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Uninspected Passenger Vessels



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**Admiral Thomas H. Collins,
USCG Commandant**

**THE MARINE SAFETY COUNCIL OF THE
UNITED STATES COAST GUARD**

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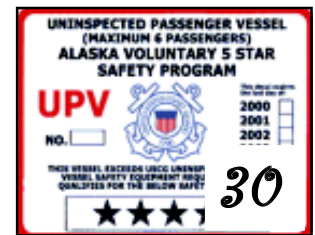
PROCEEDINGS



ON THE COVER

LEFT, the *Grand Nellie*, a small passenger vessel inspected under 46 CFR Subchapter T, also operates as an uninspected small

passenger vessel allowed under the provisions of 46 CFR 176.114 when carrying six or less passengers. Photo by Tim Wright, courtesy owners Jeff and Ellen Troeltzsch, and the American Sail Training Association. RIGHT, the *Wreck Valley*, a 6-pack, transports scuba divers from its home port in Long Island, NY. Photo courtesy the Capt. Dan Berg Wreck Valley Corporation.



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Assistant Commandant's Perspective

by Rear Adm. PAUL J. PLUTA
Assistant Commandant for Marine Safety, Security & Environmental Protection

As the Coast Guard faces the many challenges and uncertainties of maritime homeland security, one growing source of strength is our network of partnerships with various industry sectors. The recent memorandum of agreement forged between the Coast Guard and the National Association of Charterboat Operators is one such partnership. That agreement, which establishes terms by which the two organizations will cooperate regarding maritime security, formalizes our tacit understanding that by working together, we can find solutions to common issues. The agreement will enable many charterboat operators to be an invaluable resource in helping to secure U.S. ports and waters.

This most recent security partnership, which was cemented in November, has implications for the relationship between the Coast Guard and much of the broader uninspected passenger vessel (UPV) community. UPVs, which include many charterboat operators, have displayed a commitment to safety. As shown in this issue of *Proceedings*, UPVs, though uninspected, have maintained a remarkable safety record, reporting 13 deaths throughout the past 10 years. These vessels receive less scrutiny than “inspected” vessels, but the level of regulations in place reflects an appropriate balance for the typical vessel size and service. Most UPV operators view the regulations that are in place as a floor, not a ceiling, and often take extra measures to ensure the safety of their passengers and crew. If a problem does arise, the relationships established through our security partnership will allow us to address the issue in a nonregulatory fashion.

Our outreach efforts likely will be more effective with much of the UPV community. The established relationships will provide the Coast Guard with another opportunity to help them sort through established regulations. For instance, that portion of the UPV community that sails foreign is subject to a variety of international conventions. It is important that they thoroughly understand these conventions before sailing to foreign ports and risk being detained for lack of compliance with an international convention. Many UPVs are not aware, for example, that in many cases, it is the vessel's international tonnage convention (ITC, measured in gross tons), that determines applicability, not the domestic-only U.S. gross register tonnage (U.S. GRT) figure. The two tonnage values, based on different systems of tonnage measurement, can vary significantly. With working relationships in place, the UPVs hopefully will come to rely on the local Coast Guard Marine Safety Office to guide them through those regulations.

As the Coast Guard ventures into new opportunities as part of the Department of Homeland Security, we will be confronted with new challenges. We will face these challenges with the strength from existing partnerships, and will use these challenges as opportunities to partner with old friends to meet our nation's goals for a more secure homeland.

A handwritten signature in black ink that reads "Paul Pluta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Champion's Point of View

by Capt. MICHAEL B. KARR,
Chief, U.S. Coast Guard Office of Investigations & Analysis



Owner and Operator Responsibilities

Whenever any person applies to be licensed as operator of any motorboat, or of any other vessel of fifteen gross tons or less propelled by machinery, carrying passengers for hire, the Secretary shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if the Secretary is satisfied that his capacity, experience, habits of living, and character are such to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, the Secretary shall grant him a license authorizing him to discharge such duties on any such motorboat...propelled by machinery, carrying passengers for hire.

- Motorboat Act of 1940, 46 U.S.C. 526f

The Motorboat Act created the strategy that the U.S. Coast Guard still uses today to achieve safety for uninspected passenger vessels (UPVs). With very few vessel and operational requirements applicable to these vessels, the bulk of strategy relies upon the actions and decisions of the owner and the licensed vessel master. One travel writer took note of this. A column in my local Sunday newspaper travel section discussed enjoying charters at a certain vacation spot. "All of the vessels are operated by Coast Guard licensed Captains" was the only description used to define the high quality of the charter boat operations.

Differentiating Between an Uninspected and Inspected Passenger Vessel

In 1940, motorboats had no specified limit as to the number of for-hire passengers they could carry. The motorboat definition included vessels propelled by machinery, other than steam, of no more than 65 feet in length. This changed in 1956 when the Small Passenger Vessel Act applied Coast Guard inspection laws and regulations to motorboats carrying more than six passengers for hire. The act followed the sinking of the gasoline-powered uninspected motorboat *Pelican* that sank off of Montauk Light, N.Y., on Sept. 1, 1951. At that time the *Pelican* carried a crew of two and 62 passengers on a fishing trip. Forty-five people died in that accident. Under today's laws and regulations, UPVs include those that are less than 100 gross tons carrying fewer than six passengers for hire and vessels of more than 100 gross tons carrying fewer than 12 passengers.

Vessels like the *Pelican* are now subject to regular Coast Guard inspection and regulatory requirements. The regulations have evolved into many pages of requirements found in 46 Code of Federal Regulations, Subchapters T and K. The evolution began when Congress described how the Coast Guard should interject itself into the business of these vessels. This inspection statute outlined areas for regulations and charged the Coast Guard with satisfying itself that the vessel may be used, operated and navigated with safety to life in the proposed service.

Owners and operators of inspected passenger vessels are responsible for the safe operation of their vessels. They also have legislated benefits of the Coast Guard looking over their shoulders and assurance for their passengers that the Coast Guard has found their vessel acceptable after it issues a certificate of inspection. UPVs do not have this additional safety strategy. In general, the buck stops with the owner and the licensed master.

How is the Accident Record of These UPVs?

The analysis we have included in this issue of *Proceedings* indicates that the current safety strategies affecting this part of the maritime industry are working. I am not surprised even though these vessels operate with fewer vessel, equipment and operational requirements than do inspected passenger vessels. Risks exist but to a lesser extent when compared to vessels in other service. UPVs are less likely to find themselves in the same situations as other vessels where many lives have been lost or threatened. As examples:

Overloading is minimized because of the 6- or 12-passenger restrictions.

This lessens the chances of capsizing. For example, in the mid 90s, a private vessel owner entertained more than 30 of his business associates on his 40-foot motorboat. Shortly after departing the marina his vessel capsized and sank in New York's East River. This motorboat, which could have been used as an uninspected passenger vessel, would not have capsized with eight to 10 people onboard if the motorboat was operating as an uninspected passenger vessel. (Ferry vessels, Coast Guard, and NYC police boats pulled everyone from the water to safety.)

The threat of capsizing is minimized.

UPVs do not carry large amounts of weight associated with cargo, fuel, fishing gear, and vessel stores that affect stability especially by shifting, which play a role in the capsizing of vessels in other services.

Accidents related to foul weather in a chain of events that lead to an accident are minimized.

The nature of most UPV businesses is mostly associated with half- or full-day trips in relatively favorable weather conditions.

Coast Guard analysts will continue to monitor marine casualties for any signs that may cause the Coast Guard to question the current national strategy applied to UPVs.

The Licensed Operator Responsibilities

In the meantime, I expect the current course to continue; this course places all of the responsibility for UPV safety into the hands of the owner and the licensed master.

The goal of every trip is to provide the passengers with an enjoyable experience and bring them back safely. You can see from the UPV checklists we included on pages 16-18 that when compared to inspected small passenger vessels, there are not many regulatory requirements. For instance, there are no regulations that address structural or stability requirements. In areas like this that Congress has left unregulated, the current UPV safety process depends upon the licensed operators and owners to assess everything about their vessel to bring the passengers back safely. The owners and licensed operators must use their knowledge, experience, good judgment and common sense when making decisions regarding their vessel when they deal with situations not covered by the few federal requirements found in the regulations.

In essence, owners and licensed operators must do for their vessels what the inspection statutes direct the Coast Guard to do for inspected vessels. They must satisfy themselves that the vessel structure:

- Is suitable for the service where employed;
- Is equipped with the proper appliances for lifesaving and fire protection;
- Has suitable accommodations for passengers and crew; and
- Is in a condition to warrant the belief that it may be used, operated and navigated with safety to life in the proposed service and that all applicable requirements of marine safety statutes and regulations thereunder are faithfully complied with.

The buck does stop with the vessel owner and the licensed operator. The safety of their passengers is in their hands!

The UPV checklists on pages 16-18 can be accessed on the Web at the following addresses:

www.uscg.mil/d17/m/6pac/VSC%20_6pack_addendum.pdf

and

http://safetyseal.net/pdf_files?VSC_204_7-20-00.pdf

SITREP:

Coast Guard Response to Maritime Security

Coast Guard Holds Public Meetings on Maritime Transportation Security Act

On Nov. 25, 2002, President George W. Bush signed into law the Maritime Transportation Security Act of 2002 (MTSA), which contained several provisions intended to “harden” America’s critical maritime infrastructure against the threat of terrorism. The requirements of the MTSA directly align with the international security requirements implemented by the International Maritime Organization (IMO) General Assembly; however, the MTSA has broader application that includes domestic vessels and facilities. Specifically, these rulemakings, intended to implement the MTSA, will include requirements for:

- National maritime transportation security plans and a national transportation security committee
- Port security committees and facility security officers
- Vessel security assessments and security plans
- Vessel and company security officers
- Port and facility security assessments and plans

The Coast Guard considers close cooperation with the maritime community as vital to this rulemaking process, given the scope of impact of these regulations and the unusually short timeframe mandated by MTSA for implementation. To this end, the Coast Guard announced seven public meetings in Cleveland; St. Louis, Mo.; New Orleans; Seattle; San Pedro, Calif.; New York; and Jacksonville, Fla. At these meetings the Coast Guard outlines the modified rulemaking process and requests comments that will aid them in drafting the mandated interim rule and final rule. The addresses and dates of these public meetings were published in late December 2002 in a *Federal Register* notice that also further explains the requirements of MTSA. The *Federal Register* docket number is [USCG-2002-14069] and can be viewed on the Internet at <http://dms.dot.gov>.

In November 2001, the Commandant of the Coast Guard addressed the IMO General Assembly, urging that body to consider an international scheme for port and shipping security. Recommendations and proposals for comprehensive security requirements, including amendments to the Convention for the Safety of Life at Sea (SOLAS) and the new International Ship and Port Facility Safety Code (ISPS), were developed at a series of intersessional maritime security work group meetings held at the direction of the IMO’s Maritime Safety Committee. These amendments were approved and the related requirements will become effective in July 2004.

Because the requirements of the MTSA so closely resemble the IMO requirements, the Coast Guard considers that the implementation of these requirements is best done through mandating the SOLAS and ISPS Code amendment requirements. The Coast Guard plans to publish a temporary interim rule no later than June 2003 and a final rule by November 2003. This timeline allows industry to uniformly implement the ISPS Code and SOLAS amendments, as well as meet the urgency set by the mandates in the MTSA.

The Making and Impact of the UPV Rule

by Lt. Cmdr. JASON L. TENGAN, U.S. Coast Guard Office of Standards Evaluation & Development
and MIKE JENDROSSEK, U.S. Coast Guard Office of Operating & Environmental Standards

The regulatory project, Safety of Uninspected Passenger Vessels, was initiated as a result of the Passenger Vessel Safety Act of 1993. Commonly known as the PVSA (Pub. L. 103-206), this law was enacted to rectify problems with definitions such as “charterer,” “consideration,” “passenger for hire,” and “guest.” The law also created a new class of vessel—the 12-pack. 12-packs are uninspected passenger vessels (UPVs) over 100 gross tons carrying 12 or fewer passengers, at least one of whom is for hire. The final rule was published in the *Federal Register* on May 15, 2002. This article provides a brief history and synopsis of the rule.

The history of this rulemaking is worth looking at as it explains the lengthy time gap between the unveiling of the PVSA in 1993 and the final rule published in 2002. On Dec. 20, 1993, Congress required the secretary of transportation to prescribe these regulations within 24 months of the passage of the PVSA. This deadline was not met because regulatory development resources were applied to higher priority projects at that time, such as Tank Level and Pressure Monitoring and Electronic Records and Charting. In the interim, the Coast Guard developed and published a Navigation and Vessel Inspection Circular (NVIC 7-94) for those vessels affected by the PVSA to continue operations until resources were available to develop appropriate regulations. The NVIC also provided interim manning and operating guidelines for vessels desiring to operate as 12-packs.

As mentioned, this regulatory project amended, deleted, or added the definitions of “charterer,” “consideration,” “passenger for hire,” and “guest” in Titles 33 and 46 of the Code of Federal Regulations to bring those parts into accord with changes made by the PVSA. The changes made to those definitions were intended to eliminate loopholes commonly used in bareboat charter agreements to carry large numbers of passengers for hire on uninspected vessels. The final rule also prescribed operating, equipment, licensing, and special permit requirements for the new class of vessel. In addition,

the Coast Guard added regulations governing Marine Events of National Significance so that an event such as OPSAIL 2000 can take place with minimal disruption while still ensuring maximum public and environmental safety.

Public Reaction to the Proposed Rulemaking

In March 2000, details of the specific changes made by this rulemaking were published in a notice of proposed rulemaking (NPRM). After a lengthy comment period, the Coast Guard received only six letters in response to the proposed rule (excluding those relating to Marine Events of National Significance, which were discussed in the interim rule published April 28, 2000, at 65 FR 24878).

The discussion below is limited to a review of one specific comment, along with the Coast Guard’s response, as this comment addressed a specific safety item that is essential for the well-being of the passengers and crew for any vessel, regardless of the type or class. One comment regarding emergency position indicating radio beacon (EPIRB) costs stated, “. . .while I agree that these vessels should be equipped with EPIRBs, the Coast Guard has failed to account for the full costs of equipping this equipment. Specifically: (1) replacement of batteries; and (2) additional false alert responses associated with the additional units in service.” The Coast Guard responded that:

“EPIRB battery replacement costs were included in the Analysis Documentation, Appendix 6, supporting the March 2, 2000 NPRM. The Coast Guard did not agree that there is any tangible false alert cost associated with additional EPIRBs. Satellite EPIRBs are required to be registered. In addition, their digital message includes beacon identification. With this information, the signaling EPIRB can quickly identify the distressed vessel and its owner. A radio or telephone call will normally confirm a false alarm. If an EPIRB on a docked, unattended vessel malfunctions, the COSPAS-SARSAT (*Search and Rescue = SAR*) satellite system makes locat-

The *Sovereign*, a 120-foot yacht, accommodates 12 guests and may charter from domestic and foreign ports of call. Photo courtesy Camper & Nicholsons, USA, Inc.



ing it relatively simple. False alerts from interference sources are not a problem on the 406 MHz satellite frequency, as they were with the old 121.5 MHz frequency. The false alert rate from 406 MHz satellite EPIRBs is low, and any added load created by this Rule can be handled without additional resources.”

The five remaining comments either pointed to issues that were procedural, or proposed substantive issues that were adopted and reflected in the current rule. Since the comments that were not already adopted and reflected in the current rule did not involve safety issues, they were excluded from this article.

