



USCG Office of Commercial Vessel Compliance (CG-CVC)
Mission Management System (MMS) Work Instruction (WI)



Category	Vessel Inspections				
Title	Laid up Inspected/Examined Vessels				
Serial	CVC-WI-018(2)	Orig. Date	01SEP20	Rev. Date	04OCT22
Disclaimer:	<p>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 party. 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 (CG-CVC) at CG-CVC@uscg.mil who is responsible for implementing this guidance.</p>				
References:	<p>(a) 46 U.S.C. § 3302(e) (b) Marine Safety Manual Vol II COMDTINST M16000.71 (c) CVC-PR-016 (series) Documenting a Vessel in Inactive or Laid up Status (d) USCG/MARAD MOU (series) (e) USCG/MSC MOA (series)(f) Marine Safety Manual Vol III COMDTINST M16000.8B (series)</p>				
Change Summary:	<p>The following is a list of major changes found in revision 2.</p> <ul style="list-style-type: none"> • Added footnote (1) to clarify laid up status. • Added footnote (2) to clarify when a vessel is operating commercially. • Updated paragraph E.4. to replace “owner” with “responsible party”. • Added footnote (4) to clarify while in laid up status other agency regulations may apply. • Updated paragraph E.6. to clarify NTVRP and TVRP requirements. • Updated E.7.b. to define hazardous condition. • Updated paragraph E.7.c. to clarify hot work requests. • Updated paragraph E.8. to clarify bunkering requirements. • Added footnote (6) to clarify carriage of oil as cargo and change in vessel status. • Added footnote (7) to clarify TVRP requirements. • Added footnote (8) to clarify NTVRP requirements. • Added footnote (11) to clarify replacement in kind. • Updated paragraph E.14. to removed non-applicable Sub M phase-in requirements. • Updated paragraph F. to clarify inactive status reporting requirements. • Updated paragraph F.2. to clarify issuance of deficiencies while a vessel is in an inactive status. • Updated paragraph F.4. to clarify inactive vessels returning to service reporting requirements. • Added footnote (14) to provide link to NVDC directions on deleting a vessel from a COD. • Added footnote (15) to clarify USCG authority to determine minimum manning. 				

A. Purpose. The purpose of this work instruction (WI) is to establish policy for Captains of the Port (COTP), Officers in Charge, Marine Inspection (OCMI), Marine Inspectors (MI) and Port State

Control Officers (PSCO) when placing a vessel into a laid up or inactive status, and returning those vessels back to service. This WI is applicable to U.S. flag inspected vessels and foreign flag vessels subject to Coast Guard Port State Control, to include Mobile Offshore Drilling Units (MODU).

- B. Action. COTPs, OCMI, MIs, and PSCOs shall refer to this instruction when changing a vessel's status or returning it to service. All local policies concerning laid up vessels shall align with this guidance.
- C. Background. There are numerous local Coast Guard policies that address vessel laid up procedures. This guidance aims to promote consistency between OCMI zones via a nationalized approach.
- D. Discussion.
1. The status of a vessel determines whether the owner or operator is required to maintain or surrender the Certificate of Inspection (COI) or Certificate of Compliance (COC) and pay the applicable vessel inspection or examination fees.
 2. Pursuant to reference (a), "a vessel laid up, dismantled, or out of commission is exempt from inspection." Accordingly, such a vessel cannot be subject to any inspection subchapter. Although a laid up vessel is no longer inspected, it remains the owner and operator's responsibility to maintain the safety and security of the vessel, regardless of its status. The Captain of the Port (COTP) retains authority under 33 CFR parts 6 and 160 to ensure the safety, protection, and security of vessels, harbors, and waterfront facilities and can exercise that authority with the use of a COTP Order, as appropriate.
 3. Industry uses many terms for a vessel's status when not active or actively operating, such as laid up, temporarily out of service, and stacked (cold and warm). For the purposes of this WI and to align with the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database, this WI will discuss vessels assigned as: (1) laid up or (2) inactive.
 4. When determining if a vessel should be assigned in a laid up or inactive status, COTPs, OCMI, PSCOs, and MIs should use the following guidelines:
 - a. Laid up: A vessel whose owner or operator has surrendered its COI or COC to the local OCMI and requests to be removed from service may be categorized as a laid up vessel. A vessel in this status ceases to be an inspected vessel in accordance with reference (a) and shall be "Laid-up" in MISLE and the COI or COC status changed to "Surrendered."¹
 - b. Inactive: A vessel not actively operating, but maintaining a COI and other certificates in an "Active" status may be characterized as an "Inactive" vessel. The vessel may be moored or at anchor, the engines are secured (maybe seasonally), but are intended to be available for immediate commercial service.² This may include a vessel in a maintenance period or other

