XI-1, Reg. 5 ISPS Part A Sect. 10.1 ISPS Part B Sect. 10
• Records of Drills and Exercises	
• Records of Security Threats, Incidents, & Security Breaches	
• Records of Changes to Ship Security Levels	
• Record of Security Communications	
• Records protected Against Unauthorized Access	
• Records retained for 2 years (Vsls subj to MTSA only)	33 CFR 104.292 33 CFR 104.295
☐ Special Passenger Vessel Requirements	
• Security Sweeps, Alternatives to ID checks, Additional vehicle screening appropriate for MARSEC lvl	
• Screen all personnel and baggage, ID check, Security patrol, Selected area search prior to embarking passengers and sailing, MARSEC level 3 security brief to passengers	
Security at Facility at which Vessel is visiting (limit in scope to observations while transiting the facility and while on facility in vicinity of ship – if compliance issues are noted, immediately contact facility security verification staff at the COTP or OCMI)	
☐ Declaration of Security	33 CFR 104.255, 105.145 ISPS Part A 5
• Executed between cruise ship or ship carrying CDC in bulk and facility (1)	
• Executed between all other ship types and facility (2)	
• DoS provisions reflect shared security concerns	
• Ship and facility comply with DoS provisions	
☐ Measures to Prevent Unauthorized Access to facility	33 CFR 105.255
• Access to facility controlled/guarded/secured (1)	
• Identity and valid reason to access facility checked (1)	
• Persons accessing liable to search (1)	
• Warning Signs	
• Unaccompanied baggage screened/searched (1)	
• Patrol vessels for waterside security (2)	
• Unaccompanied baggage x-ray screened (2)	
• Suspension of access to all but authorized personnel (3)	
• Complete screening of personal effects (3)	
• Extensive x-ray screening of unaccompanied baggage (3)	
☐ Restricted Areas at the port facility (includes, among other things, shore and water-side areas adjacent to ship, passengers embarkation areas, cargo loading and storage areas, etc.)	33 CFR 105.260
• Restricted areas marked (1)	
• Permanent/temporary barriers in place (1)	
• Controlled or guarded access points to restricted areas (1)	
• Access to authorized personnel only (1)	
• Restricted access to areas adjacent to restricted areas (2)	
• Active searches of restricted areas (3)	
☐ Supervision of Cargo and Ship Stores	33 CFR 105.265, 105.270
• Safety permitting, cargo/stores checked for evidence of tampering (1)	
• Cargo/Stores checked by facility against delivery documents (1)	
• Delivery vehicles screened (1)	
☐ Monitoring Security of Facility	33 CFR 105.275
• Facility is continuously monitored	
• Lighting sufficient to monitor	
• Facility Security consistent with MARSEC Level	

SECTION C
Expanded Examination

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

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

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

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

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

To the Ship Security Officer:

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

To Crew members having security responsibilities:

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

To Crewmembers not having security responsibilities:

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

Glossary of Terms and Acronyms

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

CARGO SHIP
Any ship which is not a passenger ship.

CLEAR GROUNDS

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

COTP
Captain of the Port.

CSO
Company Security Officer

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

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

ISM
International Safe Management

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

PASSENGER SHIP
A ship that carries more than 12 passengers.

PMS
Preventative Maintenance System

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

SMS
Safety Management System

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

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

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

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

Summary of Changes

Ch-1

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

ENCLOSURE 2
REPORTING AND NOTIFICATION PROCEDURES, CH-1

REPORTING AND NOTIFICATION PROCEDURES, CH-1

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

CHAPTER 2:

A. Introduction

B. Security and Safety Related Detentions, Unit Responsibilities

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

C. Security and Safety Related Detentions, USCG Headquarters Responsibilities

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

D. IMO Detention Notification Responsibility Chart

E. MISLE Documentation

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

F. Port State Control Report of Inspection

A. Introduction.

Notification and reporting procedures have been streamlined into a single reporting process consolidating information related to Ports, Waterway, and Coastal Security (PWCS) and port state control (PSC). To the greatest extent possible, reports must be consolidated to fulfill the needs of all stakeholders. The report is intended to support various functions including administrative recordkeeping, resource alignment, statistical purposes, congressional mandates, and program management. This single report is also designed to meet our reporting obligations to the International Maritime Organization (IMO).

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

These procedures will replace all existing notification requirements, and are intended to simplify efforts at the Captain of the Port (COTP) or Officer-in-Charge, Marine Inspection (OCMI) level. The basic premise behind the new reporting procedures involved electronically scanning forms. The unit member should electronically "scan in" both Forms A and B, and then email these reports to the cognizant authorities. Senders should request a return receipt as documentation of chain of custody control. (To request a return receipt from a Microsoft Outlook message, click "File" then "Properties." Next check the box next to the appropriate "receipt requested" box.) For a historical reference, these scanned forms should also be attached in the Marine Information for Safety and Law Enforcement (MISLE) system under the representative vessel in the documentation section. It is critical that legible handwriting is used and correct cites are researched and entered on these forms.

B. Security and Safety Related Detentions, Unit Responsibilities.

Whenever a foreign vessel has an intervention leading to detention, several notifications must be conducted by the COTP regardless of whether the detention is due to a security related or safety related issue. Unit responsibilities are summarized in the table entitled "IMO Detention Notification Responsibility Chart," located in section C of this enclosure.

1. *Flag State Notification*. Whenever a foreign vessel is denied entry to a port or offshore terminal, or is detained for a safety or security reason, the unit taking that action must notify the flag State as soon as possible. Points of contact are provided on the PSC Website at http://www.uscg.mil/hq/g-m/pscweb/index.htm. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port States initiating control actions notify the flag Administration forthwith. For maritime security-related control actions (e.g. inspection of the ship, delaying the ship, detention of the ship, restriction of operations, restriction of movement of the ship within the port, or expulsion of the ship from port), the unit making the control action must also notify the flag State as soon as possible. Notification should be in writing within 24 hours of initiating the action. Submitting Forms A and B is an acceptable means of notifying the flag state. Should

difficulties be encountered in making this notification, contact the Commandant, Foreign and Offshore Compliance Division (G-MOC-2) for additional information at (202) 267-0495 or (202) 267-2978.

