



COMDTPUB P16700.4  
NVIC 12-04  
November 5, 2004

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-04

Subj: MARITIME SECURITY COMPLIANCE AND ENFORCEMENT FOR  
U. S. / CANADIAN BOUNDARY AND COASTAL WATERS

- Ref:
- (a) Maritime Transportation Security Act
  - (b) 33 CFR Chapter I, Subchapter H – Maritime Security
  - (c) MOU Between the United States Coast Guard & Transport Canada Regarding Exchange of Personnel to Enhance Communication & Cooperation Between the Coast Guard & Transport Canada Regarding the Implementation of the Provisions of SOLAS Chapter XI-2 & the International Ship & Port Facility Security Code, dated June 30, 2004
  - (d) Commandant (G-MP) letter to Transport Canada (Marine Security) dated July 1, 2004
  - (e) Commandant (G-MP) letter to Transport Canada re: Intended Course of Action, dated June 18, 2004
  - (f) Safety of Life at Sea Convention, Chapter XI-2
  - (g) International Ship and Port Facility Security Code
  - (h) Coast Guard Port State Control Targeting and Boarding Policy for Security and Safety, COMDTPUB P16700.4, NVIC 06-03, CH-1

1. **PURPOSE.** In order to comply with United States and international maritime security regulations and standards, it is in the best interest of the U.S. to establish and implement maritime security procedures for vessels operating in the boundary waters of the U.S. and Canada. These procedures should: take into account security efforts made by Canada prior to the vessel arriving at a U.S. port; be consistent with U.S. maritime security regulations and implementation policies; address the management of routine and contingency marine security incidents and operations in North American waters; and include detailed targeting, boarding and enforcement procedures to ensure vessels

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transiting boundary waters are in compliance with U.S. laws and regulations, and applicable international maritime security standards and policies.

2. **ACTION.** Port state control authorities of the U.S. Coast Guard and designated Port State Control Officers (PSCOs) should:
  - a. Bring this circular to the attention of appropriate individuals in the marine industry within their zones. The Coast Guard will distribute this NVIC by electronic means only. You may find this circular on the worldwide web at: <http://www.uscg.mil/hq/g-m/nvic/index.htm>.
  - b. Follow the guidance in this circular during pre-arrival targeting and during port state ISPS/MTSA compliance examinations.
  - c. Become familiar with the provisions of references (c) and (d) in order to effectively implement U.S. port state control activities involving maritime security, for vessels transiting the boundary waters of Canada and the U.S..
3. **DIRECTIVES AFFECTED.** The processes outlined in this Navigation and Vessel Inspection Circular (NVIC) modify in part existing guidance provided by reference (h). These modifications primarily address U.S. jurisdictional issues during the performance of port state control actions involving maritime security upon vessels that transit boundary waters.
4. **BACKGROUND.** Canada and the United States have performed port state control since 1988 and 1994, respectively. Since then, both countries have seen a steady downward trend of substandard vessels during port state control examinations, largely due to port state control activities by both countries and other like-minded port States. Additionally, Canada's and the United States' port state control programs have expanded to incorporate enforcement of the Standards of Training, Certification and Watchkeeping Convention and the International Safety Management Code. The enforcement of these additional standards through port state control contributed to a further reduction of substandard vessels visiting both countries. The events of September 11, 2001, underscored the need for developing and incorporating security standards into port state control.
  - a. Both Canada and the United States have worked diligently since 9/11 to develop comprehensive national and international security standards.
  - b. In December 2002, the International Maritime Organization (IMO) adopted amendments to the International Convention for the Safety of Life at Sea (SOLAS): Chapter XI-2, "Special Measures to Enhance Maritime Security," and the International Ship and Port Facility Security (ISPS) Code.
  - c. In October 2003, the USCG published reference (b) issued under the authority of reference (a). The regulations in reference (b) pertaining to vessels closely parallel those developed at IMO. In December 2003, the USCG promulgated implementation policy on port state control targeting

## NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-04

and boarding for both safety and security examinations. Policy available on the internet at: <http://www.uscg.mil/hq/g-m/nvic/03/NVIC%2006-03%20Ch-1%20Part1.pdf> and at <http://www.uscg.mil/hq/g-m/nvic/03/NVIC%2006-03%20Ch-1%20Part2.pdf>.