Cost to the Public

The regulatory evaluation analyzed what implementation of the rule costs the public, either monetarily, or with additional procedures or information requirements. A summary of those costs follows:

- Each vessel greater than 100 gross tons, which is currently operating as a UPV and carries 12 or fewer passengers, has to obtain: (1) an EPIRB, (2) enough survival craft for all persons onboard, and (3) an operator with the appropriate master-level license. The Coast Guard estimates that all vessels operating in this type of trade are already in compliance with the proposed survival craft and licensing requirements; however, they are not in compliance with the EPIRB requirement. The use of EPIRBs will allow the Coast Guard to respond more quickly to incidents by providing the location of the casualty and additional, relevant information prior to the arrival of the rescue team. The 10-year (2001 to 2010) present value cost of complying with the EPIRB requirement is estimated to be \$100,000.

Cost to existing 12-pack owners:

Assumptions

None of the existing 12-packs carry an EPIRB onboard.

Cost Estimate

Number of existing 12-packs = 100

Average cost of a Type 1 406 MHz EPIRB = \$1,000

Total cost to owners of existing 12-packs = \$100,000

- This rule creates an opportunity for non-12-pack vessels to elect to modify their vessels, and then be re-designated as 12-pack vessels. If **no vessel owner** decides to enter this new class of vessel, the cost of this component of the rule would be **\$0**, as it is not a requirement for any existing vessel to enter this class. However, with this broadening of the 12-pack definition by allowing owners to voluntarily modify their vessel, and then seek designation as a 12-pack, the Coast Guard estimates that the owners of 570 vessels will choose to enter this class of vessel. Under that scenario, the 10-year present value cost of this non-mandatory component is **\$12,882,008**. The Coast Guard considers the cost to be non-mandatory because owners are not required to enter this new class of vessel.

- Additionally, this rule affects UPVs participating in Marine Events of National Significance. The Coast Guard will inspect the vessels not possessing the appropriate certification and issue special permits that allow them to carry passengers during the event. **Vessel owners will have an information request burden** as they must apply for permits. The 10-year, present value cost of this information collection request is **\$2,064**. As participation in these events is not a requirement of the rule, these **costs are considered non-mandatory**. The intent of this requirement is to provide a safer marine environment at Marine Events of National Significance. While there have been no notable problems at such past events, the Coast Guard is acting proactively to reduce the risk of marine casualties.

In summary, the total cost of the rule is attributed to the requirement to install and maintain EPIRBs on vessels. The 10-year present value cost of this requirement is **\$100,000**.

The safety of all vessels is of the utmost concern of the Coast Guard. The improvements to the safety of both inspected and uninspected passenger vessels by the PVSA are many while the regulatory burdens are few. While the public's participation in this rulemaking was limited, those that provided comment caused the Coast Guard to reconsider their position on some issues and provoked research in others to ensure that a stated position was valid.



MSO Buffalo Establishes Voluntary Examination Program

by Master Chief Petty Officer OTTO A. CHRISTOFFERSON, U.S. Coast Guard Marine Safety Office Buffalo

For more information, visit www.uscg.mil/d9/wwm/mso/buffalo/index.htm; call MSO Buffalo at (716) 843-9570; or e-mail the author at ochrist1@twcny.rr.com.

The Great Lakes has great fishing and tourist attractions. This group of lakes in the north-eastern United States is called “great” for a lot of reasons. With more than 3,000 miles of shoreline, the Great Lakes shoreline is longer than the nation’s entire Atlantic Seaboard! The sport fishing and tourism related industries in the area lure more than 40,000 people a year to charter uninspected small passenger vessels, pouring more than \$50 million annually into the Great Lakes economy.

Small passenger vessels on the Great Lakes are exactly that—small—when compared to the size of the body of water they are sailing on. Great Lakes waters can range from smooth as glass to a two- to three-foot chop or four- to five-foot rollers, similar to conditions found on other bodies of water their size. Small vessels can find themselves in peril quickly with little or no warning, challenging even the most experienced sailor.

Everyone expects to experience a wonderful adventure on the Great Lakes. When they leave land, their lives are in the hands of charter captains operating one of more than 4,500 uninspected small passenger vessels for hire that sail on these bodies of water. More than 40,000 people, many unfamiliar with the water, hire Great Lakes charters annually. This creates a tremendous amount of responsibility for captains.

The Coast Guard considers all passenger-carrying vessels to be of the highest importance because the cargo they carry is the most valuable cargo in existence— human lives. Any person operating a small passenger vessel for hire must be Coast Guard licensed. The experience and expertise of the Coast Guard-licensed captains is paramount to ensuring a safe and pleasurable experience on the Great Lakes. Prior to each voyage the captain, based upon his knowledge, training and experience, decides whether to sail or not to sail.

The Coast Guard has jurisdiction over all small passenger vessels (SPVs) operating on the navigable waters of the United States, including the Great Lakes. SPVs are divided into two main categories: Inspected Small Passenger Vessels (IPVs) and Uninspected Small Passenger Vessels (UPVs), which include 6-packs and 12-packs.

It became apparent that, although subject to Coast Guard safety requirements, including membership in a Coast Guard-approved random chemical testing program, there was little Coast Guard oversight of the hundreds of UPVs operating in our Area of Responsibility (AOR). Coast Guard Marine Safety Office (MSO) Buffalo received several calls during 1996 from citizens and members of the charterboat industry, with concerns regarding passenger safety onboard the large number of charter vessels operating on the St. Lawrence and Niagara Rivers, Lake Ontario and Eastern Lake Erie.

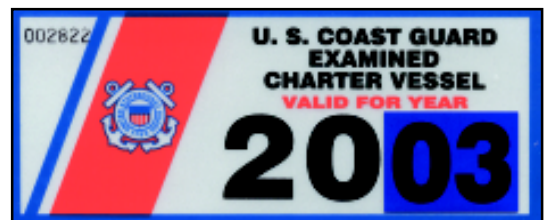
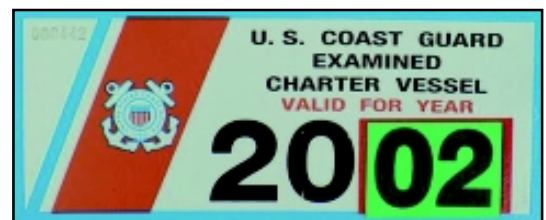
Many of these folks alleged that some captains were operating without licenses. Other reports alleged operation with various plainly visible safety violations onboard charter vessels.

In July 1996, MSO Buffalo received permission from Coast Guard Headquarters and the 9th Coast Guard District to develop and initiate a UPV Program to oversee the industry in accordance with applicable laws and regulations in effect since the 1980s. The mission of this program was to improve and maintain the level of safety and compliance of the charter vessel industry. The initial goal called for 100 percent voluntary compliance from the charter vessel operators with minimal interference to the operating schedule of the vessels and their charter businesses.

Upon approval, MSO Buffalo developed and implemented the Uninspected Passenger Vessel Examination Program. A natural work group was formed with representatives from Coast Guard MSO Group Buffalo, Coast Guard Auxiliary, local law enforcement agencies, and the charter industry. The program goal was 100 percent voluntary compliance through industry education. The work group submitted the following recommendations to MSO Buffalo:

1. Publish a booklet outlining all UPV compliance requirements to help industry comply with applicable federal regulations. (*A Guide to Charter Vessel Regulations* was published and provided to the industry and is also used by examiners and inspectors for reference and for training.)
2. Publish a flier to educate the public on what to look for when shopping for a vessel to charter. (MSO Buffalo published the flier “Tips on What to Look For When Selecting a Charter Vessel.” This was placed in marinas, bait stores, sports stores, dive shops, hotels and motels and other tourism related areas and provided as a handout at regional fairs and sports shows.)
3. Conduct three types of checks or visits under the program:

- **Voluntary Examinations**—allow the charter captains to contact MSO Buffalo and schedule a voluntary exam. Voluntary exams are a complete examination of the vessel’s safety requirements and licensed captain’s credentials for compliance with federal regulations. Personnel from Coast Guard MSOs, Small Boat Stations and Coast Guard Auxiliary conduct this type of check at the dock and at the captain’s convenience. This visit does not interfere with vessel or charter business schedules.
 - **Involuntary Compliance Inspections**—this inspection is mandated and focuses only on confirmation that the captain is in compliance with the Coast Guard-issued license and chemical testing program enrollment requirements for the captain and any employees. This inspection is conducted only by Coast Guard trained and qualified Drug and Alcohol Program Law Enforcement Inspectors (DAPIs) and is done randomly. It is performed in all federal waterways located within MSO Buffalo’s AOR and may or may not include a complete examination of all federal safety requirements. Inspections may be performed at the dock by a DAPI or underway by a Coast Guard Qualified Boarding Officer who is DAPI certified. Inspections may interfere with the vessel and charter business schedules. Inspections are conducted in accordance with 46 CFR 26-15.1 and can take place at any time on any federal waterway.
 - **Follow-Up Examinations**—are conducted to verify that the vessel’s captain has corrected any deficiencies noted during the voluntary examination. Only trained program personnel conduct this exam.
4. Provide an examination form, similar to the Coast



Guard Auxiliary Courtesy Motorboat Examination (CME), to perform the examinations of all UPV requirements to ensure complete compliance in the following areas:

- Licensing and documentation
- Safety equipment
- Chemical testing

(This form was created and is used for examinations.)

5. Issue a sticker to captains and vessels passing any examination to indicate compliance. By display of the sticker, they MAY be less likely to be boarded underway by a Coast Guard Boarding Team. They should be treated in the same manner as vessels displaying the Coast Guard Auxiliary's CME stickers. (Stickers were printed and are placed on the PORT side window of each vessel successfully passing an examination. **NOTE:** A sticker is not issued if only a DAPI inspection is performed without the complete safety examination.)
6. Develop and implement standards and training and certification programs for personnel performing any type of examination or inspection on UPVs.

spend a considerable amount of time underway on the water. They are the most familiar with shorelines, activities, boats and operations in the areas they charter in and can quickly detect and report any suspicious or abnormal activities.

When this program was rolled out, we instantly became aware that many of the legitimate operators who were trying to comply with the regulations had numerous non-compliance items. The two most common issues discovered were with licensing and chemical testing, followed by some critical material safety issues with some of the vessels they were operating.

License issues revealed that some captains were operating with no license or expired licenses. All 6-pack licenses were issued with an issue date and no expiration date. These licenses expire five years from the date of issue. Many captains did not even realize their license had expired and continued to sail with passengers for hire. Licensees misinterpreted the renewal grace period to imply that they could continue to operate with passengers for hire even though their license had expired. The one-year grace period is only

for the purpose of allowing a licensee to renew an expired license without having to pass the written test again. The grace period does not permit anyone to operate on an expired license. Through the efforts of Coast Guard 9th District DAPIs, this issue was resolved. All 6-pack licenses issued since 1999 have an expiration date clearly printed on the face of the license.

In the initial year, chemical testing program issues were numerous throughout the entire spectrum of regulations governing

this topic due to misinterpretation of the regulations. Not all captains and their employees (mates) were participants in a random chemical testing program. Several others were found to be enrolled in random programs that were not approved by the Coast Guard. Most of the captains with mates did not have them enrolled in a program and were deficient in employer requirements. Our education efforts resolved these issues.

The program was implemented in 1996, and overall acceptance was obtained from the industry when MSO Buffalo presented it at numerous charter association meetings. The input that we received from the UPV industry during the development of this program was instrumental in gaining wide acceptance and support from the industry. The legitimate operators welcomed the Coast Guard's oversight as a means of "leveling the playing field" with competitors who were not in compliance. A healthy working relationship was established that continues to grow. This relationship is proving very valuable to the Coast Guard and all U.S. citizens, as homeland security becomes a primary mission of the Coast Guard. The UPV industry willingly participates in the homeland security mission, providing experienced eyes and ears along our internationally bordered coasts. UPVs located on the seacoast and open ocean waterways are also valuable assets. These captains



A vessel owner performs a voluntary routine check of all equipment on his vessel to ensure compliance with safety standards. USCG photo by Master Chief Petty Officer Otto A. Christofferson.

Numerous safety issues were also discovered the first season (1996) on many UPVs. The most critical safety discrepancies discovered were:

- Personal Flotation Devices (PFDs) – incorrect types, insufficient quantity, incorrect sizes, no required lights, no retro reflective material, no dated batteries in PFD lights, no PFD lights, unserviceable PFDs, not readily accessible;
- Ring Buoys or Throwable PFDs – none onboard, unserviceable, not immediately accessible;
- Fire Extinguishers – expended, expired, unserviceable, not mounted; and
- Visual Distress Signals – expired, unserviceable, none onboard.

The program’s impact on the industry is demonstrated by the large reduction in the number of deficiencies found since the initial inspection/examination year of 1996. Although numerous statistics on the program’s performance are tracked, the most significant one tracks inspection failure ratios. The number of UPVs inspected has increased since that time with a lower failure rate from 1997 through 1999. It is very significant that the failure rate decreased and the number of vessels inspected increased. We attribute this to the increased awareness created by this program, the Coast Guard’s increased activity regulating these charter vessels and to the outreach to the local charter industry and the strong support throughout the industry for this program. The figure below shows at a glance the program’s success story.

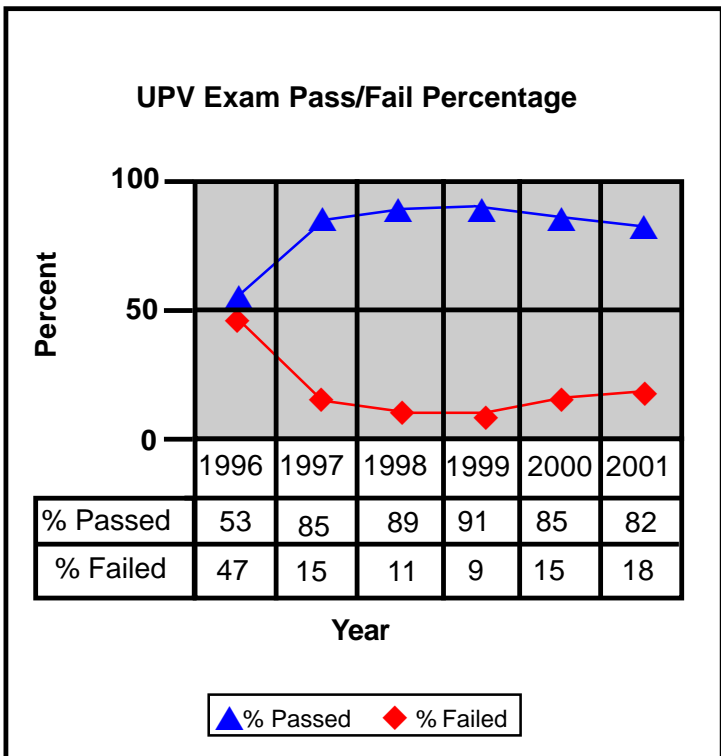
During the 2000-2001 exam years, the percentage of failures increased slightly. With excellent gains realized in compliance in our immediate area, our inspectors were able to shift their attention to areas and vessels in our AOR that had previously gone uninspected. Seasonal and special events, like the seasonal salmon fishing, now became the primary focus. There were many new UPVs examined here for the first time that were trailered or sailed into MSO Buffalo’s AOR to charter during these events. All UPVs that failed were unfamiliar with our program and had never been checked. Our shift in program emphasis had enabled part of the industry residing outside geographic AOR to comply with federal safety requirements. The bottom line – this all spells out an increase in the safety of UPVs for their customers and an appreciation of what Team Coast Guard and the charter industry accomplished.

