

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO 01-13

- b. Enclosures (1) through (4) provide guidance to assist vessel owners/operators, Authorized Classification Societies, and U.S. Coast Guard personnel in executing the MSP program. Enclosure (1), Maritime Security Program Fundamentals, discusses the background of MSP and includes a description of eligibility requirements and the application process. Enclosure (2), Guidance for Initial Certification of MSP Vessels (MSP Reflag) contains the submittal procedure for plans and documents prior to the initiation of the reflagging process, and outlines expectations for the initial inspection. Enclosure (3), Guidance for Inspection of MSP Vessels Subsequent to Initial Certification, provides procedures for all vessels enrolled in MSP. Enclosure (4), Guidance for the MSP Select Program, provides procedures for enrollment, participation and continuing inspection of vessels in the new “MSP Select” program.
- c. Questions regarding this policy should be directed to Coast Guard Headquarters, Office of Commercial Vessel Compliance, Domestic Vessels (CG-CVC-1), using the contact information provided in the above letterhead.

3. DIRECTIVES AFFECTED.

- a. G-PCV Policy Letter 06-06, Guidelines for Ships Reflagged Under the Maritime Security Program Participating in the Underwater Survey in Lieu of Drydocking Program is cancelled and replaced by the guidance in this NVIC.
- b. This NVIC supersedes the guidance contained in the following:
 - (1) Message R 061413A MAR 08, Servicing of Non Coast Guard Approved Liferrafts on Maritime Security Program Vessels.
 - (2) Pages B1-12 thru B1-20 of the Marine Safety Manual, Volume II, Material Inspection, COMDTINST M16000.7 (series).

- 4. BACKGROUND. The Coast Guard Authorization Act of 1996, Section 1137 (later Title 46 U.S.C. 53102 (e) and hereafter referred to in this circular as “MSP law”), established standards for issuance of a COI to a foreign flag vessel transitioning to U.S. flag once eligibility for MSP has been established by MARAD and the U.S. Coast Guard. The parent legislation for MSP provided that a limited number of vessels would receive payment from the U.S. Government for their participation in MSP. This served as a means for establishing a fleet of commercially viable and militarily useful vessels to meet national defense and other security requirements as well as to maintain a U.S. presence in international commercial shipping. However, in order to promote further participation in this national defense program, the U.S. Coast Guard and MARAD agreed that receipt of the payment is not a precondition for requesting a COI under MSP law, provided the vessel is otherwise eligible in all respects, in accordance with 46 Code of Federal Regulations (CFR) Parts 295 and 296, and the owner/operator demonstrates an intent to enroll in the voluntary intermodal sealift agreement (VISA) program to the satisfaction of MARAD.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO 01-13

5. DISCUSSION. Enclosures (1) through (4) contain guidance outlining the process for foreign flag vessels to obtain initial and continuing certification under the provisions of MSP. Currently certificated U.S. flag vessels are also eligible for participation in MSP for the sake of payment receipt, but since no reflagging is associated with their enrollment, these ships will continue to be certificated by the U.S. Coast Guard in accordance with the applicable regulations, irrespective of their enrollment in MSP. Operators of existing (U.S. or foreign) vessels not currently certificated and not eligible for MSP wishing to obtain an initial COI as a U.S. vessel should follow the guidance in NVIC 10-81 CH-1 (Coast Guard Certification and Inspection of Certain Categories of Existing Vessels), and NVIC 2-95 CH-2 (The Alternate Compliance Program) for eligibility and enrollment in the Alternate Compliance Program (ACP).

- a. Communication. Timely communication is key to any successful initial vessel certification process. Vessel owners/operators should provide detailed and accurate information to the U.S. Coast Guard and the recognized, Authorized Classification Society (ACS) (defined in 46 CFR 8.100) as early as possible. In many cases, the certification of existing vessels is undertaken with a delivery deadline already established for the operation of the vessel under U.S. flag. Although the U.S. Coast Guard makes every attempt to accommodate scheduling constraints when made aware of these deadlines, this does not obviate the need to complete the necessary plan review, confirm construction details, verify materials, establish equipment standards, and complete associated inspections. In the case of MSP, the initial inspection process cannot be undertaken by the U.S. Coast Guard until formal notice is provided by MARAD that the vessel has been determined eligible for MSP. MARAD may provide advance notice to the U.S. Coast Guard that a vessel under consideration for MSP will likely to be found eligible based on a preliminary review prior to formal approval. In such cases, MARAD may recommend that the U.S. Coast Guard commence discussion and plan review to prepare for inspection and certification.

Although not required, owners/operators may also request meetings with the U.S. Coast Guard to review specific issues of concern prior to certification. Such meeting requests should first be directed to the Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC) and later, if necessary, to the cognizant OCMI in whose zone the inspection for certification will take place.

- b. Recognized Classification Societies. MSP law requires that vessels reflagged under MSP be “classed by and designed in accordance with the rules of the American Bureau of Shipping (ABS), or another classification society accepted by the Secretary.” To fully leverage capabilities similar to ACP, recognized classification societies meeting the authorization criteria of 46 CFR Section 8.420(c)(1) are eligible to participate in the MSP. A detailed description of the classification society recognition process is provided in 46 CFR Part 8. A list of classification societies that are recognized (accepted) and their authorizations are listed on the following web page:
<http://www.uscg.mil/hq/cg5/acp/>.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO 01-13

When a vessel becomes U.S. flagged, the U.S. Coast Guard will only allow issuance of a statutory certificate on behalf of the United States from a classification society which is recognized by the U.S. Coast Guard and has a specific authorization for the issuance of that certificate. If the vessel for which application is being made is not already classed by a recognized classification society, a transfer of class will be required in association with the MSP reflagging in order to comply with the MSP law.

- c. A Performance Based Approach. MSP law does not specify the scope or manner of the inspections to be carried out by the U.S. Coast Guard to verify that MSP vessels fulfill requirements necessary to receive and maintain a COI. Since the inception of MSP, regulatory oversight has been a combination of U.S. Coast Guard inspections together with the results of the surveys conducted by ACSs. While this methodology is employed more formally in ACP, the U.S. Coast Guard has determined that sufficient authority exists within MSP law to rely upon, in certain cases, the reports and surveys of the ACS to verify continued compliance with the requirements for issuance of a COI. To verify continued compliance with the requirements for issuing and maintaining a COI, the U.S. Coast Guard is adopting a performance based approach for regulatory oversight.

This NVIC formally establishes two levels of MSP inspection and oversight: MSP (regular) and “MSP Select.” The former mirrors traditional U.S. Coast Guard inspection and the latter is similar to ACP. In order to replicate this ACP-like inspection enrollment process for MSP Select, a performance verification period is necessary to evaluate substantial compliance with the rules and regulations prior to MSP Select enrollment. Vessels may be enrolled in MSP Select after demonstrating satisfactory performance and substantial compliance with applicable rules and regulations for a period of at least three years inclusive of the first under keel survey (drydock or UWILD) subsequent to being re-flagged under MSP. Additional information on MSP-Select can be found in Enclosure (4) of this NVIC.

This two-level approach affords the U.S. Coast Guard the ability to apply traditional inspection methods to newly reflagged vessels and allows reduced oversight for vessels with an established history of satisfactory performance. Therefore, newly enrolled MSP vessels will continue to be inspected by the U.S. Coast Guard similar to traditional Coast Guard inspections. After the three year period of evaluation, MSP vessels will be eligible to seek enrollment as a “MSP Select” vessel. Owners/operators wishing to enroll existing MSP vessels, which already meet the enrollment criteria at the time of NVIC publication, in MSP Select should apply in accordance with the provisions discussed in Enclosure (4).

MSP Select vessel oversight will consist of risk-based vessel examinations, COI renewal and annual examinations, and evaluations of ACS survey activities, with a scope comparable to ACP examinations. U.S. Coast Guard oversight will consist of attendance at annual examinations and may include attendance at drydockings, underwater surveys instead of alternate drydock examinations (UWILD), and ISM Code Safety Management System audits. This approach allows the Coast Guard the opportunity to evaluate the effectiveness of ACSs in carrying out their duties as an alternative to that of traditional U.S. Coast Guard inspections. U.S. Coast Guard oversight activities are necessary to

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO 01-13

identify and correct MSP policy discrepancies while minimizing duplication of effort and avoiding interruption of vessel schedules.

- d. Alignment with Class Surveys. To promote consistency, the oversight protocol for the MSP Select Program will be much like ACP (See Enclosure (4)). Because MSP vessels can retain foreign approved systems and equipment under MSP law, there are no supplements associated with MSP to address the alignment of surveys and testing of equipment to meet the U.S. Code of Federal Regulations. Therefore, while an ACP supplement is not used, to the maximum extent possible for MSP Select vessels, the procedures of the ACS may be used as the basis for inspection or survey, unless an alternative U.S. Coast Guard interpretation is prescribed. However, nothing limits the authority of the U.S. Coast Guard to define the method of testing for any equipment or system, or the scope and duration of any inspection needed, to verify compliance with the standards contained in MSP law.

For MSP Select vessels, the U.S. Coast Guard will align its examination and oversight activities with the class society survey schedule whenever possible. The U.S. Coast Guard will strive to avoid duplication of effort with classification societies but must also be afforded reasonable opportunity to send a U.S. Coast Guard marine inspector (MI) to any survey. To do this effectively, the owners/operators must provide the U.S. Coast Guard with sufficient advance notice of survey activities. A minimum of fourteen days advance notice for drydocking and other non-emergency surveys is appropriate for MSP Select vessels. If the survey will be conducted in a remote location, or a location outside of U.S., the cognizant OCMI requires a minimum 30 day advance notice to schedule the attendance of an inspector. Failure to provide adequate notice may result in the U.S. Coast Guard attending at a different time/location independent of the ACS. Additionally, the U.S. Coast Guard reserves the right to attend any survey for oversight and may conduct independent oversight as needed.

- e. Appeals. Persons aggrieved by a decision of the U.S. Coast Guard may appeal in accordance with the procedures contained in Title 46 CFR 1.03. The U.S. Coast Guard will notify the appellant of its decisions. Decisions may be applied as U.S. Coast Guard policy. Reference Section 1.14 of Enclosure (4) for the appeal procedures under MSP Select.
6. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it 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 may contact Coast Guard Headquarters, Office of Commercial Vessel Compliance, Domestic Vessels (CG-CVC-1) using the contact information provided above.

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO 01-13

7. RECORDS MANAGEMENT CONSIDERATIONS. This Circular has been thoroughly reviewed during the directives clearance process, and it has been determined there are 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 policy does not create significant or substantial change to existing records management requirements.
8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. After careful review of the program and its environmental impacts, the U.S. Coast Guard has determined that this guidance document is excluded from further analysis under the National Environmental Policy Act by categorical exclusion 33 of Table 2-1, COMDTINST 16475.1 (series) as it implements, without substantive change, the applicable Commandant Instructions or other federal agency regulations, procedures, manuals, and other guidance documents. None of the exceptions listed in Chapter 2 B 2 (b) of COMDTINST 16475.1 (series) apply.
9. FORMS/REPORTS. None.

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

Enclosure: (1) Maritime Security Program (MSP) Fundamentals
(2) Guidance for Initial Certification of MSP Vessels (MSP Reflag)
(3) Guidance for Inspection of MSP Vessels Subsequent to Initial Certification
(4) Guidance for the MSP Select Program

MARITIME SECURITY PROGRAM (MSP) FUNDAMENTALS

1.1. BACKGROUND

Title VI of the Merchant Marine Act of 1936 was amended by passage of the Maritime Security Act of 1996, which authorized the establishment of a Maritime Security Fleet under the Maritime Security Program (MSP). This Act was later amended by legislation contained in the National Defense Authorization Act for 2004, Section 3531 of Public Law 108-136. For the purpose of this NVIC, the current applicable law is contained in Title 46 United States Code (USC) Section 53102. The U.S. Maritime Administration (MARAD) Office of Sealift Support is the lead governmental office for general matters related to the administration of MSP. MARAD in coordination with the Department of Defense established a program whereby certain categories of militarily useful U.S. commercial vessels may be designated for emergency service to carry military cargo in time of war, national emergency or military contingency. Vessels enrolled in MSP may receive a payment as part of their enrollment; however other vessels may enroll in voluntary sealift support programs established by MARAD and utilize the process outlined in this guidance to obtain a U.S. Coast Guard Certificate of Inspection (COI) provided they otherwise meet MSP enrollment criteria. MARAD in consultation with the Department of Defense (DOD) determines if individual vessels have military utility for the purpose of MSP eligibility.

