



The American Waterways Operators

www.americanwaterways.com

801 North Quincy Street
Suite 200
Arlington, VA 22203

PHONE: (703) 841-9300
Fax: (703) 841-0389
E-MAIL: jcarpenter@vesselalliance.com

Jennifer Carpenter
Senior Vice President - National Advocacy

August 29, 2008

Docket Management Facility
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, D.C. 20590-0001

Re: Tank Level or Pressure Monitoring
Devices (USCG-2001-9046)

Dear Sir or Madam:

The American Waterways Operators (AWO) is the national trade association for the inland and coastal tugboat, towboat and barge industry. AWO member companies include the owners and operators of the vast majority of the tank barges that would be affected by the tank level/pressure monitoring (TLPM) device regulations. We appreciate the opportunity to comment on this rulemaking.

AWO strongly supports the Coast Guard's proposal to withdraw its regulations requiring TLPM devices on single-hull tank ships and tank barges carrying oil or oil residue. We have submitted numerous comments to this docket over the past 15 years arguing that TLPM device technology is neither technologically nor economically feasible for tank barges and will not materially improve oil spill prevention. AWO agrees with the Coast Guard's conclusion that effective and cost-effective TLPM device technology remains unavailable, and we support the agency's decision to exercise the clear statutory authority provided by the Coast Guard and Maritime Transportation Act of 2004 to rescind the current regulations.

Today, seven years before the 2015 deadline for the exclusive use of double-hull vessels for the transport of petroleum in U.S. waters, AWO estimates that 86% of the tank barge fleet is double-hulled. With the phase-out of single-hulled vessels continuing apace, the requirement for TLPM devices offers ever-diminishing benefits at increasingly high marginal costs. This assessment is borne out by the Coast Guard's March 2006 *Report to Congress on Costs and Benefits of Alternatives to Tank Level or Pressure Monitoring Devices*. That report found that since 2002 there have been no advances in the technological design of modern TLPM devices that materially improve their utility to detect leaks from marine cargo tanks and concluded that, "given the established phase-out period for single-hull vessels, the processes and costs associated with modifying and

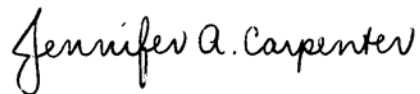
The Tugboat, Towboat and Barge Industry Association

testing these devices and the low incentive for industry to do so make their practical availability highly improbable. Therefore, the cost effectiveness ratio for requiring this type of equipment will continue to worsen.”

In lieu of absent TLPM device technology, AWO’s member companies remain committed to preventing oil spills by fully complying with existing law and regulation; abiding by the AWO Responsible Carrier Program, a first-of-its kind, third-party-audited safety management system that is a prerequisite for AWO membership; and working through the Coast Guard-AWO Safety Partnership to track industry safety performance and achieve further improvements in industry safety and spill prevention.

AWO urges the Coast Guard to proceed without delay to finalize its withdrawal of the TLPM device regulations and close docket USCG-2001-9046. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Jennifer A. Carpenter". The signature is written in a cursive, flowing style.

Jennifer A. Carpenter