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U.S. Department
of Transportation

United States
Coast Guard



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COMDTINST 16710.2A
18 NOV 1988

COMMANDANT INSTRUCTION 16710.2A

Subj: American Bureau of Shipping; Oversight of Plan Review and Inspection on Behalf of the Coast Guard

Ref: (a) Navigation and Vessel Inspection Circular No. 10-82: Acceptance of Plan Review and Inspection Tasks Performed by the American Bureau of Shipping for New Construction or Major Modifications of U.S. Flag Vessels

(b) Memorandum of Understanding Between the United States Coast Guard and the American Bureau of Shipping Concerning Plan Review and Inspection Functions for New Vessel Construction for Vessels Certificated by the Coast Guard; signed 27 April 1982

1. PURPOSE. This instruction revises existing guidelines for oversight of commercial vessel plan review and inspection activities conducted by the American Bureau of Shipping (ABS) on behalf of the Coast Guard under reference (a). The revision incorporates changes resulting from the consolidation of field (mmt) offices into the Marine Safety Center (MSC) and relocation of ABS from New York, NY to Paramus, NJ.
2. DIRECTIVES AFFECTED. COMDTINST 16710.2 is cancelled.
3. DISCUSSION.
 - a. Vessel owners, shipyards, ABS, and the Coast Guard all have similar interests in producing quality, seaworthy vessels which comply with applicable vessel construction standards and regulations. ABS exists to establish and institute uniform classification standards for the design and construction of vessels throughout the world. An objective of the Coast Guard Marine Inspection (MI) Program is to establish uniform minimum safety, design, and construction standards for U.S. flag vessels.

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3. b. The MI Program is based on U.S. laws which place the authority and responsibility for enforcement of safety laws and regulations pertaining to vessels with the Coast Guard. These laws also allow for agreements in which certain plan review and inspection functions are delegated to ABS to be performed on behalf of the Coast Guard. Neither the delegations nor their authority relieve the Coast Guard of its responsibility to ensure that the laws and regulations are properly applied.
- c. Reference (b) states that the Coast Guard "will maintain oversight sufficient to ensure that its regulatory and statutory requirements are maintained." The purpose of oversight is to ensure that ABS, when acting on behalf of the Coast Guard, acts in a manner consistent with Coast Guard regulations and policy. To accomplish this, the Coast Guard provides the necessary guidance to ABS, at both the Headquarters and field levels. This instruction describes the oversight program and identifies the actions necessary to meet the objective of that program.
- d. Reference (a) outlines plan review and inspection procedures for new construction or major modifications of U.S. flag vessels which are certificated by the Coast Guard and classed by ABS. Under these procedures, the Coast Guard will accept approvals by ABS for plan review and inspection of certain aspects of the vessel design and construction, provided such approvals are based on compliance with Coast Guard regulations. The areas of delegation are listed in Section I. of enclosure (1) to reference (a) under the heading "Plan Approval and Inspection by ABS". These are the areas requiring a specific oversight program. Other areas identified in enclosure (1) to reference (a) are reviewed and inspected by the Coast Guard and are not subject to the oversight program addressed in this instruction.
- e. ABS acts on behalf of the Coast Guard when performing plan review and inspections under reference (a). The intent of reference (a) is that Coast Guard acceptance of ABS approvals and inspections is implicit unless there is clear cause to question compliance with Coast Guard regulations or policies. Such cause must be documented, and the local ABS surveyor, local Principal Surveyor, or ABS Headquarters (Paramus, NJ), as appropriate, must be made aware of the situation. In addition, Commandant (G-MVI for inspection items and G-MTH for plan review items) must be notified of cases where it is alleged that ABS is not properly carrying out its responsibilities under reference (a). Further discussion of related inspections for cause is contained in paragraph 7 below.