1.2. ELIGIBILITY

Use of the procedures in this NVIC for initial reflag and certification of an existing foreign flag vessel is contingent upon being found eligible for MSP by MARAD's Office of Sealift Support. The process for MSP application to MARAD is noted in the paragraphs below. MSP vessels provide sealift ship capacity that supplements government owned vessels and/or vessels contracted to the Military Sealift Command, MARAD, or other government agencies. MSP vessels, which subsequent to initial certification are determined by MARAD to no longer be MSP eligible, for any reason, will not be eligible to retain U.S. Coast Guard certification using the MSP standards. These vessels may retain certification by enrolling in the Alternate Compliance Program (ACP) and seek continued certification under ACP. MSP vessels are not and will not become, even upon activation for use in military sealift support operation, public vessels as defined by 46 USC 2101 (24). MSP vessels must be U.S. documented vessels, subject to inspection and certification by the U.S. Coast Guard, and compliant with all applicable international conventions. Foreign vessels reflagged to enter MSP may not be more than 15 years old at the time of acceptance by MARAD; tankers may not be more than 10 years old.

1.3. FOREIGN VESSEL REFLAG

MSP law requires that eligible foreign flag vessels become U.S. flag in order to participate in MSP. To streamline reflagging and initial certification by the U.S. Coast Guard, MSP law allows eligible foreign vessels to receive an initial Certificate of Inspection from the U.S. Coast Guard if they comply with the rules of a classification society recognized by the U.S. Coast Guard, and also the applicable international conventions as interpreted by their previous flag administration. Unlike ACP, there are no U.S. specific supplemental requirements applied to MSP reflags. By agreement between the U.S. Coast Guard and MARAD, foreign tankers involved in the MSP reflag process must also provide proof that they have a valid foreign tank ship Certificate of Compliance (COC), Form CG-3583, from the U.S. Coast Guard (or can satisfactorily complete a COC examination as part of the reflagging). MSP tankers must therefore comply with all requirements that would be imposed on a foreign tanker calling on a U.S. Port.

1.4. EXISTING U.S. FLAG VESSELS ENROLLING IN MSP

Vessels that are currently certificated under U.S. flag at the time of their enrollment in MSP will continue to be certificated in accordance with the requirements of the applicable U.S. regulations for which they were certificated even after enrollment in MSP.

1.5. INITIAL CONTACT AND DETERMINATION OF ELIGIBILITY

Owners/operators of militarily useful vessels who desire to reflag under MSP should contact the Office of Sealift Support (MAR-630), U.S. Department of Transportation, Maritime Administration, West Building 1200 New Jersey Avenue, SE Washington, DC 20590, to request enrollment in MSP or a sealift program (e.g. VISA) that MARAD and the U.S. Coast Guard have determined as being equivalent to MSP for the purpose of making the vessel available for emergency sealift service. MARAD will work with the Department of Defense to determine if the vessel requesting enrollment meets the design and operational requirements for participation in a sealift support program.

If MARAD determines that the vessel meets the basic criteria for enrollment, they will notify the U.S. Coast Guard, Commandant (CG-CVC-1) of the name, official number, owner/operator, type of vessel and any other relevant information for a foreign flag vessel being considered for selection. The U.S. Coast Guard will then conduct a review of the vessel's safety and environmental compliance history and provide MARAD with a positive or negative enrollment recommendation.

The U.S. Coast Guard generally will not recommend any vessel whose classification society or flag administration has inadequately enforced class rules or international regulations. However, vessels currently registered with a flag administration or classification society targeted by the U.S. Coast Guard under the Port State Control

(PSC) Program for having a substandard compliance record are still considered eligible for MSP provided the vessel itself does not have a history of noncompliance. A list of targeted flags and classification societies under the PSC program can be obtained from the U.S. Coast Guard Homeport Webpage by searching "Targeted."

After receipt of the U.S. Coast Guard recommendation and DOD determination of military utility, MARAD will notify the vessel owner/operator if the vessel may participate in the program. If during the initial inspection, the vessel is found in substandard condition (i.e. it has excessive or significant deficiencies) the U.S. Coast Guard may withdraw its original MSP enrollment recommendation in accordance with Section 3.1.5 of Enclosure (2).

1.6. APPLICATION FOR INSPECTION

Once the conditions of Section 1.5 have been satisfied, the vessel owner/operator will be advised to make an Application for Inspection, Form CG-3752, to the OCMI in whose zone the reflag inspection will be conducted.

If the location of the inspection has not been determined by the owner/operator at the time of MARAD's acceptance into the program, in order to initiate plan submittals to the U.S. Coast Guard Marine Safety Center (MSC), the owner/operator may make application to Commandant (CG-CVC-1). The MSC and the OCMI shall not commence plan review or inspection until the vessel is formally accepted into MSP by MARAD, or MARAD has indicated that the application is in process and that enrollment is recommended (either are preferred in writing). To provide the OCMI ample time to prepare for inspections, the owner/operator should notify CG-CVC-1 of a location for inspection at least 30 days before inspections are scheduled to commence.

1.7. STANDARDS FOR REFLAG UNDER MSP AND OTHER VOLUNTARY SEALIFT SUPPORT PROGRAMS

The U.S. Coast Guard may accept previously conducted classification society surveys and previously issued international certificates as evidence of compliance with class rules and international regulations for vessel equipment and systems, provided the following conditions are met:

1. The vessel is classed by and designed in accordance with the rules of a classification society recognized by the U.S. Coast Guard;
2. The vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented, immediately before becoming a U.S. documented vessel;
3. The country under which the vessel is currently flagged has not been identified by the U.S. Coast Guard as inadequately enforcing international vessel regulations (see Section 1.5 of this Enclosure and Section 3.1.5 of Enclosure (2) for more information);

4. The classification society under which the vessel is classed has not been identified by the U.S. Coast Guard as inadequately enforcing international vessel regulations (see Section 1.5 of this Enclosure and Section 3.1.5 of Enclosure (2) for more information); and,
5. The ship is 15 years of age or less on the date the vessel is accepted in MSP, except that tankers may not exceed 10 years of age on the date of enrollment in MSP. The maximum age may be waived by the Secretary of Defense for national defense or military purposes in time of war or national emergency.

Questions concerning eligibility for MSP enrollment should be directed to CG-CVC-1.

GUIDANCE FOR INITIAL CERTIFICATION OF MSP VESSELS (MSP REFLAG)

After the vessel has been accepted by MARAD and has submitted an application for inspection, the U.S. Coast Guard will verify compliance with MSP law. This Enclosure provides process guidelines for issuance of an initial COI and international certificates for a foreign flag vessel entering MSP or a voluntary sealift support program.

1.1. PLAN REVIEW TO VERIFY STANDARDS COMPLIANCE

To verify compliance with international conventions and the rules of a U.S. Coast Guard Authorized Classification Society (ACS), the vessel owner/operator should submit the items below to the Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC) for review. As noted previously, the MSC and the OCMI should not commence plan review or inspection until the vessel is accepted into MSP by MARAD, or MARAD has indicated that the application is in process and that enrollment is recommended (either are preferred in writing).

1.1.1. AUTHORIZED CLASSIFICATION SOCIETY REQUIRED

Where the vessel has been classed and designed in accordance with rules other than a U.S. Coast Guard ACS (46 CFR 8.100), the vessel must be transferred to the class of a U.S. Coast Guard ACS and accepted as being in class under the rules of that organization prior to reflagging (46 USC 53102(e)(1)(A)).

1.1.2. IDENTIFICATION OF ALL EQUIVALENCIES OR EXCEPTIONS

The vessel owner/operator, previous flag administration, and/or classification society should identify all areas and items where equivalence or exemptions have been previously granted to any applicable international convention or to the design rules of a classification society recognized by the U.S. Coast Guard.

1.1.3. PLANS TO BE SUBMITTED

Along with the identification of all equivalencies or exemptions, the following plans and information should be submitted to the MSC. The information contained therein is for reference to assist with the verification of information submitted as provided by Section 1.1.4 of this Enclosure.

1. General arrangement and capacity plans.
2. Structural fire protection division rating plans (Method I construction, MSC will oversight fire boundary ratings and ventilation details, i.e., penetrations by the ventilation system of fire rated divisions).
3. Fire and smoke detection system plans (to verify placement and overall system design).

4. Fixed fire extinguishing system plans. "Fixed fire extinguishing system" includes water based systems, CO₂, and clean agent systems. A time delay is required only for the CO₂ and clean agent systems (a minimum 20-second time delay for releases into manned spaces in accordance with the FSS Code). The adequacy of the time delay should be verified to ensure suitable time is afforded to evacuate the space. If it cannot be ascertained during plan review, a comment should be made for OCMI verification.
5. Bilge and ballast piping diagram(s).
6. Automation system plans including a qualitative failure analysis for vital systems (i.e. power management system, propulsion control system, dynamic positioning system, centralized machinery monitoring and control system, etc.), or a letter from the classification society stating that the systems are designed to meet the failsafe requirements of SOLAS.
7. Stability test report including stability test data and lightship properties.
8. Particulars of damage stability compliance, including criteria used and summary of results of survival calculations, probability factor calculations, drafts used.
9. Damage control plan.
10. Approved cargo loading manual, if not included with Trim and Stability Booklet.
11. Midship section and hull girder section modulus calculation.

Further, the vessel owner/operator is responsible for submitting the following plans to the U.S. Coast Guard, Vessel Response Plan Program and MSC as appropriate, for review and approval prior to the initial inspection:

12. Shipboard Oil Pollution Emergency Plan (SOPEP) / Shipboard Marine Pollution Emergency Plan (SMPEP)
13. Vessel Response Plan (VRP) / Non-Tank Vessel Response Plan (NTVRP)
14. Vessel Security Plan (including SSAS & Piracy Annexes)

1.1.4. PLANS TO BE SUBMITTED FOR VERIFICATION OF CLASS APPROVAL

The following information/plans and classification society approval letters should also be submitted. Generally these items will be examined only to verify the approval action of the classification society and will not undergo MSC design review or OCMI inspection unless problems or unusual items are noted.

1. Trim and Stability booklet, as approved.
2. Letter from the flag administration or their authorized classification society indicating the vessel meets applicable SOLAS 74, as amended, damage stability requirements.
3. Letter from flag administration or their authorized classification society indicating the level of review and approval of the following items, with all areas requiring special attention and inspection noted:

- A. Structures
 - i. Midship Section
 - ii. Scantling Profile
 - iii. Strength Deck Structural Plan
 - iv. Shell Plating and Framing
 - v. Typical Watertight Bulkhead
- B. Fire main systems
- C. Bilge systems
- D. Steering gear and steering gear alarm systems

1.2. DOCUMENTATION TO BE SUBMITTED TO THE OCFI FOR REVIEW PRIOR TO INITIAL INSPECTION

In order to facilitate the onboard vessel inspection, the owner/operator should submit the following items for OCFI review, no less than **30** days in advance of the requested date of attendance. This list should not be interpreted as being all inclusive and in no way limits the OCFI from requesting supporting documentation.