Working with the industry during 1996-1999, MSO Buffalo did not take any enforcement actions for non-compliance against licensed operators. However, unit policy changed in 2000. The new policy required enforcement actions be taken against all licensed operators that had already been inspected and passed at least once for all license and DAPI violations.

For serious violations, a Captain of the Port (COTP) Order was issued. A COTP Order is a legal order to the captain stating that he/she cannot operate with passengers for hire until the Coast Guard verifies full compliance with federal regulations. COTP Orders are issued when an operator is inspected and found to have no license, an expired license or the captain and/or his mates are not enrolled in an approved chemical substance random testing program. A COTP Order is also issued as the first step of our notification from a testing lab that a captain had a positive result on a chemical test. Civil action usually follows a COTP Order issued for positive chemical test results. Action may result in suspension or revocation of the captain’s license. MSO Buffalo suspended two licenses last year, one by an administrative law judge in a civil proceeding against the captain, and another license was revoked this year.

Fewer than 2 percent of the captains/mates fail their random drug tests (1.8 percent). While this number may appear low, ask yourself this question: “Would I like to be the one on a charterboat that is a part of that 2 percent?”

In circumstances where deficiencies are minor violations, a verbal warning or letter of warning may be issued for a first offense. A Report of Violation Ticket resulting in monetary civil penalties may be issued to repeat offenders. This action puts “teeth” into the program, giving it greater credibility in the industry and even more support from the captains who operate in compliance with federal regulations. This program has resulted in a much safer charter industry.



Coast Guard and Charterboat Operators to Cooperate on Maritime Security



Edward O'Brien (left) and Rear Adm. Paul J. Pluta sign the formal agreement by which the U.S. Coast Guard and the National Association of Charterboat Operators will mutually cooperate in ensuring the security of the waters and ports of the United States. USCG photo by Ensign Merredith Morrison.

A new agreement between the U.S. Coast Guard and charterboat operators will lead to greater cooperation in protecting the maritime domain. A memorandum of agreement (MOA), signed between the Coast Guard and the National Association of Charterboat Operators (NACO) in November, sets terms by which the two organizations will cooperate to ensure the “security of waters and ports of the United States.”

The MOA is based on NACO’s experience and understanding of the maritime domain, and the Coast Guard’s role as the lead agency for maritime homeland security. Among other things, the agreement calls for the Coast Guard to provide opportunities for NACO to participate in local port security committees. It also calls for NACO to immediately report any suspicious activity to the local Coast Guard Captain of the Port or National Response Center. The MOA included a list of possible indicators of suspicious activity (see following page).

The MOA was signed by Assistant Commandant for Marine Safety, Security & Environmental Protection Rear Adm. Paul J. Pluta, and NACO representatives Chairman Bob Zales II, Vice Chairman Edward O’Brien, and Executive Director Brian Lagana. The agreement is effective through Dec. 31, 2006.

Possible indicators of suspicious activity or factors that may raise maritime security concerns include:

Human and Shoreside Activity

Aggressive activities or behavior
Attempts to gain access to vessels or waterfront facilities without proper identification
Unusually large cash payments for vessel services, such as fuel or charters
Delivery or placement of unusual packages
Fixtures attached to structures
Unusual diving operations: unmarked divers entering the water near bridges, port facilities, or vessels
Unusual filming, photographic or sketching activity, especially of critical infrastructure
Frequent trips between borders
Observed security changes or lack of usual security practices
Lack of adequate fencing and lighting
Inconsistent schedules (outside of normal operating hours)
Unattended vehicles in unusual locations
Unusual vehicle characteristics

Vessel Activity

Unmarked/unattended vessels or vehicles in unusual locations
Unusual vessel characteristics or number of people on board
Unusual night operations
Vessel operating at night without running lights
Lights flashing between ship and shore
Sophisticated radio or scanner devices; electronics on board that are inconsistent with vessel's design or intended purpose
Vessels that makes drastic course changes away from other vessels, particularly those marked as law enforcement
Vessels that anchor or cruise in one area for no apparent reason
Smaller vessel hovering in vicinity of another vessel for no apparent reason
Vessels that ride low in the water, or display false load lines

Vessel Cargo

Suspicious cargo
Irregularities in cargo manifests, especially related to hazardous cargoes
Deficiencies in cargo containment
Improper segregation of cargoes
Unusual transfer of personnel or cargo while underway
Recovering or suspiciously discharging cargo

This list is not intended to be inclusive. Any decision regarding what should be reported to the U.S. Coast Guard will generally be based on the totality of the circumstances and the exercise of prudent judgment.

Be sure to record any pertinent information, such as vehicle and personnel descriptions, license plates or boat numbers, times and dates, etc.



VESSEL SAFETY CHECK (VSC)

To be completed by a U. S. Coast Guard approved Vessel Examiner.
See the back of this form for a brief explanation of required items.
A federal Requirements Pamphlet is also available.



Owner / Operator has attended a CGAUX, USPS, State or [] Boating Safety Class: Yes [] No []	VSC Decal: Awarded [] not Awarded [] Number: _____
Replaced decal was: Last Year [] Outdated [] First time []	Date of VSC: []
Owner/Operator Name: _____	Registration or Doc. No. _____

VESSEL INFORMATION:

Location of VSC - County: _____ State: _____	HIN: _____
Length <16 [] 16-25 [] 26-39 [] 40-65 [] > 65 []	Area of Operations: Inland [] Coastal []
Powered by: Gas [] Diesel [] Sail [] Other []	Type: PWC [] Open [] Cabin [] Other []

VESSEL SAFETY CHECK DECAL REQUIREMENTS

RECOMMENDED AND DISCUSSION ITEMS

Item	Yes	No	NA	Item	Yes	No	NA
1. Display of Numbers				(While encouraged, items below are not VSC requirements)			
2. Registration / Documentation				I. Marine Radio			
3. Personal Flotation Devices (PFD)				II. Dewatering Device & Backup			
4. Visual Distress Signals (VDS)				III. Mounted Fire Extinguishers			
5. Fire Extinguishers				IV. Anchor & Line for Area			
6. Ventilation				V. First Aid and PIW Kits (**over)			
7. Backfire Flame Control				VI. Inland Visual Distress Signals			
8. Sound Producing Devices / Bell				VII. Capacity / Cert. of Compliance			
9. Navigation Lights				VIII. Discussion Items: as applies			
10. Pollution Placard				a. Accident Reporting / Owner Responsibility			
11. MARPOL Trash Placard				b. Offshore Operations			
12. Marine Sanitation Devices				c. Nautical Charts / Navigation Aids			
13. Navigation Rules				d. Survival Tips / First Aid			
14. State and/ or Local Requirements				e. Fueling / Fuel Management			
15. Overall Vessel Condition: as applies				f. Float Plan / Weather & Sea Conditions			
a. Deck free of hazards / clean Bilge				g. Insurance Considerations			
b. Electrical / Fuel Systems				h. Boating Check List			
c. Galley / Heating Systems				i. Safe Boating Classes			

I certify that I have personally examined this vessel and find it meets the above requirements at the time of this Vessel Safety Check. I am a qualified Vessel Examiner of the: CGAUX [], USPS [], State of _____ [], or _____ []

Printed Name of the Examiner _____ Examiner Number _____

Examiner Signature: _____ Telephone Number _____

Additional Comments: *This is not an official boarding for law enforcement purposes. It is recommended that you correct any deficiencies noted. This checklist is furnished for your information. There is no assumption of liability of any kind for advice given or opinions expressed in connection to this examination. By accepting the Vessel Safety Check decal you are pledging to maintain your boat and equipment to the standard of safety exhibited during this examination. Please remove the Vessel Safety Check decal if the boat is sold or no longer meets these requirements.*
SAFE BOATING.

Brief Explanation of VSC Required Items:

1. NUMBERING: The boat’s registration number must be permanently attached to each side of the forward half of the boat Characters must be plain, vertical, block style, not less than three (3) inches high, and in a color contrasting with the background. A space or hyphen must separate the letters from the numbers. Place State validation sticker according to State policy. (e.g. **FL 1234 AB** or **FL-1234-AB**)

2. RESISTRATION / DOCUMENTATION: Registration or Documentation papers must be on board and available. Documentation numbers must be permanently marked on a visible part of the interior structure. The documented boat’s name and hailing port must be displayed on the exterior hull in letters not less than 4 inches in height.

3. PERSONAL FLOTATION DEVICES (PFDs): Acceptable PFDs (also known as Life Jackets) must be U.S. Coast Guard approved and in good, serviceable condition. A wearable PFD of suitable size is required for each person on the boat. Children must have properly fitted PFDs designed for children. Wearable PFDs shall be “*readily accessible.*” Boats 16 Feet or longer, must also have one Type IV (throwable) device, which shall be “*immediately available.*” PFDs shall NOT be stored in unopened plastic packaging. For Personal Watercraft riders, the PFD must be worn. An impact rating is recommended, but not required.

4. VISUAL DISTRESS SIGNALS: Recreational boats 16 feet and over used on coastal waters or the Great Lakes are required to carry a minimum of either 1) three day and three night pyrotechnic devices, 2) one day non-pyrotechnic device (flag) and one night non-pyrotechnic device (auto SOS light) or 3) a combination of 1) and 2). Recreational boats less than 16 feet on coastal waters or the Great Lakes need only carry night visual distress signals when operating from sunset to sunrise.

It is recommended, but not required, that boats operating on inland waters should have some means of making a suitable day and night distress signal. The number and type of signals is best judged by considering conditions under which the boat will be operating.

5. FIRE EXTINGUISHERS: Fire extinguishers are required if one of the following conditions exists: 1) Inboard engine(s); 2) Double bottom hulls not completely sealed or not completely filled with flotation materials; 3) Closed living space; 4) Closed stowage compartments that contain flammable materials or 5) Permanently installed fuel tanks. Recreational boats less than 26 feet, and propelled by outboard motors are NOT required to have fire extinguishers unless one or more of the conditions (2-5) listed above applies. *NOTE: Fire extinguishers must be readily accessible and verified as serviceable.*

<u>Minimum Number of extinguishers required</u>		
<i>Boat Length</i>	<i>No Fixed System</i>	<i>With Ficed System</i>
Less than 26’	one B-1	0
26’ to less than 40’	two B-1 or one B-2	one B-1
40’ to 65’	three B-1 or one B-1 & one B-2	two B-1 or one B-2

6. VENTILATION: Boats with gasoline engines in closed compartments, built after 1 August 1980 must have a powered ventilation system. Those built prior to that date must have natural or powered ventilation.

Boats with closed fuel tank compartments built after 1 August 1978 must meet requirements by displaying a “certificate of compliance.” Boats built before that date must have either natural or powered ventilation in the fuel tank compartment.

7. BACKFIRE FLAME ARRESTER: All gasoline powered inboard/

outboard or inboard motor boats must be equipped with an approved backfire flame control device.

8. SOUND PRODUCING DEVICES: To comply with Navigation Rules and for distress signaling purposes, all boats must carry a sound-producing device (whistle, horn, siren, etc.) capable of a 4-second blast audible for ½ mile. Boats larger than 39.4 ft. are also required to have a bell (see Navigation Rules.)

9. NAVIGATION LIGHTS: All boats must be able to display navigation lights between sunset and sunrise and in conditions of reduced visibility. Boats 16 feet or more in length must have properly installed, working navigation lights and an all-around anchor light capable of being lit independently from the red/green/white “running” lights.

10. POLLUTION PLACARD: Boats 26 feet and over with a machinery compartment must display an oily waste “pollution” placard.

11. MARPOL TRASH PLACARD: Boats 26 feet and over in length operating in U.S. navigable waters, must display a “MARPOL” trash placard. Oceangoing boats 40 feet and over must also have a written trash disposal plan available onboard.

12. MARINE SANITATION DEVICE: Any installed toilet must be a Coast Guard approved device. Overboard discharge outlets must be capable of being sealed.

13. NAVIGATION RULES: Boats 39.4 feet and over must have on board a current copy of the Navigation Rules

14. STATE AND LOCAL REQUIREMENTS: These requirements must be met before the “*Vessel Safety Check*” decal can be awarded. A boat must meet the requirements of the state in which it is being examined.

15. OVERALL BOAT CONDITION: As it applies to this Vessel. Including but not limited to:

a. Deck free of hazards and clean bilge – The boat must be free from fire hazards, in good overall condition, with bilges reasonably clean and visible hull structure generally sound. The use of automobile parts on boat engines is not acceptable. The engine horsepower must not exceed that shown on the capacity plate.

b. Electrical and Fuel Systems:
The **electrical system** must be protected by fuses or manual reset circuit breakers. Switches and fuse panels must be protected from rain or water spray. Wiring must be in good condition, properly installed and with no exposed areas or deteriorated insulation. Batteries must be secured and terminals covered to prevent accidental arcing. **If installed**, self-circling or kill switch mechanism must be in proper working order. All PWCs require an operating self circling or kill switch mechanism.

Fuel Systems – Portable fuel tanks (normally 7 gallon capacity or less) must be constructed of non-breakable material and free of corrosion and leaks. All vents must be capable of being closed. The tank must be secured and have a vapor-tight, leak-proof cap. Each permanent fuel tank must be properly ventilated.

c. Galley and Heating Systems - System and fuel tanks must be properly secured with no flammable materials nearby.

I – VIII. RECOMMENDED AND DISCUSSION ITEMS:
(Not required for the award of the “*Vessel Safety Check*” decal.) For the very best boaters, we recommend these additional items. Meeting these requirements reflects your concern for Boating Safety.

****Person in the Water (PIW) kit consists of one extra wearable PFD and a throwable type IV PFD with line.**

For more information: Ask your Vessel Examiner,
Visit <http://SafetySeal.net> or
Call the Boating Safety Hotline: 800-368-5647

Uninspected Passenger Vessel (6 Pack) Vessel Safety Check (VSC) Addendum

To be completed by a U. S. Coast Guard approved Vessel Examiner in conjunction with a VSC exam on Uninspected Passenger Vessels. A self exam check list for minimum standards aboard uninspected passenger vessels is also available.

Owner/Operator Name:	VSC Decal Number:	5 Star Rating Decal Number:
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Additional VSC Decal Requirements for 6 Packs

Item	Yes	No	N/A		Yes	No	N/A
USCG License (OUPV or Master)				Approved Type I life preserver of suitable size for each person on board (or approved commercial hybrid PFD)			
Original license in Operator's possession				Retro-reflective material on PFD (31sq in.)			
Operators are licensed for waters navigated				PFD light attached (all vessels operating outside the boundary line)			
Two licensed operators required if voyage is more than 12 hours				Approved ring life buoy (26 ft and over)			
Safety orientation given prior to getting underway (or instructional placard provided)				Drug testing program in place (proof of enrolment in random testing program)			
Emergency check-off list posted				Operator aware of marine casualty reporting requirements (form CG 2692)			
FCC ShipStation License (over 20 meters or 100 tons only)				Vessel meets all requirements for a recreational VSC exam			
Waste management plan (40 ft and over only)							

☆ Additional requirements for participation in the Alaska Uninspected Passenger Vessel Voluntary 5 Star Safety Program ☆

Meets UPV requirements for a VSC decal and has safety training program				Properly mounted and registered 406 MHz Cat I or Cat II EPIRB			
High capacity bilge pump and high water alarm (10 gpm/600gph minimum)				CG approved liferaft or inflatable buoyant apparatus (IBA), valise or canister type, w/minimum capacity for all passengers carried.			
Portable handheld 5 watt VHF FM radio							

I certify that I have personally examined this vessel and find it meets the above additional requirements for an uninspected passenger vessel and/or qualifies for a _____ Star Safety decal at the time of this Vessel Safety Check. I am a qualified Vessel Examiner of the: CGAUX [], State of [], or [].