3. f. On matters for which ABS has acted or is about to act on the Coast Guard's behalf, Coast Guard inspectors should discuss such matters with shipyard or vessel personnel, with the ABS surveyor present, or have consulted ABS beforehand. The Coast Guard should not bypass or give the appearance of bypassing ABS on matters concerning them. In addition, the Coast Guard inspector should remain aware of the status of the ABS surveyor and avoid situations which might undermine the surveyor's ability to act on behalf of the Coast Guard. Paragraph 8 below provides guidance concerning an owner's or builder's rights in objecting to ABS decisions or actions performed on behalf of the Coast Guard.
4. LIAISON. The following levels of liaison are maintained to facility the program under reference (a):
 - a. For handling matters of interpretation or policy, designated persons at Coast Guard Headquarters serve as points of contact with ABS Headquarters, Paramus, NJ. Matters involving inspection (G-MVI), or certification are handled under the direction of Commandant and matters involving plan approval are handled under the direction of Commandant (G-MTH).
 - b. The Coast Guard maintains membership on the ABS Board of Managers and various ABS technical committees to monitor development of and Circulars. The names of ABS committee members are listed in an appendix to the ABS Rules for Building and Classing Steel Vessels, which is published annually. Questions regarding ABS committee membership or matters before ABS technical committees should be directed to Commandant (G-MTH).
 - c. All ABS Rule changes and Circulars which may impact upon Coast Guard policy or agreements between the Coast Guard and ABS are reviewed at Coast Guard Headquarters prior to publication.
 - d. The Marine Safety Center (MSC) and the Officers in Charge, Marine Inspection (OCMI's) are charged with conducting oversight of plan review performed by ABS on behalf of the Coast Guard. Direct liaison with ABS, in particular the Ship Engineering Division and the Offshore Engineering Division, is essential to the timely and effective discharge of this oversight responsibility.
 - e. Contact at the field level with ABS surveyors by the OCMI and the District Commander (m) is essential to the timely and effective discharge of inspection oversight responsibilities as well as for training of Coast Guard inspection personnel.

5. OVERSIGHT OF ABS INSPECTIONS.

- a. It is the responsibility of the OCMI to ensure that all necessary inspections prerequisite to certification are satisfactorily completed, and to make all local level decisions regarding interpretations or policy. The OCMI is responsible for developing a formal and effective local program of oversight to ensure that ABS is performing inspections in accordance with Coast Guard regulations and policy. The program should be written and issued by the OCMI as a local directive or guide. It should be a document that supplements reference (a) and this instruction, and should be developed in cooperation with the senior ABS surveyor in the area. It should be sufficiently complete to address all foreseeable oversight concerns.
- b. Oversight inspections may be conducted at any time during construction. These inspections may consist of accompanying the ABS surveyor or may involve spot checking the results of the surveyor's inspections after the fact. Any discrepancies or problems detected during an oversight inspection are to be brought to the attention of ABS, and ABS should be encouraged to resolve problems. Except in formal appeals (paragraph 8 below), direct Coast Guard intervention to resolve discrepancies or problems should only be used when ABS does not resolve them to the Coast Guard's satisfaction. Any outstanding requirements which remain at the time of certification by mutual agreement between the OCMI and the ABS should be addressed by a Form CG-835 issued by the OCMI.
- c. In order to allow the greatest amount of flexibility in conducting oversight inspections and distribution of resources, the OCMI should consider the following guidance in developing a plan for oversight:
 - (1) An overall average of 10 percent of the inspection performed solely by ABS under reference (a) should be subject to oversight inspection. This percentage need not be applied equally to each vessel, but it should be an average value for each inspection zone. The number and extent of oversight inspections will vary from vessel to vessel depending on the number and variety of vessels built in a particular inspection zone.
 - (2) The items to be inspected for oversight and the extent of the inspections should be of sufficient variety and depth to determine that the applicable requirements of all laws and regulations are satisfied.
 - (3) If discrepancies are found, the OCMI shall initiate action to correct them in the manner discussed in subparagraph 5. b above and prevent their recurrence. Commandant (G-MVI) is to be informed of significant problems encountered during oversight inspections.

5. c. (4) Time spent on oversight must be documented. Pending completion of the initial inspection case, oversight time should be entered on Form CG-2801A monthly. After completion of the initial inspection case, oversight time should be entered in the Marine Safety Information System (MSIS).
 - d. At the completion of a vessel's construction, the ABS surveyor should provide the following documentation, via the local ABS office, to the OCMI before a Certificate of Inspection is issued:
 - (1) A copy of the Interim Class Certificate.
 - (2) A copy of the Provisional Load Line Certificate.
 - (3) A copy of the Safety Construction Certificate (if applicable).
 - (4) A letter which states that the vessel was constructed and inspected in accordance with the pertinent regulations of the U.S. Coast Guard and lists any outstanding requirements relative to areas ABS has inspected on behalf of the Coast Guard. ABS is expected to follow up and complete satisfactory inspection of all items delegated to them in reference (a), otherwise, uncompleted items should be addressed as discussed in subparagraph 5. b above. For outstanding requirements of items delegated to ABS, feedback must be provided to ABS when the OCMI takes action to resolve such requirements without referral to ABS.
 - (5) For Tankers - acceptance letters in regard to the inert gas and crude oil washing systems (if applicable).
 - e. The OCMI or the OCMI's representative should meet periodically with the local ABS surveyor to determine whether any problems have been encountered during inspections. Continuous open communication between the OCMI and local ABS representatives should be maintained. Comments or suggestions which are relevant to the entire MI Program should be forwarded by the OCMI to Commandant (G-MVI).
 - f. This arrangement allows a great deal of flexibility. The authority and responsibility of the OCMI to inspect any portion of a vessel is not limited by this instruction.
6. OVERSIGHT OF ABS PLAN REVIEW.
- a. Oversight of plans reviewed by ABS on behalf of the Coast Guard in accordance with reference (a) will be accomplished on two separate levels. The first level of oversight review will be conducted by the OCMI in a timely manner subsequent to receiving the stamped plans and approval letter from ABS. The second level of oversight review will be conducted by the MSC concurrent with MSC review of other required plans for the vessel.