- d. In June 2004, Canada published Marine Transportation Security Regulations under the authority of their Marine Transportation Security Act.
5. **DISCUSSION.** United States PSCOs will enforce applicable requirements of SOLAS Chapter XI-2, the ISPS Code, and the maritime security regulations promulgated by the U.S. for all foreign vessels subject to SOLAS and all foreign cargo vessels greater than 100 gross register tons as outlined herein. This NVIC provides specific program guidelines for targeting vessels for examination, conducting vessel examinations, controlling substandard vessels, and tracking and reporting results of vessel examinations.
6. **IMPLEMENTATION.** The Coast Guard will enforce applicable domestic and international maritime security requirements on foreign vessels in order to provide security for ships, ports, port infrastructure, and persons that work in the maritime industry. A vessel must have an approved and fully implemented security plan in place if it calls on U.S. ports. Vessel owners and operators, Administrations, Recognized Security Organizations, and port States each play an important role in ensuring that vessels meet the applicable maritime security standards.
  - a. Canadian SOLAS/non-SOLAS Vessels. In accordance with reference (e), the Coast Guard determined that Canadian regulations applicable to Canadian vessels calling at United States ports provide a level of security equivalent to the requirements of SOLAS Chapter XI-2, the ISPS Code, and the regulations implementing the Maritime Transportation Security Act. The U.S. deems non-SOLAS Canadian vessels meet applicable requirements if they hold a ship security plan approved by Transport Canada. SOLAS Canadian vessels meet applicable requirements if they hold an International Ship Security Certificate. Reference (e) does not limit the Coast Guard in imposing control actions on Canadian vessels if the Coast Guard observes, or otherwise obtains, clear grounds to determine that a Canadian vessel does not comply with applicable security regulations. The COTP will immediately notify Transport Canada and the Coast Guard district commander when taking control action.
  - b. Foreign-flag (i.e. other than U.S./Canadian) SOLAS Vessels. SOLAS Chapter XI-2, the ISPS Code, and MTSA apply to these vessels. The implementation policy includes four key pieces: risk-based targeting; reporting and notification; boarding procedures; and control and enforcement procedures.
    - (1) Risk-Based Targeting (Monitoring). The Coast Guard will target vessels for ISPS/MTSA compliance examination, port state control safety and environmental compliance examinations, and security boardings in accordance with the guidance of reference (h).

## NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-04

- (a) Great Lakes. MSD Massena will perform vessel targeting on vessels entering the Great Lakes, regardless of the vessel's final Great Lakes destination. MSD Massena will use the PSC Safety and Environmental Protection Compliance Targeting Matrix and the ISPS/MTSA Security Compliance Targeting Matrix in reference (h). MSD Massena will target all vessels using Notice of Arrival information provided by the National Vessel Movement Center, the St. Lawrence Seaway Development Corporation, and the Canadian Coast Guard. The COTP or Officer-in-Charge, Marine Inspection (OCMI) at the various Ninth District ports of destination will target vessels for random compliance exams, in accordance with the guidance of reference (h). Commander, Ninth District (ole) will coordinate targeting for security boardings.
  - (b) Coastal Ports involving boundary waters. For coastal ports, the COTP or OCMI will continue to screen and target vessels transiting U.S./Canadian boundary waters and destined for port(s) within their AOR.
- (2) Reporting and Notification.
- (a) Targeting information. The Coast Guard may share targeting information with Canada for each vessel targeted for port state control (PI/PII and Canadian equivalent) and ISPS/MTSA compliance examination (ISPS I/ ISPS II and Canadian equivalent).
  - (b) Examination Results. The Coast Guard may share with, or receive from Transport Canada information regarding the results of port state control boardings performed on vessels in the U.S. and Canada. This cooperative step ensures that satisfactory examinations held in one country receive appropriate weight during subsequent visits to the other country. At the onset of this cooperative program, a boarding in Canada by Transport Canada, may allow the Coast Guard to downgrade the priority of a targeted examination (e.g. ISPS I to ISPS II, P I to P II, or P II to Non-Priority Vessel (NPV), but not ISPS II to ISPS III). A previous satisfactory examination in Canada may lead to a downgraded examination priority. Conversely, unsatisfactory examinations held in Canada would influence Coast Guard targeting decisions during a subsequent visit of a vessel to the United States. For example, the Coast Guard may add points during the targeting process because of an unsatisfactory examination of a vessel in Canada and target the vessel for follow-up examination during the its subsequent visit to the U.S. If Coast Guard members observe a Canadian compliance examination and the Coast Guard observers concur with the Canadian disposition, then the Coast Guard may consider that information favorably when prioritizing vessel examinations in U.S. waters. The Coast Guard shall communicate frequently with Transport Canada to coordinate activities and examinations.
  - (c) The Coast Guard will share MARSEC Level changes and the reason for the change with Canada so that application of that change may be considered for possible implementation throughout the boundary waters.

## NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-04

- (3) Vessel Examination. The PSCO will determine vessel compliance with approved security provisions, including applicable requirements of ISPS Code Part A, taking into consideration the relevant guidance of ISPS Code Part B. The PSCO will observe onboard security measures, review security related certificates and records, and question ship's personnel assigned security duties. Vessels shall comply with safety and environmental standards as described in Enclosure (3) to reference (h).
  - (a) For Great Lakes ports, the COTP or OCMI will follow the examination guidance in the subparagraphs below and in Enclosures (1) and (2), which modify guidance provided in Enclosure (3) to reference (h). MSD Massena will board and perform a pre-clearance examination of targeted vessels in accordance with Enclosure (1). Commander, Ninth Coast Guard District (m) will specify the location for the pre-clearance examination. PSCOs at U.S. destination ports will board and complete the ISPS/MTSA compliance items not checked during the pre-clearance examination by MSD Massena for vessels that successfully pass the pre-clearance examination(s). If a vessel fails the pre-clearance exam, the inspector shall immediately contact the Supervisor of MSD Massena. The Supervisor will immediately contact MSO Buffalo and Commander, Ninth Coast Guard District (m) for a determination on the appropriate actions to take. Actions may include denying entry of the vessel into U.S. waters, completing a full ISPS/MTSA compliance exam upon entry into U.S. waters, or allowing the vessel to proceed to its port of destination. Vessels targeted as an ISPS-I boarding that successfully complete a pre-clearance exam may be downgraded to an ISPS-II boarding and, therefore, may be boarded at the dock. Vessels targeted as an ISPS-II boarding that successfully complete a pre-clearance exam shall remain an ISPS-II boarding.
  - (b) For coastal ports, the COTP or OCMI will examine vessels transiting U.S./Canadian boundary waters and destined for their port(s) in accordance with NVIC 06-03.
  - (c) For all ports, on-board review of Ship Security Plan. If the only means to verify or rectify the non-compliance is to review the relevant portions of the ship security plan, the PSCO must obtain permission from the Master or the Administration as described in Paragraph 9.8.1 of ISPS Code, Part A before reviewing the plan. Reference (h) contains further guidance on determining whether a vessel meets applicable maritime security requirements.
- (4) Control and Enforcement. If there are clear grounds that the vessel does not meet the applicable requirements, the PSCO should take the following actions:
  - (a) For Great Lakes ports, if a vessel fails the pre-clearance exam in Canadian waters, the PSCO shall immediately contact the Supervisor of MSD Massena. The Supervisor will immediately contact MSO Buffalo and Commander, Ninth Coast Guard District (m) to determine the appropriate actions to take. Actions may include denying entry of the vessel into U.S. waters, completing a full ISPS/MTSA compliance exam upon entry into U.S. waters, or allowing the vessel to proceed to its port of destination. During the full examination conducted in U.S. waters, if the PSCO finds clear grounds that the vessel

does not meet the applicable requirements, the OCMI should impose appropriate control and/or enforcement actions as discussed in Enclosure (4) to reference (h). These may include inspection, delay, or detention of the ship; restriction of ship operation; expulsion of the ship from port; and/or lesser administrative or corrective measures.

- (b) For coastal ports, the OCMI should impose appropriate control and/or enforcement actions as discussed in Enclosure (4) to reference (h) when clear grounds exist that the vessel does not meet the applicable requirements. These may include inspection, delay, or detention of the ship; restriction of ship operation; expulsion of the ship from port; and/or lesser administrative or corrective measures.
- c. Foreign-flag (other than U.S./Canadian Vessels) Non-SOLAS/Non-Signatory Vessels. Ships of non-SOLAS parties and non-SOLAS vessels subject to MTSA shall not be given more favorable treatment than given to vessels from signatory countries. The standards of the MTSA, 33 CFR Parts 101 and 104, and reference (h) apply to these vessels and the comments in paragraph 6.b. above apply. The following additional notes apply to such vessels entering the Great Lakes:
  - (1) A non-SOLAS vessel from a signatory country must submit security plans for review by the U.S., unless the Administration has reviewed and approved its security plan, verified its implementation, and issued the vessel an ISSC. MSD Massena and the U.S. destination port will verify the plan as discussed in paragraph C.8 of Enclosure (3) to reference (h).
  - (2) A vessel from a non-signatory country must submit security plans for review by the U.S., unless the vessel complies with an alternate security program approved by the U.S. MSD Massena and the U.S. destination port will verify the plan as discussed in paragraph C.8 of Enclosure (3) to reference (h).

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

- a. Under these regulations, only persons with a "need to know," as defined in 49 CFR 1520.11, will have access to security assessments, plans and amendments. Vessel and facility owners or operators must determine which of their employees need to know which provisions of the security plans and assessments. The owners and operators must then restrict dissemination of these documents accordingly. The Coast Guard will not disclose SSI material under the Freedom of Information Act (FOIA) under almost all circumstances.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 12-04

- b. Any person or entity releasing SSI material to unauthorized persons must file a report with the Department of Homeland Security. The releasing of SSI material to an unauthorized person subjects the releaser to a civil penalty.
8. DISCLAIMER. While the guidance contained in this document may assist the industry, the public, the USCG, and other governmental regulators in applying statutory and regulatory requirements, this guidance is not a substitute for applicable legal requirements, nor is it in itself a rule. Thus, it is not intended to nor does it impose legally binding requirements on any party, the USCG, other government agencies, and States, or the regulated community.
9. CHANGES. The Coast Guard will post this NVIC on the web at [www.uscg.mil/hq/g-m/nvic/index00.htm](http://www.uscg.mil/hq/g-m/nvic/index00.htm) and post changes as necessary. The Coast Guard will issue and post time-sensitive amendments as “urgent change” messages on the USCG website for the benefit of industry. Please submit any suggestions for improvement of this circular in writing to Commandant (G-MOC).
10. FORMS AVAILABILITY. Forms can be retrieved at <http://cgweb.comdt.uscg.mil/g-mp/g-mp.htm> and reproduced locally.