2. USCG Headquarters/Area/District Notification. When deficiencies merit detention, expulsion from port, or denial of entry under international instruments such as SOLAS, units are directed to scan and then email both the *USCG Port State Control Report of Inspection, Form A* (CG-5437A) and the *USCG Port State Control Report of Inspection, Form B* (CG-5437B) to G-MOC-2 at fldr-g-moc@comdt.uscg.mil. Units will provide an information copy of this email to the cognizant Area and District staff. The forms must be completed as described below.

   a. The forms are required to be submitted to G-MOC-2 when the vessel is detained (if form A, Block 17 is marked "Yes"). If units cannot email the forms, they should contact G-MOC-2 for alternate submission approval.

   b. Both forms must be filled out completely and accurately. Any incomplete forms will be returned to the unit for re-submission.

   c. All deficiencies identified and approved by the cognizant Officer in Charge of Marine Inspection (OCMI) or COTP as detainable under SOLAS, must be clearly annotated with the IMO Detention Code "30" and placed on Form B (CG-5437B), under the "Action Taken" category. The deficiency must clearly state the grounds for detention.

   d. To ensure quality control for all detentions reports, Form B must be signed by the Port State Control Officer's (PSCO's) supervisor, a Marine Safety Detachment (MSD) Supervisor, or Chief, Inspections Department (CID). The supervisor's signature and printed name must be placed on the lower right side of Form B.

   e. The delivery of the report to the Office of Compliance (G-MOC) should be as soon as possible, but must be scanned and delivered to G-MOC no later than 1630 EST/EDT on the next business day following the detention.

3. Classification Society/Recognized Organization/Recognized Security Organization Notification. The local office of the classification societies, Recognized Organization (RO), or Recognized Security Organization (RSO) that issued the relevant certificates to a detained vessel must be notified of the detention. A visit by the local surveyor or class representative can expedite the deficiency correction process. The delivery of the completed report to the Classification Society, RO, or RSO should be as soon as possible, but must be sent no later than 1630 EST/EDT on the next business day following the detention. A list of points of contact for class societies is provided on the Port State Control Website at http://www.uscg.mil/hq/g-m/pscweb/index.htm. Submittal of Forms A and B is acceptable as a form of notification.

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

b. Upon review, G-MOC will officially notify the organization of any detentions determined to be the result of deficiencies for which the organization should be held accountable. When a detention is attributed in this manner it is tracked and used to determine the annual performance for the organization. The annual performance for each organization is used to develop and publish the targeted lists for the boarding matrices.

4. Ship Management Notification. The command should ensure that the owner, operator, master, and/or charterer of the vessel is given a copy of the boarding reports (Forms CG-5437A and CG-5437B) and a clear work list of actions that must be taken to correct all deficiencies. Before the vessel will be permitted to leave port, any outstanding items listed on the forms must be addressed and should be clearly marked and explained.

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

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

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

2. International Maritime Organization (IMO) Notification. When an intervention leads to a detention, G-MOC submits a report to IMO to fulfill the reporting procedures as required by various international instruments. This is normally conducted within 45-60 days of the detention.

D. IMO Detention Notification Responsibility Chart. Unit and USCG Headquarters responsibilities are summarized in the following table:

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

*** Non-Major Control Actions include all security-related inspection of the ship, delay of the ship, restriction of operations, & restriction of movement.**

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

E. MISLE Documentation.

1. Detentions, Expulsions, Denials of Entry. All vessels detained, denied entry, or expelled shall have corresponding MISLE activities entered into the system within 24 hours of detention. The unit shall create an operational control and pick a MISLE Control Type of "PSC Safety Detention" or "PSC Security Detention (or Denial of Entry, or Expulsion)" **only** for control actions that are to be reported to IMO. **If a different control type is chosen, it will not initiate the required Headquarters review of the detention case.** If a foreign vessel is subject to an operational control but has not violated an international instrument, then units must select another control type such as "COTP Order" or "U. S. Customs Clearance Hold." For more information on using MISLE applications, you can access several MISLE user guides by visiting MISLENET on the Web: http://mislenet.oscf.uscg.mil/user_guides.aspx.

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

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

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

   a. Security-Related Deficiencies. Compliance dates for security-related discrepancies will normally require a more stringent timeline for correction than safety-related discrepancies. In addition, vessel control actions should be considered as a tool to ensure compliance prior to vessel departure or next U.S. port call.

   b. Safety-Related Deficiencies. For most safety related discrepancies, a one-month compliance date will be appropriate.

3. Deficiency Format. Deficiencies should be written as described in the *Port State Control Job Aid*; see Appendix 1 or http://www.uscg.mil/hq/g-m/pscweb/index.htm. International convention cites shall be used on foreign vessels, when applicable.

4. Immediate MISLE Reporting. To assist other ports in correctly targeting vessels for examination, it is critical that field units quickly and properly document boarding activities and results in MISLE.

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

   b. Post-Examination. Within four hours after completing an examination, field units shall, at a minimum, document in MISLE an outline of any control actions taken (detentions, expulsions, etc.) and all outstanding deficiencies found.

   c. Denial of Entry. Denials of entry shall be immediately entered into MISLE.

   d. Complete documentation. Except as noted in paragraph D.1 above, remaining MISLE entries may be completed at a later time

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

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

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

14. Ship Management Information:

COFR Applicant:

Charterer:

ISM DOC Company:

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

15. Relevant Certificates/Documents:**

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

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

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

Circle all applicable parts for 16-19 below:

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

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

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

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

Copy provided to: _____

_____
(printed name of Master/Vessel representative)

(Signature)

Name of PSCO: _____

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

(Signature)

Issuing Unit Name and Address:
forwarded to:

appropriate **Reviewed by Supervisor:**

Copies

Check as

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

Instructions

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

The following guidance is provided for completing FORM A.

