

U.S. COAST GUARD
PORT STATE CONTROL REPORT OF INSPECTION - FORM B
(CG-5437B)

INSTRUCTIONS

The Port State Control Report of Inspection - FORM B is intended to accompany the Port State Control Report of Inspection - FORM A and provide documentation to the various parties associated with a foreign vessel and other port States on the outcome of an International Ship & Port Facility Security (ISPS) Code compliance verification exam and/or Port State Control (PSC) safety examination conducted by the U.S. Coast Guard. A Report of Inspection - FORM B, shall be completed for all ISPS and PSC exams when deficiencies have been identified.

The following guidance is provided for completing the FORM B.

Blocks 1-5: Shall be the same information that is included on the Form A.

Block 6 – Use current list of deficiency codes promulgated by COMDT CG-5432. The most updated deficiency codes will be posted on <http://cgportal.uscg.mil/lotus/myquickr/foreign-vessel-inspections>. Complete all columns for each deficiency listed. Group deficiencies by order of severity (i.e. Code 20, 25 and 30 items first, Code 17 items next, etc.). Place any 33 CFR items and ILO items at the end of the Form B (note 33 CFR items and ILO items are not detainable items under IMO instruments.) Supervisors shall review all deficiencies to ensure the deficiencies listed warrant the control actions imposed.

Copies should be provided to the vessel, flag State and/or Recognized Organization (RO)/Recognized Security Organization (RSO) only after it has been signed by the Master or vessel representative and the PSCO.

In the event of a detention, expulsion or denial of entry; provide a copy (fax or email) of Forms A and B to the flag State, owner/operator/charterer, RO, RSO and classification society as applicable after the supervisor has reviewed and signed the forms. Include the scanned forms in MISLE under the Documents tab and email them to CG5432 at CG5432@uscg.mil with the return receipt option checked. Include a comment in the email if more than one major control action was applied (i.e. detained, expelled, denied entry). Also specify the number of CG detentions the vessel has had over the last 12 months.

The 'action taken' column should be completed using the "Action Taken Codes" on the bottom of Form B.

Deficiency Writing:

For all deficiencies the description of the deficiency must be a direct and succinct statement that shall contain two important elements:

- 1) The standard the ship does not meet;
- 2) A description of why the ship does not meet the standard.

Deficiency Assigned a Code 20, 25 or 30:

The report must clearly articulate the reasons for detaining, expelling from port, or denying entry to port a substandard vessel for maritime security, safety and environmental compliance deficiencies. To accomplish this, the report must outline a deficiency description that shows substandard conditions and list appropriate authority under the international conventions for each deficiency to support the action taken.

Since this form aligns with international standards, IMO convention cites shall have first priority on Form B. ILO and CFR cites should not be used in lieu of IMO convention cites and when necessary, they should be used sparingly. If a vessel violates applicable domestic regulations, COTP authority/ procedures should be used as appropriate (restrict cargo ops, detain, deny entry or expel from port, etc.) and a NOV or civil penalty should be processed.

Note: A vessel with multiple safety related deficiencies, none of which merit detention or other major control action, but collectively make the vessel substandard with respect to the international conventions may warrant a detention. To help determine if a detention is warranted, an ISM expanded exam should be completed as multiple deficiencies indicate the safety management system (SMS) may not be effectively implemented, or that other deficiencies exist with the SMS not meeting the requirements of the ISM code.

Appeal Procedures

(Reference: Title 46, Code of Federal Regulations, Subpart 1.03)

Any person directly affected by a decision or wishing to dispute the validity of a PSC action or their association with an IMO reportable control action should follow the appeal procedures contained in 46 CFR 1.03 and as outlined below:

Detentions (Safety and/or Security) not related with RO/RSO/Charterer

- 1) Appeals must be submitted in writing within **30 days** after the decision or action being appealed was made. The appeal must contain a description of the decision or action appealed and the reason why the decision or action should be set aside or revised.
- 2) All IMO reportable control action appeals must be submitted first to the cognizant Officer in Charge of Marine Inspection (OCMI) for reconsideration. The issuing unit's name/address is located in the bottom left corner of the Form A.
- 3) If not satisfied by the decision or action of an OCMI after requesting reconsideration, a formal appeal of that decision or action may be made within **30 days**, via the office of the cognizant OCMI, to the District Commander of the district in which the office of the cognizant OCMI is located.
- 4) If not satisfied by the District Commander's decision or action on appeal, a formal appeal of that decision or action may be made within **30 days**, via the office of the cognizant District Commander to Commandant (CG-543).
- 5) Commandant (CG-543) is final agency action on the appeal.

RO/RSO/Charterer Related Detentions (Safety and Security)

- 1) Any RO/RSO/Charterer wishing to dispute their association with a detention must make their appeal in writing within **30 days** after the last administrative action is taken by the Coast Guard DIRECTLY to Commandant (CG-5432) at the following address:

United States Coast Guard Headquarters
COMMANDANT (CG-5432)
Attn: Foreign and Offshore Vessel Compliance Division
2100 2nd Street SW Stop 7581
Washington, DC 20593-7581

Or

Email: CG543@uscg.mil

U.S. COAST GUARD PORT STATE CONTROL

For information on the U.S. Coast Guard's Port State Control (PSC) Program, you may visit our website at:
<http://homeport.uscg.mil/psc>