T. H. GILMOUR  
Rear Admiral, U. S. Coast Guard  
Assistant Commandant for Marine Safety,  
Security, and Environmental Protection

- Encl: (1) ISPS Code Compliance, Great Lakes  
(2) Commandant (G-MP) letter to Transport Canada (Marine Security) dated July 1, 2004

**ENCLOSURE 1**  
**ISPS CODE COMPLIANCE, GREAT LAKES**



**Targeting:** The Targeting Centers for the Great Lakes will be at Massena and Ottawa. These offices will maintain daily dialog on incoming vessels and share notice of arrival (NOA) information. MSD Massena will download SANS data into a spreadsheet and forward this spreadsheet to Ottawa at a pre-determined time on a daily basis. Due to the granularity of the database, the next level of NOA detail for particular vessels will be shared upon request. Massena will screen all vessels entering the Great Lakes. Upon screening the vessel, MSD Massena will notify the responsible COTP/OCMI and other COTP/OCMIs through whose AORs the vessel will transit of the results of the compliance matrices.

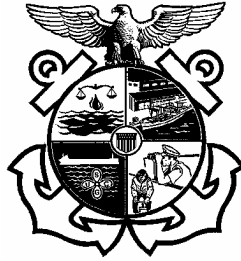
**Notification and Reporting:** MSD Massena will notify D9(ole) of the results of the Security Boarding Decision Matrix for any vessel entering the Great Lakes. MSD Massena will provide a summary of the pre-clearance examination and a list of any deficiencies noted to the first U.S. destination port. In addition, MSD Massena shall forward a copy of the appropriate 840-exam book electronically to the COTP/OCMI responsible for the first U.S. destination port along with a brief narrative describing the boarding.

**Boarding Procedures:** PSCOs will use the boarding procedures found in NVIC 06-03, Change 1, except as modified herein for the ISPS I and ISPS II compliance pre-clearance examinations conducted by MSD Massena. The attached ISPS/MTSA examination booklet outlines the checklist items for MSD Massena ISPS/MTSA pre-clearance examinations, and the balance of the ISPS/MTSA compliance checklist items for completion at the first U.S. destination port. An ISPS/MTSA pre-clearance examination should take no more than one hour to complete. Non-compliance issues would extend the time of the examination.

The PSCO must conduct thorough ISPS/MTSA pre-clearance examinations; however, the Coast Guard must recognize that delays to one vessel may seriously impact the seaway system and cause significant hardship to other vessels that intend to enter or depart the system. Serious non-compliance items that warrant an expanded examination may require that the vessel move to the nearest anchorage to minimize delays to other vessels in the seaway.

**Control and Enforcement:** If a vessel fails the pre-clearance exam in Canadian waters, the inspector shall immediately contact the Supervisor of MSD Massena. The Supervisor will immediately contact MSO Buffalo and Commander, Ninth Coast Guard District (m) for a determination on the appropriate actions to take. Actions may include denying entry of the vessel into U.S. waters, completing a full ISPS/MTSA compliance exam upon entry into U.S. waters, or allowing the vessel to proceed to its port of destination. During the full examination conducted in U.S. waters, the COTP/OCMI should impose appropriate control and/or enforcement actions as discussed in Enclosure (4) to reference (g) when clear grounds exist that the vessel does not meet the applicable requirements, These may include inspection, delay, or detention of the ship; restriction of ship operation; expulsion of the ship from port; and/or lesser administrative or corrective measures.

United States Coast Guard



**FOREIGN VESSEL  
EXAM BOOK FOR MTSA/ISPS CODE COMPLIANCE, GREAT LAKES  
VERSION  
(FOR ALL FOREIGN VESSELS)**

	<b>Flag</b> <b>0</b> No Change
	<b>Case Number</b>
<b>Date Completed</b>	
<b>Location</b>	
<b>Senior Marine Inspectors / Port State Control/ Boarding Officers</b>	
1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

## Use of Foreign Vessel MTSA/ISPS Code Exam Book

Since 1994, the Port State Control (PSC) program has had a dramatic influence upon the elimination of substandard shipping. This highly successful program now includes changes that seamlessly integrate verification and enforcement of the regulations authorized by the Maritime Transportation Security Act of 2002 (MTSA) and the provisions of SOLAS Chapter XI-2 and the International Ship and Port Facility Security (ISPS) Code into the existing port State control structure and processes. The PSC program relies on several strategies to ensure vessels failing to comply with safety and security standards do not enter or pose a hazard to the United States. These strategies focus on the performance of owners, operators, charterers, flag Administrations and those recognized organizations (RO) or recognized security organizations (RSO) an Administration may authorize to act on its behalf. The strategies include:

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

MSD Massena houses the targeting unit for the Great Lakes. MSD Massena screens all arriving vessels in accordance with NVIC 06-03, Change 1 for security boardings, ISPS/MTSA compliance examinations, and Port State Control examinations for safety and environmental compliance. D9(o) specifies the locations for HIV security boardings and D9(m) specifies the locations for all PI PSC examinations.

