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Magistrate Judge Issues Recommendation for Summary Judgment Against Massachusetts Oil Spill Law

On July 29, U.S. Magistrate Judge, Leo Sorokin of the U.S. District Court, Massachusetts District, issued a recommendation for summary judgment against a 2004 Massachusetts oil spill statute. A lawsuit brought by the U.S. Department of Justice challenged the constitutionality of the law, which was enacted in response to a 2003 accidental tank barge oil spill in Buzzards Bay. The Department of Justice lawsuit asserted that the Massachusetts oil spill law tried to make law in areas that are reserved exclusively to the Federal Government, specifically the U.S. Coast Guard. AWO members will continue to be required to comply with existing Coast Guard regulations regarding tug escorts when transiting through Buzzards Bay.

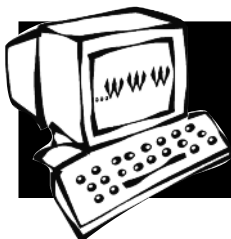
This court case, *U.S. v. Massachusetts*, has a long history of litigation (Click here to access the September 12, 2008 edition of the *AWO Letter*, and scroll to page 2). In 2006, the District Court affirmed the position of the U.S. Government that Massachusetts overstepped its bounds in passing the 2004 law regulating the crewing and operation of towing vessels and tank barges in Buzzards Bay. These and other navigation safety issues are governed by U.S. Coast Guard regulations, including a Regulated Navigation Area (RNA) establishing special safety rules for vessels operating in this area. In yesterday's ruling, the

court reaffirmed that finding. It also rejected procedural counterarguments advanced by Massachusetts alleging that the Coast Guard had not followed proper procedure in establishing the RNA. The court rejected the Commonwealth's claims that the Coast Guard failed to abide by the National Environmental Policy Act and did not provide adequate opportunity for public comment on the Coast Guard's assertion of its authority to preempt state regulation.

AWO President & CEO Thomas Allegretti said, "This decision is a welcome result for the federal government and our industry, a victory for interstate commerce, and further evidence of the serious constitutional defects in the content of the Massachusetts statute. Federal law creates a consistent regulatory framework across states that is essential for the safe and efficient functioning of interstate commerce while ensuring safety and environmental protection on U.S. waters."

Magistrate Sorokin's decision will be reviewed by a sitting judge on the District Court within the coming months who will decide whether or not to officially issue a summary judgment. The recommendations of magistrate judges are commonly accepted by their colleagues on the District Court.

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U.S. Customs and Border Protection Strengthens Jones Act Rulings

On July 17, U.S. Customs and Border Protection (CBP) released a long-awaited Notice of Proposed Modification (NPM), which strengthens the Jones Act by modifying or revoking several previous CBP Ruling Letters related to the offshore energy sector. These modifications would remedy a series of incorrect rulings that permitted foreign-flagged construction vessels to transport cargo between United States coastwise points and offshore oil and gas facilities. As the federal agency responsible for interpreting and enforcing these types of cabotage laws, CBP has clarified that permitting any type of foreign-flagged vessel to transport cargo between United States coastwise points is contrary to the Jones Act. Comments on the NPM are due August 16.

The proposed CPB ruling would revise the agency's previous classification of vessel equipment from "materials and tools as are necessary for the accomplishment of the mission of the vessel" to articles that are "necessary and appropriate for the navigation, operation or maintenance of the vessel and for the comfort and safety of the persons on board." Under the previous interpretation, foreign-flagged vessels working at offshore facilities were permitted to classify their cargo as vessel equipment which furthered the vessel's mission, circumventing the Jones Act's prohibition on the carriage of cargo between U.S. coastwise points by foreign vessels. While the Jones Act does not prohibit foreign-flagged vessels from installing equipment at offshore facilities, only U.S.-flagged vessels can transport such equipment from ports to offshore facilities.

AWO strongly supports the revised CBP ruling and will submit comments in support of the NPM in concert with the Maritime Cabotage Task Force. To read the NPM, please click [here](#). For more information, please contact Chris Coakley or Robert McCaw at (703) 841-9300, extensions 297 or 279, respectively, or via email at ccoakley@vesselalliance.com or rmccaw@vesselalliance.com.