¹ The term "laid up" has traditionally been interpreted by courts to mean vessels that have been rendered "inoperable" or entirely out of commission. *See generally New Hampshire Insurance Co. v. Dagnone*, 475 F.3d 35, 38 (1st Cir. 2007). For the purposes of this WI, the term "laid up" contemplates that a vessel owner or operator who surrenders the COI has, in effect, rendered the vessel "inoperable" for commercial service under statutory and regulatory requirements.

² Commercial service "includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel." 46 U.S.C. § 2101(4). Whether a vessel is in commercial service is unique to each vessel. When a vessel is not underway, it does not leave commercial service then reenter when it gets back underway. Rather, the vessel remains in commercial service even when not actively operating. Commercial service, therefore, is best described as being tied to a vessel's operational capability. To that end, the factors to consider when determining if the vessel is in commercial service are those which affect a vessel's ability to engage in any type of trade or business involving the transportation of goods or individuals. This includes the validity of a vessel's Certificate of Inspection (COI), Certificate of Documentation (COD), Load Line Certificate, and many other documents that permit a vessel to operate commercially. This also includes the operational status of the vessel, such as whether it is drydocked, status of machinery (e.g., engine(s),

reduced operating status that would not normally surrender its COI.³ This should not include a vessel that is at a pier overnight or a period of time waiting for a contract, as these are normal interim gaps between operational periods and do not require communication with the local OCMI or a change in vessel or COI status.

E. Laid up Vessels.

1. Entering laid up status.

- a. In accordance with 46 CFR § 2.01-3(a), an owner or managing operator must notify the Coast Guard if a certificated vessel will no longer require a COI, such as entering into a laid up status.
- b. If the owner or managing operator of a U.S. flagged vessel surrenders its COI or the owner of a foreign-flagged vessel surrenders its COC (while in a U.S. waters) and requests the vessel be placed in a laid up status under this policy, the OCMI will change the vessel status in MISLE and follow the appropriate guidance within this WI.³ Specific guidance for foreign-flagged vessels is found in Section E.15.⁴
- c. In accordance with reference (b), a vessel is not restricted in its ability to transit, nor required to contact the local OCMI about movement, as long as:
 - i. The vessel is not operating in a manner which would require a Coast Guard COI (for example, carrying cargo or passengers); and
 - ii. It is in a safe condition (i.e., no hazardous condition present per 33 CFR § 160.202); and
 - iii. If the intended route does not require a load line certificate or other international documents, per applicable conventions (e.g., SOLAS, Load line, or the International Convention for the Prevention of Pollution from Ships (MARPOL)).
- d. If necessary, the OCMI may consider options including, but not limited to, Load Line exemption request, SOLAS⁵ exemption request, or a Deadship Tow Permit to facilitate the transit.

2. Contact Information. OCMI shall verify accurate company contact information is documented in the MISLE vessel file prior to the vessel entering laid up status to ensure the owner or operator may be contacted in case of emergency. This information should be verified annually by the local OCMI.

3. Master's Log. Once the vessel has arrived at its laid up location and watches are broken, the Master should make an entry in the vessel's logbook stating the vessel is in laid up status. The Master should log that the vessel has instituted security measures per the Vessel Security Plan (VSP) or Alternate Security Program (ASP), if applicable, as a laid up vessel.

4. Financial Responsibility. The Oil Pollution Act of 1990 requires that a responsible party provide evidence of financial responsibility or compliance. To meet this requirement, the responsible party must establish and maintain a valid Certificate of Financial Responsibility

propeller(s), tailshaft(s), generator(s)), integrity of the hull, and other factors impacting its operational status as determined by the OCMI or COTP.