Block 4 – See inside cover for list of ship types.

Blocks 13, 14, 15, 16 and 17– Shall be completed when the vessel is being detained, expelled or denied entry.

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

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

Copies should be provided to the vessel, flag State and/or recognized organization/ RSO /classification society only after it has been signed by the Master and/or vessel representative and the PSCO.

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

In the event of a detention, both forms shall be scanned and emailed to G-MOC at fldr-g-moc@comdt.uscg.mil with the return receipt option checked. These forms also shall be emailed or faxed to flag state and owner/operator/charterer & classification society and RSO if possible. The scanned Form A & B shall be placed in MISLE under documents for historical reference.

Activity Types

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

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

Ship Types

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

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

1. Reporting country: United States of America

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

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

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

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

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

Issuing Unit Name and Address:

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

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

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

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

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

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

Instructions

The Port State Control Report of Inspection – FORM B is intended to accompany the Port State Control Report of Inspection – FORM A and provide documentation to the various parties associated with a foreign vessel and other port States on the outcome of an ISPS compliance verification exam or Port State Control (PSC) safety examination conducted by the U.S. Coast Guard. A Report of Inspection, FORM B, shall be completed for all ISPS compliance verification exam and PSC examinations when deficiencies have been identified.

The following guidance is provided for completing the FORM B.

Block 6 – See inside and the rear cover for list of deficiency codes.

Copies should be provided to the vessel, flag State and/or classification society only after it has been signed by the Master or vessel representative and the PSCO.

In the event of a detention, a copy of FORM A and FORM B shall be provided to the flag State, ship management and recognized organization/RSO/classification society.

In the event of a detention, both forms shall be scanned and emailed to G-MOC at fldr-g-moc@comdt.uscg.mil with the return receipt option checked. These forms shall also be emailed or faxed to flag State owner/operator/charterer, classification society, and RSO if possible.
The scanned version shall be placed in MISLE under documents for historical reference.

Action codes are included on the bottom of Form B, which will satisfy the 'action taken' column. All 4 columns in block 12 must be completed.

DEFICIENCY CODES

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

Summary of Changes.

Ch-1.

1. Revised all references to “COTP” to “COTP or OCMI”.
2. Added requirement in Headquarters/Area/District Notification to provide information copy of Form A and Form B to applicable District and Area staff in cases that merit detention, expulsion from port, or denial of entry.
3. Modified IMO Detention Notification Responsibility Chart to provide information copy of Form A and Form B to applicable District and Area staff in cases that merit detention, expulsion from port, or denial of entry.
4. Modified IMO Detention Notification Responsibility Chart to include notification responsibilities for both non-major and major security-related control actions.
5. Modified IMO Detention Notification Responsibility Chart to include definition of non-major and major security-related control actions.
6. Changed MISLE Documentation 24 hour requirement to include all detentions, expulsions, and denials of entry.
7. Added new section on Immediate MISLE Reporting.
8. Added new section on Port State Control Report of Inspection.
9. Added CG-5437A (Form A) and form instructions
10. Added CG-5437B (Form B) and instructions.

ENCLOSURE 4

PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-1

PSC ENFORCEMENT AND CONTROL PROCEDURES, CH-1

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

ENCLOSURE 4 -

A. Enforcement

1. Philosophy
2. Provisions/Authority
   a. International Provisions/Authorities
   b. U.S. Provisions that are applicable to foreign-flag vessels

Table 4-1: Vessel Types and Regulating Provisions and Authorities

B. Clear Grounds

Figure 4-1: Thresholds for Clear Grounds and Control Actions with Security versus Safety Deficiencies

C. Vessel Control Procedures for Security and Safety

1. Denial of Entry/Expulsion
2. IMO Reportable Detentions
3. Captain of the Port (COTP) Order
4. Customs Hold
5. Restrictions of Operations/Vessel Movement
6. Delay
7. Comprehensive Security Inspection
8. Letter of Deviation
9. Flag State Notification
10. Lesser Administrative/Corrective Measures

D. Administrative Enforcement Measures

1. Civil Penalty Adjudication
2. Civil Penalty
3. Letter of Warning

Appendix A to Enclosure 4 Examples of Detainable Deficiencies For Security and Safety

Appendix B to Enclosure 4 International Port Security Program and Country Advisories

A. Enforcement.

1. *Philosophy*.

The primary purpose of the Port State Control (PSC) program is the elimination of substandard vessels from U.S. waters. One of the primary mechanisms to accomplish this purpose is the identification of, and subsequent notification of, substandard vessels to the global community. By notifying the global community of problem vessels, more worldwide resources are brought to bear on improving maritime safety and security. Substandard foreign vessels and vessels that may arrive from substandard ports pose safety or security threats to U.S. ports. In response to these threats, the Coast Guard has dramatically increased foreign vessel boardings and subsequent enforcement and control actions. Proper enforcement and control procedures should be followed to ensure all maritime entities are held accountable. For example, if a unit issues a vessel a Captain of the Port (COTP) Order but not a formal IMO Detention, it is correcting the problem locally. However, it is not alerting the domestic and global communities that the vessel and its associated parties (flag, owner, class, etc.) may be substandard. Domestically, the Coast Guard's foreign vessel targeting methodology, which is based on historical detentions, is rendered inaccurate. Globally, substandard vessels and their associated parties are not held accountable through IMO, and therefore, they can continue to operate without any restrictions. Finally, this action can hinder the Coast Guard's ability to provide accurate statistics needed to gain congressional support for the program. This support hinges on the field's ability to maintain data integrity and quality control and to pick the correct enforcement posture in each circumstance.

2. *Provisions/Authorities*.

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

a. International Provisions/Authorities.