1. MARAD Office of Sealift Support determination of eligibility
2. MSC MSP plan review documentation and comments
3. Contact information for the representatives attending on behalf of class and/or the previous flag administration
4. Contact information for the representatives attending on behalf of the recognized organization issuing the Safety Management Certificate
5. Contact information for the representatives who will be conducting the survey of radio equipment on behalf of the U.S. Federal Communications Commission
6. Reports of Port State Control (international) attendances, for previous 5 years (as applicable)
7. The following regulatory and statutory documentation issued by the current class/flag administration:
 - A. Classification Document
 - B. Current Registry Certificate
 - C. SOLAS Safety Construction Certificate (SLC)
 - D. SOLAS Safety Equipment Certificate (SLE) and Form E
 - E. SOLAS Safety Radio Certificate (SLR) and Form R
 - F. International Load Line Certificate
 - G. International Oil Pollution Prevention Certificate and Form A/B (as applicable)
 - H. International Air Pollution Prevention Certificate and Supplement
 - I. International Energy Efficiency Certificate (if applicable)
 - J. International Sewage Pollution Prevention Certificate (if applicable)
 - K. International Safety Management Certificate (SMC)
 - L. ISM Document of Compliance
 - M. Cargo Gear Certificate
 - N. Document of Compliance for the Carriage of Dangerous Goods

- O. Continuous Synopsis Record (all previous)
 - P. Copies of any exemption certificates relating to SOLAS/MARPOL
 - Q. International Tonnage Certificate
 - R. Minimum Safe Manning Certificate
 - S. International Ship Security Certificate (ISSC)
 - T. Certificate of Fitness (as applicable)
 - U. International Anti-Fouling System Certificate (if applicable)
8. Class record of Approved safety equipment
 9. Boiler and pressure vessel nameplate data
 10. Proof of payment of User Fees and Overseas Inspection fees (as applicable)
 11. Manning proposal
 12. Reports of flag administration attendances, for previous 5 years (as applicable)

2.1. EXPECTATIONS AND PREPARATION FOR INITIAL INSPECTION

The issuance of the initial Certificate of Inspection (COI) can be made provided that the following actions are satisfactorily completed.

1. A vessel inspection by the cognizant OCMI is conducted with a surveyor from the vessel's classification society, or an official of the previous flag administration, in attendance. This individual should be capable of explaining all previous flag administration interpretations of SOLAS, MARPOL, ILLC, etc. should those questions arise. The conduct of the inspection (Section 3.1.1), deficiencies and expanded examinations (Section 3.1.5), and the need for a hull exam (Section 3.3) are described in this Enclosure.
2. The OCMI is provided access to the last annual survey report of the classification society, the list of outstanding class recommendations and statutory requirements, and the latest drydock survey report (including access to the most recent gauging report if requested).
3. The MSC, cognizant OCMI, and attending ACS surveyor are provided with a report of vessel systems, equipment, or other items that meet a standard different from the U.S. statutory requirements for a vessel of similar size and service (e.g. pressure vessels that are not ASME stamped and lifejackets that are not U.S. Coast Guard Approved). The vessel's owner/operator is responsible for preparing and submitting this report, known as the "gap analysis." The "gap analysis" should be reviewed by the ACS for accuracy. The "gap analysis" is designed to assist marine inspectors and the ACS in the identification and documentation of items in the vessel inspection records that meet international, class, or previous flag administration interpretations of standards but not U.S. standards. Documenting these items should help avoid confusion on what was

accepted at the initial inspection and duplication of this effort at subsequent inspections. It will also eliminate the need for the owner/operator to continue providing a representative of the previous flag administration at future inspections. Gapped areas do not necessarily require rectification at the time of reflagging if the item is in compliance with the standards of the previous flag administration at the time of reflagging. A finalized copy of the “gap analysis” should be included in the permanent USCG and ACS vessel record.

2.2. RESPONSIBILITIES OF THE MARINE INSPECTOR (MI)

During a MSP reflag the MI has a wide range of responsibilities. MIs should anticipate that the initial inspection will normally take up to three (3) days to complete. In addition to the requirements unique to MSP re-flag, the initial inspection should be of a scope consistent with a traditional inspection for certification and an initial MTSA/ISPS verification. Early communication with vessel representatives is key for a successful initial inspection for certification. The attending MI should engage with vessel representatives as soon as possible to discuss the format and conditions under which the inspection will be conducted; for example, that no cargo operations should be conducted during the initial inspection, that a lifeboat and rescue boat launching exercise should be planned, and that all fire hoses should be prepared for pressure testing. Also, since a significant responsibility of the MI during the initial inspection is to determine the crew’s familiarity with the vessel, it is important to discuss the company’s plan for getting the U.S. crew onboard. Familiarity with the vessel shouldn’t come during the initial inspection. The company should make arrangements in advance of the reflagging to provide adequate vessel familiarization for the crew (i.e. riding the vessel to observe operations, etc.).

The MI should monitor the company’s progress toward submittal and approval, where necessary, of the items noted in Section 1.1 of this Enclosure. The MI should review the “gap analysis” as soon as it is available and ensure the class surveyor who will attend the initial inspection has a copy. It is also advantageous for the MI to begin a dialog with MSC in order to monitor the plan review process. The plan approval process should be complete before the MI commences physical inspection of the vessel.

SOLAS, MARPOL, ILLC, ITC, and other certificates required by international regulations will be issued by the classification society for all areas where they are authorized on behalf of the U.S. The MI should be familiar with the most recent “Status of Classification Society Recognition, ACP Participation, and Authorizations Delegated by the U.S. Coast Guard,” which can be found on the following web page: <http://www.uscg.mil/hq/cg5/acp/>. The OCMI is responsible for issuance of the vessel’s COI, International Ship Security Certificate (ISSC), and other international certificates for which the classification society is not authorized to issue. Additionally, the MI should provide a new Oil Record Book, Official Log Book, and the updated Continuous Synopsis Record at the time of COI issuance.

2.2.1. MARINE INSPECTOR (MI) COMPETENCIES

The OCMI should ensure that the inspection team consists of at least one certified Machinery Inspector and one certified Hull Inspector or Hull Tankship Inspector as applicable. To ensure continuity, where possible the lead MI should not be re-assigned or replaced until the reflag is complete. Commands absent MI capacity or minimum competency required to conduct a MSP reflag should contact their District Prevention Staff for guidance.

2.2.2. DUTIES OF THE MARINE INSPECTOR

Recognizing that not every contingency can be contemplated, the following list summarizes many of the standard duties associated with the MSP reflag process. This list is not all-inclusive.

1. U.S. Coast Guard project management in the oversight of all plan submittals to the OCMI as noted in Section 1.2.
2. Liaison with the MSC regarding all required plan review submissions.
3. OCMI's point of contact regarding all owner/operator inquiries.
4. Coordinate with ACS representative in conjunction with all aspects of the re-flag project.
5. Become familiar with the company's "gap analysis."
6. Evaluation and documentation of all existing equivalencies or exemptions.
7. Conduct inspection of the vessel for compliance with international conventions and previous flag administration requirements, per Section 3.1 of this Enclosure.
8. Evaluate all required ISM documents, required manuals, and shipboard logs.
9. Evaluation of the U.S. crew's familiarity with the vessel.
10. Review of the U.S. crew's documentation in accordance with STCW and U.S. manning requirements.
11. Review and draft COI and all CG issued statutory documents for OCMI signature.

2.3. RESPONSIBILITIES OF THE VESSEL OWNER/OPERATOR

The vessel owner/operator should ensure that all information and plans outlined in Enclosure (1) and Section 1.1 of this Enclosure are provided well in advance of the initial inspection. The plan approval process should be complete before the MI commences physical inspection of the vessel. The owner/operator should engage the U.S. Coast Guard National Vessel Documentation Center (NVDC) for preparation of the vessel's Certificate of Documentation (COD). The NVDC will deliver the prepared COD to the MI scheduled to conduct the initial inspection for hand delivery to the vessel during the initial inspection. The company is required to forward a foreign registry deletion certificate and proof of ownership to the NVDC following the issuance of the vessel's COD.

The vessel owner/operator is responsible for coordinating the final Continuous Synopsis Record (CSR), to reflect the date on which the vessel ceased to be registered with the previous flag administration. Additionally, prior to the initial inspection, the owner/operator should engage the U.S. Coast Guard CSR Desk for preparation of the vessel's new CSR. The new CSR reflecting the changes resulting from reflag, as required by 74 SOLAS (2009 Cons.) XI-1/5.1, should be provided onboard before the completion of the initial inspection. 74 SOLAS (2009 Cons.) XI-1/5.4.2 does not provide a grace period for the issuance of a new CSR resulting from a reflag. The NVDC will deliver the prepared CSR to the MI scheduled to conduct the initial inspection for hand delivery to the vessel during the initial inspection.

Owners/operators should make the vessel available for the duration of the reflagging process, which normally takes up to three (3) days. During the reflagging of the vessel the company should not schedule or conduct any cargo operations. Prior to the initial inspection, an opportunity should be provided for the U.S. crew to become thoroughly familiar with the vessel as during the inspection the MI will assess crew proficiency with the operation of onboard systems, including but not limited to; lifesaving, firefighting, machinery, navigation, cargo systems, etc. Further, the inspection is also focused on the crew's familiarity with onboard contingency plans which may be referenced in an emergency (i.e. Vessel Security Plan, SOPEP, Non-tank Vessel Response Plan).

2.4. RESPONSIBILITIES OF THE PREVIOUS FLAG ADMINISTRATION OR DESIGNEE (CLASS)

A representative from the previous flag administration or a designee (in writing) from class should be available both prior to and during the re-flagging to provide explanations regarding previous interpretations of rules and regulations. Further, the designated representative should advise if the current statutory certificates will be annotated or if new certificates will be issued.

3.1. CARRYING OUT THE INITIAL INSPECTION/CERTIFICATION

3.1.1. CONDUCT OF THE INSPECTION

The initial inspection should be sufficiently detailed to verify full compliance with international regulations. As previously discussed, because MSP law allows participation by a vessel in compliance with international conventions in accordance with the previous flag administration's guidelines, MIs must have access to these guidelines. The owner/operator will ensure that a classification society representative authorized by the previous flag administration or a flag administration representative be in attendance throughout the reflag inspection. MIs should consult with this individual in all areas requiring guidance as to the specific application of a particular international regulation by that administration. The "gap analysis" should also address these areas and provide references. During the inspection the owner/operator should prepare and make available the following plans and documents for the MI to review in English:

1. Vessel Response Plan / Non-Tank Vessel Response Plan (as appropriate)
2. Shipboard Oil Pollution Emergency Plan (SOPEP) / Shipboard Marine Pollution Emergency Plan (SMPEP) (as appropriate)
3. Trim and Stability Booklet/Letter or Declaration
4. Damage Stability Information
5. Cargo Securing Manual
6. Oil Transfer Procedures
7. Fire Control Plans
8. Station Bill
9. Garbage Management Plan
10. Ballast Water Management Plan
11. Global Marine Distress Safety System (GMDSS) Log Book
12. Deck/Engine Log Books
13. SOLAS Training Manual
14. Firefighting Training Manual
15. Operations and Maintenance Manuals for Lifesaving Equipment
16. Annual examination/servicing records for lifesaving (e.g. per MSC.1/Cir. 1206/Rev.1 for all lifeboats and launching appliances, and liferaft servicing reports) and firefighting equipment (e.g. portable fire extinguishers, LPCO2 system, HPCO2 system)
17. Drug and Alcohol Program/Employee Assistance Program
18. Vessel Security Plan
19. Annual Performance Testing Report for the Voyage Data Recorder
20. Procedures and Arrangements Manual (P&A) (as appropriate for tank vessels)
21. IGS and COW Manuals (as appropriate for tank vessels)
22. Crew documentation: All USCG issued Merchant Mariner Licenses, Merchant Mariner Documents, STCW 95 Endorsements, Consolidated Merchant Mariner Credentials, TWIC, FCC GMDSS Licenses, Medical and Drug free certificates
23. Crew List
24. A copy of the Vessel Particulars
25. Agreement for shore based maintenance of GMDSS equipment
26. Evidence of a valid Certificate of Financial Responsibility (COFR) (as applicable) *MIs can verify by checking "NPFC COFR Status" in MISLE*

3.1.2. VERIFICATION OF EQUIPMENT

During the initial certification of a re-flag MSP vessel, the U.S. Coast Guard accepts foreign non-USCG Approved equipment and systems that comply with the international conventions in accordance with the previous flag administration's guidelines. Non-USCG Approved equipment and systems will be evaluated for acceptance during the plan review process at MSC. This includes the installation of equipment and systems, which are not compulsory at the time of re-flag, but have been installed during the phase-in period of a corresponding regulation, so long as the equipment has been designed and installed in accordance with the IMO standards. As a condition of approval, MSC may

request that the OCMI verify specific systems and/or arrangements at the time of the initial inspection. Accordingly, the attending MI should verify any structures, equipment, or systems as identified by the MSC to ensure agreement with the plans reviewed by the MSC or approved by the classification society and previous flag administration.