³ This includes vessels in the U.S. Maritime Administration Ready Reserve Force (MARAD RRF) and Navy Military Sealift Command vessels in Reduced Operating Status (ROS).

⁴ A U.S. or foreign flagged vessel in laid up status with the Coast Guard may still be subject to other regulations enforced by local, state, or other federal government agencies.

⁵ Load Line and SOLAS Exemption requests should be routed through the respective District or COMDT for approval in accordance with reference (b).

(COFR), per 33 CFR part 138, for each vessel that is applicable to 33 CFR § 138.20. An owner or managing operator, can check the validity of a COFR at the National Pollution Funds Center website: <https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/COFRs/>

5. Vessel Inspection Fees. Vessel inspection fees should be paid in full up to the date of the notification of the vessel going into a laid up status. Annual vessel inspection fees will not be charged or billed while the vessel is laid up.
6. Oil as Cargo and VRP. In accordance with this WI, vessels must discharge all oil or other hazardous cargo prior to entering laid up status.⁶ While in a laid up status, the vessel is not subject to vessel inspection regulations; however, the requirements of 33 CFR part 155, Oil or Hazardous Material Pollution Prevention Regulations for Vessels, may still be applicable. Generally, a vessel no longer requires a Tank Vessel Response Plan (TVRP)⁷ or Non-tank Vessel response Plan (NTVRP)⁸ after discharging all oil and hazardous cargo, which has been verified by the MI or attested to by the TPO, if applicable, that the vessel is no longer storing or carrying oil in bulk as cargo or oil cargo residue. However, the vessel may elect to keep a TVRP, if the vessel plans to carry oil in bulk as cargo or oil cargo residue in the future.
7. Hazardous Cargo. Owners or managing operators should provide assurance to the OCMI that all hazardous cargo tanks, pump rooms, cargo piping systems, and cargo venting arrangements are thoroughly clean and gas-free. The OCMI or COTP may require submission of a gas-free certificate provided by a qualified marine chemist as verification of this condition. Such situations include:
 - a. Prior to entering a laid up status, a vessel inspected under 46 CFR subchapter D shall provide objective evidence that the vessel is cleaned of all cargo residue and maintained in a gas free condition, per 46 CFR § 31.01-1(b);
 - b. If the COTP can articulate a hazardous condition, as defined in 33 CFR § 160.202, on board the vessel, a gas free certificate may be required under the Ports and Waterways Safety Authority (PWSA), per 33 CFR § 160.111; or
 - c. In accordance with 33 CFR § 126.30 and § 154.735, when requests are made for hot work to be performed on the vessel at a waterfront facility or facility transferring oil or hazardous materials in bulk, respectively.
8. Fuel bunkering. The vessel should not load any new fuel while laid up, other than the fuel or consumables required to operate the vessel's main and auxiliary machinery. Bunkering operations must still be conducted in accordance with the transfer regulations in 33 CFR part 156 - Oil and Hazardous Material Transfer Operations.
9. Mooring and Navigation Lights.
 - a. For a vessel moored to a waterfront facility: The owner or operator will provide the local OCMI assurances that the mooring arrangement (i.e., number, size, and arrangement) will be maintained in good condition. The mooring system shall be capable of holding the vessel securely, taking into account the vessel's freeboard, draft, and any extreme climatic, tidal and current conditions in the area.

⁶ A vessel that is laid up has emptied its tanks of all fuel except for the minimum amount of fuel for maintenance of the vessel's material condition. See 33 CFR § 155.5020. Vessels that carry oil as a cargo or residue are not considered inactive or laid up.

⁷ The TVRP regulations are not applicable to vessels that, although constructed or adapted to carry oil in bulk as cargo or oil cargo residue, are not storing or carrying oil in bulk as cargo or oil cargo residue. 33 CFR § 155.1025(c)(2).

⁸ In accordance with 33 CFR § 155.5015(d)(6), an "inactive vessel" as defined in 33 CFR § 155.5020, is not required to have a NTVRP.