Printed Name of the examiner: _____ Examiner Number: _____

Examiner Signature: _____ Telephone Number: _____

Additional Comments: *This is not an official boarding for law enforcement purposes. It is recommended that you correct any deficiencies noted. The attached checklist is furnished for your information. There is no assumption of liability of any kind for advice given or opinions expressed in connection to this examination. By accepting the Vessel Safety Check decal and/or Star Rating Safety decal for uninspected passenger vessels you are pledging to always maintain your boat and equipment to the standard of safety qualified for during this examination. You must remove the Vessel Safety Check decal and/or Star Rating Safety decal if the boat is sold or no longer meets these requirements.*

UPV Safety:

Uninspected Does Not Mean Unsafe

by Cmdr. LYLE RICE, U.S. Coast Guard Office of Investigations & Analysis



The 20-foot uninspected passenger vessel, *The Ranger*, is captained by Capt. Fritz Peterson to charter fish in Green Bay and Sturgeon Bay, Wis. Photo courtesy Capt. Fritz Peterson.

Certain vessels used for water taxis, sightseeing trips and other recreational purposes are relatively safe, despite the minimal regulations with which they must comply. A recent Coast Guard report showed that 13 deaths and 62 injuries occurred on uninspected passenger vessels (UPVs) of less than 100 gross tons from Jan. 1, 1992 through Dec. 31, 2001. During that 10-year period, only six deaths were directly related to the operation of the vessel; the remainder were the result of other causes.

This observation was derived from the Coast Guard report "Study of Deaths, Injuries, and Vessel Casualty Incidents on Uninspected, U.S.-Flagged Passenger Vessels Less than 100 Gross Tons." The purpose of the report, which looked at vessels that operate under the regulations in 46 CFR Subpart 24.01, was to determine if any trends exist in the deaths, injuries, and vessel casualties on those vessels. A graphical summary of the deaths and injuries during that period is provided on the following pages.

Source of Data

The data for the study was extracted from the U.S. Coast Guard's Marine Safety Management System (MSMS). Regulations in 46 CFR Subpart 4.05 require the owner or operator of an uninspected, U.S.-flagged passenger vessel to report any marine casualty or accident that occurs upon the navigable waters of the United States, its territories or possessions if the casualty involves one or more deaths, or an

injury to a passenger which requires professional medical treatment beyond first aid.

The study only includes those UPVs of less than 100 gross tons meeting the criteria of 46 CFR Subpart 24.01 that carry passengers for a valuable consideration that flows directly or indirectly to the owner, charterer, operator, agent, or any other person interested in the vessel. UPVs of less than 100 gross tons may not carry more than six passengers. Examples of operations that use these vessels include vessels carrying fewer than six passengers, taking these passengers:

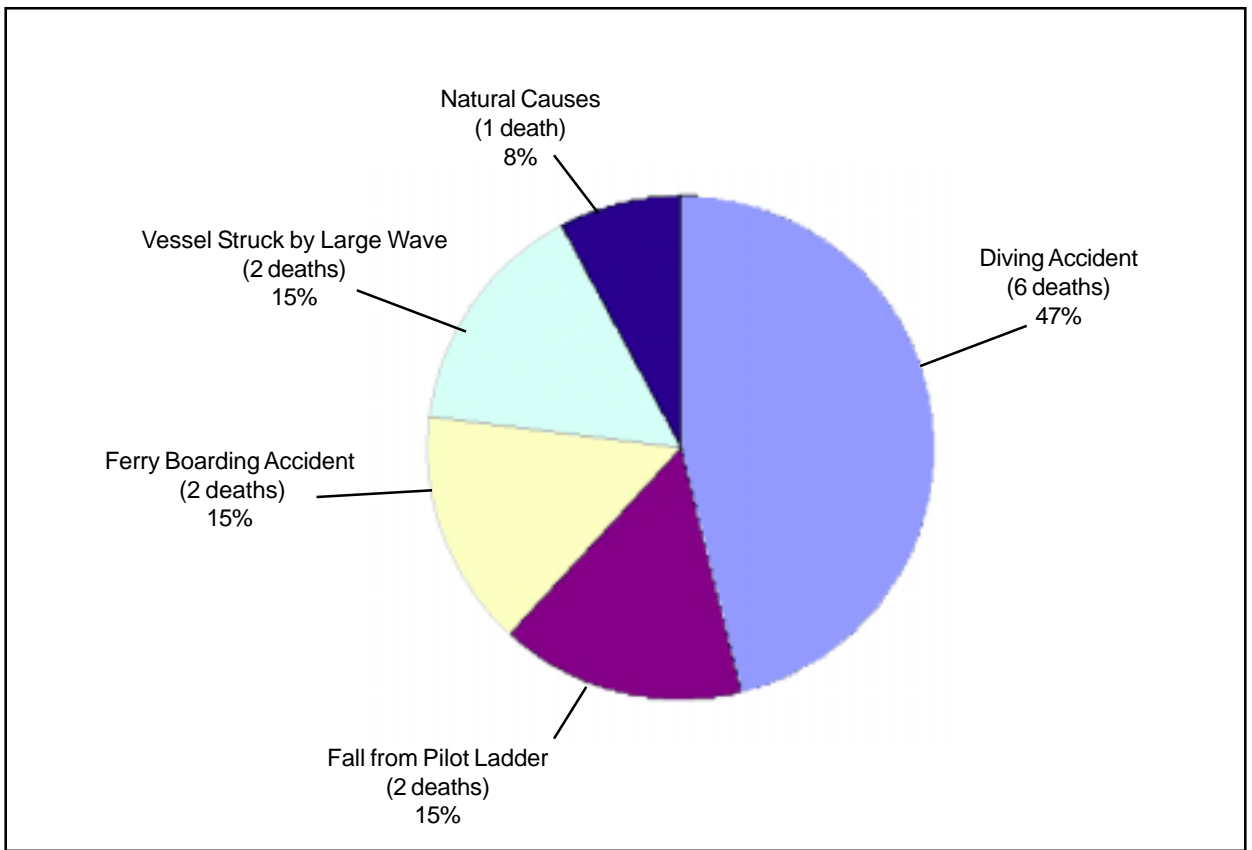
- On a charter fishing trip
- On a sport diving or scuba diving trip
- On a sightseeing trip
- To a destination (a water taxi)
- Parasailing
- Water skiing

Summary of Data

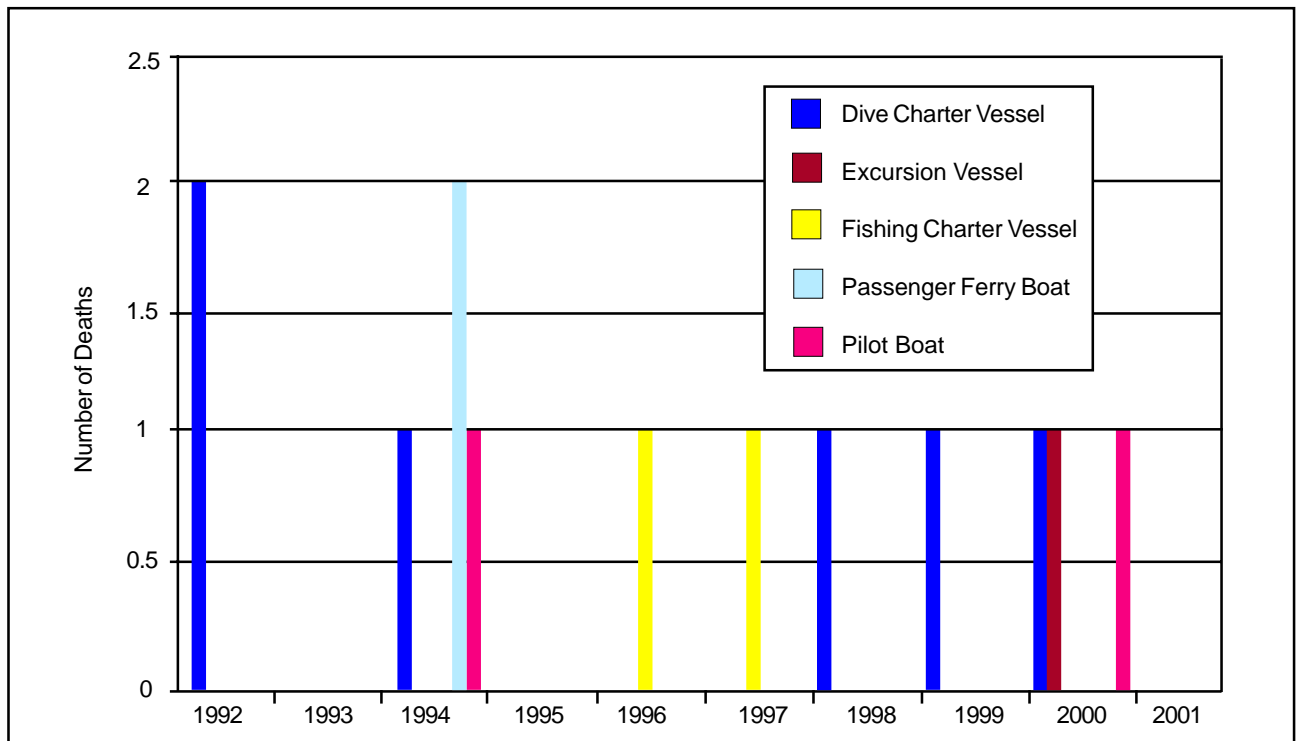
According to the MSMS data, a total of 58 casualty incidents resulted in 13 deaths and 62 injuries that occurred on UPVs of less than 100 gross tons that were related to the operation of the vessel. The Coast Guard summarized each case in the Marine Safety Information System (MSIS) to include the year of casualty, accident type, vessel use, and description of accident. The following pages display some of the data; consult the Coast Guard report for a full summary of the data.

This article is based on a report titled Study of Deaths, Injuries, and Vessel Casualty Incidents on Uninspected, U.S.-Flagged Passenger Vessels Less than 100 Gross Tons, by Cmdr. Lyle Rice. For a copy of the full report, contact Cmdr. Rice at lrice@comdt.uscg.mil.

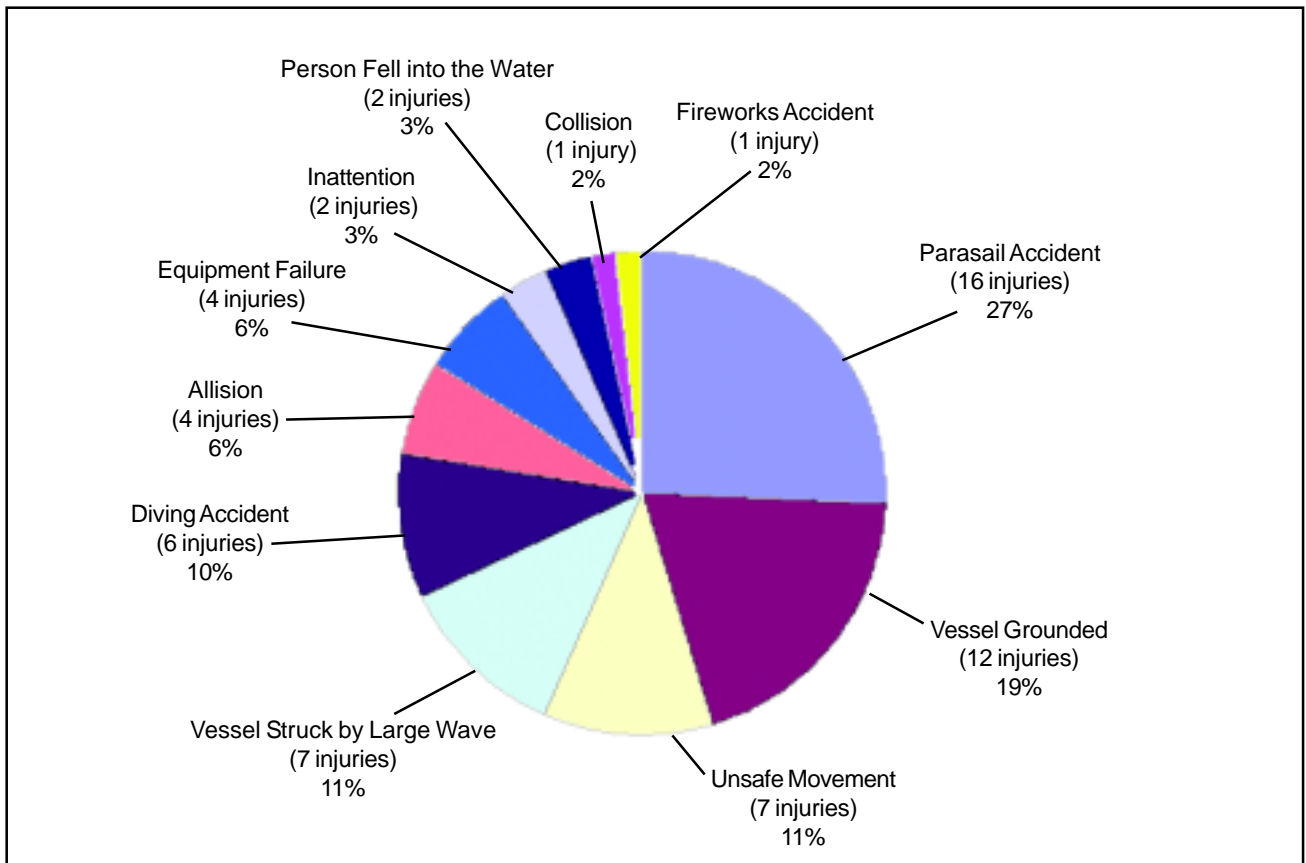
Deaths on Vessels* Summarized by the Primary Nature of the Casualty



Deaths on Vessels* Summarized by Vessel Type



Injuries on Vessels* Summarized by the Primary Nature of the Casualty



* All vessels mentioned are uninspected U.S.-flagged passenger vessels less than 100 gross tons sailing between Jan. 1, 1992 – Dec. 31, 2001.

Process Behavior

The process behavior chart on the following page shows the number of deaths, injuries and vessel casualty incidents on uninspected, U.S.-flagged passenger vessels. The chart is based on the methodology developed by Donald J. Wheeler in his book, *Understanding Variation: The Key to Managing Chaos*, SPC Press, Inc., Knoxville, Tenn., 1993. Wheeler's methodology for developing control charts is summarized in the sidebar to the right.

The first behavior chart displays trends across different points in time. The upper and lower process limits, which are based on historical values, show the normal range of variation. The control limits for this chart are based on the 1992 to 2001 values.