Prior to the conclusion of the initial inspection the MI should verify that the following items (at a minimum) have been updated to reflect the change in flag:

1. Emergency Position Indicating Radio Beacon (EPIRB)
2. Voyage Data Recorder (VDR) / Simplified-Voyage Data Recorder (S-VDR)
3. Automatic Identification System (AIS)
4. Long Range Identification and Tracking (LRIT) (new USCG Conformance Test Report)
5. New markings for lifesaving equipment
6. New hull markings
7. Permanently marked Official Number (O.N.)
8. New GMDSS Markings
9. Bunk cards, station bill, muster list, and watch keeping schedule
10. New statutory certificates (SLC, SLE, SLR, ILLC, ITC, IOPP, IAPP, IEEC, ISPP, IAFS, SMC, DOC-Copy)

3.1.3. DOCUMENTING EQUIPMENT EQUIVALENCIES AND EXEMPTIONS

Because a vessel certificated under MSP enters U.S. flag with equipment and arrangements approved by international conventions, class rules, and approvals granted by previous administrations, it becomes imperative that the vessel's arrangement and equipment at the time of the initial inspection be clearly identified and adequately documented when and if it differs from a conventional U.S. flagged vessel. Ideally, identifying and documenting these differences is done in the "gap analysis." However, if the gap analysis fails to address a particular area, it becomes imperative that the MI document such differences. As is normal practice for initial inspections for certification, the MI should ensure that identifying data pertinent to lifesaving equipment (serial numbers, make and model information, capacities), firefighting equipment, etc. are documented in the vessel's MISLE records. The "gap analysis" and any additional differences discovered during the initial inspection must also be sufficiently documented in the MISLE narrative.

3.1.4. DRILLS

Prior to the issuance of the COI, satisfactory fire and abandon ship drills should be performed in the presence of a MI. These drills should verify the proper operation of lifesaving and firefighting equipment as well as the crew's familiarity with its proper use. The drills should be conducted after a U.S. crew has been placed onboard, but prior to the issuance of the COI. Further, prior to the issuance of the ISSC, a satisfactory security drill should be carried out to demonstrate the crew's familiarity with the vessel's physical characteristics and the provisions set forth by the USCG-Approved Vessel Security Plan

3.1.5. DEFICIENCIES AND EXPANDED EXAMINATIONS

As mentioned in Section 1.7 of Enclosure (1) of this NVIC, the U.S. Coast Guard may accept classification society surveys and certificates as evidence of compliance with class rules and international regulations for vessel equipment and systems. During the initial inspection for certification, a sufficient amount of detail should be exercised by the MI to ensure vessel equipment and systems meet the appropriate standard. Any area suspected to be deficient should be subjected to an expanded level of inspection for the given area of concern. For areas where the recognized classification society does not possess a U.S. authorization to issue a particular international certificate, and thus, the U.S. Coast Guard will issue the certificate, a sufficiently detailed inspection must be completed to verify compliance. Vessels that are reflagging from a targeted flag administration or from a targeted classification society should be subject to a more detailed inspection. The U.S. Coast Guard may request additional tests, thickness gauging, internal examinations, ISM Code audits or other tests and inspections, as determined necessary, based on the results of the initial inspection.

If the vessel is found not compliant with international regulations and class rules, the COI should be withheld and Commandant (CG-CVC-1) notified. OCMI's are strongly encouraged to call upon the assistance of the Traveling Inspectors (CG-5P-TI) when this is the case. Commandant (CG-CVC-1) will notify MARAD whenever it appears that a prospective MSP vessel is not receiving a COI. Commandant and MARAD will then consult as to whether the vessel should be allowed to take corrective action in order to complete the certification process for entry into MSP, or whether the vessel should be excluded from MSP participation.

3.2. VESSEL MANNING

The minimum safe manning required for a vessel is determined by the cognizant OCMI as required by U.S. law, the CFRs, and U.S. Coast Guard policy. Accordingly, the manning levels prescribed by the previous flag administration may NOT be accepted by the U.S. Coast Guard. Therefore, in advance of the inspection, the owner/operator should provide their proposed manning to the cognizant OCMI. The MI should discuss manning proposals and expectations with the vessel owner/operator and compare proposed manning levels with U.S. vessels of a similar design engaged in similar operations and routes.

If the vessel owner/operator requests approval for reduced manning as a result of engine room automation, the automation system and test procedures shall be in accordance with U.S. regulations and U.S. Coast Guard policy and shall be approved by MSC. In some cases, modifications may be required as experience has shown that the requirements contained within 46 CFR Part 62, differ from most common ACS unattended machinery space requirements (dead man alarm, bilge and fire pump controls, alarms, pressure monitoring devices). Additionally, automation test procedures will be subject to onboard verification by the MI. Specific information regarding U.S. Coast Guard manning level

requirements may be found in the Marine Safety Manual, Volume III, Chapter 25 which provides that:

“The final manning requirements shall be established based upon satisfactory results of:

- (1) A complete plan review of the equipment, and the monitoring safety and labor saving devices installed,
- (2) A period of proven operation and reliability following the initial testing and de-bugging,
- (3) A period of U.S. Coast Guard onboard observation, and
- (4) For unattended machinery operation, an acceptable plant maintenance program which ensures the continued quality of the demonstrated plant reliability.”

The period of proven operation and reliability referred to above is normally 3,000 hours. However, for vessels with at least two years of operation, the time may be reduced at the discretion of the OCMI provided 2,000 hours of continuous reliable operation and maintenance can be demonstrated. In these cases, the OCMI may reduce the trial period after certification to 1,000 hours. At the conclusion of the trial period an onboard verification by the U.S. Coast Guard is required before reduced manning levels may be authorized. Once the OCMI is satisfied with the vessel’s automation, an amended COI shall be issued with the new manning level and the “route and conditions” shall be updated to reflect the approved automation taking into account Annex 4 of IMO Resolution A.1047(27), as amended.

The OCMI's determination of acceptable machinery space attendance stems from the systems, controls, and capabilities in the Administration's (U.S.) interpretation of SOLAS II-1/E, 46 CFR Part 62, which includes the provisions for regular inspections and routine tests, required by II-1/46.2. These provisions have been incorporated into the periodic inspection and testing regulations found in 46 CFR 61.40 and Part 62. These provisions apply where automated systems are provided to replace specific personnel in the control and observation of the engineering plant and spaces, or reduce overall crew requirements. The arrangements must make sure that under all sailing conditions, including maneuvering, the safety of the vessel is equal to that of the same vessel with the entire plant under fully attended direct supervision. The approval to operate minimally attended or periodically unattended machinery spaces is subject to the requirements of 46 CFR Part 62.

3.3. HULL EXAMINATIONS

Drydock examinations are generally not required in conjunction with the initial COI unless there are deficiencies which require drydocking to correct. Cargo tank and internal structural examinations (ISE/CTIE) are also not required; however, to assess the vessel’s overall structural condition OCMI's may elect to conduct internal examinations in way of high stress or high corrosion areas such as mid-body ballast tanks.

Unless a hull examination is conducted as part of entry into MSP, hull examination due dates will remain as previously established by the flag administration/classification society. At times non-credit hull examinations are sometimes done as part of a transfer of ownership and/or just prior to reflagging. When this occurs owners/operators should request the U.S. Coast Guard's attendance for oversight, even if the actual initial inspection and reflagging occur at a later date. A minimum of 14 days notice should be provided to the U.S. Coast Guard office in whose area the examination will be performed. For examinations performed outside of the U.S., 30 day advance notice is requested.

3.4. UNDERWATER SURVEY IN LIEU OF DRYDOCKING (UWILD)

If the first intermediate hull examination after COI issuance is scheduled to be a UWILD, it may be completed for credit provided the U.S. Coast Guard attends and it is conducted following class rules/procedures. During the exam, a sampling internal structural examination (ISE) to the satisfaction of the OCMI will be completed. U.S. Coast Guard advance notification should be provided as outlined in Section 3.3 above.

Companies wishing to enroll their vessels into the UWILD program beyond the first intermediate exam should refer to Enclosure (3).

3.5. POLLUTION PREVENTION

The vessel shall comply with all U.S. regulations and international pollution prevention requirements that would be applicable to a foreign vessel calling a U.S. port, including those required by the Oil Pollution Act of 1990 (OPA 90). When making initial application, tankships reflagged under this program should provide a copy of a valid U.S. Coast Guard Certificate of Compliance (COC), Form CG-3583. Vessels that do not have a valid COC will undergo that examination as part of the initial reflag inspection. For vessels that have a valid COC, a spot check for continued compliance should be conducted. (Information on Foreign Tank Vessel Examinations is contained in the U.S. Coast Guard NVIC 06-03 CH-2.)

3.6. ISSUANCE OF CERTIFICATES UPON SATISFACTORY INITIAL EXAMINATION

3.6.1. CERTIFICATE OF INSPECTION

Upon satisfactory completion of the initial inspection, the vessel will be issued a Certificate of Inspection (COI) for the route and service specified on its existing statutory certificates. At the owner/operator's request, the COI will be issued with an expiration date to harmonize with classification society certificate dates and not to exceed 5 years. The OCMI shall place the following endorsement on the COI and enter a Special Note in the U.S. Coast Guard Marine Information for Safety and Law Enforcement (MISLE) database:

"This vessel is certificated under the provisions of the Maritime Security Program (MSP) and is inspected and certificated solely in accordance with the requirements of class rules and international convention requirements as applicable. [Insert the following sentence if the vessel is a Tanker: Tankers must also comply with the requirements for a foreign tank ship Certificate of Compliance (COC)]. This vessel was issued its initial Certificate of Inspection in accordance with MSP on DD MMM YY." (Insert date inspection is complete).

3.6.2. INTERNATIONAL CONVENTION CERTIFICATES

SOLAS, MARPOL, ILLC, ITC, and other certificates required by international regulations will be issued by the ACS for all areas where they are authorized to issue that certificate on behalf of the U.S. This includes specific authorizations granted under 46 CFR Part 8, or other existing authorizations. Where the classification society lacks an authorization, the U.S. Coast Guard will conduct the applicable inspection and issue the certificate after compliance is verified.

3.6.3. ISM CODE CERTIFICATES

A well implemented and functioning safety management system is a good indicator of compliance with safety and environmental protection requirements. The owner/operator should ensure that any changes resulting from the reflag process are adequately incorporated in and addressed by the safety management system. The ISM Code certificates for the U.S. must be issued by an ACS. The SMC is not required to be issued by the ACS that classes the vessel.

MI's shall verify compliance with the ISM Code during annual, periodic and COI inspections. ACS surveyors and MI's shall notify the cognizant OCMI and the issuer of the SMC when significant materiel deficiencies are found that may indicate ISM Code non-compliance.

3.6.4. INTERNATIONAL SHIP SECURITY CERTIFICATES (ISSC)

The U.S. Coast Guard has not delegated the authority to issue ISSCs to any other organization; therefore the U.S. Coast Guard will conduct ISPS/MTSA compliance exams and issue the ISSC to vessels successfully completing the examination.

3.6.5. INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATES (IAPP) AND ENGINE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATES (EIAPP)

Ships of 400 gross tons and greater, as measured under the International Convention on Tonnage Measurement of Ships, 1969 (ITC), must demonstrate compliance with Annex VI through possession of an IAPP Certificate and its associated EIAPP Certificate(s). An EIAPP certificate is the internationally accepted documentation that a specific engine meets the international Nitrogen Oxide (NO_x) emission limits for marine diesel engines required by Regulation 13 of Annex VI.

The U.S. Coast Guard or an ACS issues the IAPP Certificate; however, only the U.S. Environmental Protection Agency (EPA) issues an EIAPP Certificate to a U.S. vessel. The EPA does not accept EIAPP Certificates of foreign administrations or their recognized organizations on a reciprocal basis in lieu of EPA certification. To obtain an IAPP for the U.S., vessel owners/operators must ensure that the engines have EIAPP certification from the EPA.