- b. For vessels at anchor: In accordance with 33 CFR § 164.19, if applicable, the master or person in charge shall ensure an anchor watch and procedures are followed to detect a dragging anchor. The owner or operator will also provide assurance to the local OCMI that the vessel's anchoring arrangement will be maintained in good condition; the fittings will be capable of holding the vessel securely, taking into account the vessel's freeboard, draft, and any extreme climatic, tidal and current conditions in the area and that the prescribed navigation lights and shapes shall be exhibited.
10. Recognized Organization (RO) approval. Vessels with statutory certificates issued pursuant to applicable international conventions to include Domestic or International Load Line Certificates, are required to meet all applicable regulations and standards. If the vessel has also requested a laid up status with an RO, the owner or managing operator should ensure that the vessel meets the RO's requirements in addition to any Coast Guard requirements. A vessel that is in a laid up status with an RO does not constitute a laid up status with the Coast Guard. It is the owner or managing operator's responsibility to notify the RO and the Coast Guard of a change in vessel status.
11. Alternate Compliance Program (ACP)/Maritime Security Program (MSP) vessels. Vessels enrolled in ACP⁹ or MSP¹⁰ that enter into a laid up status and surrender their COI can maintain their ACP or MSP eligibility status upon return to service. The OCMI should contact CG-CVC to confirm the vessel's inspection standards for ACP and MSP, as part of the return to service process described in Section E.13 of this WI. The OCMI should issue COIs and international certificates which the RO is not authorized to issue upon completion of any required RO reactivation surveys and CG examination and should, as far as practicable, harmonize those with classification society and international certificates issued by the RO not to exceed 5 years.
12. OCMI Documentation.
- a. The OCMI shall issue the owner or operator a letter acknowledging the vessel is in a laid up status and that the COI has been surrendered. The letter shall explain any limitations placed upon the vessel and include the requirements for returning the vessel to service.
- b. The OCMI shall document the vessel's laid up status in the MISLE database in accordance with reference (c).
13. Laid up Vessels Returning to Service. If the owner or managing operator of a vessel with a previously surrendered COI seeks to return the vessel to service, they shall submit an Application for Inspection of U.S. Vessel (Form CG-3752) to the local OCMI and schedule a Coast Guard Marine Inspector to attend the vessel. If a laid up vessel was sold, the new owner should notify the local OCMI of any change in registry or ownership. The new owner should contact the local OCMI where the vessel entered laid up status if they want to change the status of the vessel. The following criteria should be considered prior to issuance of a new COI or statutory documents:
- a. Determination of applicable standards. Vessels returning to service shall meet all applicable U.S. regulations, classification society requirements, and international conventions. The OCMI will review the Application for Inspection and conduct an evaluation to determine which standards to apply to the vessel prior to recertification. A vessel whose COI has lapsed may be required to meet inspection for certification requirements as a new vessel as determined to be appropriate by the OCMI. Per

⁹ Per 46 CFR Part 8 and in accordance with [NVIC 02-95 \(series\)](#).

¹⁰ Per Maritime Administration (MARAD) determination under 46 U.S.C. § 53102 and in accordance with [NVIC 01-13 \(series\)](#).

reference (b), the OCMI may require a formerly certificated vessel to be inspected as a new vessel. A vessel that was once certificated does not qualify indefinitely or automatically as an “existing” vessel, especially when it has been structurally modified or out of service for an extended period.

- b. When determining the applicability of existing or new standards for a previously laid up vessel, the local OCMI should consider the following:
 - i. Existing or planned modifications that may result in the determination of a major conversion, per 46 U.S.C. § 2101;
 - ii. Status of unserviceable equipment and whether it can be replaced “in kind”;¹¹
 - iii. Applicability of new requirements for “all vessels,” regardless of build date;
 - iv. Any law, regulation, or Coast Guard policy that requires the application of current standards; and
 - v. If it is practicable for the alterations or modifications to meet current requirements.
- c. Vessel modifications and Major Conversion determination. Owners and operators should communicate their intentions for modifications to the local OCMI. If modifications to the vessel are planned (or have already been made without prior Coast Guard review or approval), then the owner or operator should request a Major Conversion determination from the Marine Safety Center (MSC) if applicable.¹² This determination will be used by the OCMI in the evaluation of existing or current standards that should be applied to the vessel.
- d. Plan Review. If alterations were made during laid up status, the OCMI will coordinate with the owner and MSC to determine if the owner must submit any plans to the Coast Guard for review or approval to demonstrate compliance with applicable standards prior to recertification. Any plans submitted to the MSC must include a copy of the Application for Inspection (CG-3752) and clearly identify the standards to use for plan review.
- e. Changes in service. If the owner or operator of a vessel requests multi-service endorsements that were not on the pre-laid up COI, the vessel will have to meet current regulatory standards for each inspection subchapter (e.g., Subchapters M or T) that was not previously endorsed.
- f. Documentation. The OCMI will verify proof of a valid Certificate of Documentation (COD) and other required documentation, as applicable (e.g., COFR), prior to a Marine Inspector attending the vessel.¹³

