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News from the USA

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Oil Record Book Issues

Recently, during a random inspection by the Coast Guard, a vessel was fined for failure to make proper entries in the Oil Record Book (ORB). During the PSC exam, due to inconsistencies in the amounts recorded in the ORB, the Coast Guard suspected the vessel may be performing illegal operations and removed the ORB from the vessel for further detailed review. Once the inspectors returned to the vessel, they were provided with supporting evidence of proper waste oil transfers that were mistakenly excluded from the ORB. The vessel was issued a Notice of Violation and fined \$1000 on the spot for not properly maintaining the ORB. MARPOL requires that required operations "be fully recorded without delay in the Oil Record Book so that all the entries in the book appropriate to that operation are completed."

Document It!

On some of our vessel attendances, we have identified non-conformities that were not documented, e.g. soft patches on water and fuel pipes, pump failures, broken or missing safety equipment. The crew is normally aware of the deficiencies, and in most cases there is a corrective action planned; however, for many of these cases there is no written documentation to support and verify the company is aware there is a problem.

When the Coast Guard arrives onboard and identifies deficiencies, the first thing they will ask for is proof the deficiency has been documented, reported, and corrective action is in progress. If there is no documented evidence available, the Port State Control officer could write additional ISM 9 & 10 related deficiencies for failing to report the deficiency and take corrective action in accordance with the onboard Safety Management System (SMS). If the deficiency is related to a vital or critical shipboard component, the Port State would likely detain the vessel under SOLAS. In accordance with the Coast Guard Marine Safety Manual, the Coast Guard will not normally detain a vessel if the vessel has properly documented, reported, and established a corrective action for an equipment failure.

A properly documented onboard non-conformity has many positive factors. It verifies the crew is performing maintenance and working in accordance with the onboard SMS. It establishes open communication between the vessel and the company. It provides insight to other fleet vessels to be aware of possible problems or issues. And, it could prevent the Port State from adding additional deficiencies relating to the ISM Code.



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Record Keeping Tip:

Correction fluid or tape should **never** be used to cover errors in the Oil Record Book, Garbage Log, or other such records. If an error is made, it should be stricken with a single ink line and initialed by the person making the correction. The corrected entry should be made in the next available blank space.

Ship Security Plans: Vessel Access



IMPORTANT NUMBERS

National Response Center:
(202) 267-2675

National Vessel Movement Center:
(304) 264-2502

MTSA / ISPS Help Desk:
(877) 687-2243

CSI Tip:

Please remember to send your fleet position lists to CSI on a regular basis. This helps us easily determine which vessels are due for USCG exams, require AMPD coverage, or have other special needs while calling U.S. ports.



July 2008 marks four years since ISPS Code implementation became mandatory. Over the last four years, we have observed many different methods of securing access to vessels' accommodation spaces. We have also observed several different interpretations by USCG inspectors as to what constitutes a safe and acceptable manner of securing access points. Many vessels secure access points with slide bolts or other mechanical means which can be engaged and disengaged only from inside. Some USCG inspectors believe that such means are unacceptable unless they can somehow be disengaged from outside the accommodation, in the event of an emergency. Although there is no requirement in SOLAS, ISPS, or any other regulation for rescue personnel to be able to open an access point from outside, some USCG inspectors are issuing deficiencies requiring that the manner of securing an access point be altered to allow entry from outside and escape from inside. In order to avoid such a deficiency, we have some recommendations to minimize conflicts between safety and security regarding accommodation space access and escape.

1) Use security seals or tape outside the access point, rather than locking devices inside the access point. With seals in use, the crewmember performing safety/security patrols can visually confirm if a space has been entered. At MARSEC II or III, use of the seals can be replaced by the mechanical locking devices inside the access point.

2) When practical, use locking mechanisms that can be engaged and disengaged from outside with a key and from inside with a related latch. When using this method, be sure to ensure that the watchmen and officers on duty have possession of, or access to the keys to each lock. Also, ensure the outside keyhole cover is not painted over, making access difficult in an emergency.

3) Fit access points with a "butterfly" nut and bolt which can be released easily from inside, and secured outside with a padlock. With this arrangement, keyed access would be available from the outside, and personnel inside can remove the butterfly nut and push the bolt and lock away in order to escape the compartment. This is the only arrangement in which a pad lock may be placed at an access point to a space requiring a ready means of escape, e.g. accommodation space, steering gear room, engine room.

4) Amend the Ship Security Plan to remove the requirement that access to the accommodation space be restricted to one point only at MARSEC I. Although most Plans call for access to be limited to only one point, there is no regulation in the ISPS Code that requires such a limitation. In most Ship Security Plans, the only difference between MARSEC I and MARSEC II is the frequency of visitor screening and security rounds. We believe that most Flag States and Recognized Security Organizations would approve such an amendment, as we have visited several vessels flying various Flags that no longer limit access to the accommodation spaces to a single point.

No matter what method is used to restrict access to the vessel or accommodation spaces, the most important thing to remember is that SAFETY

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SHOULD ALWAYS TAKES PRECEDENCE OVER SECURITY! Please contact us if you have any questions regarding our suggestions, or any questions regarding other vessel security measures or procedures.