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

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

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

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

(5) *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 (STCW 95)*. Ships may be detained under STCW 95 authority if the deficiencies pose a danger to persons, property or the environment. These deficiencies are described in STCW Regulation I/4. Regulation I/4 will be the only cite used if a detention is warranted.

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

take action accordingly. Additional guidance may be found in COMDTINST 16711.12.

(7) *International Safety Management Code (ISM)*. Ships may be detained under the ISM Code if there is an apparent breakdown in the Safety Management System of the vessel. If this occurs, an audit should be performed. Significant deficiencies should result in a more comprehensive examination. If a Major non-conformity is discovered, then expulsion from port or denial of entry, with the potential of restrictions on future entry to U.S. ports, should be considered.

b. U.S. Provisions/Authorities that are applicable to foreign-flag vessels.

(1) *Maritime Transportation Security Act (MTSA)*. [107 P.L. 295 / 33 CFR Subchapter H]: This is the controlling authority typically associated with *security*-related COTP Orders.

(2) *Ports and Waterways Safety Act (PWSA)*.[33 USC 1221 et seq/ 33 CFR 160.101]: This is the controlling authority typically associated with *safety*-related COTP Orders. It can also be used to implement VTS measures for traffic separation schemes, Regulated Navigation Areas (RNAs) or Safety Zones.

(3) *Magnuson Act*. [50 USC 191/33 CFR Part 6]: This is the controlling authority typically associated with *security*-related COTP Orders. This can be used to respond to acts of terrorism against a person, vessel, or structure, or to restrict waterfront access to sensitive areas.

(4) *33 USC 1226*. This statute, separate from Magnuson Act authority, allows the COTP or OCMI to take various measures to prevent or respond to an act of terrorism against individuals, vessels, or public or commercial structures within the marine environment. These measures include, but are not limited to, security and safety zones.

(5) *Special Local Regulations (SLR)*. [33 CFR 100.35]. These regulations established safety zones for marine events and can only be promulgated by the cognizant District Commander.

(6) *Regulated Navigation Area (RNA)*. [33 USC 1231 with implementing regulations of 33 CFR Part 165]. These are safety zones established for emergency measures or unanticipated events and can only be issued by cognizant District Commander.

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

(8) 46 USC 91. This statute requires that all vessels departing the U.S. for a foreign port and all foreign vessels departing one U.S. port for another U.S. port obtain U.S. Customs clearance. To ensure monetary satisfaction or surety for civil penalties, the PWSA, at 33 USC 1232 gives the COTP or OCMI authority to request Customs withhold or revoke clearance (commonly referred to as a “Customs hold”).

(9) 33 CFR 164.55. This is the authority that allows the COTP or OCMI to grant deviations from any navigation regulation contained in 33 CFR Part 164.

c. The table below highlights international and domestic regulatory control instruments that can be exercised on a foreign vessel in order to ensure compliance.

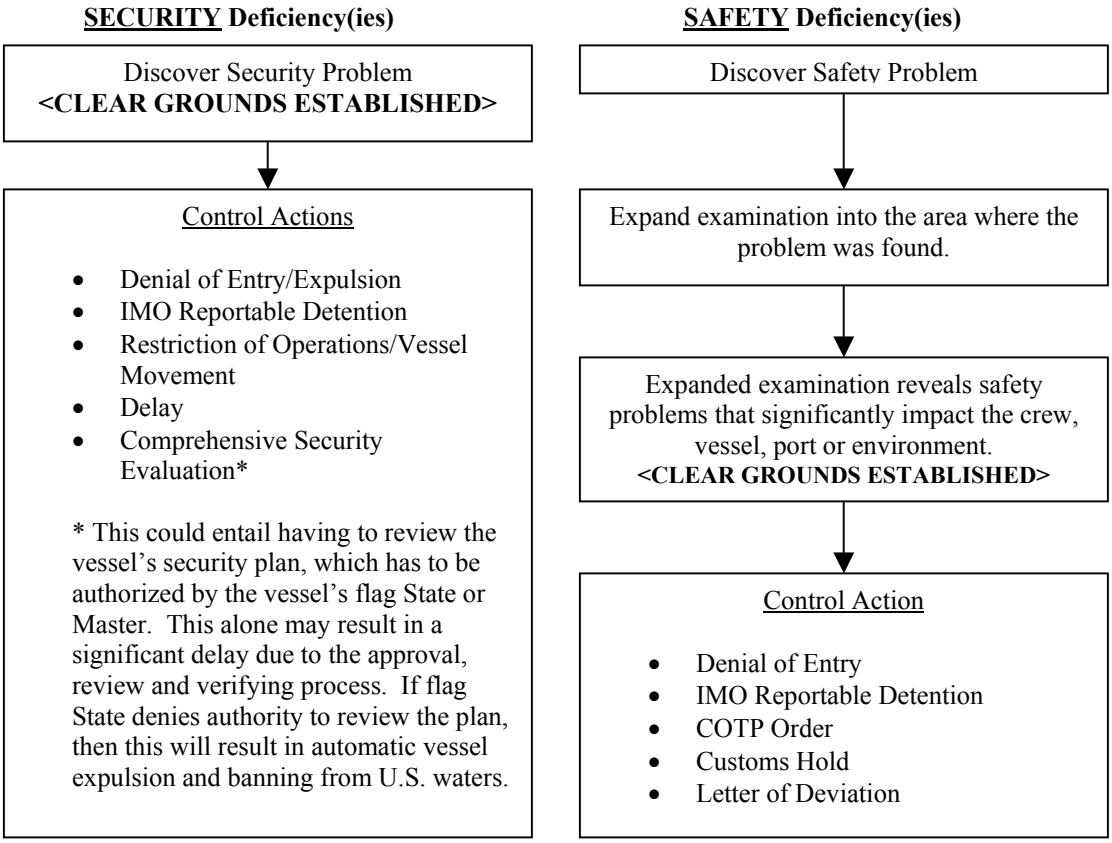
Table 4-1: Vessel Types and Regulating Provisions and Authorities

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

B. Clear Grounds.

Clear Grounds means that there is enough information about security or safety deficiencies on a vessel to impose appropriate control actions against the vessel within U.S. waters. Clear grounds for imposing control actions against a vessel under the new security regulations have a substantially lower threshold than do those for safety related deficiencies. Clear grounds are established for security control actions immediately upon discovery of a security problem. Note the difference in the clear grounds and control action thresholds with security versus safety deficiencies in Figure 4-1.