¹¹ “Replacement in kind means replacement of equipment or components that have the same technical specifications as the original item and provide the same service. If the replacement item upgrades the system in any way, the change is not a replacement in kind.” See generally 46 CFR § 136.110. The Coast Guard refers to this general definition of “replacement in kind” for all vessels applicable to this work instruction.

¹² The Coast Guard Marine Safety Center (MSC) makes major conversion determinations. Companies contemplating work that may constitute a major conversion are highly encouraged to contact MSC as soon as the company has a general concept of the work to be performed so it can be reviewed. The Coast Guard bases a major conversion determination on the definition of “major conversion” found within 46 U.S.C. § 2101 and the information within Navigation and Vessel Inspection Circulars (NVIC) [10-81](#), [NVIC 10-82](#), [NVIC 11-84](#), NVIC 02-95 (series).

¹³ See NVDCs website for procedures for deletion from a COD:

https://www.dco.uscg.mil/Portals/9/DCO%20Documents/NVDC/Deletion_from_Documentation.pdf

- g. Vessel Inspection Fees. In accordance with 46 CFR § 2.10, the vessel inspection fee anniversary date will remain as originally assigned and fees for the current year must be paid prior to receiving any Coast Guard inspection services. If a vessel is past its annual inspection date and placed back in service, the owner or operator will be required to pay the full annual vessel inspection fee before the Coast Guard inspects the vessel.
- h. Inspection dates. A vessel may maintain the previous hull exam, Internal Structural Exam (ISE), Cargo Tank Internal Exam (CTIE), tail shaft exam, and other equipment exam cycle dates unless the OCMI has evidence that the condition of the vessel necessitates additional exams. Annual and periodic inspection or examination cycles restart when vessel comes out of laid up status in accordance with the applicable inspection subchapters. All expired inspections or exams must be completed prior to receiving a new COI.
- i. Master's Logbook. When the vessel is ready for reactivation and watches are set, the Master should make an entry into the vessel's logbook stating the vessel has come out of laid up status and instituted the requirements of their VSP or ASP accordingly, if applicable.

14. Subchapter M Towing Vessels. As of July 20, 2018, towing vessels inspected under 46 CFR Subchapter M are required to comply with those regulations.

- a. A Subchapter M towing vessel that was laid up before receiving a COI, during the phase-in period, will be considered an "existing towing vessel" if it meets the definition in 46 CFR § 136.110 regardless of whether it returns to service during or after the phase-in period.
- b. A towing vessel that comes out of laid up status after July 19, 2022, the end of the phase-in period, will be required to get a COI prior to conducting commercial operations.

15. Foreign Vessel Laid up in U.S. waters.

- a. If a foreign-flagged vessel surrenders its COC and requests to be placed in a laid up status in waters of the U.S., then the OCMI will follow the appropriate guidance within this WI. The local OCMI will provide the owner or operator with correspondence acknowledging the vessel is in a laid up status.
- b. In addition to the items listed in Section E. of this WI, the OCMI should also consider the following items for proposals received from foreign-flagged vessels:
 - i. A foreign-flagged vessel requesting to be designated as laid up within a U.S. port or place, must receive correspondence from its Flag Administration or RO approving the request. Upon receipt of the Flag Administration or RO approval to enter a laid up status, the vessel should submit a request for approval to the local OCMI for the zone where the vessel will be laid up.
 - ii. Certain foreign vessels and the facilities that receive them are subject to requirements in 33 CFR parts 104 and 105 unless exempted by 33 CFR §§ 104.110 or 105.110.
 - iii. The ship's security plan must be updated to reflect the current status of the vessel, 24-hour emergency contact information, and approval by the Flag Administration or RSO, as applicable.
 - iv. The vessel must maintain all applicable convention certificates and Flag State documents. A laid up vessel cannot be stateless.