The Coast Guard performs ISPS/MTSA compliance pre-clearance examinations as part of a comprehensive compliance examination for all vessels designated as ISPS I and ISPS II. This pre-clearance examination provides reasonable assurance that vessels entering into the Great Lakes substantially comply with ISPS/MTSA before the vessel transits past key infrastructure and critical assets. However, successful completion of the pre-clearance examination does not guarantee successful completion of the ISPS/MTSA compliance examination at the first U.S. destination port. MSD Massena specifies the location for pre-clearance examination and the COTP or OCMI responsible for the first U.S. destination port will complete the remainder of the comprehensive examination. Upon arrival on board the vessel, the lead inspector shall notify the master of the purpose of the pre-clearance examination and make it clear that the remainder of the boarding will occur when the vessel arrives at its first U.S. port. The COTP or OCMI responsible for a vessel's first U.S. destination port will perform ISPS/MTSA compliance examinations for vessels chosen for random examination in accordance with the guidance of NVIC 06-03, Change 1. The COTP or OCMI will specify the location and scope of examinations for vessels selected for random examination, taking into account the applicable provisions of Title 33 CFR, SOLAS Chapter XI-2, and the ISPS Code Parts A and B. Note well that every vessel selected for a port state control safety boarding may also be subject to some measure of security examination in accordance with Part A and Part B of the ISPS Code. Inspectors may use the checklist herein to guide security examination during traditional port state control as noted on NVIC 06-03, Change 1. To meet port State responsibilities, senior marine inspectors/port State control officers must verify that the vessels and their crews substantially comply with international conventions and applicable U.S. laws related to security. The senior marine inspectors/port State control officers, based on their observations, must determine the depth and scope of the examination.

For pre-clearance examinations, MSD Massena will conduct the shaded portions of this exam book for targeted vessels. MSD Massena will expand the pre-clearance exam to include the areas of non-compliance using Section C of this exam book for guidance after noting clear grounds to do so. The Coast Guard will address any discrepancies noted during this pre-clearance exam in accordance with guidance in NVIC 06-03, Change 1.

MSD Massena may contact Transport Canada in Ottawa when they determine that a vessel will undergo a pre-clearance exam in Massena. This examination booklet includes a list of POCs for various U.S. Coast Guard and Transport Canada representatives.

At the completion of the pre-clearance examination at Massena, MSD Massena will: Issue a partially completed Form A to the vessel's Master [if no non-compliance noted]; or Issue partially completed Forms A and B to the vessel's master [If non-compliance noted and corrected during the pre-clearance examination]. MSD Massena shall scan/forward copies of all Forms A and B issued to the first U.S. destination port, with a courtesy copy to Transport Canada if a Transport Canada representative does not attend the pre-clearance examination. Lastly, MSD Massena will expel the vessel for serious uncorrected non-compliance during the pre-clearance examination. In such cases, MSD Massena will issue completed Forms A and B to the Master. See NVIC 06-03, Change 1 for additional notification guidance.

Inspectors at the vessel's first U.S. port call will complete this exam book upon arrival of the vessel.

**Conducting the exam**

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

<b>Pre-inspection Items</b>	<b>Post-inspection Items</b>
<ul style="list-style-type: none"> <li>• Review MISLE records</li> <li>• Deficiency History</li> <li>• Critical Profile</li> <li>• CG Activity History</li> </ul>	<ul style="list-style-type: none"> <li>• Issue letters/certificates to vessel</li> <li>• Issue Port State Control Report of Inspection-Form A (begin Part A in Massena if targeted; scan and fwd by email to CID in first U.S. destination port)</li> <li>• Issue Port State Control Report of Inspection-Form B (if needed – prepare in Massena if warranted)</li> <li>• Initiate MISLE documentation w/in 4 hours (initiate in Massena if targeted)</li> <li>• Complete MISLE activity case (complete in Massena if vessel expelled)</li> </ul>

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

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

Name of Certificate	Issuing Agency	ID #	Issue Date	Expiration Date	Endorsement Date	Official Seal (Y/N)	Remarks
International Ship Security Certificate							
Interim International Ship Security Certificate (if issued)							