Figure 4-1: Thresholds for clear grounds and control actions with security versus safety deficiencies.



C. Vessel Control Procedures for Security and Safety.

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

1. *Denial of Entry/Expulsion*. Use this control option only when allowing a vessel into U.S. waters creates an unacceptable level of risk, which is defined as an "immediate threat" to the port, personnel or the environment. This should not be the first choice in dealing with substandard vessels and should be limited to the most egregious circumstances. In some cases, a substandard vessel may already be in U.S. waters when a PSC exam initiates an IMO detention. Some of these cases may lead to expulsion of the vessel after it has

met minimum specified standards to leave port. Examples of conditions that could warrant denying a vessel entry or expulsion from port include, but are not limited to, the following:

a. Lack of onboard International Ship Security Certificate (or approved VSP for foreign non-SOLAS vessels);
b. Lack of an approved Ship Security Plan;
c. Lack of an assigned Ship (Vessel) Security Officer;
d. Ship (Vessel) Security Officer cannot display an acceptable level of competency in regards to vessel security;
e. Inability of crewmembers with security responsibilities to identify the locations of the Ship Security Alert system;
f. Arrival from a port in a country that does not maintain adequate anti-terrorism measures and refusal to comply with any additional conditions of entry as a result of an arrival from the last port or ports of call;
g. Submission of untimely or incomplete Notice of Arrival (NOA);
h. Incompatible cargoes stowed in adjacent tanks;
i. Cargoes being carried that are not authorized by the LOC;
j. Cargo leaks from tanks or piping systems;
k. LNG/LPG Gas detection system inoperative;
l. Vessel carrying cargoes not authorized to carry;
m. Lack of ISM Certification;
n. Lack of COFR;
o. Lack of Vessel Response Plan; and/or
p. IGS system deficiencies.

2. *IMO Reportable Detentions*. A vessel is deemed substandard when clear grounds are discovered during a thorough PSC examination that it poses an undue risk to the crew, vessel, port, or environment. An IMO detention should be the primary course of action when there are clear grounds that a vessel is substandard and corrective measures must be taken. The field's efforts to hold substandard vessels accountable will have far reaching effects, not only for the Coast Guard's PSC program but also toward meeting international expectations. Refer to Appendix A for specific examples of detainable deficiencies under their corresponding authorities.

3. *Captain of the Port (COTP) Order*. A COTP Order is another option to protect the safety and security of the port. An order can be used to implement a variety of control actions, including controlling the vessel's movement as it enters or departs a port or it may be used to order a vessel out of port. The COTP may also process a civil penalty for failure to comply with a COTP Order and is not a substitute for pursuing and processing a detention under the applicable provisions of SOLAS, the ISPS Code, MARPOL, or the Load Line Convention.

   a. Controlling the Ship's Movement. Depending on the deficiencies discovered, a COTP Order should be used to control or restrict the vessel's

movement or operations. Many additional applications exist, not all of which are related to the condition of a vessel (e.g. A COTP Order may be used to order a vessel to a specific anchorage to protect a port during a hurricane.).

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

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

4. *Customs Hold*. Under the authority of 46 U.S.C. 91, vessels intending to depart the U.S. for a foreign port should obtain a clearance from the Bureau of Customs and Border Protection (BCBP). Whenever a vessel is alleged to have violated certain U.S. safety and pollution laws, the Coast Guard may request that the BCBP deny or withhold the required clearance from the vessel until a letter of undertaking or surety bond is posted. In cases involving alleged violations of the MTSA regulations, the COTP or OCMI should first consult with the appropriate district legal office for guidance. This control should not be relied upon when a PSC detention is the appropriate option.

5. *Restrictions of Operations/Vessel Movement*. Restrictions on vessel operations or movements may be imposed if vessel deficiencies pose security or safety threats. Security deficiencies on a vessel or at a facility receiving vessels that present a danger to either the vessel or facility may be addressed one of two ways. The deficiencies may be corrected prior to arrival, or the vessel may be ordered to proceed to a safe location until the deficiencies are corrected. A vessel with a deficiency that does not affect its fitness to proceed to sea may be ordered to correct the deficiencies. If the vessel is not restricted from departing or is not required to affect corrective measures before departure, this is not considered a detention. When the orders are given solely to comply with U.S. regulations, they should be issued under the PWSA and through a COTP Order.

6. *Delay*. Security deficiencies that should be corrected before the vessel enters port may be addressed by delaying the vessel until the deficiencies are corrected. For example, if the port is at MARSEC level 2 (generally equivalent to security level 2) and the arriving vessel is at security level 1, the ship should implement the additional security requirements of security level 2 plus the additional requirements of MARSEC level 2 before the vessel may be allowed to enter port.

7. *Comprehensive Security Inspection*. This is the minimum control action to take when clear grounds of a security deficiency have been established. Similar to the expanded exam for a safety violation, this expanded security inspection is very detailed, possibly including a review of relevant portions of the ship security plan. If these plans include sensitive sections, authorization from the Master and/or flag state (as appropriate) should be obtained before this aspect of this control action can be undertaken. If authorization is not obtained, the vessel should be considered for denial of entry, expulsion from port, or an IMO detention, depending on the circumstances. The prevailing need to keep U.S. ports secure justifies the potential delays to commerce that may result from this control action.