- v. In order to return to service vessel owner or operator shall:
 - 1) Comply with all applicable international conventions and U.S. regulations, with the exception of any exemptions or requirements issued by the Flag State administration, Classification Society, RO, or RSO, as applicable.
 - 2) Ensure current year, annual, overseas and other vessel inspection and examination fees are paid prior to the vessel inspection or examination.
 - 3) Notify the local OCMI and complete a Port State Control Exam or Certification of Compliance (COC) Exam, if applicable, prior to returning to service or departing the local COTP zone.

F. Inactive Vessel Service. There is no statutory requirement to notify the Coast Guard of a change to inactive status. The following guidelines should be used to ensure vessels in inactive status remain compliant with the regulations necessary to maintain a COI¹⁴ or COC.

1. While Inactive:

- a. The owner or operator is required to maintain a valid: COI or COC, COD, DOC, or TSMS, and all applicable Convention certificates (i.e., SOLAS or MARPOL).
- b. Remain current on all vessel inspections, exams, surveys, audits, and examination fees.
- c. If an inactive vessel is sold, the new owner should notify the local OCMI of any change in registry or ownership. If the new owner wants to change the status of the vessel, the new owner should contact the local OCMI.
- d. The owner or operator is responsible for ensuring maintenance is completed in accordance with applicable regulations, the Safety Management System (SMS), if applicable, and the vessel's COI. If required maintenance is not in compliance, the Coast Guard may revoke the COI.
- e. All owners and operators are responsible for ensuring that the vessel's SMS and operations manual, address inactive status procedures and reduced manning, if applicable.
- f. The owner or operator is responsible for completing all audits, verifications, inspections, and examinations of vessels in accordance with 33 CFR part 96, 46 CFR parts 137 and 138, and Chapter IX of SOLAS, if applicable.
- g. All inspections and examinations such as hull, drydock, internal structural exams, lifeboat cable, and pressure vessels, shall be completed and may include operational testing of machinery.
- h. All other required plans, such as Vessel Response Plan (VRP) and Vessel General Permit (VGP), shall be maintained onboard and updated accordingly.

2. Issuing Deficiencies/Non-conformities While Inactive. While in inactive vessel status, the personnel maintaining the vessel (e.g., reduced crew or watchman) may or may not be the same crew as those getting the vessel underway for commercial operations. It is reasonable to

¹⁴ MARAD Ready Reserve Force and vessels of the Navy's MSC fleet in Reduced Operation Status should use reference (d) and reference (e), as applicable.

allow drills and crew documentation verifications only to be verified when the intended operational crew will be onboard.¹⁵

- a. All CG Inspected vessels: The OCMI will issue a CG-835V documenting the non-compliant items in MISLE, requiring rectification, prior to carrying passengers or cargo (Code 701).
- b. Inspected Towing Vessels under 46 CFR Subchapter M TSMS Option: Third Party Organizations (TPO) will document non-compliance and issue a deficiency or non-conformity, that requires observed drills and verification of credentials prior to commercial operations. These issued deficiencies or non-conformities, are required to be rectified and verified by the TPO, prior to commercial operations to ensure the vessel is being operated safely and to reduce hazards to people, the waterway, and the environment. Local OCMI notification is not required.
- c. Regardless of inspection option chosen, the OCMI or TPO should discuss with the crew or watchman the following procedures, at a minimum, in case of an emergency on the vessel or at the pier: emergency reporting, firefighting, and egress procedures on the inactive vessel. As the vessel is still carrying an active, valid COI, lifesaving and firefighting servicing of equipment, surveys, audits and all regulatory requirements to maintain the COI and DOC/TSMS certificates are required to be continued and shall **not** be deferred.