Vessel owners/operators of U.S. flagged vessels may contact their cognizant OCMI or ACS for application, inspection/survey, and issuance of an IAPP Certificate and its Supplement. Only ACSs that have been delegated the authority to issue IAPP Certificates on behalf of the U.S. Coast Guard in accordance with 46 CFR 8.320 may issue IAPP Certificates to U.S. flagged vessels, including MSP re-flagged vessels. U.S. ships, including MSP ships, must also comply with the applicable EPA Engine Emission Regulations of either 40 CFR Part 94 (Category 1, 2, and 3 engines - includes small recreational vessels up to large ocean-going vessels) or 40 CFR Part 1042 (Category 1 and 2 engines - includes vessels with engines up to 30 liters / cylinder displacement). In some minor cases, land-based non-road engines can be used in marine applications - these engines are subject to 40 CFR Part 89 or 40 CFR Part 1039. Compliance with EPA emission regulations is evidenced by the presence of a permanent emission control information label affixed to the engine.

Because issuance of EPA EIAPP Certificates and EPA Certification is required prior to issuance of the IAPP Certificate, it is imperative that vessel owners/operators of vessels planning to re-flag ships under MSP contact their engine manufacturers and obtain these required EPA certificates prior to scheduling MSP re-flag exams. Compliance with all U.S. laws and regulations, including EPA Engine Emission Regulations, must be demonstrated.

Guidance on MARPOL Annex VI and issuance of IAPP Certificates is found in CG-543 Policy Letter 09-01.

Contingent upon a request from the OCMI and in consultation with the EPA, Commandant (CG-CVC-1) may consider short-term alternatives in the case of an unforeseen delay in the EIAPP review and certification process. Short-term alternatives may be considered where the owner/operator can demonstrate that timely application was

made and the EIAPP certificates issued by the previous flag administration remain valid and relevant.

3.7. PAYMENT OF USER FEES AND OVERSEAS INSPECTION EXPENSES

User fees and overseas inspection fees (if applicable) shall be paid prior to conducting the initial inspection for certification. The vessel owner/operator is responsible for U.S. Coast Guard travel and per diem costs associated with overseas inspections. If owners/operators cannot arrange for advance payment of user fees and overseas inspection fees (if applicable) due to scheduling difficulties, Commandant (CG-CVC-1) shall be contacted to determine if a delay in payment will be permitted until after the inspection has commenced.

GUIDANCE FOR INSPECTION OF MSP VESSELS SUBSEQUENT TO INITIAL CERTIFICATION

1.1. GENERAL

Vessels reflagged for the purpose of enrolling in MSP will be inspected in accordance with the COI, classification society rules, SOLAS, MARPOL, ILLC, and additional applicable conventions and regulations in a manner consistent with traditional U.S. Coast Guard inspections (non-ACP), which will include attendance at all annual inspections, as well as drydockings, ISE/CTIE, and UWILD examinations. The COI will continue to track dates for hull exams, boiler information, pressure vessels, as well as list pertinent lifesaving and fire equipment details.

Owners or operators of certain MSP vessels may voluntarily apply to enroll their vessels in “MSP Select” after demonstrating satisfactory performance and substantial compliance with applicable rules and regulations for a period of at least three years inclusive of the first drydock or UWILD subsequent to being re-flagged under MSP. Further details regarding MSP Select are contained in Enclosure (4).

1.2. RE-ISSUANCE OF CERTIFICATE OF INSPECTION

Prior to issuing subsequent COIs after reflagging, MSP vessels must complete all required surveys within the time intervals allowed and also correct all outstanding conditions of class. COI expiration dates should, as is reasonable, coincide with the expiration dates of the applicable international convention certificates. Suspension or withdrawal of class shall be grounds for withdrawal of international convention certificates as well as the COI.

1.3. INTERNATIONAL CERTIFICATES

The recognized classification society will issue all international certificates for which they have authorization under 46 CFR Part 8. OCMI's will issue international certificates for which the recognized classification society is not authorized and should as far as practical harmonize the certificates with those issued by the ACS. For OCMI issued international certificates (except the ISSC), classification society surveys may be accepted as evidence of compliance with the MSP standard provided MI oversight was conducted. Owner/operator requests to extend statutory certificates or associated survey intervals should be routed via the ACS or OCMI, as applicable, through the chain of command to Commandant (CG-CVC-1). Additional information on extensions for vessels enrolled in MSP Select can be found in Enclosure (4).

1.4. MODIFICATION TO THE VESSEL SUBSEQUENT TO REFLAGGING

New installations or modifications to existing systems, made subsequent to the reflag should conform to the U.S. Coast Guard's interpretation of international regulations at the time of the modification in so far as reasonable and practical. Areas where the previous

flag administration or classification society accepted a system or equipment prior to reflag which differs from the U.S. Coast Guard's interpretation for the international regulation (at the time of the initial inspection) should have been recorded in the "gap analysis" as well as the vessel's inspection record (MISLE) as indicated in Section 2 of Enclosure (2).

Generally, equipment that constitutes a "replacement in kind" is permitted provided the equipment conforms to the ACS rules and international standards. "Replacement in kind" is considered replacement of original equipment with equipment that is identical in fit and form to the original and where no modification or upgrade is completed. Prior to the replacement the owner/operator should submit a request to the OCMI, which outlines the "replacement in kind." Based on this information, the OCMI in consultation with the owner/operator and classification society will determine if the proposed replacement constitutes a suitable "replacement in kind." In some cases this may require consultation with the MSC.

Prior to the replacement or modification (other than those determined to be "replacement in kind") the owner/operator will submit to the OCMI a comparative analysis showing the difference between the existing equipment and/or configuration and what would be required to meet the current regulations/standards. The OCMI in consultation with the owner/operator and classification society will determine if the proposed modifications is acceptable.

Further details regarding equivalencies and exemptions can be found in Section 1.5 of this Enclosure. Practical solutions are encouraged in these situations, but the overall goal is to have replacements or modifications that comply with U.S. interpretations of the most recent requirements of the international conventions. In some cases this may require consultation with the MSC.

Additionally, plan review of modifications performed on behalf of the U.S. Coast Guard by an ACS for vessels enrolled in MSP Select, should be done in accordance with the MSC MTN 04-03.

1.5. EQUIVALENCIES AND EXEMPTIONS

1.5.1. EQUIVALENCIES

Equivalencies are not waivers, but rather alternatives to U.S. or international requirements or standards that achieve an equivalent level of safety. As such, equivalency requests must include a comparative analysis, which aims to establish that the suggested alternative meets or exceeds the requirements or standards. The following chart outlines the request and approval process for obtaining equivalencies for MSP vessels.

Equivalency evaluations, comments and comparative analyses should be prepared by the ACS and forwarded to the MSC for approval. The ACS comparative analysis should clearly reflect the current standard (for which an equivalency is desired) and the suggested alternative, including any technical specifications. The submittal should also include an engineering analysis and quantified measures of merit using risk-based and/or performance based methodologies that justify the proposed equivalency. Only the U.S. Coast Guard can approve equivalencies for safety equipment, materials, installations, and qualifications required by Title 46 CFR Part 2.75. Equivalencies for equipment not regulated under Title 46 CFR Part 2.75 may be classification society type approved; in such cases the ACS should notify MSC of any classification society determinations.

Equivalencies (SOLAS Chapter I Part A Regulation 5)

Step	Action		
1	Owner/operator applies, via their ACS, to the MSC to request an equivalency determination.		
2	The MSC will review the equivalency request and forward their determination to the owner/operator, with copy to the ACS and OCMI.		
3	<table border="1"> <tr> <td>If the vessel owner/operator is aggrieved by the MSC's decision</td> <td>Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).</td> </tr> </table>	If the vessel owner/operator is aggrieved by the MSC's decision	Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).
If the vessel owner/operator is aggrieved by the MSC's decision	Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).		

All determinations by the Commandant are final.

1.5.2. EXEMPTIONS

Exemptions are not normally permitted. However, when permitted they are limited to circumstances outlined in U.S. regulation and/or international conventions and are typically based on limited routes or service; not the inability to comply with a requirement based on design or operational choices.

Exemptions (SOLAS Chapter I Part A Regulation 4)

Step	Action		
1	Owner/operator applies to the cognizant OCMI to request an exemption.		
2	Copy the ACS to assure information sharing.		
3	The OCMI will review and endorse the request with a recommendation and forward it via the chain of command to COMDT (CG-CVC-1).		
4	<table border="1"> <tr> <td>COMDT (CG-CVC-1) approves the exemption request</td> <td>COMDT (CG-CVC-1) will inform the applicant and copy the ACS, MSC, and OCMI.</td> </tr> </table>	COMDT (CG-CVC-1) approves the exemption request	COMDT (CG-CVC-1) will inform the applicant and copy the ACS, MSC, and OCMI.
COMDT (CG-CVC-1) approves the exemption request	COMDT (CG-CVC-1) will inform the applicant and copy the ACS, MSC, and OCMI.		

All determinations by the Commandant are final.

1.6. PERFORMANCE MONITORING, RISK ASSESSMENT AND TARGETING

The U.S. Coast Guard is responsible for verifying regulatory compliance for U.S. vessels, including those in MSP and MSP Select. MSP vessel performance monitoring, risk assessments, and targeting are administered by U.S. Coast Guard Headquarters, Commandant (CG-CVC-1), and are intended to ensure the effectiveness of MSP and MSP Select. This is accomplished through analyzing historical performance data for enrolled vessels by reviewing the ACS, U.S. Coast Guard (MISLE), and commercial (EQUASIS) databases. Data is inputted into a scoring matrix to yield a list of targeted vessels for additional oversight. The matrix risk criteria includes operational controls, no sail deficiencies, Port State Control detentions, materiel condition, ISM non-conformities, marine casualties, vessel service, vessel age, owner/operator, and ACS performance. The results of performance monitoring and risk assessments are also used to determine initial entry into MSP Select, suitability for continued enrollment, and when additional oversight may be warranted.

MSP Select vessels are subject to two types of targeted oversight: (1) in port examination; and (2) drydock, internal structural exam, damage assessment, and repair activity oversight. Targeted oversight examinations are optional for OCMI only if a satisfactory oversight examination or annual inspection was conducted within the past six months. Prior to conducting an oversight examination, MIs should review MISLE and classification society databases for past deficiencies and/or recommendations.

Oversight examinations should be as detailed as necessary to determine substantial compliance with ACS rules, regulations, or international conventions and be expanded as necessary. Every effort should be made to advise the local ACS office of the pending oversight examination to provide them the opportunity to attend. "In port" oversight examinations of MSP Select vessels should at a minimum include a review of vessel certificates, crew documentation, and a general examination conducted by walking through the vessel with an emphasis on areas with previous deficiencies issue by either U.S. Coast Guard or ACS. Drydock, internal structural, damage assessment, and repair oversight examinations should be similar in scope to statutory inspections with emphasis on areas which have previously been identified deficient.

OCMI shall ensure MSP Select targeted oversight examinations are completed and documented in MISLE using the "IN SERVICE" selection from the "SUB ACTIVITY TYPE" menu.

Notification of serious structural issues, "NO-SAIL" deficiencies, recommendations to remove vessels from the MSP Select, requests for access to the ACS databases, and questions should be directed to U.S. Coast Guard Headquarters, Commandant (CG-CVC-1). The Traveling Inspector Staff (CG-5P-TI) may also be contacted for assistance.

1.7. TESTS AND MAINTENANCE

The intervals for tests and examinations of MSP vessels mandated by international convention should be in accordance with the U.S. interpretations of those international conventions. This includes such items as drydocking, internal structural examinations, cargo tank internal structural examinations, examinations of pressure vessels and boilers, inspections of tailshaft(s) (unless the tailshaft(s) and seal are enrolled in an alternate monitoring program as approved and administered by the ACS), replacement of items with expiration dates, and the service interval requirements for lifesaving and firefighting equipment. Additional guidance regarding the servicing of lifesaving appliances that are not U.S. Coast Guard approved is provided in Section 1.12 below.

