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Homeland Security

United States  
Coast Guard



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COMDTPUB P16700.4

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 9-02, Change 4

Subj: GUIDELINES FOR THE AREA MARITIME SECURITY COMMITTEES AND  
AREA MARITIME SECURITY PLANS REQUIRED FOR U.S. PORTS

- Ref: (a) Maritime Transportation Security Act (MTSA) of 2002, Public Law 107-295  
 (b) Security and Accountability For Every Port Act (SAFE Port Act) of 2006,  
 Public Law 109-347, as amended  
 (c) Coast Guard Authorization Act of 2010, Public Law 111-281  
 (d) Magnuson Act of 1950, 50 U.S.C. §§ 191-195  
 (e) Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and  
 Waterfront Facilities of the United States, Executive Order 10173, as amended  
 (f) Ports and Waterways Safety Act (PWSA) of 1972, 33 U.S.C. §§ 1221-1226, Public  
 Law 92-340  
 (g) Navigation and Navigable Waters, Maritime Security: Area Maritime Security, 33  
 C.F.R. Parts 101-106  
 (h) Risk-Based Decision-Making, COMDTINST 16010.3 (series)  
 (i) Sensitive Security Information (SSI), DHS Management Directive 11056.1 (series)  
 (j) Sensitive Security Information (SSI) Handling Procedures, Navigation and Vessel  
 Inspection Circular No. 10-04, COMDTPUB P16700.4 (series)  
 (k) Classified Information Management Program, COMDTINST M5510.23 (series)  
 (l) Physical Security and Force Protection Program, COMDTINST M5530.0 (series)  
 (m) Area Maritime Security Plan (AMSP) and Area Maritime Security (AMS) Assessment  
 Development and Maintenance Process, COMDTINST 16601.28 (series)

DISTRIBUTION – SDL No. 162

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NON-STANDARD DISTRIBUTION:

1. PURPOSE.

The purpose of this Circular is to: (a) provide guidance to field commanders, the maritime community and Area Maritime Security Committee (AMSC) members on the development and maintenance of Area Maritime Security (AMS) Assessments and Area Maritime Security Plans (AMSPs); (b) provide guidance on the responsibilities of the Captain of the Port (COTP) acting as the Federal Maritime Security Coordinator (FMSC); (c) provide a common template for AMSPs; (d) address port security issues that are the shared responsibility of the port stakeholders and AMSCs, and; (e) promote unity of effort among all stakeholders with maritime security interests at the port level.

2. ACTION.

COTPs will give the guidance in this Circular the widest dissemination to the maritime community and AMSC members. COTPs, with the assistance of the AMSCs, should follow the guidance provided in Enclosures (1) through (7) regarding the development of AMS Assessments, and the development, review, exercising, and updating of AMSPs. This Circular will be distributed by electronic means only.

3. DIRECTIVES AFFECTED.

NVIC 9-02, Change 3 is revised to provide guidance regarding compliance with References (a) through (c). From the last version of this Circular, Enclosures (1) through (6) have been revised, and a Glossary has been added as Enclosure (7).

4. BACKGROUND.

The MTSA required the Coast Guard to coordinate joint planning for anti-terrorism efforts in the port environment to enhance deterrence and response to Transportation Security Incidents (TSIs) and maritime terrorism threats. The MTSA also required designation of both the geographic areas for which AMSPs were required to be prepared, and a Coast Guard official to serve as the FMSC for each area. AMSPs are required to be integrated with facility and vessel security plans (when required by MTSA), and to be adequate to deter a TSI when implemented in conjunction with the National Maritime Transportation Security Plan (NMTSP). The SAFE Port Act expanded mandatory content of AMSPs to include a Salvage Response Plan (SRP) to ensure that waterways are cleared, and that commerce through the Nation's ports is reestablished as efficiently and quickly as possible after a maritime TSI. The Coast Guard Authorization Act of 2010 further expanded mandatory content to include area response and recovery protocols to prepare for, respond to, and recover from a TSI. AMSP content requirements established by 33 C.F.R. Parts 101-103 include the requirements of References (a) through (f), for which maritime community engagement is essential.

