



**The American Waterways Operators**

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Docket Management Facility (M-30)  
U.S. Department of Transportation  
Room W12-140  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590-0001

Re: Notification of Arrival in U.S. Ports –  
Certain Dangerous Cargoes  
(USCG–2004–19963)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the tugboat, towboat, and barge industry. AWO's members account for approximately 80 percent of the barge tonnage and two-thirds of the towing vessel horsepower in this critical industry segment, moving cargoes essential to the American economy on the inland rivers, the Atlantic, Pacific, and Gulf coasts, and the Great Lakes. Tugboats also provide essential services, including shipdocking, tanker escort, and bunkering, in ports and harbors around the country. On behalf of AWO's members, thank you for the opportunity to comment on the notice of proposed rulemaking (NPRM) to change the definition of certain dangerous cargo (CDC) and CDC residue, as recommended by the Chemical Transportation Advisory Committee (CTAC).

AWO members are committed to transporting cargoes vital to the U.S. economy, including those classified as CDCs, with high standards of safety and security. Immediately after September 11, 2001, AWO began working with the Coast Guard and the U.S. Army Corps of Engineers to develop a Model Vessel Security Plan for towing vessels, more than a year before such plans were required by law. When the Maritime Transportation Security Act (MTSA) was enacted in November 2002, AWO worked with the Coast Guard to transform the Model Vessel Security Plan into one of the first Coast Guard-approved Alternative Security Programs. AWO members work hard to transport our nation's cargo safely and securely, and we take pride in the fact that our American-owned, American-crewed, American-built vessels are the "eyes and ears on the waterways" for the Coast Guard.

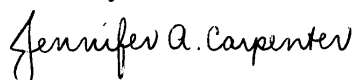
AWO members participated on the CTAC security subcommittee which recommended the modified CDC definition that is outlined in this proposal. This modified definition was developed by chemical producers and carriers to reduce the burden of CDC security measures where residue quantities of some CDCs posed very little risk to safety and security. As noted in the NPRM, the modified CDC definition would allow for better utilization of Coast Guard, state, and private security resources if MARSEC levels were to increase due to threat intelligence. The revised definition would also reduce the administrative burden of submitting and collecting Notice of Arrival (NOA) reports. AWO believes the NPRM accurately states the recommendations of CTAC, and if implemented would offer vessel operators and the Coast Guard the advantages envisioned by the advisory committee when it proposed the revised definition.

In sum, AWO supports the Coast Guard's proposal to change the definition of CDC so that residue quantities of some chemicals are not classified as CDC. We commend the Coast Guard for working with CTAC to develop this more sophisticated and nuanced approach to security requirements for CDCs in residue form. We concur with the Coast Guard's proposal that eight CDCs – anhydrous ammonia, chlorine, ethane, ethylene oxide, methane (LNG), methyl bromide, sulfur dioxide, and vinyl chloride – should maintain their CDC classification when in residue form. We also believe that in the case of all other CDCs, industry practices are sufficiently effective in diluting CDC residues that it is prudent for the Coast Guard to develop a different set of security requirements for vessels with these types of residues on board.

Finally, we note that in April 2009, AWO submitted comments to the docket on the Coast Guard NPRM titled "Vessel Requirements for Notices of Arrival and Departure (NOAD), and Automatic Identification System," the parallel interim rulemaking referenced in this NPRM. In those comments, AWO urged the Coast Guard to amend the NOAD rules to allow inland vessels to submit NOAs to a single common authority. We stand by this recommendation and do not wish that our endorsement of the revised definition of CDC residue, which would limit the occasions in which operators would be required to submit an NOA when carrying some CDC in residue form, be seen as an endorsement of the current process for submitting NOAs generally. We encourage the Coast Guard to take the occasion of these two parallel interim rules to seriously evaluate the impractical process requiring operators to submit NOAs to two different authorities (the National Vessel Movement Center and the Inland River Vessel Movement Center), depending on a vessel's position on the inland river system.

Thank you for the opportunity to comment. We encourage the Coast Guard to move quickly to finalize this rulemaking and implement the common sense changes proposed in the NPRM.

Sincerely,



Jennifer A. Carpenter