

**MTSA Regulations found at 33 CFR Subchapter H  
Parts 104 & 105.**

**#22-04 MAY 20, 2004---POLICY ADVISORY COUNCIL FAQ**

**Q.** When is a Declaration of Security (DOS) required?

**Ans.** Although unmanned barges are never required to complete a Declaration of Security, the facility or the tow boat must take the barge into consideration when performing security duties. Depending on who has operational control of that barge will dictate which of the Security Officers will need to provide security. If the towboat is tied to, or made up to the barge, it is considered to be in operational control of the barge. When that towboat/barge combination conducts a vessel-to-facility transfer or a vessel-to-vessel activity, a DOS would be required at MARSEC Level II. If the towboat drops off the barge at a facility, the facility takes operational control of that barge and must provide for its security. Because the facility has operational control of the barge in this situation, it is not considered a vessel to facility interface and does not require a DOS. Similarly, the transfer of an unmanned barge from one towboat to another is not considered a vessel to vessel activity and does not require a DOS.

Declarations of Security are addressed in 33 CFR 104.255 and 33 CFR 105.245. Detailed guidance is also provided in Change 1 to NVIC's 03-03 and 04-03. The attached DOS provides further guidance.

Addendum (1) attached.

## Addendum (1) DECLARATION OF SECURITY (DOS) APPLICABILITY DECISION TOOL

This tool is designed to assist facility and vessel owners/operators in determining the need to execute a Declaration of Security (DoS) mandated by 33 CFR Parts 104 and 105.

### Addendum (1) DECLARATION OF SECURITY (DoS) APPLICABILITY DECISION TOOL

**TABLE 1 - VESSEL / FACILITY CATEGORY DECISION MATRIX** **CAT**

Cruise Ship		A	
33 CFR 104 Applicable Vessel / Barge	CDC <sup>2</sup>	Manned <sup>3</sup>	B
		Unmanned	C
	Non-CDC	Manned	D
		Unmanned	E
Not 33 CFR 104 Applicable Vessel / Barge	Manned		F
	Unmanned		G
33 CFR 105 Applicable Facility		H	
Non 33 CFR 105 Applicable Facility		I	
Barge Fleeting Facility		J	

This tool is designed to assist facility and vessel owners/operators in determining the need to execute a Declaration of Security (DoS) mandated by 33 CFR Parts 104 and 105.

**Step 1** – Utilizing Table 1, assign a category (CAT) for each vessel or facility involved in the interface<sup>1</sup>.

**Step 2** – Match the categories listed in Table 1 along the horizontal and vertical axes below in Table 2. It does not matter which axis is used. The appropriate (*intersecting*) cell indicates at which MARSEC Level a DoS would be appropriate. See Legend for further information.

<sup>1</sup> Interface means to engage in the transfer or movement of persons, cargo, stores, or provisions between a vessel and facility or a vessel and another vessel. See 33 CFR 101.105.

<sup>2</sup> Vessels are considered to be “CDC” if they are carrying cargoes listed in 33 CFR 160.204.

<sup>3</sup> Vessels are considered “Manned” if a crew is required as per their Certificate of Inspection (COI). An unmanned barge remains “unmanned” regardless of Tankermen or towing vessel crew working aboard the vessel.

**TABLE 2 – DOS INTERFACE DECISION MATRIX**

	A	B	C	D	E	F	G	H	I	J
A	1, 2, 3	1, 2, 3		1, 2, 3				1, 2, 3		
B	1, 2, 3	1, 2, 3		1, 2, 3				1, 2, 3		
C										
D	1, 2, 3	1, 2, 3		2, 3				2, 3		
E										
F										
G										
H	1, 2, 3	1, 2, 3		2, 3						
I										
J										

**Table Legend**

	No DoS Required
	DOS Required during identified MARSEC Levels
	Not Permitted by Regulations
	Not Applicable

**NOTE** For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).