5. DISCUSSION.

- a. The COTP/FMSCs are responsible for establishing and maintaining AMSCs to provide advice regarding the development and maintenance of an AMSP for each COTP zone. MTSA-implementing regulations require that each AMSC use a risk-based approach to develop and maintain their AMS Assessment. AMSCs also develop methods to identify port infrastructure and operations, identify risks to the port, communicate threats involving terrorism to affected stakeholders, coordinate resources, and mitigate threats and consequences. Enclosure (1) provides guidelines for the AMSCs.
- b. The AMSPs and AMSCs are essential elements of the layered security of our Nation's ports. Collaborative planning, coordination, open lines of communication, strong working relationships, and unity of effort are essential to provide an effective systems approach to preventing, detecting, responding, and recovering from terrorist threats to the MTS.
- c. Guidance for the development and maintenance of AMSPs is contained in Enclosure (2) to this document. A standard template for AMSPs is included to assist COTPs/AMSCs in the development of AMSPs, and is designed to meet the regulatory requirements contained in Reference (g).
  - (1) AMSPs developed by COTPs/AMSCs shall include protocols and procedures for the essential components of the plan, which include; awareness, preparedness, prevention, security response, communications, and recovery coordination and procedures.
  - (2) The AMSP should also provide for facilitating the recovery of the MTS, and must include a Salvage Response Plan (SRP) per Reference (b). AMSPs should be compatible across all forms of transportation disruptions, as defined by References (a) and (b), with special attention to MTS recovery and salvage response procedures.
  - (3) The COTP/FMSC and AMSCs contribute to the Maritime Common Operating Picture (MCOP) by providing decision makers with the situational awareness access to vital information needed to make informed decisions when planning and executing response and recovery operations.
- d. AMS Preparedness Stages.
  - (1) The first stage of the AMSP process begins with an Area Maritime Security (AMS) Assessment of the ports within the COTP Zone. Enclosure (3) describes the process, requirements, and skills needed by personnel to conduct the assessment, and it also discusses the role of the Maritime Security Risk Analysis Model (MSRAM) in supporting the assessment. Additional

information regarding risk-based decision making is available in Reference (h).

- (2) The second stage of the preparedness process includes the planning and coordination needed among stakeholders to implement risk reduction strategies identified through the AMS Assessment.
  - (3) Subsequent stages in the preparedness cycle include exercise, evaluation, After Action Reports (AARs), identification of lessons learned, and AMSP adjustment. Enclosure (4) provides guidance on the AMS Training and Exercise Program (AMSTEP). Recommendations on port security training are also included in Enclosure (4). However, training should be conducted throughout the stages of the preparedness process.
- e. AMSPs may contain Sensitive Security Information (SSI). Persons requiring access to a plan that contains SSI must submit a Department of Homeland Security Non-Disclosure Agreement (Tab A to Enclosure 2). Each plan containing SSI is required to be designated and marked as SSI in accordance with Reference (i). Paragraphs will be clearly marked to identify the security designation of information contained in each paragraph (SSI, FOUO, or U). SSI information may be redacted from the AMSP in accordance with Reference (j). However, a redacted plan must also be marked as such in accordance with Reference (j). The redacted AMSP may be shared with the port community consistent with access regulations applicable to its remaining content. Therefore, if a redacted AMSP contains information designated as For Official Use Only (FOUO), then applicable access requirements apply. Additional guidance is provided in References (k) and (l).
  - f. Protected Critical Infrastructure Information (PCII). PCII, as defined in the Homeland Security Act (6 U.S.C. §131(3) and §212(3)), may be important or essential to planning the recovery of maritime Critical Infrastructure/Key Resource (CIKR). Access to PCII will be limited to the purpose for which it was obtained and voluntarily provided by owners of such material. Access to, use of, and safeguarding PCII will be done in strict accordance with the requirements of [6 C.F.R. Part 29](#). PCII will not be included in the AMSP, and will be maintained and safeguarded separately.
  - g. AMSP content is derived from specific statutory and regulatory requirements and discretionary authority available to the Coast Guard. AMSPs should not be expanded to include emerging issues without the concurrence of the AMSP program manager in the Office of Port and Facility Compliance (CG-FAC) at Coast Guard Headquarters, in coordination with Coast Guard District and Area Commands. However, emerging initiatives often involve a level of detail or location-specific issues that are more appropriately addressed by COTPs/AMSCs through the development of job aids (e.g., quick response cards and templates for tactical operations), best practices/lessons learned (learned through exercises and training), etc. Such materials may be

incorporated by reference in AMSPs where appropriate to AMS content requirements described in Enclosure (2).