1.8. ACP ENROLLMENT

A vessel enrolled in MSP may also request enrollment in ACP at any time. Enrollment in ACP will require compliance with the applicable U.S. ACP Supplement prior to enrollment, as well as the plan review, enrollment and inspection procedures detailed in NVIC 02-95 CH-2. Once enrolled in ACP, NVIC 02-95 CH-2 should be applied.

1.9. USER FEES AND REIMBURSABLE OVERSEAS TRAVEL

User fees, overseas inspection fees, and reimbursable overseas travel shall be paid in a manner consistent with other U.S. certificated vessels (46 CFR 2.10 & 46 USC 3317(b)).

1.10. DEFICIENCIES

A deficiency is a condition found not to be in compliance with the requirements of the relevant convention or regulation. Consistent with traditional U.S. Coast Guard inspections, MIs will issue deficiencies on Vessel/Facility Inspection Requirements, Form CG-835, and provide a copy to the vessel's Master or authorized representative. The OCMI may request and accept a report from an ACS surveyor as proof that a deficiency was corrected. Specific guidance regarding deficiencies issued to vessels enrolled in MSP Select can be found in Enclosure (4).

For deficiencies annotated on Vessel/Facility Inspection Requirements, Form CG-835, the MI should note the description of the deficiency in a direct and succinct statement that should contain two important elements. First, the description should describe the standard the vessel does not meet. Second, the description should state why the standard is not met. When drafting the Vessel/Facility Inspection Requirements, Form CG-835, the MI should list the deficiencies in order of severity, listing NO-SAIL "CG-835s" or deficiencies restrictive in nature first. All deficiency descriptions should be as specific and descriptive as possible using quantifiable language and include the convention or regulatory cites for reference. The MI shall assign a compliance date appropriate to the nature of each deficiency. In making the determination, the MI should consider the following: the nature and severity of the deficiency, the time normally needed to correct

such a deficiency, the availability of resources to correct the deficiency, and the vessel's itinerary.

The MI must notify the local ACS office that issued the relevant certificates of the related deficiency. Involvement of the ACS in the correction of deficiencies related to equipment, hull, structure, or ISM items is strongly encouraged. Deficiencies noted on Vessel/Facility Inspection Requirements, Form CG-835, shall be documented in MISLE under inspection results. In some cases, a report issued by the ACS can be accepted as prima facie evidence that the deficiency has been corrected and as the basis for clearing the deficiency in MISLE. If the ACS report satisfies the deficiency, a statement to that effect should be entered in the deficiency correction section in MISLE with a comment included in the inspection narrative.

For accountability purposes, rather than corresponding directly with an ACS, the OCMI should advise Commandant (CG-CVC-1) when an ACS has demonstrated unsatisfactory performance. Examples of unsatisfactory performance may include unresponsiveness, unfamiliarity with applicable requirements, or a failure to follow the established procedures as discussed herein.

1.11. VESSEL OPERATIONS

All MSP vessels are subject to the provisions and regulations contained within 46 CFR Parts 35, 78, and 97.

1.12. SERVICING AND REPAIRS OF NON U.S. COAST GUARD-APPROVED LIVESAVING APPLIANCES

1.12.1. SERVICING OF INFLATABLE LIFERAFTS

SOLAS liferafts that are not U.S. Coast Guard approved may be retained onboard based on their acceptance by the previous flag administration. Liferafts that are within their service date intervals at the time of reflagging are not required to be serviced until their next service due date. When the liferafts become due for service after the vessel is U.S. flagged, a U.S. Coast Guard approved servicing facility must be utilized in accordance with 74 SOLAS (2009 Cons.) III/20.8.2 (46 CFR 160.151-35). If there are no U.S. Coast Guard approved facilities for the liferafts, the owner/operator should contact the liferaft manufacturer and request they take the necessary steps to establish U.S. Coast Guard approved servicing capability for the liferafts. In the event the manufacturer is not willing to do so, the liferafts will no longer meet carriage requirements when they become overdue for service. As indicated under Paragraph 2.a.B of this NVIC, Message R 061413A MAR 08 is hereby cancelled.

Under 46 CFR 160.151-35(c), a liferaft servicing facility may be approved to service liferafts that are not approved by the U.S. Coast Guard. Although these regulations were intended to address foreign approved rafts on foreign flag ships, they may also be applied to this situation. For a facility to obtain U.S. Coast Guard approval to service non-U.S.

Coast Guard approved rafts for use on U.S. flagged vessels, the liferaft manufacturer(s) should develop and document procedures in their servicing manual(s) to address any potential practical and functional problems with the rafts. At a minimum, the procedures should address the items discussed below:

- a) Transport or refilling of non-DOT compliant compressed gas cylinders within the United States is not allowed except within a single port area for export. Foreign approved liferafts are unlikely to have a compressed gas cylinder that is DOT approved. The export exception of the law allows foreign flag ships to have their liferafts transported to and from the ship to servicing facilities in the United States with non-DOT cylinders. Since MSP ships engage only in non-domestic international service and are certified based on international regulations using the previous administration's interpretations, the export exception for non-DOT cylinders may be appropriately applied to rafts for MSP ships. Retention of the original foreign approved cylinders is allowed provided that they are otherwise in compliance with the manufacturer's requirements. If a cylinder replacement is required, a DOT approved cylinder should be utilized (46 CFR 160.151-15(l)). In cases where conversion to a DOT cylinder is not addressed in the servicing manual for an existing foreign liferaft, then the liferaft should be replaced with a U.S. Coast Guard approved raft equipped with a DOT cylinder;
- b) Emergency equipment and markings will need to be reviewed in accordance with the servicing manual to ensure they are in English, and replaced or modified if they are not. The servicing manual will need to address replacement of non-U.S. Coast Guard approved survival equipment with U.S. Coast Guard approved equipment when it is no longer serviceable;
- c) The manufacturer will need to have a training program, and ensure that the facility technicians are current on refresher training required by 46 CFR 160.151; and
- d) The manufacturer will need to ensure that servicing stickers as required by 46 CFR 160.151.57(n) and 46 CFR 160.151-41 are used.

The facility would then follow the procedure in 46 CFR 160.151-41 to finalize the approval. Prior to servicing an inflatable liferaft covered under this policy, notice to the OCMI shall be provided in accordance with 46 CFR 160.151-53.

1.12.2. SERVICING AND REPAIRS OF LIFESAVING APPLIANCES

SOLAS lifeboats, rescue boats, and the associated launching appliances that are not U.S. Coast Guard approved may be retained onboard based on their acceptance by the previous flag administration. The procedural guidance in the appendix to Annex 1 to MSC.1/Circ.1206 should be followed when performing examinations, operational tests, and overhauls of lifeboats, launching appliances, and on-load release mechanisms in

accordance with 74 SOLAS (2009 Cons.) III/20.11. The supplemental guidance in NVIC 04-07 should be referenced for servicing and maintenance activities on MSP vessels.

1.13. HYDROSTATIC TESTING INTERVALS FOR HIGH PRESSURE CO₂ SYSTEM CYLINDERS

Some flag administrations allow up to twenty years for the hydrostatic testing of CO₂ cylinders on fixed high pressure CO₂ systems. This is based on a 10% annual sampling of the cylinders and examination of the flexible loops that connect them to the manifold. In accordance with 46 CDR Part 147.65(a), the U.S. interpretation of SOLAS stipulates that cylinders must be hydrostatically tested at least once every twelve years if they remain full and onboard. Cylinders that are removed from the ship or refilled must have undergone hydrostatic testing within the last five years.

For MSP ships that have CO₂ cylinders onboard that currently exceed twelve years since the last hydrostatic test, the cylinders may be progressively tested after the reflagging provided that all of the cylinders have been tested within the last twelve years at the time of the completion of the first drydocking after becoming U.S. flag.

1.14. INSPECTION INTERVALS FOR LOW PRESSURE CO₂, HALON, AND FOAM EXTINGUISHING SYSTEMS

While low pressure CO₂ fire extinguishing systems are not required to be modified (e.g. no agent powered time delay and alarm/shutdown) in order to be accepted on board MSP vessels, they are required to be inspected in accordance with the provisions stipulated within 46 CFR Part 61.10-5(g).

Halon and foam extinguishing systems should be inspected and serviced in accordance with the U.S. interpretations of international regulations.

1.15. UNDERWATER SURVEY IN LIEU OF DRYDOCKING (UWILD)

OCMIs should require all MSP reflagged vessels that wish to enroll, or continue participation in the UWILD program, to complete the requirements for entry into the program in NVIC 1-89 (Underwater Survey Guidance) at the next out of water hull examination. This includes any unscheduled drydockings due to a casualty, maintenance availability or other reason.

Two potential scenarios for MSP vessels enrolling in UWILD are as follows:

New MSP reflaggings due for Intermediate drydocking survey. In accordance with Enclosure (2), the vessel will be permitted to complete the UWILD under their ACS rules with a MI in attendance; however, in order to continue to participate in the program, all the outfitting requirements listed in NVIC 1-89 must be completed during the next drydocking. A Special Note should be entered

in the MISLE vessel file that the requirements of NVIC 1-89 are to be completed at the next drydocking.

Previously reflagged vessels due for drydocking for Special Survey. If the vessel is to continue participation in the UWILD program, all the elements listed in NVIC 1-89, must be completed during that drydocking.

For vessels participating in the MSP Select refer to Section 1.5.5 of Enclosure (4).

1.16. TRANSFER OF CLASS

Vessels enrolled in MSP may transfer to another ACS only after receiving approval from Commandant (CG-CVC-1). Since all current U.S. Coast Guard recognized ACSs are members of International Association of Classification Societies (IACS), the transfer must be completed in accordance with IACS Procedural Requirement No. 1A. Notification of intent to transfer class should be made to Commandant (CG-CVC-1) in writing at least 30 days in advance of the anticipated hand-over survey. During the hand-over survey, the gaining society surveyor, the losing society surveyor and the U.S. Coast Guard MI are required to be in attendance.

After a transfer of classification societies, the vessel will be inspected using the gaining classification society's rules, the applicable CFRs, and international conventions.

1.17. OVERSEAS INSPECTIONS

To the maximum extent possible, the U.S. Coast Guard will attempt to work with vessel owners/operators to schedule inspections and oversight activities when the vessel is in a U.S. port. However, for vessels that operate or conduct drydockings overseas, the owner/operator should, when practical, make the vessel available in an accessible port and schedule U.S. Coast Guard personnel to attend. Additionally, the company shall reimburse the U.S. Coast Guard for overseas travel expenses for MIs attending any inspection, including those for unscheduled oversight (46 USC 3317(b)).

In some cases, vessels operate in foreign locations not accessible to U.S. Coast Guard personnel because of U.S. State Department travel restrictions. In this unique circumstance, within 90 days of the COI's anniversary date or prior to the due date for hull examinations, the vessel's master should attest in writing to the cognizant OCMI that the vessel is in compliance with all applicable laws and regulations, and the ACS should verify that the vessel is in compliance with the certificates which it has issued. The owner/operator should notify the U.S. Coast Guard when the vessel will be at its first port of call accessible to inspection personnel, so that an inspection can be scheduled as may be necessary.

1.18. U.S. COAST GUARD REQUESTS FOR ATTENDANCE OF ACS PERSONNEL

The U.S. Coast Guard may request that an ACS surveyor attend the vessel to verify compliance with any certificate issued by the ACS or to clear a U.S. Coast Guard issued deficiency. Attendance of the ACS surveyor may be in conjunction with a MI. The U.S. Coast Guard shall initiate the request for attendance of an ACS surveyor with the vessel master and/or the vessel's company representative whenever possible. However, if the master or company declines to make the request, the U.S. Coast Guard may directly request classification society surveyor attendance. All fees and other expenses for the attendance of a classification society surveyor, whether initiated by the U.S. Coast Guard or the vessel owner or operator, is the responsibility of the vessel owner/operator.

1.19. ACCESS TO REPORTS AND RECORDS

The U.S. Coast Guard should be provided with unrestricted access to review any and all classification society records for vessels in MSP. Records may include but are not limited to international certificates issued by an ACS on behalf of the U.S. Coast Guard, or any records, files, reports, documents, certificates, or similar material held or issued by the ACS.