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

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

(1) as defined in SOLAS Chapter IX

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

Facility Name	Completed?	Date	Contact Details



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

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

	33 CFR 104.240(a) ISPS Part A Sect. 7.1 & 12 ISPS Code Part B Sect 9.7
<p><b>Controlling Access to the Ship (number in parentheses indicates security level). Only to the extent necessary.</b></p> <p><input type="checkbox"/> Measures to Prevent Unauthorized Access to ship</p> <ul style="list-style-type: none"> <li>• Security personnel require personal identification and reason to board (1)</li> <li>• Access points identified/manned to prevent unauthorized access (1)</li> <li>• Unattended spaces adjoining spaces accessible to passengers/visitors secured (1)</li> <li>• Security personnel appear to be briefed re: threats, suspicious persons, objects or activities and need for vigilance (1)</li> <li>• Security personnel patrolling deck areas (2)</li> <li>• Access points to ship limited (2)</li> <li>• Waterside access to ship deterred (2)</li> <li>• Restricted zone established on shore side of ship (2)</li> <li>• Visitors receive escort (2)</li> <li>• Full or partial search of ship conducted (2)</li> <li>• Access restricted to single point (3)</li> <li>• Access to ship limited to security personnel (3)</li> <li>• Directing persons on board (3)</li> <li>• Suspend embarkation/debarkation or evacuate ship (3)</li> <li>• Suspend cargo operations (3)</li> <li>• Move the ship to a more secure area (3)</li> <li>• Preparations taken for a full or partial search of the ship (3)</li> </ul>	33 CFR 104.265 ISPS Part A Sect. 7.1 & 9.4 ISPS Part B Sect. 9.9 – 9.17
<p><b>Controlling Embarkation of Persons and Their Effects (number in parentheses indicates security level). Only to the extent necessary.</b></p> <p><input type="checkbox"/> Measures to prevent unauthorized weapons, dangerous substances, and devices from being brought on board</p> <ul style="list-style-type: none"> <li>• Secure area(s) to search persons, baggage, etc. provided (1)</li> <li>• Checked persons/baggage segregated from unchecked persons/baggage (1)</li> <li>• Embarking persons segregated from disembarking passengers (1)</li> <li>• Ro-ros/Ferries - vehicle searches performed (1)</li> <li>• Unaccompanied baggage screened/searched (1)</li> <li>• Frequency and detail of searches (persons, effects, vehicles) increased (2)</li> <li>• Unaccompanied baggage 100 percent x-ray searched (2)</li> <li>• Unaccompanied baggage, thorough x-ray search (different angles), or refusal to accept (3)</li> </ul>	33 CFR 104.255 ISPS Code Part A, 7.1, 9.4 ISPS Code Part B 9.14, 9.15, 9.38 – 9.41

**Monitoring Deck Areas and Areas Surrounding Ship (number in parentheses indicates security level).  
Only to the extent necessary.**

- Monitoring Security of the Ship
  - Mix of lighting, watchkeepers, security guards, security equipment used to observe the ship in general (1)
  - Stepped up use of lighting, watchkeepers, security guards, security equipment (2)
  - Maximized use of lighting, watchkeepers, security guards, security equipment (3)

33 CFR 104.285  
ISPS Part A Sect. 7.1 & 9.4  
ISPS Part B Sect. 9.42 – 9.49

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

<p><b>Monitoring Restricted Areas Ensuring only Authorized Persons have Access (number in parentheses indicates security level). To be done at Massena and first U.S. port.</b></p> <p><input type="checkbox"/> Restricted Areas Monitored/Measures to Prevent Unauthorized Access (examples: Bridge, Engine Room, Steering Compartment, Cargo Control Room, Pump Room, Cargo Spaces, CO2 Room, etc.)</p> <ul style="list-style-type: none"> <li>• Surveillance Equipment in use (1)</li> <li>• Locked/ Secured/ Roving guard for access points (1)</li> <li>• Intrusion alarms devices in use (1)</li> <li>• New restricted areas established adjacent to access points (2)</li> <li>• Continuous use of surveillance equipment (2)</li> <li>• Added guards for access points (2)</li> <li>• Restricted areas established in proximity to security incidents (3)</li> <li>• Restricted areas searched (3)</li> </ul>	<p>33 CFR 104.270                  ISPS Part A Sect. 7 &amp; 9.4                  ISPS Part B Sect. 9.18 – 9.24</p>
<p style="text-align: center;">-</p> <p style="text-align: center;">-</p>	<p>33 CFR 104.275, 104.280                  ISPS Code Part A 7.1, 9.4                  ISPS Code Part B 9.25 – 9.37</p>
<p><b>Security Communication is available . To the extent necessary.</b></p> <p><input type="checkbox"/> Procedures and equipment for communicating responses to security threats and communicating with port, port State, and flag State</p> <ul style="list-style-type: none"> <li>• Security Personnel have ready access to communications – ship to flag, ship to shore, SSO to security personnel</li> </ul>	<p>33 CFR 104.245                  SOLAS Chap. V, Reg. 19</p>



