



COMDTPUB P16700.4
NVIC 9-02 Change 1

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 9-02, Change 1 **DEC 15 2003**

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

- Ref: (a) MSM Volume VII, Port Security, COMDTINST M16000.12 (series)
 (b) Magnuson Act and Executive order 10173, as amended
 (c) Ports And Waterways Safety Act (PWSA) of 1972
 (d) Risk-Based Decision-Making, COMDTINST M16010.3 (series)
 (e) COMDT COGARD Washington DC 172345 DEC 01
 (f) PDD-63 Critical Infrastructure Protection
 (g) HSPDD – 3 Homeland Security Advisory System
 (h) DOT Report to Congress, “An Assessment of the U.S. MTS” dated Sept. 1999
 (i) Navigation and Vessel Inspection Circular No. 1-00, Guidance for the Establishment and
 Development of Harbor Safety Committees Under the Marine Transportation System
 (MTS) Initiative, COMDTPUB P16700.4
 (j) Guidance for Coast Guard Coordination of MTS Improvement Efforts at the Regional
 and Local Level, COMDTINST M16010.9 (series)
 (k) Interagency Commission on Crime and Security in U. S. Seaports, August 2000
 (l) COMDT COGARD Washington DC R281216Z MAY 02/ALCOAST 258/02, G-CCS
 (m) 49 CFR 1520 TSA Regulations: “Protection of Sensitive Security Information”
 (n) CPPM, Volume III; Exercise Policy COMDTINST M3010.13 (series)
 (o) Maritime Transportation Security Act, Public Law 107-295; 46 USCA §§ 70101 et.
 seq.
 (p) Final Rules on Maritime Security, 33 CFR Subchapter H, Parts 101 – 106.

DISTRIBUTION – SDL No. 140

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*NON-STANDARD DISTRIBUTION: Ba: Commandant (G-MP/G-MOC/MO-1//MSE/MW/OPD/OPL/OPF-3). Distributed by electronic means only.

1. **PURPOSE.** The purpose of this Circular is to 1) provide guidance to field commanders on the development of Area Maritime Security Committees and Area Maritime Security (AMS) Plans; 2) provide guidance on the responsibilities of the Captain of the Port (COTP) acting as the Federal Maritime Security Coordinator (FMSC); 3) provide a common template for the development of AMS Plans; and 4) address port security issues that are the shared responsibility of the port stakeholders and AMS Committees.
2. **ACTION.** Commanding Officers of Activities, Marine Safety Offices, and COTPs will give the guidance in this circular the widest dissemination to the maritime community and AMS Committee members. Formation of the AMS Committees and development of AMS Plans should follow the guidance provided in enclosures (1) through (3). This circular will be distributed by electronic means only. It is available on the World Wide Web at <http://www.uscg.mil/hq/g-m/nvic/index.htm>. Distribution by COTPs may be made by any practical method.
3. **DIRECTIVES AFFECTED.** NVIC 9-02 is revised to provide guidance on the Final Rules on Maritime Security, 33 CFR Subchapter H, and the Maritime Transportation Security Act (MTSA) of 2002. Enclosures (1) and (2) are replaced in their entirety. Enclosure (3), the Port Security Risk Assessment Tool, is unchanged and should continue to guide the FMSC in the development of AMS Assessments.
4. **BACKGROUND.**
 - a. The terrorist attacks of September 11, 2001, re-awakened the Nation to the reality that it is not isolated from world events and it is vulnerable to terrorist attacks. Since then, numerous reports and studies, including "The Interagency Commission on Crime and Security in U.S. Seaports," have identified the ports, waterways and coastal areas as being particularly vulnerable. The Coast Guard has responded by re-evaluating and strengthening its abilities to protect the Nation's ports, waterways, and coastal areas from possible attack.
 - b. International trading partners are an integral part of U.S. security solutions. In November 2001, the Commandant of the Coast Guard addressed the International Maritime Organization (IMO) General Assembly urging that body to consider an international scheme for port and shipping security. As a result, a new international security code, the International Ship and Port Facility Security Code (ISPS), was developed at the Maritime Safety Committee's 75th session in May 2002. In December 2002, the IMO Diplomatic Conference adopted the ISPS Code and a new Chapter XI-2, entitled Special Measures to Enhance Maritime Security.
 - c. On November 25, 2002, the President signed into effect Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA), that mandated the development of a new regulatory scheme for maritime security. The Coast Guard conducted extensive public outreach, including seven public meetings to request comment on the development of interim rules to implement the MTSA. More than

2,000 people representing a cross-section of the maritime community attended these meetings and provided extensive comments. The Coast Guard incorporated the public comment into the development of Six Temporary Interim Rules (TIR) that were published in the Federal Register on July 1, 2003. Following another public meeting and the receipt of 1,600 comments from the public, the TIRs were published as Final Rules on October 22, 2003.

