

SECTION D: PORT STATE CONTROL

CHAPTER 6: PROCEDURES APPLICABLE TO FOREIGN TANK VESSELS

E. LETTER OF COMPLIANCE (LOC) AND CARGO ENDORSEMENT FOR FOREIGN CHEMICAL AND LIQUEFIED GAS TANK VESSELS

Title 46 U.S.C. 3711 requires a foreign vessel carrying a Subchapter O cargo to possess a LOC endorsed to allow carriage of that cargo. Until the new LOC form is developed, LOC Form CG-2832A shall be used. Vessels carrying cargoes regulated under 46 CFR Subchapter O, Parts 150 through 154 must comply with these laws. Chemical tank vessels are regulated under 46 CFR Part 153 and liquefied gas vessels under 46 CFR Part 154. The LOC card is issued by the OCMI after a satisfactory LOC examination of the vessel. A foreign chemical or liquefied gas tankship entering U.S. waters must have an IMO Certificate of Fitness (COF) on board. An IMO COF is issued by the flag state, usually through a classification society, and attests to compliance with the IMO Codes. The IMO COF includes a list of cargoes authorized to be carried by the flag administration. The LOC is endorsed to allow carriage of these cargoes in U.S. waters. For chemical tank vessels with an IMO COF issued by a flag state signatory to MARPOL 73/78, the OCMI's signature on the LOC card constitutes the cargo endorsement required by 46 U.S.C. 3711. For non-MARPOL signatory chemical vessels and all liquefied gas vessels, the cargo endorsement includes the OCMI's signature on the LOC card and a Subchapter O Endorsement (SOE). The SOE for these vessels will be loaded into MSIS by the Marine Safety Center and will be issued to the vessels by the OCMI upon satisfactory completion of the LOC exam. Questions, comments and information concerning the Subchapter O Endorsement should be directed to the Marine Safety Center.

1. Chemical Tank Vessels with Flag State Signatory to MARPOL 73/78

Application for a LOC and cargo endorsement under 46 CFR 153.9(a) is made directly to the cognizant OCMI. A review of the IMO COF by the Marine Safety Center prior to the OCMI's LOC examination is not necessary. The LOC will be valid for a period of two years as long as the vessel has a valid COF. The expiration date will not be affected by changes in the expiration date or reissuance of the IMO COF.

Evidence of Compliance

- a. Evidence of Compliance. A valid IMO COF issued in accordance with the International Code for the Construction and Equipment of Ships Carrying, Dangerous Chemicals in Bulk (IBC Code) or the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (IMO Resolution A.212(VII), as amended) is accepted as evidence that the vessel is in compliance with international standards approximating Coast Guard regulations. The IBC Code applies to chemical vessels constructed on or after 1 July 1986 and the BCH Code applies to vessels constructed before this date. MARPOL 73/78 Annex II, Regulation 13, makes both the IBC Code or the BCH Code mandatory for chemical tank vessels. Because the IMO Codes are mandatory, compliance with either the IBC Code or the BCH Code, as applicable, will satisfy the requirements of 46 CFR 153 with the following exceptions:

- (1) 46 CFR 153 Subpart C (Operations) applies to all foreign chemical vessels;

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- (2) 46 CFR 153.370, 153.371 and 153.438 applies to a foreign tank vessel transporting a cargo with a vapor pressure that exceeds 100 kPa absolute at 37.8 deg C (See 153.9(a)(2)); and
- (3) 46 CFR 153.530(b), (d), and (p)(1) applies to a foreign tank vessel transporting alkylene oxides (See 153.9(a)(1)).

Cargo Endorsement

- b. Cargo Endorsement. The signature of the OCMI on the LOC card will be the only endorsement necessary under 46 CFR 153.900 (a)(3). A separate SOE document for MARPOL signatory chemical tankships is not required. An IMO COF includes a list of cargoes authorized by the flag state to be carried under the SOLAS Convention. For a chemical cargo to be carried in U.S. waters, cargo carriage must be permitted by U.S. regulations (or tripartite agreement to which the U.S. is a party) and the cargo must be listed on the IMO COF. Separate documentation must be on board a vessel authorizing cargoes being carried under a tripartite agreement.

Chemical Tank Vessel Information Sheet (CTVIS)

- c. Chemical Tank Vessel Information Sheet (CTVIS): The Marine Safety Center maintains a document called the "Chemical Tank Vessel Information Sheet." This document includes much of the general information and guidance that had been included in the previously required SOE document, and serves as a means for the Coast Guard to communicate with foreign chemical tank vessel owners and operators. Although not required, it is highly recommended this document be kept on board a foreign chemical tank vessel for reference and informational purposes.

MSIS NOTE: The CTVIS may be accessed from MSIS in the same manner as the SOE using the retrieve function and a generic VIN.

