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To: Distribution

Subj: GUIDANCE ON MASTER KEY CONTROL REQUIREMENTS ON MERCHANT
VESSELS

Ref: (a) James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023, Pub.
L. No. 117-263, Sec. 11608, Master Key Control (codified at 46 U.S.C. § 3106)
(b) Title 46, United States Code (U.S.C.) § 3106 – Master key control system

1. PURPOSE. This policy letter provides clarification, policy, and guidance to the Officer in Charge, Marine Inspection (OCMI), Recognized Organizations (RO), and the maritime industry on reference (a) regarding master key control system policy requirements as codified in reference (b).
2. DIRECTIVES AFFECTED. None.
3. DISCUSSION.
 - a. The Coast Guard and maritime stakeholders recognize the importance of creating safe and respectful working environments and eliminating sexual assault and sexual harassment from the maritime industry. Many initiatives and measures have been implemented to address these issues and promote a zero tolerance for such behavior. Since 2021, the Coast Guard has sought recommendations from the National Merchant Marine Personnel Advisory Committee (NMERPAC) and National Merchant Mariner Medical Advisory Committee (NMEDPAC) to improve the culture and safety of mariners and eliminate sexual assault and sexual harassment from the workplace.
 - b. Reference (a) was signed into law on December 23, 2022, and adds reference (b) to require certain commercial vessels to establish a master key control system and related provisions for use of master keys, record keeping, and civil penalty. The below policy represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in complying with reference (b).
4. ACTION. Owners and operators of applicable vessels must comply with the requirements of reference (b). OCMI's must verify compliance with reference (b) during relevant inspections, including oversight inspections for vessels participating in alternative inspection programs.¹

¹ Alternate Compliance Program (ACP), Maritime Security Program (MSP), MSP Select, and Streamlined Inspection Program (SIP). See 46 CFR part 8 for vessel inspection alternatives.

Recognized Organizations (RO) should include verification of elements of reference (b) when provisions of reference (b) are included in a vessel's Safety Management System (SMS).

5. **POLICY.** The following policy provides guidance on new statutory requirements for vessels subject to inspection, excluding certain larger passenger vessels, to maintain a master key control system, control access and use of master keys, and observe specific information handling protocols as required by reference (b).
- a. **Applicability.** Per reference (b), these requirements apply to the owner of a vessel subject to inspection under 46 U.S.C. § 3301. Generally, this includes freight vessels, nautical school vessels, offshore supply vessels, passenger vessels, sailing school vessels, seagoing barges, seagoing motor vessels, small passenger vessels, steam vessels, tank vessels, fish processing vessels, fish tender vessels, Great Lakes barges, oil spill response vessels, and towing vessels. Vessel owners should contact the cognizant Officer in Charge, Marine Inspection (OCMI) with any questions related to applicability of reference (b) to a specific vessel.
 - b. **Exemptions.** As provided in subsection (e) of reference (b), the requirements of reference (b) do not apply to those vessels subject to 46 U.S.C. § 3507(f).² This includes a passenger vessel that is authorized to carry 250 passengers or more, has overnight accommodations for 250 or more passengers, and is on a voyage that embarks or disembarks passengers in the United States.
 - c. **General Requirements.**
 - 1) Per reference (b), vessels must be equipped with a master key control system for physical, manual, or electronic keys or access systems, which provides controlled access to all copies of the vessel's master key.³ Only crewmembers identified by position in the master key control system are allowed access and use of a master key. The list of crewmembers with master key access must be kept on the vessel. The list must also be maintained within the vessel owner's records and documented in the vessel's Safety Management System (SMS).⁴
 - 2) Per reference (b), the vessel must record in a logbook information on all access and use of the vessel's master key, including dates and times of access, the room or location accessed, and the name and rank of the crew member who used the master key.⁵
 - 3) Per reference (b), the list of persons with access to and use of the master key and the logbook with information on all access and use of the vessel's master key must be made available upon request to any agent of the Federal Bureau of Investigation, any member of the Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.⁶
 - 4) The Coast Guard advises that a "master key" generally refers to a single or multiple keys or electronic access device on a vessel that enables access to multiple, if not all, secure compartments, rooms, or areas on the vessel, especially staterooms, bathrooms, changing

² See 46 U.S.C. § 3507(k) – In general, 46 U.S.C. §§ 3507-3510 apply to a passenger vessel that is authorized to carry 250 passengers or more, has overnight accommodations for 250 or more passengers, and is on a voyage that embarks or disembarks passengers in the United States.