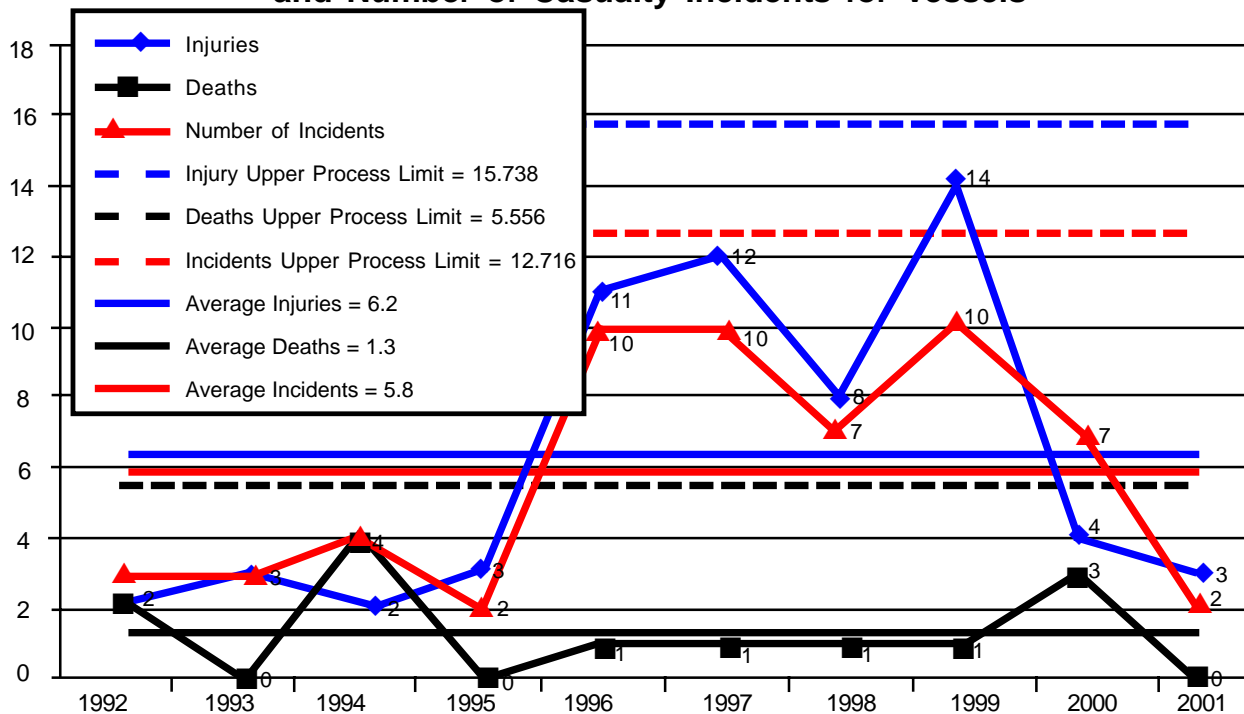
The second chart shows that the number of deaths, injuries and casualty incidents on all uninspected, U.S.-flagged passenger vessels less than 100 gross tons is within the process control limits and can be attributed to normal variation.

Mr. Wheeler's methodology for developing control charts is summarized as follows:

- Use the average of the individual observations (**X**), for the central line.
- Calculate the average moving range (**mR**). This is done by finding the difference in the individual observations, the moving ranges, (e.g., the difference between the 1996 injuries and the 1997 injuries is 5), then averaging the moving ranges.
- Calculate the upper control limit (**UCL**).
UCL = X + (2.66 x mR)
- Calculate the lower control limit (**LCL**).
LCL = X - (2.66 x mR)
- Display the individual values, the central line, the **UCL**, and the **LCL** on a line chart.

The trend line of the individual observations is interpreted by comparing them to the upper and lower control limits. Values that cross one of the limits are considered "out of control." In other words, the change cannot be explained by normal variation.

Process Behavior Chart Showing Upper Process Limits for Injuries, Deaths, and Number of Casualty Incidents for Vessels*



Casualty Type	Description of Casualty Resulting in Death
Diving Accident	Diver failed to ascend properly, fell back to ocean floor in 115 feet of water. (1992)
Diving Accident	Diver ignored low air warning, ran out of air, failed to ascend properly. (1992)
Diving Accident	Diver failed to decompress properly on ascent, suffered severe embolism. (1994)
Fall into Water	Pilot fell from top of pilot ladder and landed on deck of pilot boat. (1994)
Fall into Water	Driver of pickup truck drowned when he drove truck off ferry vehicle loading ramp into the water. (1994)
Fall into Water	Passenger inside pickup truck (noted above) drowned. (1994)
Fall into Water	Vessel capsized during high seas, all three persons thrown into the water, one drowned after hit by waves. (1996)
Fall into Water	Passenger not wearing personal flotation device tried to free bow line, knocked into the water by large wave that hit vessel. (1997)
Diving Accident	Diver slipped beneath the surface without regulator or mask in place, equipment in operable condition. (1998)
Diving Accident	Diver failed to turn air valve on, fell to ocean floor in 130 feet of water. (1999)
Diving Accident	Diver failed to decompress properly on ascent, suffered severe embolism. (2000)
Fall into Water	Pilot fell from middle of pilot ladder, hit head on pilot boat and fell into the water. (2000)
Natural Causes	Passenger suffered a heart attack and collapsed while fishing. (2000)

Casualty Type	Description Of Casualty Resulting in Injury
Parasail Accident: 2 cases	Parasail operator attempted to keep parasail aloft but parasail lost altitude slamming passenger into dock. (1992)
Diving Accident	Diver experienced nitrogen narcosis, fell to ocean floor, taken to hyperbaric chamber. (1993)
Overexertion	Crewmember strained groin muscles when pulling anchor chain. (1993)
Puncture	Crewmember got fish hook imbedded in arm. (1993)
Overcome by Fumes: 2 cases	One passenger suffered CO poisoning when exhaust fumes entered passenger cabin area. (1994)
Fall to Same Level: 2 cases	One passenger fell to the deck when vessel allided with oil production platform. (1995)
Struck Object	While sitting, passenger hit head on vessel after vessel grounded, cut lip. (1995)
Fall Into Water Air Boat Accident	Passenger injured when he was ejected from an airboat after the vessel grounded on a sandbar. (1996)
Fall Into Water Air Boat Accident	Passenger injured when he was ejected from the airboat during a high-speed run. (1996)
Fall to Same Level: 2 cases	Passenger fell to the deck after the vessel grounded. (1996)
Fall to Same Level: 2 cases	Passenger injured after falling to the deck after vessel grounding. (1996)
Fall to Same Level Air Boat Accident	Passenger broke his hand when he was thrown to the deck when airboat grounded on a sandbar. (1996)
Fall to Same Level	While sitting in booth, passenger fell to deck in rough seas, broke hip. (1996)
Puncture	Passenger speared in leg by marlin while attempting to bring fish aboard. (1996)
Struck Object	While standing, passenger hit head on vessel after vessel grounded, cut scalp. (1996)
Struck Object	While pulling in fish, passenger hit head on vessel after vessel hit large wave. (1996)
Diving Accident	Diver unfamiliar with new equipment could not clear ears, passed out and fell to ocean floor. (1997)
Fall Into Water: 2 cases	Passenger ejected from vessel when it took heavy roll and became hypothermic before rescue. (1997)
Fall to Same Level	While sitting, passenger lost balance and fell when using restroom, broke ankle. (1997)
Fall to Same Level	Passenger slipped and fell when disembarking vessel, cut hand. (1997)
Fall to Same Level	Passenger ignored instructions to remain seated when crossing bar, fell to deck when using head. (1997)
Parasail Accident	Parasailing passenger broke hands when she grabbed winch tripod and her hands were pulled into towline opening. (1997)

Casualty Type	Description Of Casualty Resulting in Injury
Parasail Accident: 2 cases	Parasail towline parted causing passenger to fall into the water. (1997)
Parasail Accident: 2 cases	Parasail towline struck by lightning and parted causing passenger to fall into the water. (1997)
Struck by Object Air Boat Accident	Passenger received extensive injuries, then cut by fragments of a shattered airboat propeller. (1997)
Cut	Passenger cut off the tip of his thumb while cutting bait with a bait knife. (1998)
Diving Accident	Passenger suffered decompression sickness after return to surface. (1998)
Fall to Same Level	Passenger fell and broke her ribs after the vessel slowed abruptly after hitting a large whale during whale watching. (1998)
Fall to Same Level	Passenger stepped off of engine box and fell to the deck when he was attempting to film sharks. (1998)
Parasail Accident: 2 cases	One passenger fell into the water and was injured when parasail towline snapped. (1998)
Struck Object: 2 cases	Passenger riding a torpedo float was injured when he bumped heads with another passenger after falling into water at high speed. (1998)
Diving Accident	Diver experienced decompression sickness and unconsciousness, taken to hyperbaric chamber. (1999)
Diving Accident	Diver experienced decompression sickness after third dive, taken to hyperbaric chamber. (1999)
Diving Accident	Dive instructor cut leg on vessel propeller (went under swim step when vessel in gear). (1999)
Fall Into Water	Passenger ejected from vessel during collision and was run over, leg severed by propeller. (1999)
Fall to Same Level	Passenger lost balance when lighting cigarette, fell to deck and broke leg. (1999)
Fall to Same Level Air Boat Accident: 3 cases	Passenger injured after being thrown to the deck after the airboat grounded on a sandbar. (1999)
Fireworks Accident	Passenger cut hand after a large firecracker he was throwing exploded in his hand. (1999)
Parasail Accident: 3 cases	Parasail towline snapped, causing person in harness to fall into the water. (1999)
Parasail Accident: 2 cases	Parasail passenger injured after landing on building and being pulled through trees on reascent. (1999)
Burn	Operator burned when sprayed by hot antifreeze after engine overheated and he attempted to remove cap. (2000)
Fall to Same Level	Passenger lost balance and fell to deck when exiting restroom and broke ankle. (2000)
Fall to Same Level	Passenger flew up into air and landed on seat, breaking tailbone after vessel hit a large wave. (2000)
Struck Object	Crewmember hit head on vessel when vessel allided with dredge pipeline. (2000)
Fall to Same Level	Passenger lost balance and fell to deck breaking ankle after vessel ran over large wave. (2001)
Parasail Accident: 2 cases	One parasail passenger fell into the water when operator intentionally cut towline when vessel took on water. (2001)

U.S. Attorney's Office,
Southern District of Florida
Outstanding Law Enforcement
Officer of the Year Award



Rear Adm. Paul J. Pluta presents the Southern District of Florida Law Enforcement Officer of the Year award to Ken Olsen on Nov. 4, 2002. USCG photo.

Mr. Ken Olsen is recognized for his outstanding contribution to law enforcement, furthering the mission of the United States Attorney's Office. Mr. Olsen served and continues to serve on the United States vs. Carnival Cruise Line prosecution team. The team is recognized for its dedication and efforts in the investigation and prosecution of the world's largest operator of cruise lines, Carnival Corporation. During a period of 18 months, law enforcement agents from various agencies diligently reviewed millions of records from domestic and offshore facilities, interviewed hundreds of witnesses and experts, and assisted in the presentation of evidence to a grand jury. Due in large part to their efforts, the company admitted that on numerous occasions engineers had falsified records of oil-contaminated discharges at sea. Carnival

Corporation was ordered to pay \$18 million in fines and community service, the largest criminal fine imposed on a cruise line for environmental violations in any district in the country.

Mr. Olsen is a licensed chief engineer who serves as a marine casualty analyst in the U.S. Coast Guard Office of Investigations and Analysis (G-MOA) at Coast Guard Headquarters.

6-Packs,



— A Case of

by TIM FARLEY, Senior Marine Casualty Analyst, U.S. Coast Guard Office of Investigations & Analysis

Uninspected Passenger Vessels (UPVs), commonly known as 6-packs or 12-packs, depending on the maximum number of passengers they are permitted to carry, present distinct marine safety issues to the U.S. Coast Guard since U.S. maritime law specifically excludes these types of vessels from formal material inspection. For this reason, great care is placed on ensuring the safety of passengers, crews and vessels through other available regulatory means, such as Coast Guard licensing and the enforcement of operational rules through at-sea vessel boardings, or non-regulatory means, such as voluntary vessel examinations. These vessels are not a casual write-off of safety, no “beer guzzling party” of indifference as their nickname implies. Operating these “small” passenger vessels entails a great responsibility as they carry a most valuable and fragile cargo: human life! Because of this the Coast Guard takes all the necessary measures it can to ensure adequate levels of safety are maintained.

Operators of Uninspected Passenger Vessels (OUPVs) must have an appropriate Coast Guard license for the type, size and route of the vessel employed upon and are bound by many different federal requirements designed to keep the vessel, crew, waterway and environment as safe as possible. Penalties for violating those regulations can range from warnings, simple civil penalties and fines, administrative suspension or revocation of the Coast Guard license of the vessel operator(s) involved, or criminal prosecution.

12 Packs



Concern

Domestically, in December 2001, the Coast Guard estimates that there were approximately 13,000 small UPVs operating on the navigable waters of the United States. Currently, about 26,600 individuals hold valid Coast Guard OUPV licenses and about 59,700 others hold higher-level Coast Guard licenses and are authorized to run these types of vessels. Mariners operate a wide variety of UPVs of many different sizes, shapes and types, night and day, day in and day out, in all types of weather and sea conditions. As can be imagined, the Coast Guard, as the agency charged with marine safety, takes the carriage of passengers and the operations of these types of vessels very seriously and will pursue administrative action to revoke or suspend the privilege of anyone who possesses a Coast Guard-issued credential (license or merchant mariners document) if they commit misconduct, operate a vessel negligently, are incompetent, violate a law or regulation, are convicted of a dangerous drug law, or use or are addicted to the use of dangerous drugs.

The examples on the following pages illustrate the responsibilities of licensed OUPVs and the consequences if they fail to comply with federal requirements and the tenets of good seamanship and common sense.

PHOTO CREDIT OPPOSITE PAGE: The *Wreck Valley*, a 6-pack, transports scuba divers from its home port in Long Island, NY. Also shown on cover. Photo courtesy Capt. Dan Berg Wreck Valley Corporation. **THIS PAGE:** The *Shamrock V* was built in 1930 by Sir Thomas Lipton for his last America's Cup challenge. It is one of just three remaining J-Class boats and the only remaining J to have been built in wood. The *Shamrock V* operates in New England as an uninspected passenger vessel of more than 100 gross tons carrying 12 or less passengers. Photo courtesy Onne van der Wal, www.vanderwal.com.

The first incident involves the operator of a parasail vessel who was at the helm operating the vessel at a high rate of speed, with a customer aloft, and was looking at the customer rather than maintaining a proper lookout on his boat. The vessel ran over a towline between a recreational vessel that was dead in the water and a child on a “tube,” injuring a line-handling passenger aboard the recreational vessel and narrowly missing the recreational vessel by only a few feet. The injured person sustained serious injury and underwent extensive medical treatment.



Two people parasailing. USCG photo.

The Coast Guard charged the parasail operator with negligence for failing to perform an act that contributed to a collision between his vessel and the towline, which resulted in injury to a person on the recreational vessel. Additional charges against the mariner included misconduct for failing to safely navigate the parasail vessel, violation of law or regulation for failing to have a proper lookout, failing to take appropriate action to avoid collision and failure to give way to a stand on vessel.

In a pretrial conference with the Coast Guard prior to a formal suspension and revocation (S&R) hearing before an administrative law judge (ALJ), the case was settled and the parasail operator entered an uncontested plea of misconduct for failing to safely navigate the parasail vessel in that he collided with the towline between the recreational vessel and the “tuber;” he failed to take appropriate action to avoid collision; and that he failed to have a proper lookout.

The sanction imposed upon this mariner included six months probation on the condition of no further incidents, and six months outright suspension. Three months of the outright suspension were remitted for completing a course on rules of the road, and two months were remitted for agreeing with the Coast Guard to refrain from operating a parasail vessel for two years, with credit for time he had already abstained from operating parasail vessels.

Next, an OUPV of a 6-pack was found to be operating commercially with eight passengers, exceeding its established six-passenger limit. During the investigation of the incident it

was also found that the operator was carrying children onboard without sufficient child-size life preservers and had failed to provide a required safety orientation prior to departure. The Coast Guard pursued a settlement agreement with the mariner whereby his license was suspended for six months, during which time he was also required to complete a boating safety course. This settlement met the needs of the Coast Guard’s safety mandated

responsibilities and furthered the mariner’s understanding of the seriousness of boating safety.