<p><b>Other Items</b></p> <p><input type="checkbox"/> Security Certificates Valid</p> <ul style="list-style-type: none"> <li>• International Ship Security Certificate (if Interim confirm it is issued for the reasons listed in ISPS Code Part A, 19.4.1 and iaw ISPS Code Part A, 19.4.2 – 19.4.6)</li> <li>• Continuous Synopsis Record On Board and Kept Up-to-Date</li> <li>• Declaration of Security (If applicable)</li> <li>• Security incidents or breeches</li> </ul> <p><input type="checkbox"/> Hull Markings</p> <p><input type="checkbox"/> Security Related Records</p> <ul style="list-style-type: none"> <li>• Records of Drills and Exercises</li> <li>• Records of Security Threats, Incidents, &amp; Security Breaches</li> <li>• Records of Changes to Ship Security Levels</li> <li>• Record of Security Communications</li> <li>• Records protected Against Unauthorized Access</li> </ul>	<p>33 CFR 104.250 SOLAS Chap XI-1, Reg. 5 SOLAS Chap XI-2, Reg. 9.1.2</p> <p>SOLAS Ch. XI-1, Reg. 5</p> <p>33 CFR 104.235 SOLAS Ch. XI-1, Reg. 5 ISPS Part A Sect. 10.1 ISPS Part B Sect. 10</p>
<p><b>Security at Facility</b> at which Vessel is visiting (limit in scope to observations while transiting the facility and while on facility in vicinity of ship – if compliance issues are noted, immediately contact facility security verification staff at the COTP or OCMI)</p> <p><input type="checkbox"/> Declaration of Security</p> <ul style="list-style-type: none"> <li>• Executed between cruise ship or ship carrying CDC in bulk and facility (1)</li> <li>• Executed between all other ship types and facility (2)</li> <li>• DoS provisions reflect shared security concerns</li> <li>• Ship and facility comply with DoS provisions</li> </ul> <p><input type="checkbox"/> Measures to Prevent Unauthorized Access to facility</p> <ul style="list-style-type: none"> <li>• Access to facility controlled/guarded/secured (1)</li> <li>• Identity and valid reason to access facility checked (1)</li> <li>• Persons accessing liable to search (1)</li> <li>• Warning Signs</li> <li>• Unaccompanied baggage screened/searched (1)</li> <li>• Patrol vessels for waterside security (2)</li> <li>• Unaccompanied baggage x-ray screened (2)</li> <li>• Suspension of access to all but authorized personnel (3)</li> <li>• Complete screening of personal effects (3)</li> <li>• Extensive x-ray screening of unaccompanied baggage (3)</li> </ul> <p><input type="checkbox"/> Restricted Areas at the port facility (includes, among other things, shore and water-side areas adjacent to ship, passengers embarkation areas, cargo loading and storage areas, etc.)</p> <ul style="list-style-type: none"> <li>• Restricted areas marked (1)</li> <li>• Permanent/temporary barriers in place (1)</li> <li>• Controlled or guarded access points to restricted areas (1)</li> <li>• Access to authorized personnel only (1)</li> <li>• Restricted access to areas adjacent to restricted areas (2)</li> <li>• Active searches of restricted areas (3)</li> </ul> <p><input type="checkbox"/> Supervision of Cargo and Ship Stores</p> <ul style="list-style-type: none"> <li>• Safety permitting, cargo/stores checked for evidence of tampering (1)</li> <li>• Cargo/Stores checked by facility against delivery documents (1)</li> <li>• Delivery vehicles screened (1)</li> </ul> <p><input type="checkbox"/> Monitoring Security of Facility</p> <ul style="list-style-type: none"> <li>• Facility is continuously monitored</li> <li>• Lighting sufficient to monitor</li> <li>• Facility Security consistent with MARSEC Level</li> </ul>	<p>33 CFR 104.255, 105.145 ISPS Part A 5</p> <p>33 CFR 105.255</p> <p>33 CFR 105.260</p> <p>33 CFR 105.265, 105.270</p> <p>33 CFR 105.275</p>



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

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

To the Ship Security Officer:

**What do you do if there is a security breach? Or security threat?**

**How does the security alert system work? What happens if the security alert system is activated?**

**What do you do if the port is at a higher security level than the ship?**

**What are the vessel's restricted areas? How do you restrict access to these areas?**

Why do you have an interim International Ship Security Certificate? Is the ship new or has re-entered service? Or has the ship transferred flag or its owner/operator?

How often is the security equipment calibrated? Ask to see records.

How do you coordinate security activities with the port facility?

When would you limit shore to ship access to only one access point?

How often do you audit security activities? How do you audit a security activity? Ask for an example. Also ask to see records.

Who is the Company Security Officer? Do you have 24/7 contact information for this person? Ask to see information.

Do you have any active Declarations of Security? And with whom?

How often do you hold security drills, training, or exercises? When was the last time you conducted a security drill, training session, or exercise? Ask to see associated records.

How do you report security breaches or incidents? Ask to see records.

What do you do if someone tries to bring an unauthorized weapon on board the vessel? Dangerous substance? Device?

How do you prevent unauthorized persons from coming on board?

Who on board are assigned security duties?

When was the last time the SSP was reviewed? Was it updated? Ask to see record of update.

What do you do to search persons and their belongings when they come on board?

What are your procedures to search unaccompanied baggage? How do these become more rigorous if security level increases?

How do you monitor the security of the ship when underway? When pierside? At anchor?

Do you have procedures in place to bring on board additional security personnel? Please describe.

Do you have procedures in place to ensure security for cargo handling? Please describe.

How do you safeguard the Ship Security Plan?

To Crew members having security responsibilities:

Who is the Ship Security Officer?

**What do you do if there is a security breach? Or security threat?**

**How does the security alert system work? What happens if the security alert system is activated?**

**What are the vessel's restricted areas? How do restrict access to these areas?**

When was the last time you participated in a security drill, training session, or exercise?

How do you report security breaches or incidents?

What do you do if someone tries to bring an unauthorized weapon on board the vessel? Dangerous substance? Device?

How do you prevent unauthorized persons from coming on board?

What do you do to search persons and their belongings when they come on board?

What are your procedures to search unaccompanied baggage?

How do you monitor the security of the ship when underway? When pierside? At anchor?

To Crewmembers not having security responsibilities:

Who is the Ship Security Officer?

**What do you do if there is a security breach? Or security threat?**

Glossary of Terms and Acronyms

**AGENT**

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

**CARGO SHIP**

Any ship which is not a passenger ship.