3. Security.

- a. The owner or operator of a vessel is responsible for complying with the security requirements in 33 CFR § 104.200, if applicable, and vessel manning provisions clarified in reference (f) for maintaining watch standing and shipboard working conditions. Owners and operators are responsible for implementing their SMS, VSP, or ASP, as applicable.
- b. The owner and operator of an inactive vessel and the owners and operators of the facilities that receive these vessels are required to comply with the applicable security requirements under the facility regulations under 33 CFR part 105 and vessel security regulations under 33 CFR part 104.
- c. Per 33 CFR § 104.415, an owner and operator with an approved VSP may need to amend their VSP to address inactive status and reduced manning. The amendment must be submitted to MSC for approval in accordance with regulations.

4. Inactive Vessels Returning to Service. The owner or operator should notify the local OCMI, RO, or TPO within a reasonable timeframe before the vessel's return to service so that the local OCMI, RO, or TPO, has ample time to assign a Marine Inspector, surveyor, or auditor to attend and clear any outstanding CG-835Vs, deficiencies, or non-conformities, prior to the vessel commencing commercial operations.

G. U.S. Flagged Vessels Requesting a Change in Status While in a Foreign Country. Owners and operators of U.S. flagged vessels entering an inactive or laid up status while in a foreign port remain subject to foreign port state requirements, which may vary from country to country. As such, upon

¹⁵ Under 46 U.S.C. § 8101, 46 CFR § 15.105(c), and 46 CFR § 15.501, the Coast Guard has the authority to determine what manning complement requirements are necessary for a vessel's safe operation and to mandate those requirements through the vessel's COI. Additionally, the Coast Guard has the discretionary authority to modify the manning complement requirements for reasons of "changed conditions or employment," such as a change in route or operations, to include a change from an active to an inactive status. 46 U.S.C. § 8101(b).

receiving a proposal, the local OCMI shall coordinate with the appropriate port state and RO for the retention of any and all certificates as required by the port state.

1. Proposals received from owners and operators notifying the local OCMI before becoming inactive or laid up, in a foreign port, should meet the requirements in Sections E or F of this WI, as appropriate, and additionally consider the following:
 - a. The proposed location, including whether the vessel will be docked or at anchor, and whether the location is controlled by an ISPS-compliant facility. OCMI's should pay special attention to proposals for vessels to reside in areas that have a high risk of piracy, review the security plans in more detail, and communicate any concerns;
 - b. An attestation from the master, owner, or operator that the local port state authority has accepted the plan to become inactive or laid up and that the vessel will comply with any local policies, including , but not limited to, requirements for manning and maintenance of international certificates;
 - c. Whether each of the applicable international certificates will be maintained or surrendered. At no time may the vessel retain its COI when deferring required inspections and surveys past the intervals permitted by convention, law, or regulation; and
 - d. Proposals received from owners and operators who wish to surrender the COI or international certificates should include an attestation that lifesaving and firefighting systems will continue to be serviced at required intervals if crewmembers are to remain on board.

2. Returning to Service. In order to return to service, refer to section E.13. or F.4. of this WI, as appropriate.

H. Request for Reduced Manning.¹⁶ Owners and operators who wish to maintain their COI or international certificates, but enter into an “inactive” status with reduced manning onboard, must request the manning reduction from the OCMI.

1. The owner or operator should provide an attestation from the master that the VSP and the SMS can be adhered to with the proposed reduced manning. If this is not possible, the vessel will be required to surrender the associated certificates.
2. The OCMI may grant the manning reduction via official correspondence, and shall document the reduction in MISLE in accordance with reference (c).