6. b. In general, the OCMI's plan review oversight will be done in conjunction with vessel oversight inspections. Plans approved by ABS which pertain to areas of vessel construction selected for oversight inspection should be reviewed by the OCMI. The oversight review should be general in nature, reviewing the plans for obvious discrepancies relative to regulatory requirements. It is neither expected nor desired that the OCMI accomplish detailed plan review. If any discrepancies are found, they should be brought to the immediate attention of the local ABS surveyor. When necessary, the OCMI may request technical advice from the MSC.
- c. The second level of oversight plan review will be conducted by the MSC. All plans reviewed by ABS on behalf of the Coast Guard are forwarded to the MSC. These plans are necessary for reference during the review of other plans for the respective vessels. Also from these plans, certain ones will be selected for oversight review. In some cases, it may be appropriate to perform oversight review on the entire plan package. In other cases, certain major systems or design areas may be targeted for oversight review. Any discrepancies or problems detected during oversight plan review are to be brought to the attention of ABS, and ABS is to be encouraged to resolve such problems. Except in formal appeals (paragraph 8. below), direct Coast Guard intervention to resolve discrepancies or problems should only be used when ABS does not resolve them to the Coast Guard's satisfaction. Significant problems encountered during plan review oversight are to be brought to the attention of Commandant (G-MTH).
- d. In conducting their respective plan review oversight responsibilities, the OCMI and the MSC should review an overall average of 10 percent of the plans reviewed by ABS under reference (a). This percentage need not be applied equally to each vessel, but it should be representative of the total plans reviewed by ABS under reference (a), either by inspection zone in the case of the OCMI, or fleet wide in the case of the MSC.
- e. Oversight should be timely and concurrent with the OCMI's inspection and the MSC's review of other plans for the respective vessels.

7. INSPECTIONS FOR CAUSE.

- a. Additional inspections and plan review may be required by the OCMI based upon the results of inspections or reviews routinely conducted under his local oversight program. The OCMI will determine which discrepancies between ABS approvals and Coast Guard standards are sufficient cause for additional inspections or plan review.
- b. Inspections for cause may be conducted if the OCMI becomes aware of any circumstances where he believes that more direct Coast Guard involvement is necessary.

7. c. Significant discrepancies in ABS application of Coast Guard regulations or standards shall be reported to Commandant (G-MVI) via the District Commander (m). Commandant (G-MVI) will advise ABS Headquarters as appropriate.
8. APPEALS.
 - a. Plan Review.
 - (1) When a submitter feels aggrieved by a Level I plan review decision made by ABS on behalf of the Coast Guard, the first recourse is to contact ABS in an attempt to resolve the differences. ABS should contact the MSC in these instances to discuss the requirements and any applicable interpretation. The results of the consultation between ABS, the MSC, and the submitter should be treated as though the decision were made by the MSC.
 - (2) If still aggrieved, a submitter may appeal formally to Commandant (G-MTH) via ABS, who will supply pertinent information, as necessary, on the decision being appealed. ABS should send a copy of the appeal to the MSC and the cognizant OCMI for information.
 - (3) Appeals of plan review decisions other than Level I should be made to Commandant (G-MTH) via the MSC, with a copy to the cognizant OCMI.
 - b. Inspection. If a builder or owner's representative objects to an action or decision of ABS made on behalf of the Coast Guard under the provisions of reference (a), the matter should be discussed between the local ABS representative and the OCMI. At this point, the action or decision becomes that of the OCMI. If the matter is satisfactorily resolved, no further action is required. If the matter cannot be satisfactorily resolved by the OCMI, the affected representative shall be advised that the decision may be appealed via usual Coast Guard procedures (46 CFR 2.01-70 and NVIC 16-82).
9. ACTION.
 - a. District Commanders, Unit Commanding Officers, and the Commanding Officer of the Marine Safety Center shall become familiar with the contents of this instruction.

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9. b. OCMI's and the MSC shall review existing oversight programs and amend them as necessary to implement this instruction. Each OCMI shall provide a copy of the revised oversight plan to Commandant (G-MVI) via the District Commander (m) and the MSC shall provide revised oversight plans to Commandant (G-MTH).

/s/ Joel D. Sipes
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Chief, Office of Marine Safety,
Security, and Environmental Protection

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ZTC-68