In another case, a parasail vessel was returning to its dock one clear evening following a day working on the water. As the parasail crew deployed their fenders in preparation to come alongside the dock they failed to see a disabled, adrift and well-lit 14-foot recreational boat with three persons onboard drifting helplessly in the waterway channel. The occupants of the small boat noticed the parasail vessel approaching and attempted to hail it for assistance by waving their arms and shouting. However, the operator of the parasail vessel failed to take notice of the disabled vessel and the vessels subsequently collided causing the recreation boat to capsize, knocking the boaters into the water. Luckily, no injuries were reported as a result of this incident, although this casualty easily could have been much more serious had the collision occurred at a different angle.

While this casualty failed to meet the criteria of a reportable marine casualty as per 46 CFR Part 4, the operator of the parasail vessel was the holder of a Coast Guard license and, due to the circumstances of the case, S&R proceedings were initiated. The parasail vessel operator claimed that he never saw the small recreation boat and only realized it was present after the collision. It was also revealed that a proper lookout was not posted or maintained on the parasail vessel. Unique to this particular vessel, its bow rode relatively high, particularly while underway. This presents specific visibility challenges to the operator. Special considerations for the existing conditions, i.e., darkness, significant background lighting in the area of the incident, and certain vessel design characteristics which significantly impair the operator’s forward line of sight, were not taken into account by the operator as should have been by a prudent mariner.

The parasail operator was subsequently charged with negligence and misconduct and the ALJ in this case administered a one-month out-right license suspension plus an additional three months remanded on six months probation.



A high-speed 6-pack jetboat in Alaska searching for salmon. Photo courtesy Tim Farley.

The failure of several parasail vessels to observe and heed heavy weather warning signs or forecasts contributed to a number of serious passenger injuries and

deaths. In one instance a parasail vessel was in the process of “flying” two riders when it began to rain and the parasail towline was struck by lightning. The parachute subsequently deflated and the two parasailers fell about 150 feet into the water. The vessel immediately recovered the victims, artificial respiration was administered, and both passengers were quickly transported to a local hospital for medical attention. The passengers received electrical burns to multiple areas of their bodies but luckily survived. Unbelievably, an 8-year-old passenger was at the helm controlling the vessel’s maneuvers at the time of the incident. Additionally, the vessel was carrying seven passengers, exceeding its allowable capacity.

The parasail operator was charged with multiple counts of negligence, misconduct and violation of a law or regulation. Following an S&R hearing before an ALJ, the operator received a 12-month suspension of his U.S. Coast Guard license and 12 months suspension on 24 months probation.

In another similar case, a parasail vessel departed the dock when the weather was considered marginal for parasailing. Winds were 10-15 mph, with seas of two to three feet and building. Dark storm clouds were also seen developing offshore. While two parasailers were aloft, the storm clouds moved into the parasail vessel’s operational area. Weather conditions deteriorated and the winds built to more than 25 mph, with seas up to approximately four feet. Only then did the operator determine that the weather conditions were unsafe for parasail operations and attempted to retrieve the parasailers. However, his efforts were unsuccessful because the winds were too strong for the parasail towline winch and he could not retrieve the riders. Because of this, the operator was forced to maneuver the vessel towards shore in an effort to relieve pressure on the towline. In the process, the vessel

struggled to maintain stability and headway as it was pounded in the building rough seas.

As the vessel bounced from a large wave, the towline and parasail straps failed, causing the parasail riders to freefall into the water from a height of more than 200 feet. The two passengers were recovered and shore-side emergency response agencies responded. Both parasailers died due to the resultant multiple blunt trauma injuries.

The parasail vessel operator was subsequently charged with negligence and he entered into a settlement agreement with the U.S. Coast Guard that was agreed to by an ALJ. The mariner’s license was suspended for two years. Three months of the suspension could be remitted on three months of probation in exchange for completion of a parasail safety course satisfactory to the Coast Guard. Another three months of the suspension could be remitted on three months probation in exchange of five hours of public speaking at passenger vessel safety-oriented courses sharing lessons learned and advocacy of maximum safety in parasailing in a manner satisfactory to the Coast Guard.

Another interesting case involves a towing assist vessel that ran hard aground while it was en route to a dock following a commercial towing assistance job. The vessel’s master was charged by the Coast Guard with several counts of negligence that contributed to the grounding of the vessel. First, he neglected to maintain a proper lookout so as to make a full appraisal of the situation and the risk of collision, a violation of 33 USC 2005 (Rule 5 of the Inland Navigation Rules, “Look-out”). Secondly, he neglected to maintain a safe speed allowing him to take action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions, a violation of 33 USC 2006 (Rule 6 of the Inland Navigation Rules, “Safe Speed”). Thirdly, he failed to comply with 33 USC 2019 (Rule 19 of the Inland Navigation Rules, “Conduct of vessels in restricted visibility”). A final offense involved misconduct (46 CFR 5.27). While acting as operator of the vessel, he wrongfully failed to comply with 46 CFR 4.05-1 by failing to “notify the nearest [Coast Guard] Office, whenever a vessel is involved in a marine casualty consisting in an unintended grounding immediately after the

addressing of resultant safety concerns.” In this case the mariner’s license was suspended for 12 months.

two months outright suspension and revocation remanded on 12 months probation.

The final case involves a 6-pack vessel with six passengers onboard that allided with a charted hazard to navigation. The incident holed the vessel in three locations, which caused uncontrollable flooding. No injuries occurred as a result of this casualty although the passengers were forced to help bail as the vessel returned to shore under its own propulsion. The operator was charged with negligence for failing to properly navigate a vessel with due caution, contributing to an allision of the vessel with a charted hazard to navigation. The ALJ’s decision and order in that S&R case resulted in

The cases discussed in this article are meant not only to illustrate the Coast Guard’s commitment to promoting safety in this industry by actively pursuing administrative action against any mariner holding Coast Guard credentials and who commits misconduct, operates a vessel negligently, is incompetent, violates a law or regulation, is convicted of a dangerous drug law, or uses or is addicted to the use of dangerous drugs, but also to reiterate to all who operate these special craft of their awesome responsibility for protecting the safety of those who entrust their lives and the lives of their family to them as passengers. No “small” case for concern!

Special thanks goes to the following U.S. Coast Guard individuals who contributed to this article:

Lt. Cmdr. Mark Hammond, Activities Baltimore
 Lt. Scott Muller, MSO Tampa
 Lt. Darren Hopper, Activities San Diego
 Master Chief Petty Officer Otto Christofferson, MSO Buffalo

Lt. Cmdr. Kelly Post, Activities New York
 Lt. Matthew Haynie, MSO Tampa
 Chief Warrant Officer Michael McCright, Activities San Diego

Other Recent Administrative Cases of Note Involving OUPVs

Summary of Offense

Sanction

Operator of a UPV negligently operated a vessel by failing to properly navigate a vessel, resulting in the vessel striking a breakwater.

ALJ ordered four months probation.

A non-licensed lodge owner was charged for knowingly violating the law by serving as the managing operator for several fishing guides/UPV operators that were not licensed by the Coast Guard; carried passengers for hire on a federal navigable waterway; and received direct consideration for their services even after he was previously notified of the Federal requirements by the Coast Guard.

Possible Civil Penalty assessment of \$25,000.

Undercover Coast Guard action detected illegal passenger operations onboard a UPV as well as carrying more passengers than the vessel was allowed.

Consent agreement reached with the Coast Guard whereby the operator surrendered his license.

**Department of Transportation
Office of Drug and Alcohol Policy and Compliance
2003 Random Testing Rate Notice**



The following chart outlines the annual minimum drug and alcohol random testing rates established within DOT's Operating Administrations (OAs) for 2003:

DOT Operating Administration	Random Drug Testing Rate	Random Alcohol Testing Rate
Federal Motor Carrier Safety Administration (FMCSA)	50%	10%
Federal Aviation Administration (FAA)	25%	10%
Federal Railroad Administration (FRA)	25%	10%
Federal Transit Administration (FTA)	50%	10%
Research and Special Programs Administration (RSPA)	25%	Not Applicable
United States Coast Guard (USCG)	50%	Not Applicable

A 5 Star Program in Alaskan Waters

by Lt. Cmdr. SCOTT W. BORNEMANN,
U.S. Coast Guard Marine Safety Prevention & Compliance Branch, 17th District



In April 2000, the 17th Coast Guard District developed and launched a unique program to elevate the safety of uninspected passenger vessels operating in Alaskan waters. Based on the Coast Guard's Prevention Through People principles of shared commitment and the use of nonregulatory solutions, the 5 Star Safety Program was born.

In Alaska, the uninspected passenger vessel (UPV) fleet increased between 1995 and 1999, from 1,500 to more than 2,200 vessels. Two serious accidents leading to abandon ship in 1999 and the continued growth of the industry state-wide, elevated the concern for the level of safety provided by this class of passenger vessels operating in the harsh, cold water of the Alaskan marine environment.

Unlike inspected passenger vessels, UPVs do not require vessel construction standards, subdivision requirements or scheduled annual inspections. To create a nonregulatory safety net for UPVs, the 17th District developed the Alaska Voluntary 5 Star Safety Program. The program outlines five levels of safety that are voluntarily provided for by vessel owners and operators.

★ The vessel must be in compliance with existing regulations for uninspected vessels contained in 46 CFR, Subchapter C. The vessel carries onboard the basic minimum lifesaving and firefighting equipment. In addition, the operator must have an in-house safety-training program established that includes at a minimum: drills on dewatering, abandon ship, donning of personal flotation devices, first aid, deployment of the IBA (inflatable buoyant apparatus) or life raft (when carried) and emergency hailing procedures.

★ ★ In addition to the above, UPVs must have a bilge pump with high water bilge alarm installed, or if the vessel is designed without a bilge, suitable reserve buoyancy to float the vessel in a totally swamped condition.

★ ★ ★ In addition to the requirements for a 2 Star rating, the vessel must have backup communications, specifically a handheld VHF FM radio with a minimum of 5 watts of power.

★ ★ ★ ★ In addition to the requirements for a 3 Star rating, a registered 406 MHz EPIRB, Class I or II, shall be carried onboard with charged batteries and properly mounted.

★ ★ ★ ★ ★ In addition to the requirements for a 4 Star rating, the vessel shall have onboard a properly mounted Coast Guard-approved life raft or IBA or equivalent with a minimum capacity for all persons onboard. Life rafts and IBAs can be of the canister or valise type and must be serviced annually. An equivalent level of safety for vessels whose design or arrangement do not provide space for a life raft or IBA are vessels constructed with level flotation that meet Coast Guard standards. In Alaska, many operators have been carrying commercial quality Zodiac or Avon type inflatable rafts for many years as a self-imposed increase in the level of safety they provide to their customers. In an effort to recognize their efforts, an Avon or Zodiac style inflatable raft may be counted as an equivalent level of safety under certain conditions.

Nonregulatory Approach

The Coast Guard's Prevention Through People program outlines approaches for improving maritime safety through shared commitment with the industry and the Coast Guard and the application of nonregulatory solutions. This concept has been used successfully with the towing industry and some elements of the passenger vessel and tanker industries. Historically, nonregulatory solutions have been implemented in much less time than it takes to develop and issue regulations. With the cooperation of the charter boat industry and various harbor masters, the Coast Guard developed and implemented the voluntary safety program prior to the 2000 operating season. In contrast, expanded safety regulations would likely have taken several years to develop and implement.

The Rating System

The program provides a graduated "star" rating from 1 to 5. To receive a 1 Star rating, a vessel must comply with all existing regulations. To receive a 5 Star rating a vessel must meet higher safety standards and carry equipment substantially in excess of Coast Guard regulations, such as an emergency positioning indicating radio beacon (EPIRB), inflatable life raft or buoyant apparatus. In addition, the vessel must have backup VHF communications, high-water bilge alarms and other equipment as applicable. The 5 Star safety rating may not be needed for all vessels and all routes, however, vessels operating independently and in more exposed waters are encouraged to obtain a 5 Star safety rating.

UPV owners and operators interested in participating in the 5 Star Safety Program may submit an application to the 17th District 5 Star Safety Program manager for review and

dissemination to a qualified 5 Star Safety examiner. Applicants agree to restrict their advertising to the verbiage provided on the decal and accurately represent their star rating level. The Coast Guard audits approximately 5 percent of participating vessels for compliance with the applicable star rating. These spot check audits are conducted throughout the operating season after initial award of the decal.

Advertising the Program

Unfortunately, many passengers are under the assumption that all passenger vessels are required to have reliable emergency communications and safety equipment. Most owners and operators of UPVs rarely mention safety in their advertising flyers and Web pages. Informed customers will determine what safety equipment the vessel provides before they embark on a voyage. The Coast Guard, the Alaska charter boat industry and harbor masters jointly advertise the 5 Star Safety Program through flyers, the Internet and other media. The coordinator of the 17th District's 5 Star Safety Program maintains and disseminates a list of charter boats participating in the program and their status. With this information available, consumers are better able to make an informed decision about the level of safety they feel comfortable with and are willing to pay for. It is hoped that the competitive nature of the small passenger vessel business will motivate a majority of UPVs to obtain the additional safety equipment to attain the 5 Star rating.

For more information on the 17th District's Alaska Voluntary 5 Star Safety Program, contact Petty Officer Don Laisure at (907) 463-2819.

The Uninspected Vessel— When a Ton is Not a Ton

by SCOTT KUHANECK, Domestic Vessel Compliance Division, U.S. Coast Guard Office of Compliance



It's a common misconception that a vessel that qualifies as being uninspected domestically means it is uninspected everywhere else. Learning this too late can be costly.

Whether a vessel is inspected domestically

For some vessels, the differences between GRT and GT tonnages are vastly different and that difference can be very significant if the vessel goes on an international or foreign voyage. It is not uncommon for a vessel to be less than 200 tons domestically and be over 500 tons internationally. If the vessel is 79 feet or more in length engaged on a foreign voyage, it should have an ITC certificate that identifies its gross tonnage for international convention applicability. Consult this certificate to identify your ITC tonnage. This tonnage is extremely important and determines the applicability of a variety of international conventions to your vessel.

relies on tonnage, or in the case of some vessels, a combination of tonnage and number of passengers carried. For example, 6-pack or 12-pack passenger vessels, and towing or fishing vessels are uninspected based on their tonnages (domestic tonnage, that is). Unfortunately, for convention applicability, one tonnage does not fit all.

Some international conventions allow certain vessels (based on their build date) to use an interim tonnage measurement scheme, authorized by that convention or a subsequent amendment, for convention purposes. What this means is that these vessels can use their domestic (GRT) tonnage for the convention in question. Some conventions, however, use the vessel's International Tonnage Convention (ITC) gross tonnage (GT). The magic date to remember is July 18, 1994. Conventions enacted into U.S. law after that date require the use of the ITC tonnage assigned to the vessel.

GT = ITC gross tonnage

GRT = domestic gross
tonnage



It is not uncommon for a vessel to be less than 200 tons domestically and be over 500 tons internationally.

For example, a vessel's ITC certificate may be annotated indicating that the vessel does not need to comply with the Convention for the Safety of Life at Sea (SOLAS), 1974, because, for the purposes of the convention, its tonnage is 199 tons, which falls below the SOLAS applicability threshold of 500 tons. This annotation may be in the form of a "tonnage reconciliation letter" appended to the ITC certificate itself or some comments may be added to the "remarks" section of the certificate. This lack of applicability would be true for many parts of SOLAS, but not all of SOLAS.