8. *Letter of Deviation*. The COTP or OCMI may authorize, upon written application, a deviation from any rule in 33 CFR Part 164. However, the risks imposed by equipment failures reported IAW 33 CFR 164.53, and casualties reported IAW 46 CFR 4.05, should be considered before issuing a Letter of Deviation. A boarding and examination prior to issuing a Letter of Deviation should be considered in those cases involving vessels at high risk from a safety perspective. Issuance of a Letter of Deviation does not preclude the possibility of pursuing civil penalty action and is not an appropriate control action for security deficiencies.

9. *Flag State Notification*. Whenever a foreign vessel is denied entry to a port or offshore terminal, or is detained, the unit taking that action should notify the flag state as soon as possible. Points of contact are provided on the Port state Control Website at http://www.uscg.mil/hq/g-m/pscweb/index.htm. IMO Assembly Resolution A.787(19), as amended by A.882(21), requires that port states initiating control actions notify the flag administration forthwith. Further, for maritime security-related control actions, such as inspection of the ship (as discussed in SOLAS Chapter XI-2, Reg. 9.8.1), delaying the ship, detention of the ship, restriction of operations, including movement within the port, or expulsion of the ship from the port, the unit making the control action should also notify the flag state as soon as possible. Notification should be in writing within 24 hours of initiating the action. Depending on the circumstances, flag state notification presents the best opportunity for the COTP or OCMI to ask the flag administration for permission to review relevant portions of the ship security plan. Submittal of Forms A and B is acceptable for flag state notification; however, if such notification includes a request to review portions of the security plan, a brief letter to this effect stating the reasons such review is necessary should also be included. Should any difficulties be encountered in making this notification, contact G-MOC-2 for additional information.

10. *Lesser Administrative/Corrective Measures*. The COTP or OCMI may choose to enforce lesser administrative or corrective measures for certain security

deficiencies. For example, if a vessel is found with a non-detainable (or not subject to denial of entry or expulsion) security deficiency and it corrects the deficiency to the satisfaction of the PSCO before the vessel experiences any delay, a lesser corrective measure has occurred. Such measures are not considered reportable control actions under SOLAS Chapter XI-2 and do not need to be reported to the flag administration.

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

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

2. *Civil Penalty*. The COTP or OCMI may process a civil penalty case for violations of U.S. laws or regulations. Civil Penalty provisions for violations of the MTSA are located in 33 CFR Subchapter H. Civil penalty enforcement should be pursued in all cases against those involved parties that are in the best position to bring about compliance and those who can best deter future violations.

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

Summary of Changes.

Ch-1.

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

APPENDIX A TO ENCLOSURE 4

EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND SAFETY, CH-1

APPENDIX A

EXAMPLES OF DETAINABLE DEFICIENCIES FOR SECURITY AND SAFETY, CH-1

A. DOCUMENTATION DISCREPANCIES

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

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

1. Lack of or expired/invalid International Ship Security Certificate or interim International Ship Security Certificate (deny entry/expel from port).
2. Lack of/incomplete approved ship security plan (deny entry/expel from port).
3. Lack of an assigned ship security officer (deny entry/expel from port).
4. Ship security officer cannot display an acceptable level of competency in regards to vessel security (may deny entry/expel from port).
5. Crew anomalies (e.g. gross incompetence, unaccounted personnel, overstaffed, fraudulent documents, etc.) (may deny entry/expel from port)
6. Inaccurate or incomplete Notice of Arrival information (may deny entry/expel from port).
7. Evidence that serious deficiencies exist in the vessel's security equipment, documentation or arrangements.
8. Master or crewmembers not familiar with essential shipboard security procedures.
9. Inability of crewmembers to establish communications with other key members with security responsibilities.
10. Missing or inoperable ship security alert system.
11. Lack of Declaration of Security when required or agreed upon amongst parties (may delay vessel).
12. Evidence that cargo handling security procedures are not in place (may restrict operations, delay vessel and/ or expel from port).
13. Poor screening procedures associated with passenger access control or unaccompanied passenger baggage (may restrict operations, delay vessel and/ or expel from port).

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

1. Failure of proper operation of essential machinery.
2. Insufficient cleanliness of engine room.

3. Failure of proper operation of emergency generator, lighting, batteries, etc.
4. Failure of proper operation of steering gear (any modes).
5. Absence, insufficient capacity, or serious deterioration of any lifesaving appliances.
6. Absence, insufficient capacity, or serious deterioration of any firefighting appliances or fire protection (including structural).
7. Absence, substantial deterioration, or failure of proper operation of cargo deck area fire protection on tankers.
8. Absence, noncompliance, or serious deterioration of lights, shapes, or sound signals.
9. Absence or inoperable GMDSS or associated equipment.
10. Absence of non-sparking exhaust ventilation for cargo pump rooms.
11. Number, composition, or certification of crew not corresponding to safe manning document.

D. INTERNATIONAL CONVENTION ON LOADLINES (ICLL 66)

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

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

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

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

1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have valid dispensation, or to provide documentary proof that an application for an endorsement has been submitted to the flag state administration.
2. Failure to comply with the applicable safe manning requirements of the flag state administration.
3. Failure of navigational or engineering watch arrangements to conform to the requirements specified by the flag state administration.

4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications, or the prevention of marine pollution.
5. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of duty.
6. Inability to provide for the first watch at the commencement of a voyage and subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

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

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

H. INTERNATIONAL BULK CARRIER (IBC) CODE

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

I. INTERNATIONAL GAS CARRIER (IGC) CODE

1. Transport of substance not mentioned in the Certificate of Fitness.
2. Missing closing devices for accommodations or service spaces.
3. Bulkhead not gastight.
4. Defective air locks.
5. Missing or defective quick closing valves.
6. Missing or defective safety valves.
7. Electrical installations not intrinsically safe or not corresponding to code requirements.
8. Ventilators in cargo area not operable.
9. Pressure alarms for cargo tanks not operable.
10. Gas detection plant and/or toxic gas detection plant not operable.
11. Transport of substances to be inhibited without valid inhibitor certificate.