1.20. ACS RESPONSIBILITIES

ACS personnel are reminded of their obligations and responsibilities as stipulated in the respective Memorandum of Understanding/Agreement with the U.S. Coast Guard for certain survey and certification services as well as plan review for U.S. flagged vessels, regardless of MSP status. Specifically, the ACS should ensure that prompt notification is provided to the cognizant OCMI of any condition of the vessel or its equipment that does not correspond substantially with the particulars of the certificate of inspection, international certificates, or is such that the vessel is not fit to proceed to sea without danger to the vessel or persons on board. This notification will allow the U.S. Coast Guard the opportunity to conduct a timely investigation or examination as appropriate.

1.21. DAMAGE SURVEYS AND MARINE CASUALTIES

Nothing in MSP or classification society authorizations should be interpreted as limiting or restricting the authority of a U.S. Coast Guard Captain of the Port (COTP) or OCMI to exercise control over vessels as provided in existing laws and regulations.

Owners/operators, agents, Masters or persons in charge of MSP or MSP Select vessels that are involved in a marine casualty are required to report and shall provide that report directly to the U.S. Coast Guard as required by Title 46 CFR Part 4.05-1 and 46 CFR 4.05-10. Following any marine casualty, vessel owners/operators may have the ACS assess the materiel condition of the affected vessel and approve repairs, as authorized by the OCMI. The U.S. Coast Guard will conduct marine casualty investigations as authorized and required by federal law.

GUIDANCE FOR THE MSP SELECT PROGRAM

1.1. GENERAL

Enrollment in the MSP Select is voluntary for MSP vessels (and does not affect their standing in MSP itself). Unless stipulated otherwise in this Enclosure, the requirements and procedures outlined previously in this NVIC remain applicable to MSP Select vessels.

MSP vessels may be enrolled in MSP Select after demonstrating satisfactory performance and substantial compliance with applicable rules and regulations for a period of at least three years inclusive of the first drydock or UWILD subsequent to being re-flagged under MSP. Vessels that meet any of the criteria as stipulated in Section 1.12.2 of this Enclosure will not be considered favorably for MSP Select. Enrollment into MSP Select is contingent upon a positive review of the vessel's inspection history, a satisfactory hand-over survey, and a positive endorsement from the cognizant OCMI. Prior to making an endorsement, the OCMI should review the vessel's inspection record taking into account previously issued deficiencies, marine casualties, operational controls, port state control deficiencies/detentions, and ACS survey records.

Owners/operators wishing to enroll existing MSP vessels, which already meet the above enrollment criteria at the time of NVIC publication, in MSP Select should apply in accordance with the provisions discussed herein. The hand-over survey should coincide with the next scheduled annual survey.

1.2. HOW TO APPLY

Owners/operators wishing to enroll their MSP vessel in MSP Select should apply by submitting an Application for Inspection, Form CG-3752, to the cognizant OCMI. The form must indicate the owner/operator's desire to have a vessel enrolled in MSP Select. The application should include the name of the ACS that will assume responsibility for the vessel's compliance with statutory requirements.

1.3. HAND-OVER SURVEY

The hand-over survey is conducted by an ACS surveyor and a MI and is required for enrollment in MSP Select. The hand-over survey should coincide with the next scheduled annual survey and consists of the mandatory annual survey for the applicable international certificates. Any U.S. Coast Guard issued certificates will be replaced with classification society, where authorized, issued certificates as part of the hand-over survey. After completing the inspection history review and hand-over survey, the OCMI will provide either a positive or negative MSP Select enrollment endorsement to Commandant (CG-CVC-1), via the chain of command, for final approval. Commandant (CG-CVC-1) will notify the vessel owner/operator, ACS, and OCMI of MSP Select enrollment decisions.

Note: A vessel may be enrolled in MSP Select with outstanding (but not overdue) deficiencies and/or conditions of class provided they are not ISM Major Non-conformities or "NO-SAIL" items.

Upon MSP Select enrollment, CG-CVC-1 will enter a Special Note in MISLE as follows:

MSP Select enrollment was based upon a satisfactory hand-over survey on DD MMM YY" (Insert date inspection is complete).

1.4. ISSUANCE OF DOCUMENTS AND CERTIFICATES

Upon Commandant (CG-CVC-1) approval, the MSP Select vessel will be issued a COI for the route and service specified on its existing COI and statutory certificates. MSP Select vessel COIs will no longer contain dates for hull exams, boiler information, pressure vessels, nor will pertinent lifesaving and fire equipment details be listed. The OCMI shall place the following additional endorsement on the COI:

"This vessel is certificated under the provisions of the Maritime Security Program (MSP) Select and is inspected and certificated solely in accordance with the requirements of class rules and international convention requirements as applicable. [Insert the following sentence if the vessel is a Tanker: Tankers must also comply with the requirements for a foreign tank ship Certificate of Compliance (COC)]. This vessel was issued its initial Certificate of Inspection in accordance with MSP on DD MMM YY (Insert date inspection is complete).

MSP Select enrollment was based upon a satisfactory hand-over survey on DD MMM YY" (Insert date inspection is complete).

"Drydock dates are monitored by the authorized classification society that issued the SAFCON. Notification of drydocking on these vessels will be provided by (enter class society) and the vessel operators to the local OCMI."

An ACS may issue or endorse international certificates in accordance with the provisions for each convention to U.S. vessels. The ACS will issue all international certificates for which they have an authorization under 46 CFR Part 8. For MSP Select vessels, the ACS may extend the endorsement of international certificates up to 90 days from the last date required on a valid full term certificate. Extensions of expiring full term certificates are not allowed, however the ACS may issue provisional certificates for up to 90 days in order to complete the surveys necessary to issue the full term certificate. Commandant (CG-CVC-1) must approve extensions beyond these time frames.

1.5. INSPECTIONS AND EXAMINATIONS

MSP Select annual examinations subsequent to the hand-over survey should be of a similar scope and frequency afforded ACP vessels. For tank ships, the scope during the required annual examination should be at least equivalent to a foreign tank ship COC examination.

1.5.1. COI RENEWAL AND ANNUAL EXAMINATIONS

The U.S. Coast Guard issues COIs to MSP vessels for a period not to exceed 5 years. Applications for an inspection for certification should be made to the U.S. Coast Guard 30 days prior to the date desired. During the examination, the MI should review ACS reports and records of various tests and examinations required as a condition of classification, and verify compliance with international codes and convention regulations. COI renewal and annual exams will include emergency and safety drills to evaluate the proficiency of the vessel's crew. During the course of the examination, MIs will observe the vessel's various systems in operation, and evaluate the vessel's materiel condition as well as verify compliance with the International Safety Management (ISM) Code, and ISPS/MTSA vessel security compliance. MIs will also examine crew documentation, vessel manuals, and maintenance records during these activities.

1.5.2. TARGETED OVERSIGHT EXAMINATIONS

Additional targeted oversight examinations may be completed as a result of Performance Monitoring, Risk Assessment and Targeting as outlined in Enclosure (3). MSP select vessels are subject to two types of targeted oversight: (1) "in port" examination; and (2) drydock, internal structural exam, damage assessment, and repair activity oversight.

Targeted oversight examinations are optional for OCMI's only if a satisfactory oversight or annual examination was conducted within the past six months. Prior to conducting an oversight examination, MIs should review MISLE and the classification society databases for past deficiencies and/or recommendations.

1.5.3. DRYDOCK (DDE), INTERNAL STRUCTURAL (ISE), UNDERWATER (UWILD), AND CARGO TANK INTERNAL (CTIE) OVERSIGHT EXAMINATIONS

These examinations are to be conducted in accordance with ACS procedures, at the intervals for hull surveys prescribed by the ACS's rules. MIs may attend these examinations based on the results of performance monitoring, risk assessments, and targeting as outlined in Section 1.6 of Enclosure (3).

1.5.4. DAMAGE SURVEYS AND MARINE CASUALTIES

Damage surveys and marine casualty reporting will be in accordance with Section 1.21 of Enclosure (3).

1.5.5. INSPECTION ACTIVITIES RETAINED BY THE U.S. COAST GUARD

The following marine inspection activities as they relate to MSP Select vessels have not been delegated:

1. All manning issues
2. Approvals for Engine Automation (PUMS/MAMS);
3. Drydock examination or other survey extensions in excess of 90 days
4. Issuance of Permits to Proceed for repairs
5. Exemptions or equivalencies to international conventions; (examples: Load Line, SOLAS and MARPOL)
6. Issuance of Excursion Permits
7. Change of employment inspections
8. Critical Area Inspection Plan (CAIP) enrollment/examinations
9. Issuance of Certificates of Alternative Compliance (COLREGS)
10. Approval of a vessel’s enrollment in the Under Water In Lieu of Drydock (UWILD) Program
11. Approvals of safety equipment, materials, installations, and qualifications required by Title 46 CFR Part 2.75
12. Issuance of Continuous Synopsis Records (CSR)
13. Issuance of Approval and assessment of Ship Security Plans
14. Issuance of International Ship Security Certificates;
15. Major Conversion Determinations; and
16. Ballast Water Management compliance and enforcement

ACTIVITIES RETAINED BY THE U.S. COAST GUARD

Activity	Contact	Comment
Drydock interval extensions	COMDT (CG-CVC-1) via local OCMI & ACS	Beyond 90 days only, less than 90 days may be extended directly by the ACS.
Underwater survey in Lieu of Drydocking (UWILD) participation	COMDT (CG-CVC-1) via ACS	The enrollment process for MSP Select vessels follows NVIC 2-95 (series).
International convention equivalencies/exemptions	COMDT (CG-CVC-1)/MSC* via local OCMI & ACS	*MSC reviews items relating to vessel plans.
Marine Casualty/Personnel Investigations	Local OCMI	Contact the cognizant OCMI as required by Title 46 CFR Part 4.05 and 5.101.
Alternate Compliance with COLREGS	Local Coast Guard District Commander via local OCMI	Rules of the road deviations.
Approvals required by 46 CFR Part 2.75	COMDT (CG-ENG-4)	Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel.
International Ship Security Certificates	Local OCMI for certificates and MSC for associated plan approval	MSC approves all U.S. Vessel Security Plans before local issuance of an International Ship Security Certificate.

Continuous Synopsis Records (CSR)	National Vessel Documentation Center	The National Vessel Documentation Center issues CSRs.
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CONTACT THE LOCAL U.S. COAST GUARD OCMI DIRECTLY FOR:

Activity	Contact	Comment
Excursion permits	Local OCMI	Normally used for embarking a group of non-paying guests to ride a vessel for a one or two day trip close to land but the total number of guests exceeds the vessel's lifesaving equipment capacity. Additional life rafts, lifejackets and other measures may be temporarily put onboard to supplement the vessel's total lifesaving equipment capacity.
All manning issues	Local OCMI	e.g. reduced manning for engine room automation.
Permits to proceed	Local OCMI	Used in cases where a vessel has such significant deficiencies that its COI is withdrawn. This temporary permit allows the vessel to proceed only to a repair facility.
Vessel security issues	Local OCMI	For assessments, verification, and certificates.
Critical Area Inspection Plan (CAIP) Examinations	Local OCMI	Special program normally used for tracking fracture problems in large oil tankers.

NOTE: Permits to Proceed and Changes of Employment apply only to the COI. They do not replace international convention certificates. If the vessel will call in a foreign port, it must have valid international convention certificates.

1.6. RECORDS OF EXAMINATION

Record keeping for MSP Select vessels shall be conducted in the same manner as ACP. The ACS will be responsible to track all class and statutory survey completion and due dates in their database which will be accessible to the U.S. Coast Guard. Vessel owners/operators should notify the ACS and OCMI of any scheduled drydocking or UWILD at least 14 days in advance; 30 days if the survey is to take place overseas. This will allow the U.S. Coast Guard time to plan their attendance for oversight, if desired.

As with ACP, the OCMI may allow an ACS to clear a "CG-835" deficiency. Upon request, the vessel master is responsible for providing the attending MI any ACS report that attests to the correction of a U.S. Coast Guard issued deficiency.

MIs should document MSP Select vessel attendances in the vessel's MISLE record. Deficiencies noted on Vessel/Facility Inspection Requirements, Form CG-835, should be documented under inspection results. See Section 1.9 of this Enclosure for additional information on deficiencies.