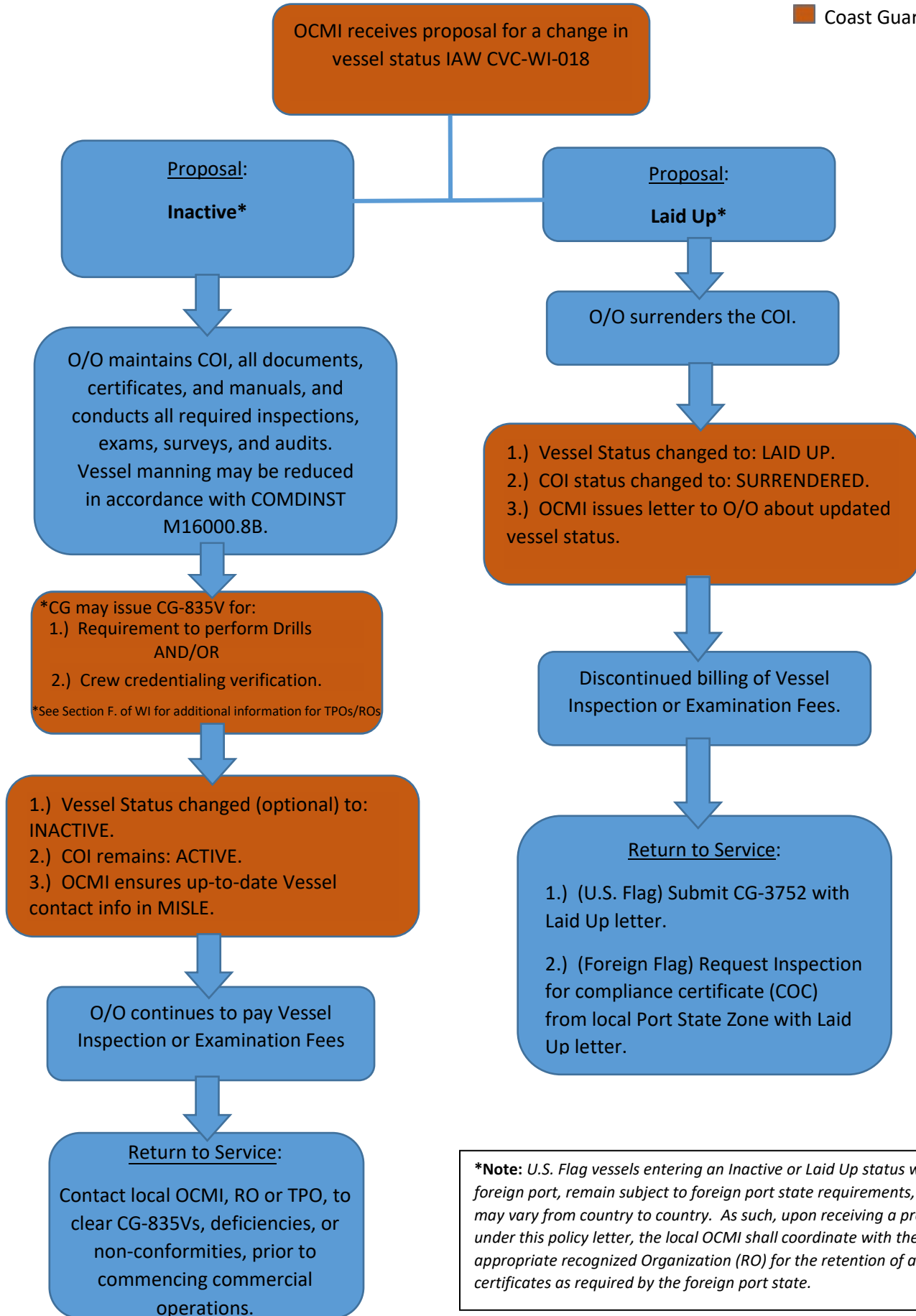
I. Questions. Questions concerning this Work Instruction and guidance should be directed to the Office of Commercial Vessel Compliance (CG-CVC) at CGCVC@uscg.mil.

M. R. Neeland
Captain, U.S. Coast Guard
Chief, Office of Commercial Vessel Compliance
By direction

Enclosure: (1) Flowchart

¹⁶ See Footnote 10 for the OCMI's authority to determine manning complement on the COI.

■ Owner/operator (O/O)
■ Coast Guard



***Note:** U.S. Flag vessels entering an Inactive or Laid Up status while in a foreign port, remain subject to foreign port state requirements, which may vary from country to country. As such, upon receiving a proposal under this policy letter, the local OCMI shall coordinate with the appropriate recognized Organization (RO) for the retention of any and all certificates as required by the foreign port state.