J. INTERNATIONAL SAFETY MANAGEMENT CODE (ISM) CODE

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

2. Should the OCMI discover vessels with failures in the vessel's SMS, the vessel should be considered for detention and an external audit requested. Should grossly negligent systems might be discovered, these vessels should be considered for denial of entry until they can prove substantial compliance. Should OCMI's suspect problems exist on the company side, a letter should be forwarded to G-MOC via the district and area, fully documenting the suspected problems and requesting that the flag state be urged to conduct an external audit of the company involved.

APPENDIX B TO ENCLOSURE 4

INTERNATIONAL PORT SECURITY PROGRAM AND
ACTIONS TAKEN AGAINST VESSELS ARRIVING
FROM NON –COMPLIANT COUNTRIES, CH-1

APPENDIX B

INTERNATIONAL PORT SECURITY PROGRAM AND ACTIONS TAKEN AGAINST VESSELS ARRIVING FROM NON –COMPLIANT COUNTRIES, CH-1

A. INTRODUCTION

B. INTERNATIONAL PORT SECURITY PROGRAM IMPLEMENTATION PROCESSES

1. Tracking Compliance with International Security Codes
2. Country Visit
3. Port State Control Actions
4. Port Security Advisories

C. RECOMMENDED ACTIONS FOR VESSELS CALLING AT A NON-COMPLIANT PORT FACILITY

1. Non-Compliant Port Facility
2. Recommended Actions

D. RECOMMENDED ACTIONS FOR A COMPLIANT PORT FACILITY IN A NON-COMPLIANT COUNTRY

1. Application
2. Approval
3. Port State Control Actions
4. Duration of Facilitated Entry

E. RECOMMENDED ACTIONS FOR COUNTRIES NOT SIGNATORY TO SOLAS WISHING TO TRADE WITH THE UNITED STATES

A. INTRODUCTION

Section 70108 of the Maritime Transportation Security Act (MTSA) requires the Coast Guard to assess the effectiveness of antiterrorism measures at certain foreign ports. Section 70109 of the MTSA requires the Coast Guard to notify the appropriate authorities of the government of the foreign government of the finding and provide recommendations to improve the antiterrorism measures in use in the port. Section 70110 of the MTSA allows the Coast Guard to prescribe conditions of entry for any vessel arriving from a foreign port that does not maintain effective antiterrorism measures.

The International Port Security (IPS) Program is responsible for implementing these provisions of the MTSA. The IPS Program involves a wide range of activities including, but not limited to, country and port facility assessments, participation in an interagency advisory group to develop appropriate actions following on site assessments, issuance of advisories for countries deemed non-compliant with international facility security standards, and development of Federal Register notices detailing final actions pertaining to vessels arriving from non-compliant countries.

The key outputs of IPS Program processes are Port Security Advisories and Maritime Security (MARSEC) Directives. Information contained in Port Security Advisories will be distributed to Coast Guard units and the maritime industry by Commandant (G-MOC) as new advisories are received and on a monthly basis for all existing country advisories. This Appendix is intended to briefly explain the interconnectivities between the IPS and Port State Control Programs pertaining to the issuing of Port Security Advisories and MARSEC Directives.

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

B. INTERNATIONAL PORT SECURITY PROGRAM IMPLEMENTATION PROCESSES

1. Tracking Compliance with International Security Codes. Not later than July 1, 2004, Contracting Governments to SOLAS 74 are required to provide a list of all port facilities that have approved security plans to the International Maritime Organization (IMO). The IPS Program will track the reports as an initial step in assessing country compliance with the international port facility security standards. For example, countries reporting compliance with the ISPS Code are generally considered compliant until on site assessments are performed by the IPS Program team, whereas countries failing to report to IMO or which report non-compliance with the standards will be deemed non-compliant. In addition, countries that are not signatory to SOLAS have been asked to provide the same type of information regarding port facilities to the U.S. Coast Guard as SOLAS nations report to the IMO. The IPS Program will make available a list of non-

compliant countries based upon this reporting soon after July 1, 2004 by issuing a Port Security Advisory.

2. Country Visits

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

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

3. Port State Control Actions

   a. Vessels that have visited a non-compliant port facility or country during the last five port calls may be subject to port state controls. Countries found non-compliant with international port facility security standards will be advised to correct the non-conformities and also be informed that the U.S. Government may take port state control action against any vessels that have visited a port in the country.

   b. Control actions that may be employed against vessels that have visited a non-compliant port may include:

      (1) Vessels may be required to set a higher security level at the non-compliant port;
      (2) Vessels may be required to execute a DOS at the non-compliant port;
      (3) Vessels may be required to log all security activities at the non-compliant port;
      (4) Vessels may be required to report all actions taken, either at the time it submits it Advance Notice of Arrival to the National Vessel Movement Center or directly to the cognizant Captain of the Port
      (5) Vessels may be designated as ISPS 2 priority boarding;
      (6) Vessels may be designated as ISPS 1 priority boarding;
      (7) Vessels may be denied entry until a Coast Guard Positive Control Boarding Team is aboard;
      (8) Vessels may be required to provide security personnel prior to entry.
      (9) Vessels may be limited to daylight only transit;

(10) Vessels may not be permitted to transit past high capacity passenger vessels and/or vessels carrying CDCs;
(11) Vessels may be required to complete a security sweep prior to entry;
(12) Vessels may be required to conduct an underwater hull sweep prior to entry; and
(13) Vessels may be restricted to certain facilities within the port.