EXAMPLE: -MISOE,R,VIN=CG050741

2. Liquefied Gas Tank Vessels and Chemical Tank Vessels with Flag State NOT Signatory to MARPOL 73/78

The Marine Safety Center reviews LOC endorsement applications for all foreign liquefied gas tank vessels and those chemical tank vessels whose flag state is not signatory to MARPOL 73/78. Applications for a Letter of Compliance with Subchapter O endorsement should be sent to: Marine Safety Center (MSC-3), 400 7th Street, SW, Washington DC 20590-0001. The following sections describe in detail the contents of the endorsement application:

- 46 CFR 153.9b "Non-signatory" chemical tank vessels("new" and "existing")
- 46 CFR 154.22 "New" liquefied gas tank vessels
- 46 CFR 154.12 "Existing" liquefied gas tank vessels and barges

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Evidence of Compliance

- a. Evidence of Compliance. As evidence that the vessel is in compliance with international standards approximating Coast Guard regulations, the Marine Safety Center accepts a valid IMO COF issued in accordance with one of the following:
- (1) The Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH or IBC) (IMO Resolution A.212(VII), as amended);
 - (2) The Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IMO Resolution A.328(IX), as amended); or
 - (3) The Code for Existing Ships Carrying Liquefied Gases in Bulk (IMO Resolution A.329(IX)); or
 - (4) The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IMO Resolution MSC 5(48)).

The Marine Safety Center (MSC) performs plan review only on those chemical tankships whose flag administrations do not issue IMO COFs, on "existing" liquefied gas vessels constructed before the applicability criteria of 46 CFR 154, and on foreign unmanned barges for which no IMO Code presently exists.

Preparation of Subchapter O Endorsement

- b. Preparation of Subchapter O Endorsement. After accepting the LOC endorsement application, the Marine Safety Center prepares an SOE and loads it into MSIS. This endorsement identifies the IMO COF and any addendum accepted by the Marine Safety Center, describes by reference the hazardous cargoes authorized for carriage in U.S. waters, and states any special restrictions imposed. The SOE must be signed and dated by an OCMI when it is issued and must be kept aboard the vessel. A new SOE will be prepared when the vessel receives a new or amended IMO COF or, in the case of plan review vessels, when the authorized cargo list or special restrictions are changed. The SOE is valid only when attached to a valid LOC card and only when the referenced IMO COF is on board. For a plan review vessel, the Marine Safety Center notifies the owner when plan review is complete and indicates the cargoes and applicable restrictions which will be included in the SOE.

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3. Scheduling the Examination for a LOC with Cargo Endorsement

After the OCMI (for MARPOL signatory chemical tank vessels) or Marine Safety Center (all others) accepts a vessel's LOC endorsement application, the vessel's owner must request an examination. Procedures differ depending upon whether acceptance was based upon an IMO COF or Plan Review.

IMO Certificated Vessels

- a. **IMO Certificated Vessels.** An owner of a vessel accepted on the basis of an IMO COF (46 CFR 153.9(a) or 154.22), requests an examination by following the procedures in 46 CFR 153.809 or 154.151. The owner sends notification directly to the OCMI at the vessel's first U.S. port of call at least 7 days prior to the vessel's arrival, indicating date of vessel's arrival; name of the port; agent's name and telephone number; and the names of any cargoes on board. The owner must ensure that the vessel plans identified in 46 CFR 153.809(b) or 154.151(b)(3) are available on board the vessel at the time of the examination. When an examination request is received directly from an owner, the OCMI should ensure that the vessel's application is based on IMO certification rather than plan review. To ensure that the application is complete and current, the OCMI should consult the MSIS VFLD product set. The VFLD product lists the IMO certificates and addenda accepted and the dates of validity, the issue date of the Subchapter O Endorsement (if one exists) and the issue and expiration dates of the LOC, if any. For a vessel whose application is either incomplete or not current, or for a vessel for which the MSIS information is unavailable, the OCMI should notify the Marine Safety Center immediately to determine the proper course of action. If review of MSIS indicates that all aspects of the vessel's endorsement application are in order, a place and time for the examination should be arranged.

Plan Review Vessels

- b. **Plan Review Vessels.** An owner of a vessel accepted on the basis of Coast Guard plan review (i.e. a chemical tank vessel regulated under 46 CFR 153.9(b) or an "existing" liquefied gas tank vessel regulated under 46 CFR 154.12, requests an examination by notifying the Marine Safety Center 14 days prior to the vessel's arrival at a U.S. port. The Marine Safety Center notifies the cognizant OCMI of the examination request and forwards an "examination package" consisting of the vessel's plans, correspondence file, and completed Subchapter O Endorsement. Additional information concerning peculiar vessel characteristics, restrictions, or outstanding deficiencies from previous examinations may also be included. The final arrangements for the date and time of the examination are made by the OCMI directly with the vessel's local agent.