5. DISCUSSION.

- a. This revised circular provides guidance to FMSCs, on how to bring existing Port Security Committees (PSC) and Port Security Plans (PSP) into compliance with 33 CFR Subchapter H, pertaining to the establishment of AMS Committees and AMS Plans. For the purpose of this guidance, the term “area” is defined as a COTP zone. The term “FMSC” is used to designate the COTP when implementing the provisions of 33 CFR Subchapter H.
- b. The FMSCs are responsible for establishing AMS Committees that will advise on the development of an AMS Plan for each COTP zone. The AMS Committees will also develop methods to identify risks, communicate threats to affected stakeholders, coordinate resources, and mitigate threats and consequences. Enclosure (1) provides guidelines for the development of AMS Committees.
- c. The AMS Plans and Committees will be the cornerstone in developing the first lines of defense of our Nation’s ports. Their importance cannot be over emphasized. Enclosure (2) provides guidelines for FMSCs in the development of AMS Plans and introduces a standard plan template. The use of this template is mandatory, as the FMSC and AMS Committees will be contributing to the establishment of a Maritime Common Operating Picture (MCOP) that will permit critical decision makers to have access to vital information. The AMS Plan is essential to the development of the MCOP as a joint venture between many departments of the government and civilian community.
- d. The first stage of the AMS Plan process begins with a security assessment of the port area conducted by the FMSC and AMS Committee. Enclosure (3) includes the risk assessment tool that should be used. Further information on risk-based decision-making is available in reference (d). The AMS Plan should provide for coordinated scalable actions to detect, deter, prevent and respond to threats at varying threat levels.
- e. AMS Plans will contain sensitive security information (SSI) and it is anticipated that AMS Committees will need to access or produce information that is designated as SSI. Once portions of the Plan or its annexes are designated as SSI, the entire Plan should be considered SSI and marked accordingly. However, FMSCs are encouraged to redact SSI information from the Plan so that they may broadly share with the port community those portions of the AMS Plan that are not SSI, e.g., the Communications Section. The SSI program is authorized by

Transportation Security Administration (TSA) regulation (reference (m)). Additional guidance is provided in enclosure (2) on the handling, dissemination, and protection of SSI portions of the AMS Plan and AMS Committee minutes.

- f. While the guidance contained in this document may assist the industry, public, Coast Guard and other federal and state regulators in applying statutory and regulatory requirements, the guidance is not a substitute for applicable legal requirements, nor is it a regulation itself; thus, it is not intended to, nor does it, impose legally-binding requirements on any party.

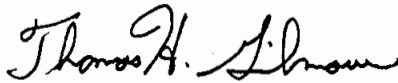
6. IMPLEMENTATION.

- a. Coast Guard Area and District Commanders will work with FMSCs to establish scalable port security measures based upon the input received from the AMS Committees. These measures may include Regulated Navigation Areas with a port security component, security zones activated only during heightened threat conditions, or other combinations of field regulations issued under 33 CFR Part 165. Ultimately, these preplanned port security measures will allow for quick implementation when MARSEC levels are raised. At no time, however, will these security measures prevent a FMSC from taking more extensive measures, pursuant to existing authority, within their port in times of national emergency or imminent attack.
- b. FMSC Responsibility
 - (1) FMSCs will use the enclosed guidelines to develop AMS Committees that conform to 33 CFR Subchapter H for Area Maritime Security and the MTSA. Confirmation that these committees have been chartered and established will be provided to Districts, Areas, and G-MP no later than January 31, 2004.
 - (2) Each FMSC will use the enclosed guidelines to develop an AMS Plan. These plans may include geographic sub-plans as annexes so long as the entire COTP zone is covered. Since the U.S. intends to rely on the approval of AMS Plans as the basis for its compliance with the Port Facility section of the ISPS Code, adherence to the AMS Plan submission schedule is essential in order to provide timely notification to IMO.
 - (3) AMS Plans will be submitted by the FMSC in an electronic format to their District Commander for review no later than April 1, 2004.
- c. District Responsibility
 - (1) District Commanders will engage with MSO planners well before March 1, 2004, to ensure timelines are met. In doing so, they will provide any technical or drafting assistance needed at the field level.

- (2) District Commanders will review all AMS Plans within their District based on the criteria found in enclosure (2), and forward the plans to their Area Commander no later than May 1, 2004.

d. Area Responsibility

- (1) Area Commanders will review and approve all AMS Plans in accordance with the criteria found herein, and forward approved AMS Plans to G-MP no later than June 1, 2004.



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- Encl:
- (1) Guidance for Development and Management of AMS Committees
 - (2) Guidance for Development and Management of AMS Plans
 - (3) Port Level AMS Assessments (PSRAT)