4. Port Security Advisories.

a. The initial step in notifying the maritime industry that a port facility or country is non-compliant will be by a Port Security Advisory, also known as a Country Advisory.

b. The primary purpose of the Port Security Advisory is to notify the maritime industry that the Coast Guard has concerns regarding a country. The advisory will recommend actions a vessel may take when trading with the port facility or country of concern that may facilitate the vessel's entry into the United States.

c. Port Security Advisories will be issued under the following circumstances:

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

(2) A country that is found not to be in substantial compliance with the ISPS Code either as a result of a country visit or from other credible evidence; or

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

d. The Port Security Advisory will be posted on the U.S. Coast Guard IPS Program website http://www.uscg.mil/hq/g-m/mp/ipsp.shtml and it will be distributed to the field by G-MOC. In addition, it will be sent to select maritime trade associations, national maritime associations and may be distributed as a Coast Guard Press Release. On a monthly basis G-MOC will also distribute all current advisories to the field.

e. Upon the issuance of a Port Security Advisory vessels arriving from a country to which the Advisory applies may be designated as a higher ISPS boarding priority. G-MOC will disseminate the higher priority designation, if applicable, to the field.

f. If the conditions that led to the Port Security Advisory are not corrected within a specified time period, additional port state control measures and/or conditions of port entry may be initiated. The Coast Guard will update the Port Security Advisory and also publish these additional measures in the Federal Register.

C. RECOMMENDED ACTIONS FOR VESSELS CALLING AT A NON-COMPLIANT PORT FACILITY

1. Non-Compliant Port Facility. Generally, vessels calling at a non-compliant port facility will face an increased boarding priority. However, if a vessel takes the recommended steps outlined in the Port Security Advisory the vessel's actions will be considered during boardings and may be reflected in the location, scope, intensity, and duration of the boarding.

2. Recommended Actions. Port Security Advisories will include measures vessels may take when calling at a non-compliant port facility in order to facilitate entry into the United States. These measures may include:

a. Setting a higher security condition;

b. Executing a Declaration of Security;

c. Logging all security actions in the ship's log; and

d. Reporting the actions taken, either with the Advance Notice of Arrival or directly to the cognizant Captain of the Port.

D. RECOMMENDED ACTIONS FOR COMPLIANT PORT FACILITIES IN NON-COMPLIANT COUNTRIES

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

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

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

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

2. Approval. The IPS Program, in conjunction with G-MOC, will review the application and a designated third party, who is acceptable to the U.S. Coast

Guard, will certify the implementation of the appropriate security measures at the facility. The cost of the third party verification will be borne by the non-compliant country and/or the specific facility.

3. Port State Control Actions. Port state control actions for vessels arriving from the port facility will be adjusted after the procedures are approved and the conditions at the port facility are verified to the satisfaction of IPS Program.

4. Duration of Facilitated Entry. The provisions for facilitating entry into the United States for a vessel calling at a specific port facility that is maintaining a high degree of security in a country that is not in compliance with the international standards will have a limited duration. The specific length of time will be outlined in the IPS Program approval of the special security measures.

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

Countries that wish to trade with the United States that are not signatory to SOLAS may facilitate the entry of vessels into the United States. They may do so by implementing the applicable requirements of ISPS Part A, taking into account the relevant provisions of the ISPS Code, Part B, or by implementing an equivalent level of security. This information must be reported to the U.S. Coast Guard.

ENCLOSURE 5

GLOSSARY

GLOSSARY

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

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

AUTHORITY - The government's legal power to act.

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

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

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

CERTAIN DANGEROUS CARGO (CDC) - Includes any of the following:

- Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50
- Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a research and special programs administration exemption
- Division 2.3 "Poisonous Gas", as listed in 49 CFR 172.101 that is also a "Material Poisonous by Inhalation" as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel
- Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as condition of a research and special programs administration exemption
- A liquid material that has a primary or subsidiary classification of Division 6.1 "Poisonous Material" as listed 49 CFR 172.101 that is also a "material poisonous by inhalation," as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.
- Class 7, "Highway Route Controlled Quantity" radioactive material or "Fissile Material, Controlled Shipment," as defined in 49 CFR 173.403.
- Bulk liquefied chlorine gas and bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.
- The following bulk liquids: (I) acetone cyanogydrin, (II) allyl alcohol, (III) chlorosulfonic acid, (IV) crotonaldehyde, (V) ethylene chlorohydrin, (VI)

ethylene dibromide, (VII) methacrylonitrile, and (VIII) oleum (fuming sulfuric acid).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLAG ADMINISTRATION - All governments that have legally accepted to be bound by the requirements of a convention, protocol, or other instrument.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOGNIZED SECURITY ORGANIZATION (RSO) - An organization with the appropriate expertise in security and antiterrorism matters recognized by the Administration [or

Designated Authority] and authorized to carry out assessment, verification, approval and certification activities, required by the ISPS Code. The organization meets the 12 requirements set for in Part A of the ISPS Code to perform certain port security functions such as; approval of ship security plans, or amendments thereto, on behalf of the Administration; verification and certification of compliance of ships with the requirements of chapter XI-2 and part A of the ISPS Code on behalf of the Administration; and conducting port facility security assessments.

REGULATED NAVIGATION AREA (RNA) - To regulate navigation in a specific area where hazardous conditions exist which may make routine navigation unsafe. RNAs generally impose operating conditions/restrictions on vessels to ensure safe navigation.

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

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

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

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

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

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

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

SHIP SECURITY ALERT SYSTEM - System required by regulation 6 of chapter XI-2 of SOLAS. When activated, the system should initiate and transmit a ship-to-shore security alert to

a competent authority as designated by the flag Administration. The system will identify the ship, its location, and indication that the security of the ship has been compromised.

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

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

STATELESS VESSEL - See VESSEL WITHOUT NATIONALITY.

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

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

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

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

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

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

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

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

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

U.S. VESSEL - A vessel that:

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

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

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

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

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

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

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

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

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

WEAPON OF MASS DESTRUCTION (WMD) - Any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people

through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors; a disease organism; or radiation or radioactivity.

Summary of Changes.

Ch-1.

1. Replaced definitions for Baseline, Contiguous Zone, Exclusive Economic Zone, High Seas, Internal Waters, Navigable Waters of the United States, Territorial Sea, and Territorial Sea Baseline with reference to the recognized definitions promulgated in regulation {Title 33, Code of Federal Regulations, Part 2}.