³ 46 U.S.C. § 3106(a)(1).

⁴ 46 U.S.C. § 3106(a)(2).

⁵ 46 U.S.C. § 3106(a)(3).

⁶ 46 U.S.C. § 3106(a)(4).

rooms, and any other space that when locked by individual occupants, are intended to be inaccessible to others without a master key.

(a) A duplicate of a key issued to an occupant of a single occupancy stateroom should be considered a master key.

(b) A vessel can have multiple master keys or a system of keys or electronic devices that should be readily identified and tracked.

5) The Coast Guard advises the following to achieve an effective master key control system:

(a) The owner specifies those persons responsible for managing the list of authorized master key users required by reference (b).

(b) All existing master keys should be catalogued with their storage locations, such as a lockbox or safe for physical keys and an electronic system that controls and logs permissions and access for electronic keys.

(c) Master keys, whether manual or electronic, should only be kept with a person for the minimum time necessary to access the intended space. Otherwise, master keys should be kept in a storage location as described above.

(d) The vessel's owner, operator, or master should regularly audit the system to ensure key accountability and prevent unauthorized access.

(e) All authorized crewmembers should understand their responsibilities and the implications of lost or unauthorized key duplication.

(f) Periodic rekeying may be necessary based crew changes or potential compromises.

(g) Training should be provided to all crewmembers and relevant company personnel on the master key control system and related company or vessel policies and procedures.

(h) For those vessels maintaining an SMS, company and vessel policies and procedures for the master key control system and related record keeping and training must be documented in the SMS and are subject to audit.

d. Prohibited Use.

1) Per reference (b), crewmembers not included on the list of crewmembers with access to and use of the master key shall not have access to or use the master key unless in an emergency and shall immediately notify the master and owner of the vessel following use of such key.

2) The Coast Guard advises that if persons responsible for safety or security duties of the vessel (i.e., owner, operator, Company Security Officer (CSO), or Designated Person Ashore (DPA)) are granted access to a master key, they should also be included in the list required by reference (b).

3) Additionally, temporary, verbal, or other ad-hoc authorization to use a master key by anyone other than those authorized master key users listed must be prohibited unless in an emergency. In such emergencies, and in addition to mandatory notifications to the vessel's master and owner, the use of the master key should be logged in the logbook required by reference (b).

- e. Requirements for Logbook.
 - 1) Per reference (b), the logbook described above must be included in the vessel's SMS and must be located in a centralized location that is readily accessible to law enforcement personnel.⁷
- f. Penalty.
 - 1) Per reference (b), any crewmember who uses the master key without having been granted access per the provisions within reference (b) shall be liable to the United States Government for a civil penalty of not more than \$1,000 and may be subject to suspension or revocation under section 46 U.S.C. § 7703.⁸
6. ENFORCEMENT. OCMI's must ensure compliance with reference (b) in their respective Areas of Responsibility (AOR). Marine Inspectors must be aware of the requirements of reference (b) and ensure compliance during inspections for certification, annual inspections, and oversight examinations. Marine Inspectors should inspect materials and equipment, verify operational conditions, and review documentation necessary to verify compliance. Deficiencies must be documented via CG-835V.⁹ Where applicable, ROs should include provisions of reference (b) in audit planning under the International Safety Management (ISM) Code.
7. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this policy letter and have been determined not to be applicable.
8. 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 part. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, and the public, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance at the email listed under the QUESTIONS section.
9. QUESTIONS. Contact the Office of Commercial Vessel Compliance (CG-CVC) at CG-CVC@uscg.mil with any questions. This policy letter and other vessel inspection policy documents are posted on the CG-CVC website at [CG-CVC Policy Letters \(uscg.mil\)](https://uscg.mil/CG-CVC-Policy-Letters).

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⁷ 46 U.S.C. § 3106(c). The logbook may be electronic. However, the use of an electronic record book should not be simple use of various office productivity software. Rather, the logbook should be part of a comprehensive electronic records management system that complies with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) standards for information security, document formatting, digital signatures, data storage, and credentialed access.

⁸ 46 U.S.C. § 3106(d).

⁹ See 46 CFR § 2.01-10(a).