



16601
CG-FAC Policy Letter
No. 12-04

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From: A. E. Tucci
COMDT (CG-FAC)

To: Distribution

Subj: 30 DAY UNESCORTED ACCESS EXTENSION TO INDIVIDUALS AWAITING
ISSUANCE AND ACTIVATION OF A TRANSPORTATION WORKER
IDENTIFICATION CREDENTIAL (TWIC)

Ref: (a) Title 33, Code of Federal Regulations, Parts 104, 105, and 106
(b) The Maritime Transportation Security Act of 2002, Public Law 107-295, codified at 46 U.S.C. 70101 *et seq.*)
(c) Security and Accountability of Every Port Act of 2006, Public Law 109-347, codified at 46 U.S.C. 70101 *et seq.*)
(d) The Coast Guard Authorization Act of 2010, Public Law 111-281, codified at 46 U.S.C. 70125 *et seq.*)

1. **BACKGROUND.** Title 33 Code of Federal Regulations (CFR) parts 104.265, 105.255, and 106.260 require that MTSA regulated vessel, facility, and Outer Continental Shelf (OCS) facility owners/operators prevent an unescorted individual from entering a secure area unless he/she holds a TWIC. However, if a TWIC holder cannot present a TWIC because it has been lost, damaged, or stolen, and reported as such and was previously granted unescorted access by the owner/operator, unescorted access may be granted for no longer than 7 consecutive calendar days (33 CFR 104.265(c)(2), 105.255(c)(2), 106.260(c)(2)). The regulations further describe the process which must be followed by the owner/operator prior to granting unescorted access to an individual who has reported their TWIC as lost, damaged, or stolen (33 CFR 104.265(c)(2)(i),(ii), and (iii), 105.255(c)(2)(i),(ii), and (iii), and 106.260(c)(2)(i)(ii), and (iii)).

Additionally, due to delays in processing, production, delivery and activation of initial, renewal, and replacement TWICs, it is possible that an individual who has applied and paid for an initial TWIC, a TWIC renewal, or a person who has reported their TWIC as lost, stolen, or damaged will not receive it within 7 consecutive calendar days. As currently written, the regulations in 33 CFR 104, 105, and 106 grant an individual up to 7 days of unescorted access without a TWIC while they await delivery of a replacement credential only.

2. **ACTION.** To minimize disruptions of maritime operations and commerce, owner/operators of MTSA regulated vessels, facilities, and OCS facilities may authorize unescorted access to an individual who has reported their TWIC to TSA as lost, damaged, or stolen and has yet to receive a replacement TWIC within 7 calendar days, an additional 30 calendar days for a total of 37 calendar days, provided that all requirements under 33 CFR 104.265(c)(2), 105.255(c)(2), and 106.260(c)(2) are met **and** the following:

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- 1) The individual provides proof that a replacement TWIC has been ordered (a payment receipt, or an enrollment email confirmation are acceptable as proof); and
- 2) Provide the Vessel Security Officer (VSO), Facility Security Officer (FSO), or other designated employee with security duties, the individual's first name and last name and application identification (if known). This information can then be used by the facility to confirm that the individual has previously held a valid TWIC and has ordered a replacement by using the card status check feature on TSA's website located at: <http://twicinformation.tsa.dhs.gov/twicinfo>.

This provision to authorize unescorted access may also be extended to individuals who have applied for a TWIC renewal prior to its expiration, and through no fault of their own, are not able to take possession of their TWIC due to a significant delay in the application, production, issuance, and/or activation process.

The Coast Guard recommends FSOs and VSOs have a means to identify individuals who are or were granted temporary unescorted access based on this policy, and when the 37 days of authorized unescorted access has expired.

3. DIRECTIVES AFFECTED. None.

4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it a rule. It is not intended to, nor does it impose legally-binding requirements on any party. It represents the Coast Guard's current implementation strategy 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.

5. This policy letter replaces the guidance provided in PAC 03-09 and will remain in effect until cancelled.

6. Questions or concerns regarding this policy may be directed to Commandant (CG- FAC-2) at 1-877-MTSA-AID, Option #1 or emailed to TWIC.HQ@uscg.mil.

7. Coast Guard units are encouraged to report to CG-FAC instances of excessive delays, beyond the 30 day extension granted here, that will significantly impact maritime stakeholders.

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