Long Range Identification and Tracking of Ships

Recently, the Coast Guard issued a new regulation, which became effective on May 29, 2008. This rule requires certain ships on an international voyage to transmit position information using Long Range Identification & Tracking (LRIT) equipment. These requirements will appear in a new subpart to 33 CFR Part 169: Subpart C—Transmission of Long Range Identification and Tracking Information. This rule implements an amendment to chapter V of the International Convention for the Safety of Life at Sea (SOLAS), regulation 19–1, and enables the Coast Guard to correlate Long Range Identification and Tracking (LRIT) data with data from other sources, detect anomalies, to heighten its overall Maritime Domain Awareness.

LRIT implementation dates are based on when a ship is constructed and where it operates. The earliest LRIT implementation date in § 169.220 would be December 31, 2008, for ships constructed on or after that date. Ships constructed before December 31, 2008, would be required to comply with LRIT requirements by the first survey of the ships radio installation after December 31, 2008, if the ship operates:

- * Within 100 nm of the United States baseline, or
- * Within range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with which continuous alerting is available.

An additional 6 months is provided until the first survey of radio installation after July 1, 2009 for ships constructed before December 31, 2008, that operate both within and outside the area or range identified immediately above. However, those ships must meet the earlier deadline if they operate within that area or range on or before the first survey of the ships radio installation after July 1, 2009.

The transmissions from a foreign ship covered by the rule may be received by the U.S. once it has announced its intention to enter a U.S. port or place under U.S. notice of arrival requirements in 33 CFR part 160, subpart C. Furthermore, the Coast Guard is entitled to receive position reports from a foreign ship covered by the rule while navigating within 1,000 nautical miles (nm) of the U.S. baseline, unless the ship's Flag Administration, under authority of SOLAS V/19–1.9.1, has directed the ship not to provide these reports.

The full text of the rule and discussion of the requirements are contained in the Federal Register dated April 29, 2008.



ISPS Tip:

Every person boarding a vessel, regardless of agency or uniform, is required to present a photo identification. This includes Coast Guard, Customs, Immigration, Agriculture, etc. A badge does not constitute proper identification unless it is accompanied by a government issued photo identification. An attempt by a U.S. government official to board a vessel without presenting a photo identification may be considered an attempted breach of security

USCG Inspection Tip:

For tank vessel requiring a U.S. Certificate of Compliance (COC) renewal or annual exam, the USCG typically requires seven days advanced notice to schedule the exam. If your vessel is due for an exam, and is calling a U.S. port, please notify CSI as soon as possible in order we may make proper notifications to the USCG to schedule the exam.

eNOA/D Tip:

The current eNOA/D template for Microsoft InfoPath is version 4.4. The template is available free of charge on the National Vessel Movement's Center's website. eNOA/D may only be submitted using either the NVMC's internet portal or as an InfoPath attachment submitted by email. No other method of submitting an advanced notice of arrival is acceptable.

The NVMC's website can be found at

<http://www.nvmc.uscg.gov>

California Auxiliary Diesel Engine Regulation Discontinued

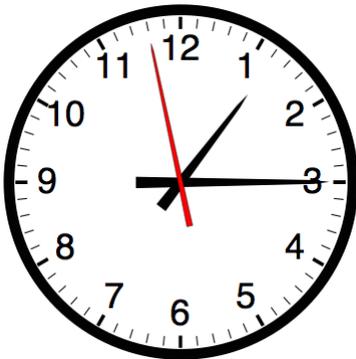
The California Air Resources Board (CARB) has issued a notice stating that it will discontinue enforcement of the Ocean-Going Vessel Auxiliary Diesel Engine Regulation. This action has been taken after the US Court of Appeals for the Ninth Circuit declined to rehear its earlier decision holding that the regulation was preempted under the federal Clean Air Act. The CARB has submitted a request for authorization from the federal Environmental Protection Agency (EPA) to enforce the regulation. In the meantime, the CARB is encouraging ship operators to use 0.5% sulfur marine distillate oil (MDO) or marine gas oil (MGO) when within 24 nautical miles of California.

Crew Changes

Ships' crew who do not depart or arrive the same day they leave or join a ship will subject their owners/crew manager to a fine of USD 3,300 per crewmember. The U.S. Customs and Border Protection (CBP) has begun to strictly enforce this rule in some U.S. ports. Some companies have a policy of giving their officers a night's rest in a hotel after flying and before joining their ships. In addition, sometimes ships are delayed in arriving, requiring crewmembers to overnight in a hotel before joining the vessel. Such policies and actions may now result in fines being imposed by CBP.

After Hours Q.I. Notification Drills

Each year, at least one of the quarterly Qualified Individual (Q.I.) Notification Drills is to be conducted after our office working hours. Our normal office hours are Monday through Friday, 0830 to 1700. An after hours drill may be conducted any time after 1700 on weekdays, and any time during the weekend. Please keep in mind, however, that our Eastern Standard Time (EST) is GMT -4 hours, and our Eastern Daylight Time (EDT) is GMT -5 hours. Of course, our 24-Hour Telephone is manned 24/7 for emergencies.



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