6. IMPLEMENTATION.

- a. Coast Guard Area and District Commanders will work with COTPs/FMSCs to establish scalable port security measures based upon input received from the AMSCs. These measures may include Regulated Navigation Areas with a port security component, security zones, or other combinations of regulations issued under [33 C.F.R. Part 165](#). These port security measures will allow for quick implementation when Maritime Security (MARSEC) Levels are raised. However, at no time will these security measures prevent a COTP/FMSC from taking more extensive measures, pursuant to existing authority, within their port in times of national emergency or imminent attack.
- b. COTP/FMSC Responsibility
  - (1) Each COTP/FMSC will use the enclosed guidelines to develop and maintain an AMSP and an associated AMS Assessment and exercise program that conforms to the requirements contained in [33 C.F.R. Part 103](#) and Reference (a). These plans may include; State and local Urban Areas Security Initiative (UASI) Emergency Operations Plans, and other geographic sub-plans as annexes as long as the entire COTP Zone is covered. Where a region-wide AMSP has been established and major sub-areas are addressed using AMSC subcommittees, ensure these geographically defined areas are included as annexes to the Plan.
  - (2) Separate AMSPs may be prepared for individual ports when there are compelling reasons, subject to the concurrence of the AMSP Approving Authority.
  - (3) COTPs/FMSCs will use the MSRAM as an assessment tool to support the development of AMS Assessments as described in Enclosure (3).
  - (4) Ensure PCII is not contained within the AMSP, and is safeguarded separately.
  - (5) AMSPs will be submitted by the COTP/FMSC in an electronic format to their District Commander for review in accordance with the Plan Review Authority's direction and Reference (m).
  - (6) COTP/FMSC will upload approved AMSPs in the appropriate HOMEPORT "Sensitive But Unclassified" community as per Reference (m).

c. District Commander Responsibility

- (1) District Commanders, working with the COTPs/FMSCs, will ensure timelines are met and provide any technical or drafting assistance needed.
- (2) District Commanders will review all AMSPs within their District based on the criteria found in Reference (m) and this Circular, and forward the plans to the respective Area Commander for final approval.

d. Area Commander Responsibility

Area Commanders will review and approve all AMSPs in accordance with the criteria found in Reference (m) and this Circular, and forward approved AMSPs to Commandant (CG-FAC).

e. Headquarters Responsibility

- (1) Commandant (CG-FAC), the Office of Port and Facility Compliance, is responsible for policy and guidance governing AMS Assessments and AMSPs, and will coordinate with Commandant (CG-CPE), the Office of Crisis and Contingency Planning and Exercise Policy, to establish and review exercise policy and guidance. CG-FAC is also responsible for policy and guidance governing the oversight of AMSCs and MTS stabilization and recovery policy.
- (2) The Office of International and Domestic Port Security (CG-PSA) is responsible for policy and guidance governing the use of the Maritime Security Risk Analysis Model (MSRAM), and the Port Security Assessment (PSA) program.

7. DISCLAIMER.

This guidance is not a substitute for applicable legal requirements, nor is itself a rule. It is not intended to nor does it impose legally binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact Coast Guard Headquarters, Office of Port and Facility Compliance, which is responsible for implementing this guidance.

8. DISTRIBUTION. No paper distribution will be made of this NVIC. An electronic version will be located on the following Commandant web sites. Internet: <http://www.uscg.mil/directives/> and

<https://cgportal2.uscg.mil/library/directives/Sitepages/Home.aspx>  
<http://www.uscg.mil/hq/cg5/nvic/>

9. RECORDS MANAGEMENT CONSIDERATIONS. This NVIC has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This non-directive guidance does not have any significant or substantial change to existing records management requirements.
  
10. ENVIRONMENTAL ASPECTS/CONCERNS. This NVIC will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this NVIC must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
  
11. FORMS. None.

J. A. Servidio /s/  
 Rear Admiral, U.S. Coast Guard  
 Assistant Commandant for Prevention Policy

- Encl: (1) Guidance for Development and Management of AMSCs  
 (2) Guidance for Development and Management of AMSPs  
 (3) Area Maritime Security Assessment  
 (4) AMS Exercise Program Guidance  
 (5) MTS Recovery Plan Template  
 (6) Salvage Response Plan Template  
 (7) Glossary/Definition of Terms