Note: MISLE ACP-oversight inspection titles should not be used to document MSP Select inspection activities. Targeted oversight examinations should be documented in accordance with Section 1.6 of Enclosure (3).

1.7. OCMI NOTIFICATION REQUIREMENTS

Except in the case of casualty damage or other unforeseen contingency, vessel owner/operators should notify the ACS and OCMI at least 14 days in advance; 30 days if the survey is to take place overseas, of the commencement of any surveys listed below to allow time for classification societies and the cognizant OCMI to plan their attendance:

- Surveys required as a condition of classification; and
- Surveys that result in the issuance of international convention certificates.

The ACS and vessel owner/operator should notify the cognizant OCMI whenever:

- A survey involves drydocking (including Underwater survey in Lieu of Drydocking) or internal structural examination (provide the completion dates of drydock and internal structural exams).

The ACS should notify the cognizant OCMI whenever:

- Clearing a U.S. Coast Guard issued deficiency (“CG-835”);
- Any survey or audit reveals evidence of:
 - An apparent violation of any applicable law or regulation on the part of a vessel's owners, operators, licensed or documented crewmember (e.g., presence of oily residue in a segregated ballast tank may be evidence of an apparent violation of pollution prevention regulations);
 - Previously unreported vessel damages; and
 - ISM code major non-conformities;
- Extending:
 - A classification certificate; or
 - An international convention certificate;
- Issuing:
 - Equivalencies to international codes and conventions (see Section 1.8 for procedures).

1.8. EXEMPTIONS AND EQUIVALENCIES

Protocols for requesting exemptions and equivalencies are similar to those for MSP (regular) vessels, but for MSP Select vessel equivalencies the ACS has a role in the approval process. The equivalency table in Section 1.5 of Enclosure (3) is amended below to reflect this difference.

Equivalencies (SOLAS Chapter I Part A Regulation 5)

Step	Action		
1	Owner/operator applies to MSC via the ACS to request an equivalency determination.		
2	The ACS will review the equivalency request and forward to MSC its proposed determination and all technical details required for review.		
3	After evaluating the equivalency request and recommendation of the ACS, the MSC will provide a response to the ACS. The response will either be an approval or denial of the request.		
4	<table border="0"> <tr> <td style="vertical-align: top;">If the vessel owner/operator is aggrieved by the MSC's decision</td> <td style="vertical-align: top;">Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).</td> </tr> </table>	If the vessel owner/operator is aggrieved by the MSC's decision	Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).
If the vessel owner/operator is aggrieved by the MSC's decision	Then the vessel owner/operator may request reconsideration from the Commanding Officer MSC . If after reconsideration the MSC affirms its original decision the vessel owner/operator may appeal to COMDT (CG-5PS).		

All determinations by the Commandant are final.

1.9. DEFICIENCIES

A deficiency is a condition found not to be in compliance with the requirements of the relevant convention or regulation. All deficiencies identified by U.S. Coast Guard personnel shall be reported to the ACS and vessel representative. Deficiencies should only be issued (on Vessel/Facility Inspection Requirements, Form CG-835,) if a classification society surveyor is not immediately available to attend the vessel, is unwilling to note it immediately as a Condition of Class, or if an ACS is unfamiliar with the provisions contained within this guidance. A CG-835 should not be issued for deficiencies identified by a MI that are issued as a Condition of Class by the ACS.

The MI must notify the local office of the ACS that issued the relevant certificates of the related deficiency. Involvement of the ACS in the correction of deficiencies related to equipment, hull, structure, or ISM items is strongly encouraged. For deficiencies discovered by the U.S. Coast Guard, which fall under the authorization of the ACS, the deficiency should specify that corrective measures be made to the satisfaction of the ACS. The ACS's surveyor may extend or modify the deficiency with permission from the issuing OCMI. The ACS surveyor-in-charge should also be notified prior to any action taken against the vessel's COI based either on the vessel's materiel condition or Safety Management System (ISM Code) compliance. For major materiel conditions items (No-Sail items) the procedure contained in Section 1.10, below, shall be followed.

Deficiencies issued by the U.S. Coast Guard shall be tracked in MISLE and the ACS database. Deficiencies noted on Vessel/Facility Inspection Requirements, Form CG-835, shall be documented in MISLE under inspection results. When a Condition of Class is issued in lieu of a deficiency noted by a MI, the deficiency as well as a description of the Condition of Class should only be documented in the MISLE activity inspection narrative. The narrative should indicate how the deficiency is to be rectified.

For deficiencies annotated on Vessel/Facility Inspection Requirements, Form CG-835, the MI should note the description of the deficiency in a direct and succinct statement that should contain two important elements. First, the description should describe the standard the vessel does not meet. Second, the description should state why the vessel does not meet the requirement. When drafting the deficiency, the MI should attempt to order deficiencies in order of severity, listing NO-SAIL "CG-835s" or deficiencies restrictive in nature first. All deficiency descriptions should be as specific and descriptive as possible using quantifiable language and include the convention or regulatory cites for reference. The MI shall assign a compliance date appropriate to the nature of each deficiency. In making the determination, the MI should consider the following: the nature and severity of the deficiency, the minimum amount of time normally needed to correct such a deficiency, the availability of resources to correct the deficiency, and the vessel's itinerary.

ACS reports should normally be accepted as prima facie evidence that a deficiency has been corrected. If the ACS report satisfies the deficiency, a statement to that effect should be entered in the deficiency correction section in MISLE with a comment included in the inspection narrative.

For accountability purposes, rather than corresponding directly with an ACS, the OCM I should advise Commandant (CG-CVC-1) when an ACS has demonstrated unsatisfactory. Examples of unsatisfactory performance may include unresponsiveness, unfamiliarity with applicable requirements, or a failure to follow the established procedures as discussed herein.

1.10. MAJOR MATERIEL CONDITION DEFICIENCIES OR MAJOR NON-CONFORMITIES FOR ISM CODE

Any deficiency or ISM non-conformity that poses a serious threat to personnel or vessel safety or a serious risk to the environment and requires immediate corrective action is considered major. In addition, the lack of effective and systematic implementation of a requirement of the ISM Code is also considered a major non-conformity. Major materiel condition deficiencies and ISM major non-conformities are those that, if discovered on a foreign flag vessel, would justify a Port State Control detention (e.g, NO-SAIL "CG-835s"). During any examination, the OCM I will notify the ACS if a MSP Select vessel is considered unsafe to proceed to sea, or if it presents a serious threat to life, property, or to the marine environment. For ISM related non-conformities, the ACS will be notified. All deficiencies deemed to be major in nature shall be listed on Vessel/Facility Inspection Requirements, Form CG-835.

a. Upon detection of a major materiel deficiency¹

Step	Action
1	The OCMI shall promptly contact the vessel owner/operator and the classification society surveyor-in-charge, inform them of the specific nature of the deficiency and ascertain their proposed corrective action.
2	The OCMI may take control action as deemed necessary. Actions may include not issuing the COI, or amending, suspending, denying, revoking the COI. A Vessel/Facility Inspection Requirements, Form CG-835, will be issued.
3	If a control action is required on a MSP Select vessel, the OCMI shall notify COMDT (CG-CVC-1).
4	A marine violation may be initiated.

¹ INCLUDES PORT STATE CONTROL DETENTIONS

b. Upon detection of an apparent ISM major non-conformity¹

Step	Action
1	Where a deficiency may be linked to an apparent major non-conformity (NC) with the ISM Code, the OCMI should require an additional verification audit to be conducted on the vessel, company or both to establish compliance with the ISM Code. A Vessel/Facility Inspection Requirements, Form CG-835, will be issued.
2	If an additional verification audit is required by the OCMI, the ACS and COMDT (CG-CVC-1) should be notified immediately.
3	If the audit results in a major NC, the ACS shall notify COMDT (CG-CVC-1). The vessel may not operate until the ACS accepts a corrective action plan, the major NC is downgraded or removed, and concurrence from COMDT (CG-CVC-1) is provided.

¹ INCLUDES PORT STATE CONTROL DETENTIONS

1.11. REVOCATION OF A COI OR STATUTORY CERTIFICATES

Only the OCMI or U.S. Coast Guard District Commander may revoke a COI or international certificate. Common reasons for this action are non-compliance with ACS conditions and requirements relating to statutory deficiencies (including ISM major non-conformities), substantial materiel deficiencies, unreasonable delays in correcting conditions or deficiencies, and expiration or invalidation of required documents. COI revocation may be grounds for involuntary disenrollment from the MSP Select Program.

Note: The ISM Document of Compliance may only be revoked by Commandant (CG-CVC-1).

1.12. DISENROLLMENT FROM MSP SELECT

Disenrollment from MSP Select may take place either voluntarily or involuntarily and will normally result in the vessel returning to MSP regular. When practicable, this transfer should take place in conjunction with a scheduled annual examination.

1.12.1. VOLUNTARY DISENROLLMENT

Vessel owners or operators wishing to voluntarily disenroll from MSP Select should notify the ACS and the cognizant OCMI in writing via an Application for Inspection, Form CG-3752. The OCMI should also notify Commandant (CG-CVC-1) to ensure program records are updated.

Following voluntary disenrollment, owners/operators may apply for re-enrollment any time after one year from being disenrolled using the application procedures in Section 1.2 of this Enclosure. Re-enrollment examinations should be scheduled to maintain certificate harmonization.

1.12.2. INVOLUNTARY DISENROLLMENT

MSP Select vessels not maintained in accordance with applicable rules, regulations, or policies, and/or targeted for additional oversight for more than one year through their unsatisfactory performance and/or non-compliance with applicable standards may be involuntarily disenrolled from the MSP Select program. Vessels involuntarily disenrolled will be ineligible to re-enroll in MSP Select for five years. Commandant (CG-CVC-1) will make all involuntary disenrollment determinations. Below are the criteria that could lead to disenrollment:

1. Removal of the vessel from Class;
2. A recommendation from the ACS to disenroll the vessel;
3. A recommendation from the OCMI to disenroll the vessel;
4. Invalidation or revocation of one or more of the vessel's international convention certificates;
5. Invalidation or revocation of the vessel's Certificate of Inspection;
6. A pattern of two or more port state control detentions and/or U.S. control actions within a 12 month period, or
7. The vessel is targeted for additional U.S. Coast Guard oversight for more than two consecutive years based on performance monitoring and risk assessments.

1.12.3. CONSIDERATION PROCESS FOR PORT STATE CONTROL DETENTIONS

Owners/operators aggrieved by a port state control detention may provide associated mitigating factors in writing to Commandant (CG-CVC-1) within 30 days of the detention. Commandant (CG-CVC-1) will assess the factors leading to the detention and weigh them against how a similar discrepancy would have been evaluated by the U.S. Coast Guard on a U.S. flag vessel. In rare cases, Commandant (CG-CVC-1) may suspend using a port state control detention as criteria for involuntary disenrollment.

1.13. POST DISENROLLMENT STANDARDS

Post disenrollment standards will be in accordance with Enclosure (3).

1.14. APPEALS UNDER MSP SELECT

1.14.1. APPEALING ACS DECISIONS PERTAINING TO ACS RULES

The ACS will specify the procedures to follow in order to file the appeal. The decision of the ACS regarding application of ACS rules is final. The ACS classification society will notify Commandant (CG-CVC-1) and the MSC of its decision.

1.14.2. APPEALING ACS DECISIONS PERTAINING TO INTERNATIONAL CODES AND CONVENTIONS

The owner/operator of a MSP Select vessel aggrieved by an ACS' decision on matters involving international codes and conventions are encouraged to resolve the matter at the most immediate level practicable (i.e., with the attending surveyor or surveyor-in-charge).

If the issue is not resolved at the lowest level, the owner/operator must first appeal the matter to the ACS. The ACS will specify the procedures to be followed in order to file the appeal. If resolution is achieved, the ACS will notify the U.S. Coast Guard of its decision.

Failing resolution with the ACS, the owner/operator may appeal the matter to Commandant (CG-CVC-1) as outlined in 46 CFR 1.03. CG-CVC-1 will rule on the appeal and provide the owner/operator and the ACS a decision in writing. All decisions of Commandant are final.