The following illustrates differences in tonnage as it applies to one convention. The International Management Code for the Safe Operation of Ships and for Pollution Prevention is a recent international convention that is commonly referred to as the ISM Code. It was incorporated into SOLAS and appears as Chapter IX of that

convention. As it is part of SOLAS you might think you can use an interim tonnage measurement scheme to determine ISM Code applicability. You would be wrong. The ISM Code was enacted into U.S. law in 1996, well after the July 18, 1994 cutoff date. As a result, U.S. ships, including uninspected ships, sailing on foreign voyages must use their ITC tonnage to determine if the ISM Code applies to them. In many cases, ISM will apply since their ITC tonnage is over 500 tons (despite being less than the 200 tons GRT). It is important to note that ISM applies to ships regardless of their build date (this means there is no grandfather provision in this convention). However, some vessels are not required to meet the ISM Code based on their service (see 33 CFR Part 96). Adding to the confusion about the ISM Code is that SOLAS only has two general categories of ships, passenger ships (which carry more than 12 passengers) and cargo ships (anything not a passenger ship). The “other cargo ships” described in Chapter IX of SOLAS include towing vessels and uninspected passenger vessels (these definitions are found in Chapter I of SOLAS).

There are many more conventions that illustrate the differences in tonnage. There is a Navigation and Vessel Inspection Circular (NVIC), NVIC 11-93, which provides a great deal of information on the appropriate tonnage measurement system or scheme for your vessel and international conven-

tion applicability. Be careful! The most recent version of NVIC 11-93 was published several years before the ISM regulations came into effect and is not a good source of information on ISM applicability. NVIC 11-93 is being updated and will provide better guidance on international convention applicability to uninspected vessels in the near future. As always, it is up to the vessel’s owner, operator and master to ensure that the vessel is, in all respects, ready for sea. Violation of an international convention can mean that a vessel is detained in a foreign port. Besides having adverse ramifications for the U.S. flag internationally, it can cost you a considerable amount of time, money and effort to extricate yourself from an international detention. Just ask the handful of companies operating uninspected vessels that have already been detained.

To reiterate, all vessels on international or foreign voyages, regardless of their “uninspected” status in the United States, are subject to a variety of international conventions, applicability of which is based on the vessel’s ITC tonnage. Don’t wait until you are in a foreign port to find out that you need a certificate or other documentation. Contact your local Coast Guard marine safety office and/or your classification society to discuss the matter with them before you sail. Have your ITC certificate available for referral when discussing this matter with the Coast Guard or your classification society.



The 12-pack *Endeavour* holds a Certificate of Inspection allowing it to sail with 32 passengers within one mile of shore, with 15 passengers within 20 miles of a harbor, 12 passengers overnight, or as a recreational vessel when no passengers are on board.

U.S. Coast Guard Hosts **ASIA-PACIFIC MARITIME SAFETY FORUM**

by Capt. PAULA CARROLL, Chief of Waterways Management, 14th Coast Guard District,
and CAROLYN R. LOBRON, Conference Coordinator for the Asia-Pacific Heads of Maritime Safety Agencies (APHMSAF)

Delegations from 19 Pacific Rim and Pacific Island nations will meet again this spring to discuss maritime safety and environmental issues. This will be the sixth gathering of the Asia-Pacific Heads of Maritime Safety Agencies Forum. The U.S. Coast Guard will host the event in Honolulu, Hawaii April 23-25, 2003.

Mr. Paul McGrath, Chief Executive Officer, Australian Maritime Safety Agency, established the Asia-Pacific Heads of Maritime Safety Agencies Forum in 1996. The goal of the forum is to promote safe, secure shipping and a clean marine environment by bringing together top maritime governmental officials in the region to share information and exchange ideas. The forum provides an opportunity to address topics not directly related to those addressed by other, more topically specific, regional forums like the Tokyo Memorandum of Understanding on Port State Control, the North Pacific Coast Guards' meetings, or the South Pacific Regional Environmental Program. The forum meets every 12-18 months. Hosting responsibilities rotate among member nations. Previous venues have included the People's Republic of China (September 2001), Singapore (March 2000), Canada (September 1998), Japan (September 1997), and Australia in 1996.

As the senior ranking official of the U.S. delegation, Rear Adm. Paul J. Pluta, Assistant Commandant for Marine Safety, Security and Environmental Protection, will serve as the official host of the Sixth Asia-Pacific Heads of Maritime Safety Agencies Forum. Honolulu, Hawaii was selected as the location for this session due to the state's close proximity to nations in the Asia-Pacific region. The island of Oahu, meaning "gathering place" in the Hawaiian language, serves as a symbolically appropriate venue for a variety of reasons. Its definitive maritime location at the crossroads of trans-Pacific maritime commerce, total dependence upon marine transport, healthy marine environment, and culturally diverse population and institutions offer the advantages of an ultimate location for meaningful international dialogue on synergistic issues of mutual concern.

Invitations have been extended to Australia, Canada, Chile,

People's Republic of China, Fiji, Hong Kong China, Indonesia, Japan, Republic of Korea, Macau China, Malaysia, New Zealand, Philippines, Russia, Singapore, Thailand, Vietnam and the International Association of Marine Aids to Navigation and Lighthouses Authorities, headquartered in France.

Traditionally, the focus of the Asia-Pacific Forum has been purely maritime safety and protection of the marine environment. During the fifth Forum in Beijing, China, for example, discussions centered on search and rescue, regional oil spill response, safety of high-speed passenger vessels, risk management and seafarer training. This year, in light of international concerns regarding terrorism, the forum's agenda has been expanded to include discussions on maritime security, both at sea and in port. Delegations will be invited to prepare papers and discuss issues relevant to this very timely topic. Areas of specific concern include container inspection, security and integrity; safe transport of containers on global maritime routes; security of loading and discharge ports; and secure inter-modal transfer and tracking. The economic impacts of adequate security infrastructure implementation are also at issue.

The four-day event in Honolulu will consist of morning and afternoon sessions supplemented by opportunities for professional interaction during working meals. The social agenda includes a reception at the Diamond Head Lighthouse, home of the District Commander, Rear Adm. Ralph D. Utley, as well as a day of cultural enrichment. After viewing a capabilities demonstration involving various search and rescue assets, delegates will spend the afternoon and evening at the Polynesian Cultural Center where they will visit seven representative Pacific Island nations, participate in a Hawaiian luau and observe performances of traditional Polynesian dance and music.

The importance of engagement in forums like the Asia-Pacific is manifest. The ability to open and maintain thoughtful, meaningful dialogue on topics of mutual interest and the opportunity to gain a better understanding of the global and cultural facets of salient issues from differing viewpoints offer the best chance for development of appropriate solutions.



PHOTO CREDITS All photos are courtesy the Maritime Safety Administration of the People's Republic of China. Top: The Fifth Asia-Pacific Heads of Maritime Safety Agencies Forum in Beijing, September 2001. Middle: Rear Adm. Paul J. Pluta, Co-chairman, with Capt. Gongchen Liu, Chairman of the Maritime Safety Administration of the People's Republic of China. Bottom: Rear Adm. Pluta seated with the Chinese delegates.

2003 International Oil Spill Conference

API • IMO • IPIECA • MMS • NOAA • USCG • USEPA

VANCOUVER, BRITISH COLUMBIA CANADA



IPIECA



The biennial International Oil Spill Conference (IOSC) will be held from April 6–10, 2003 in Vancouver, British Columbia. The theme of this year's conference is: Global Strategies for the Prevention, Preparedness, Response and Restoration of Oil Spills. More than 1,800 people from 50 countries are expected to attend the IOSC. The 2001 conference was held in Tampa, Fla.

The goal of the first IOSC, held in December 1969, was to “promote an international exchange of information and ideas dealing with prevention, planning, response and restoration processes, protocols and technology.” That goal has carried on to subsequent conferences and stresses the importance of promoting international sharing of best practices as it relates to management of varied impacts of oil spills and their aftermath. This conference is the preeminent gathering of scientists, responders, and policymakers from around the world.

The following agencies and organizations jointly sponsor the conference: U.S. Coast Guard (USCG); Environmental Protection Agency (EPA); National Oceanic and Atmospheric Administration (NOAA); Minerals Management Agency (MMS); International Maritime Organization (IMO); International Petroleum Industry Environmental Conservation Association (IPIECA); and American Petroleum Institute (API). This 2003 conference is co-sponsored by the Canadian Coast Guard.

The program for the 2003 IOSC includes an on-water equipment demonstration, short courses (three to four hours duration each), a film festival and about 230 technical papers presented in over 60 different platform and poster sessions. In addition to the deployment of response equipment, the on-water demonstration will include the operation of the Canadian Coast Guard's 48-foot-long Hovercraft. Nine short courses to be offered in a classroom setting will include topics such as the coordinating oil spill response actions, dispersant use, selecting oil spill technologies in spill-response decision-making and developing stimulating training programs. The program's 60 technical sessions cover a wide range of topics pertaining to prevention, preparedness, response and restoration, including security issues, case studies, lessons-learned, and international contingency planning.

The conference includes a special session consisting of two issue paper presentations with panel discussions. The first issue paper will discuss “Global Challenges to Preparedness and Response Regimes,” and the second will examine “Oil Spill Prevention—A Pro-Active Approach” and discuss the successes and failures in oil spill prevention, preparedness and response. This issue paper will address where future efforts should be directed.

Also, the conference features special panel sessions to include noteworthy salvage issues, cross-boundary spill response, and a Canadian panel discussion. The Canadian session will review the Canadian Response Regime and illustrate their efforts to work with both the government and industry.

The keynote speaker will be Adm. James D. Watkins, USN (Ret.), serving as Chairman of the National Oceans Commission. Other featured speakers include Johnson Crosbie, author of the autobiography, *No Holds Barred*, and counsel to Patterson Palmer Hunt Murphy, a firm of Atlantic Canada Lawyers, and Vice Adm. Thad Allen, the U.S. Coast Guard's Chief of Staff.

The Vancouver Exhibition and Conference Center is located in the heart of the city, which is at an international crossroads, equidistant from Asia and Europe and is connected to the world via direct service by major air carriers.

The IOSC is the principal gathering of oil spill response experts from around the globe and offers attendees a unique opportunity to learn of all the major developments in the field of oil spills and to interact with the most knowledgeable people tied to this discipline.

For more detailed information about the conference, program and registration, visit the IOSC Web site at www.iosc.org, or contact Lt. Alexis Tune, at (202) 267- 0426.



Prevention Through People

Voluntary Examinations of UPVs: A Model of PTP in Practice

by TRICIA NARDONE¹

Charter vessels carry the most valuable cargo: people. Because of this, efforts to increase safety in these vessels have increased in recent years. Passenger vessels that are permitted to carry six or fewer passengers, often called 6-packs, are not inspected but must meet minimum federal safety regulations. Voluntary examinations of uninspected passenger vessels (UPVs) illustrate practical application of the safety initiative Prevention Through People (PTP). This article will demonstrate how exams exemplify PTP and highlight benefits of having a person-centered approach to safety.

What are PTP Practices?

PTP focuses accident prevention on the human element. Evolving from a mostly philosophical approach in its beginning, concrete PTP practices were developed to further safety, security and environmental protection initiatives. Practices include the following:

- Use Non-Regulatory Solutions
- Educate the Mariner
- Focus on Prevention
- Partner with Stakeholders
- Share Best Practices
- Understand Stakeholder Motivation
- Minimize Risks
- Demonstrate Benefits

Effectiveness of PTP is based on studies that cite human and organizational factors as the root cause of more than 80 percent of marine casualties and spills.

PTP Practices – and Their Benefits – are Evident in UPV Exams

Although areas may differ in their approach to charter vessel exams, PTP practices can be noted in each. Voluntary exams use a non-regulatory approach to focus on prevention through education and partnership – quintessential PTP.

Exams Use Non-Regulatory Means to Rise Above Minimum Standards

Exams are voluntary – rather than mandatory – so by nature they exemplify the PTP principle “use non-regulatory solutions.” Rather than mandatory inspections or at-sea boardings, where mariners are likely to be penalized for shortcomings, voluntary examinations typically offer a grace period to seaworthy vessels to fix deficiencies. When solutions are reached in a non-regulatory fashion, the outcome is often above the minimum threshold.

One example of a non-regulatory solution going beyond minimum standards is the Alaska Uninspected Passenger Vessel Voluntary Five Star Program. Built on a base of minimal safety requirements required by regulations,

¹Contractor with Potomac Management Group, Inc., U.S. Coast Guard Human Element and Ship Design Division



PWCCA and the Coast Guard demonstrate partnership, a practice of PTP. LEFT to RIGHT: Lt. Brent Spencer; Capt. Gene Spaeth, President, PWCCA; Chief Warrant Officer Robert G. Sorrell, MSO Milwaukee; and other PWCCA members. USCG photo courtesy MSO Milwaukee.

this strictly voluntary program is designed to increase safety aboard uninspected charter boats operating throughout the state of Alaska. Amongst the “nuts and bolts” required to gain higher star status, human factor requirements are also necessary. Safety training programs on emergency procedures and safety equipment use, not just the equipment, are needed to obtain a better grade and a Star Rating Safety Decal.

From a marketing standpoint, a better grade can be flaunted by small businesses in advertising to attract customers. The Coast Guard also wants consumers to know which operations surpass minimum standards. The Coast Guard’s 17th District created a brochure titled *Choosing a Safe Boat Charter* to educate consumers and promote operations that go the extra mile.

Exams Serve as the Platform to Educate the Mariner
Training and education are officially part of Alaska’s Program, but are informally part of all UPV exams. Education on the regulations and their application and rationale are often provided during exams. Coast Guard personnel also educate mariners on information such as places to purchase lifesaving equipment and procedures to properly maintain equipment. Education can extend beyond typical vessel safety into areas such as homeland security, security zones and marine domain awareness.

Personnel Who Conduct Exams Have a Prevention Mindset

On the whole, personnel who conduct UPV exams approach training as a means for accident avoidance and have a prevention mindset. This attitude was the catalyst for change in the 9th District. Chief Warrant Officer

Robert G. Sorrell of MSO Milwaukee discussed stakeholder attitudes when examination of UPVs first started a few years ago. Chief Warrant Officer Sorrell commented on how the operators’ mindsets changed from the way “they’ve always done it.” Initially, no one in his area of operation passed the examination. Because all the vessels he examined were seaworthy, he was able to educate the operators and schedule a revisit. After the second or third visit, the exams became a “cake walk”; most vessels easily passed in about an hour’s time. Thus, the exams, and the new mindset of prevention, became the new normalcy in the midwestern port.

Exams Foster Partnership Among Stakeholders

Quality charter boat associations encourage members to participate in voluntary exams, which amplifies the positive, preventive mindset. Chief Warrant Officer Sorrell relayed his positive dealings with one such association. Port Washington Charter Captains Association (PWCCA) of Port Washington, Wis., mandates that each vessel participate in the voluntary exam program. Capt. Gene Spaeth, president of the association, stated, “We cooperate with the Coast Guard in any way we possibly can.” One example he noted is that his association and the Marine Safety Office schedule exams during a meeting each spring. PWCCA received 100 percent regulatory compliance by its members and was presented with a certificate from the port’s Officer In Charge of Marine Inspection.