**CLEAR GROUNDS**

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

**COTP**

Captain of the Port.

**CSO**

Company Security Officer

**DECLARATION OF SECURITY**

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

**IMO**

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

**ISM**

International Safe Management

**MSC**

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

**PASSENGER SHIP**

A ship that carries more than 12 passengers.

**PMS**

Preventative Maintenance System

**SMS**

Safety Management System

**SOLAS**

The International Convention for the Safety of Life at Sea.

**SSO**

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

**SSP**

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

**STCW**

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

Summary of Changes

Ch-1 N/A

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
U.S. Coast Guard

2100 Second Street, S.W.  
Washington, DC 20593-0001  
Staff Symbol: G-MP  
Phone: (202) 267-4150  
Fax: (202) 267-4130  
Email: [lhareth@comdt.uscg.mil](mailto:lhareth@comdt.uscg.mil)

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JUL 1 2004

Gerry Frappier  
Department of Transport  
Director General, Marine Security  
330 Sparks Street TWR C  
Ottawa, Ontario K1A 0N5

Dear Mr. Frappier:

Further to the bilateral arrangement of June 25, 2004, between the Canadian Department of Transport and the U.S. Coast Guard that addresses the manner of implementation of amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), this document sets out the Coast Guard's interpretation of its authorities and how it will treat certain types of SOLAS and non-SOLAS vessels operations.

Noting that the Canadian Department of Transport and U.S. Coast Guard vessel security regulations differ in their applicability with respect to non-SOLAS vessels, the Coast Guard deems that Canadian non-SOLAS vessels transiting through waters subject to the jurisdiction of the U.S. from a Canadian port to a Canadian port continuously without engaging in activities that do not have a direct bearing on transit, are not deemed to be on an international voyage, nor destined for, or departing from, a port or place subject to the jurisdiction of the U.S. Therefore, such vessels are not subject to the U.S. Coast Guard vessel security regulations.

Noting that Canadian and U.S. vessels carrying between 13 and 150 passengers engaged in excursion activities such as whale watching, sport fishing, dive operations, dinner cruises or sightseeing tours in the waters of the Great Lakes or Atlantic and Pacific boundary and coastal waters are not on an international voyage (transiting from a port in Canada to a port in the U.S., or vice versa), nor are they secured during these voyages by line or other means to any structure, facility or natural fixture on land of the other nation ( unless for the sole purpose of obtaining customs clearance), the Coast Guard will not subject such vessels to U. S. Coast Guard vessel security regulations.

Noting that the Canadian Department of Transport and U.S. Coast Guard vessel security regulations differ in their applicability with respect to barges, and pending amendment to the Canadian regulations, the security plans for Canadian vessels towing barges greater than 100 Gross Tonnage (GT) and carrying products, substances or organisms identified in Classes 1-9 of section 2 of Canada's Transportation of Dangerous Goods Act (1992) whether in bulk or packaged form, will be expected to address the security for both the barge and its cargo in accordance with the provisions of the Department of Transport Marine Security Operations Directive #8 when operating in waters subject to the jurisdiction of the U.S.

Noting that the Canadian Department of Transport and U.S. Coast Guard vessel security regulations differ in applicability with regard to towing vessels and noting also that any U.S. barge, regulated under Title 33 CFR Part 104, under tow by a U.S. flagged towing vessel will carry an approved

security plan for the barge, the U.S. flagged towing vessel, when 8 meters or less in length, will not be required to carry an approved security plan.

Noting that Canadian, U.S. or foreign flagged vessels may transit between ports in Canada and the U.S. under special circumstances, and recognizing the desirability of a mutually consistent approach with regard to such vessels, the U.S. Coast Guard will discuss the security requirements to be imposed on such vessels with the Canadian Department of Transport.

Noting that the Canadian Department of Transport has established provisions in their regulations for Occasional-Use Marine Facilities (section 355-358) and that appropriate procedures are in place to establish an approved list of these marine facilities, which will be shared with the U.S. Coast Guard and placed on the Canadian Department of Transport's web-site; the U.S. Coast Guard will not target these vessels under our Port State Control program for the sole reason that it visited an Occasional-Use Marine Facility.

Noting that the Canadian Department of Transport is issuing an Interim Canadian Vessel Security Certificate for non-SOLAS vessels prior to conducting an initial compliance examination as evidence of an approved Vessel Security Plan, and the U.S. Coast Guard is issuing a letter as evidence of an approved Security Plan, the U.S. Coast Guard will accept such Canadian interim certificates as evidence of compliance.

These clarifications serve to enhance the success of our bilateral arrangement and improve cooperation between the Canadian Department of Transport Canada and the U.S. Coast Guard regarding maritime security. Issues that may arise as a result of these clarifications will be resolved on a case by case basis through this office in consultation with the Canadian Department of Transport. I look forward to continued collaboration and cooperation as we further develop ways to address security concerns in the maritime realm. If you have any questions, please do not hesitate to contact me.

Sincerely,



L. L. HERETH  
Rear Admiral, U. S. Coast Guard  
Director, Port Security