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4. Procedures

Applicable to Initial and Biennial Examinations of LOC Vessels In addition to the procedures applicable to an annual tank vessel examination, the initial and biennial examination of LOC vessels should include the following:

- a. If the Coast Guard accepted the vessel on the basis of plan review, the inspector should become familiar with the Subchapter O Endorsement, vessel plans, and other information provided by the Marine Safety Center, paying particular attention to any irregularities noted during plan review. Any questions should be resolved before the examination by contacting the Marine Safety Center. Particularly at the initial examination of a plan review vessel, the inspector should verify that the vessel is constructed and equipped in accordance with the accepted plans and applicable regulations.
- b. To examine an IMO certificated vessel, the inspector should use the Subchapter O Endorsement (if applicable), IMO certificate, and plans available on board to verify that the vessel complies with the IMO Code under which the certificate is issued.

NOTE: Vessels having IMO certificates may differ slightly from those governed by applicable Coast Guard regulations due to minor differences in interpretation of requirements by the flag administrations. Consult Coast Guard regulations implementing the IMO Codes or the Marine Safety Center if clarification of the intent of a particular IMO requirement is necessary.

- c. For every vessel, the inspector should ensure that the vessel is operated in accordance with any special restrictions contained in the Subchapter O Endorsement and the IMO certificate, if applicable.

5. Procedures Applicable to Liquefied Gas Tank Vessels

During annual examinations, biennial examinations or reexaminations of such vessels, the inspector should check the following additional elements:

- a. Operation of gas detection equipment and alarms;
- b. Temperatures, pressures, and concentration of gas or oxygen in interstitial and/or hold spaces;
- c. Seals and general condition of cargo tank relief valves;
- d. Condition of firefighting equipment and systems;
- e. Operation of quick - closing valves;
- f. Cargo tank high - level alarms; and
- g. Records of inert gas consumption on loaded voyages, if applicable.

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6. Updating LOC Information The vessel owner must notify the Marine Safety Center whenever name, registry, ownership, or operator changes occur. For a vessel accepted on the basis of an IMO COF, a change of registry invalidates the IMO certificate and therefore invalidates the Subchapter O Endorsement (if applicable) as well. The owner is responsible for submitting copies of amended or updated IMO certificates to the Marine Safety Center. The Marine Safety Center will contact the OCMI at the vessel's next port of call so that it can be boarded and current conditions noted as necessary. At the discretion of the OCMI, a new LOC card may be issued or "pen and ink" corrections made to the current card. If a new LOC card is issued, the expiration date from the previous LOC card shall be used. Make an entry in the "Remarks" column of the Examination Record to indicate the action taken. If a vessel representative requests an amendment to the content of the Subchapter O Endorsement, the OCMI should contact the Marine Safety Center.

7. Categories of Bulk Liquid Cargoes

Cargoes Which Have Been Evaluated

a. Cargoes Which Have Been Evaluated. Title 46 CFR Parts 153 and 154 include lists of those hazardous liquid cargoes considered to involve potential, unusual operating risks to life and property. A foreign vessel must have a properly endorsed LOC before it may carry the listed cargoes in U.S. ports. After evaluating a cargo for bulk carriage in self-propelled vessels, Commandant (G-MSO-3) places it in one of the following lists if bulk carriage will be permitted:

- (1) 46 CFR 30.25-1: List of Flammable and Combustible Bulk Liquid Cargoes (Subchapter D)
- (2) 46 CFR 153, Table 1: Bulk Liquid Hazardous Materials (Subchapter O)
- (3) 46 CFR 154, Table 4: Bulk Liquefied Gases (Subchapter O).

Cargoes Which Have Not Been Evaluated

b. Cargoes Which Have Not Been Evaluated. In the event a shipper wishes to transport a cargo not included in one of these lists, Commandant (G-MSO-3) must be contacted for authorization (see 46 CFR 153.900(d) and 46 CFR 154.30). Coast Guard personnel finding a foreign vessel loading, discharging, or carrying cargoes which are not listed in or assigned to the lists referenced above, should notify the Marine Safety Center immediately. All inquiries regarding the classification of bulk liquid cargoes should be directed to Commandant (G-MSO-3).

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Cargoes Too
Hazardous For Bulk
Carriage

- c. Cargoes Too Hazardous For Bulk Carriage. Chemical cargoes that have been determined to be too hazardous to be carried in U.S. waters are:
- (1) Acrolein;
 - (2) Chlorine (on self - propelled vessels);
 - (3) Ethylenimine;
 - (4) Hydrofluoric Acid;
 - (5) Hydrogen;
 - (6) Hydrogen Chloride;
 - (7) Hydrogen Fluoride;
 - (8) Methylcyclopentadienyl Manganese Tricarbonyl;
 - (9) Nitric Acid (in concentrations greater than 70 percent);
 - (10) Nitrogen Tetroxide;
 - (11) Oxygen;
 - (12) Phosphorus Trichloride; and
 - (13) (beta) Propiolactone.
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