Additional PTP Practices: Easily Performed During UPV Exams

Until now, discussion has centered on human factors that are inherent in most UPV exams; the PTP principles of prevention, partnership, education and non-regulatory solutions are intrinsic and apparent in exams. Other PTP practices are sometimes, but not always, part of examinations. These practices, while not standardized in exams, can be easily included within the existing arrangements. By sharing best practices, responding to others’ motivation and minimizing risks, Coast Guard members are increasing the likelihood of a safe, secure and environmentally friendly operation. If you participate in exams, make the following a habit:

Share Best Practices

Sharing best practices is one of the best ways to keep history from repeating itself. Examiners, especially those from the Auxiliary that are retired Coast Guard, have substantial experience from which to draw. UPV exams are an opportune time to share “sea stories” that relay information on what to do (and what not to do) to keep

small vessels safe and profitable. More than just small talk, “sea stories” offer practical knowledge from which operators can benefit.

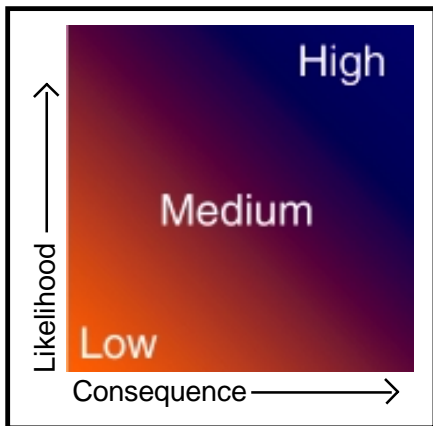
Appreciate Others’ Motivation

Coast Guard personnel who understand stakeholders’ motivations demonstrate empathy and foster a positive working environment leading to quicker and easier outcomes for all parties involved. While both industry and Coast Guard might think of safety as their civic duty, a reservist might think of safety as his or her job while a 6-pack operator might think of safety in terms of reputation.

Make it a habit to discuss aspects that motivate the other party. For example, if you are an Auxiliary member, remind charter captains that completed exams may lead to decreased insurance premiums. This shows that you appreciate the captain’s motivation beyond his or her obvious desire for safety.

Discuss Identifying and Minimizing Risks

Voluntary examinations are the perfect venue to discuss risk. Risk is the combination of how often an incident might happen (frequency) OR the probability that it will occur (likelihood) AND what will arise if an accident does take place (consequence). Sound complicated? Simply think of risk as the product of probability and consequence. Risk decreases as probability or consequence



d e c r e a s e s . Even though some risks cannot be avoided, others can be reduced or eliminated. Knowing your risks, and addressing your biggest ones, is a cost-effective way to increase safety.

Mariners make decisions based on risk every day. Informal decisions such as, “Is the weather too severe to set sail?” is a risk-based decision. Unlike informal decisions, other decisions may benefit from a more formal risk analysis. To identify, evaluate, and manage risks cost-effectively, the Coast Guard/Passenger Vessel Association Partnership created the *PVA Risk Guide*. This guide provides operators with a means to assess and manage

risk within their operations and evaluates the effectiveness of risk management options. It can be used to evaluate proposed operations, survey existing operations, and determine the effect of operational changes. Your local MSO can work collaboratively with mariners on risk-based decision-making (RBDM). For a FREE copy of the PVA Risk Guide, log onto www.uscg.mil/hq/g-m/nmc/ptp/pdf/pvarisk_guide.pdf. (It’s short enough to print from your home computer.)

Demonstrated Benefits

Focusing resources toward the cause of 80 percent of marine safety mishaps makes common sense from both safety and economic perspectives. Read on to learn about the monetary benefits of applying PTP practices.

Money Saved by Preventing Accidents

Per the report entitled *Economic Impacts of Accidents on the Marine Industry* (IFC Kaiser, 1997), marine-related accidents cost the marine industry over 1.1 billion dollars in lost lives, injuries and environmental damage annually. The same study cited the passenger vessel industry as a whole losing 60 million dollars per year to the direct and indirect costs of accidents.

One indirect cost is time. Time spent on clean-up after a small spill is lost revenue – and time lost is magnified in seasonal operations. Interruptions in operations and negative publicity translate into fewer profits.

Decreased Insurance Premiums

A more direct cost than time is insurance premiums. Daniel Longman, the owner of Charles Lakes Marine Insurance Company, an agency that insures many types of vessels including UPVs, has said he would consider giving a discount to operations that participated in voluntary exam programs.

6-pack vessel voluntary examinations ensure the highest possible degree of safety for passengers. It is through a focus on human factors – rather than reprimanding operators who are not in compliance – that safety officers have achieved a higher standard of safety. By completing voluntary exams, thus practicing PTP, both safety and monetary benefits can, and should, be expected.

For information on PTP or the PVA/Coast Guard Risk Guide, contact the Human Element and Ship Design Division of the U.S. Coast Guard at (202) 267-2997 or fldr-he@comdt.uscg.mil. Information on risk is also available on the Coast Guard’s Risk Web site, www.uscg.mil/hq/g-m/risk.

MARINER'S SEABAG

Corporations Fined \$5 Million in Pollution Conspiracy



An investigation that started in February 2002, thanks to the keen eyes of a U.S. Coast Guard inspector, came to a close in October when four maritime shipping companies were sentenced to pay a \$5 million fine for their role in a seven-year-long oil pollution conspiracy. The four companies, Boyang Maritime, Boyang Limited, Trans-Ports International (TPI) and Oswego Limited, pled guilty in August to multiple felony charges associated with their efforts to conceal the dumping of waste oil from their fleet of large, refrigerated cargo ships. The sentence culminated months of effort by several U.S. agencies and led Rear Adm. James Underwood, Commander of the Coast Guard 17th District, to award public service awards to two prosecutors in the case.

In addition to the \$5 million fine, a Federal District Court Judge in Anchorage sentenced the companies to place another \$500,000 in an escrow account to pay for a comprehensive environmental compliance plan. Of the \$5 million fine, \$1 million will be paid to the National Fish and Wildlife Foundation to be used for the Alaska Maritime National Wildlife Refuge, an area that encompasses much of Alaska's off-shore islands, including the Aleutian Island Chain.

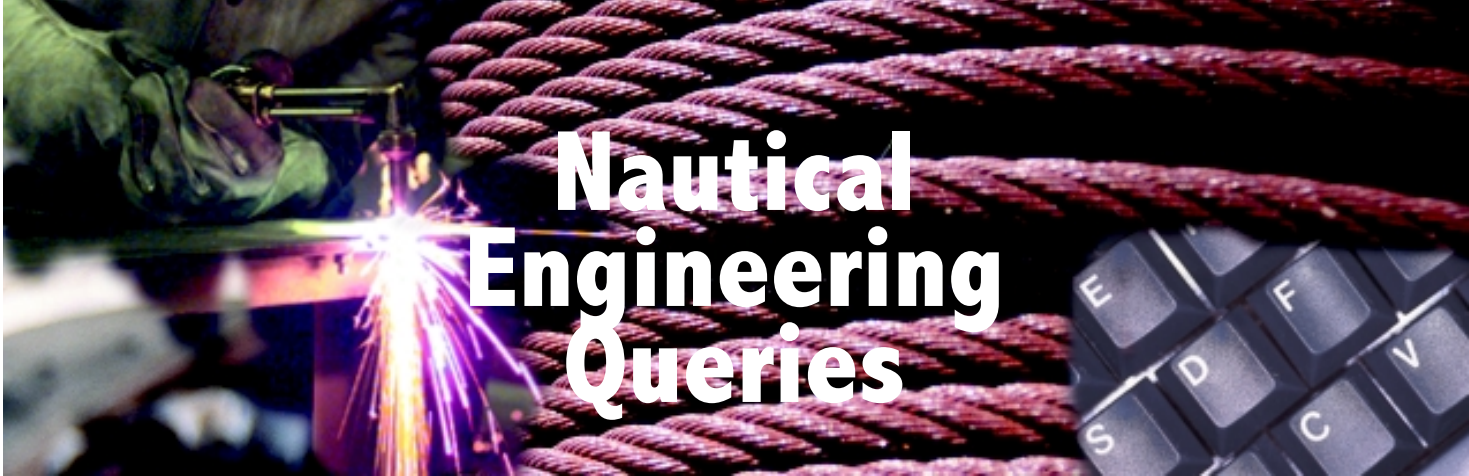
Together, the four companies operated, managed and controlled a fleet of more than a dozen large cargo freighters that regularly transport frozen seafood and other products from Alaska to Asia. The Coast Guard began to suspect problems with the operation of these vessels when—due to the observations of Chief Warrant Officer Kelly Gordon—

they discovered evidence of illegal oil discharges and false record keeping on four vessels during routine inspections in Dutch Harbor in February 2002. The Coast Guard found oil laden hoses used to pump oil sludge and oily bilge waste directly overboard on two of the four sister ships. Subsequent investigation led to the conviction of one ship's captain and two chief engineers, who were sentenced to between six and eight months imprisonment. As part of the same investigation, a corporate director and two corporate managers were indicted on charges that they were part of the same conspiracy to obstruct justice, keep false records and tamper with witnesses to hide the routine dumping of waste oil at sea. In addition, a ship's captain was indicted for obstructing a Coast Guard proceeding and a first engineer was indicted for making false declarations under oath to a grand jury. All five individuals are fugitives.

Rear Adm. Underwood said, "This case is important to Alaskans because it reminds them of the continued role the Coast Guard plays in its traditional marine safety mission of keeping the waters of Alaska pristine in the face of growing economic development."

The case was investigated by the Coast Guard Criminal Investigative Service, the Environmental Protection Agency Criminal Investigations Division, and the FBI, and was prosecuted by the U.S. Attorney's Office for Alaska and the Environmental Crimes Section of the U.S. Department of Justice (DOJ).

LEFT PHOTO: Capt. Michael Karr, Chief of the Coast Guard Office of Investigations & Analysis, presents a Coast Guard public service award to Joe Poux, trial attorney for the Department of Justice Environmental Crimes Section, for his work on the Boyang OWS case. Attending the presentation are, LEFT TO RIGHT: Timothy Burgess, U.S. Attorney for the District of Alaska; Mr. Poux; Capt. Karr; and from the DOJ Environmental Crimes Section: David Uhlmann, chief, and Gregory Linsin, special litigation counsel. **RIGHT:** Adm. James Underwood presents a Coast Guard public service award to Assistant U.S. Attorney Kevin Feldis for his work on the Boyang OWS case.



Nautical Engineering Queries

- In diesel engines, hydraulic valve lifters are used to _____.
 - reduce valve gear pounding
 - increase valve operating lash
 - obtain greater valve lift
 - create longer valve duration
- Which of the listed effects would mixtures of ethylene glycol and phosphate compounds have on the metal surfaces of the cooling system of a diesel engine?
 - Increases the rate of heat transfer.
 - Retards the flow of cooling water.
 - Protects metallic surfaces from corrosion and the coolant from freezing.
 - Tends to increase corrosion.
- Assume that steam has formed in a boiler in which all of the steam stop valves are closed, and the water level is held constant. When there is an increase in the temperature of the steam and water in the boiler, which of the following effects will occur on the pressure and the specific volume of the steam?
 - The steam pressure and volume will remain constant.
 - The pressure will increase and the volume will remain constant.
 - The pressure will remain constant and the volume will increase.
 - The pressure will increase and the specific volume will decrease.
- The rate of heat transfer from a hot region to a cold region is affected most by _____.
 - size of the heat sink
 - temperature difference between the regions
 - size of the heat source
 - total heat of the system
- If your ship burns three tons of fuel at 19 knots, how many tons per hour will it burn at 15 knots?
 - 1.5 tons
 - 1.9 tons
 - 2.4 tons
 - 5.3 tons
- As steam accomplishes work in an engine or turbine, it expands and _____.
 - increases in superheat
 - decreases in superheat
 - decreases in volume
 - decreases in moisture content
- During topping off of bunker tanks, the loading rate must be personally supervised by the _____.
 - terminal operator
 - person-in-charge
 - master
 - chief engineer
- When starting a reciprocating refrigeration compressor that has been shutdown for a period of time, you should manually throttle the _____.
 - sea water valve
 - king valve
 - suction valve
 - expansion valve
- Which of the listed pumping arrangements will be hazardous when two similar centrifugal pumps are used to discharge a cargo of flammable liquid?
 - Both pumps operating at the same speed and discharging into a common line.
 - Both pumps operating at the same speed and taking suction from a common line.
 - Each pump operating at a different speed and taking suction from a common line.
 - Each pump operating at a different pressure and discharging into a common line.
- Which of the methods listed is most frequently used to control evaporator refrigerant flow rate in a shipboard refrigeration system?
 - Direct expansion with constant superheat.
 - Indirect expansion with constant superheat.
 - Low side float control.
 - High side float control.

Answers: 1.A 2.C, 3.D, 4.B 5.A 6.B, 7.B 8.C, 9.D 10.A



Nautical Deck Queries

1. A person is found operating a vessel while under the influence of alcohol. He/she is liable for _____.
 - A. imprisonment for up to three years
 - B. a civil penalty of not more than \$5,000
 - C. a fine of not more than \$3,000
 - D. a fine of not more than \$10,000
2. You are landing a single-screw vessel with a right-handed propeller port side to a dock. As you approach the dock, you back down on your engine with rudder amidships. You would expect the vessel to _____.
 - A. drift away from the dock
 - B. lose headway without swinging
 - C. swing its stern towards the dock
 - D. swing its stern away from the dock
3. You may best turn a twin-screw vessel about, to the right, in a narrow channel by using _____.
 - A. both engines ahead and helm
 - B. one engine only
 - C. port engine ahead and the starboard engine astern
 - D. both engines astern and use helm
4. River currents tend to _____.
 - A. pick up speed where the channel widens
 - B. run slower in the center of the channel
 - C. hug the inside of a bend
 - D. cause the greatest depth of water to be along the outside of a bend
5. Your vessel is leaving New York Harbor in dense fog. As the vessel slowly proceeds toward sea, you sight a green can buoy on the starboard bow. Which action should you take?
 - A. Turn hard right to get back into the channel.
 - B. Pass the buoy close to, leaving it to your port.
 - C. Stop and fix your position.
 - D. Stand on, leaving the buoy to your starboard.
6. Fog is most commonly associated with a(n) _____.
 - A. warm front at night
 - B. low pressure area
 - C. anticyclone
 - D. cold front in the spring
7. Which statement is FALSE concerning precautions during small craft fueling operations?
 - A. All engines, motors, fans, etc. should be shut down when fueling.
 - B. All windows, doors, hatches, etc. should be closed.
 - C. A fire extinguisher should be kept nearby.
 - D. Fuel tanks should be topped off with no room for expansion.
8. Which statement is TRUE of a gasoline spill?
 - A. It is visible for a shorter time than a fuel oil spill.
 - B. It is not covered by the pollution laws.
 - C. It does little harm to marine life.
 - D. It will sink more rapidly than crude oil.
9. INLAND ONLY: You are proceeding up a channel in Chesapeake Bay and are meeting an outbound vessel. There is no current. You MUST _____.
 - A. keep to that side of the channel which is on your vessel's port side
 - B. stop your vessel, letting the outbound vessel sound the signals for meeting and passing
 - C. propose, or answer, one or two-blast whistle signals given by the other vessel if passing within ½ mile
 - D. give the outbound vessel the right-of-way
10. BOTH INTERNATIONAL & INLAND: The Rules state that a vessel overtaking another vessel is relieved of her duty to keep clear when _____.
 - A. she is forward of the other vessel's beam
 - B. the overtaking situation becomes a crossing situation
 - C. she is past and clear of the other vessel
 - D. the other vessel is no longer in sight

Answers: 1.B, 2.C 3.C 4.D 5.D, 6.A, 7.D, 8.A 9.C 10.C

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A proud fisherman shows off what can be an adventurous result on a 6-pack or 12-pack. Photo by Doug Stern.