Magistrate Judge Issues Recommendation for Summary Judgment Against Massachusetts Oil Spill Law

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The Commonwealth has until the end of August to register objections to the District Court. As mentioned above, AWO anticipates a confirmation of the magistrate judge's opinion after those objections are provided. If that outcome is realized, Massachusetts will then have the opportunity to appeal the ruling before the U.S. Court of Appeals.

If you have any questions about this litigation, please contact Nicole deSibour or Benjamin Rogers at (703) 841-9300, extensions 297 or 292, respectively, or via email at ndesibour@vesselalliance.com or brogers@vesselalliance.com.

AWO Submits Oil Removal Equipment FPEIS Comments to Coast Guard

On July 27, AWO submitted comments to the docket on the U.S. Coast Guard's Final Programmatic Environmental Impact Statement (FPEIS) for Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and



Alternative Technology Revisions. AWO's comments expressed support for the recommendation of the FPEIS that the requirement to have dispersant application capability in areas pre-authorized for dispersant use only be applied to tank vessels operating more than three nautical miles from shore. As reported in the July 17 *AWO Letter*, this was a change from the notice of proposed rulemaking and draft version of the Environmental Impact Statement, which had applied the dispersant requirement to owners of tank vessels operating in inland, nearshore or offshore environments. In comments on these earlier documents, AWO had pointed out that no inland areas were pre-authorized for dispersants, and urged the Coast Guard to require planholders to contract only for capabilities they would be allowed to use.

AWO's comments also expressed continuing concern with the recommendation of the FPEIS that all planholders be required to establish and maintain aerial tracking capability. Since river currents make it relatively easy to track spills and there are many places on the rivers from which to observe the current's movement of spilled oil, AWO urged the Coast Guard to exclude vessels operating in

(continued on page 3)

Congressmen Wamp and Doyle Send Letter to Committee Leadership Opposing Lock Usage Tax

House Passes Corps' Civil Works Spending Bill

On July 31, Congressmen Zach Wamp (R-TN) and Mike Doyle (D-PA) sent a letter to the Chairmen and Ranking Members of the House Transportation and Infrastructure and Ways and Means Committees opposing the funding of the Inland Waterways Trust Fund (IWTF) through a lock usage tax. The letter was signed by a bipartisan group of over 50 members of the House of Representatives. A copy of the letter will appear in the next edition of the *AWO Letter*.



As has been reported in previous editions of the *AWO Letter*, the Obama Administration, through its Fiscal Year 2010 (FY10) budget request, proposed a lock usage tax to replace the diesel tax as the vehicle for funding the IWTF. AWO continues to work with Waterways Council, Inc. and its allies in both chambers of Congress to prevent imposition of this tax, as it would significantly harm inland navigation throughout the country. In order to solve the IWTF's revenue problem, AWO supports the ongoing joint efforts of the industry and U.S. Army Corps of Engineers in analysis of the capital projects business model.

The Senate Appropriations Committee has also highlighted the importance of avoiding funding mechanisms that are overly burdensome on the industry. Specifically, the committee's report that accompanied the FY10 Energy and Water Development Appropriations bill indicated that, "as waterways are the most efficient mode of transport, any solution to the funding shortfall should not provide disincentives for using the inland waterways." The full Senate began

deliberation on the FY10 Energy and Water bill this week.

On July 17, the full House of Representatives passed its version of the FY10 Energy and Water Development Appropriations bills by a vote of 320 to 97. The House bill contains \$5.5 billion for the Corps' Civil Works program. This spending bill must be reconciled with a Senate bill before being sent to President Obama for his signature.

For further questions, please contact Chris Coakley or Benjamin Rogers at (703) 841-9300, extensions 297 or 264, respectively, or via email at ccoakley@vesselalliance.com or brogers@vesselalliance.com.

Important Dates and Reminders

..... at a glance

For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, unless otherwise noted.

August 5-6: AWO Executive Committee Meeting, Arlington, VA

August 19-20: AWO Midwest and Ohio Valley Regions Joint Summer Meeting, St. Louis, MO
→ [REGISTER NOW](#)

August 26-27: AWO Atlantic Region Summer Meeting, Norfolk, VA
→ [REGISTER NOW](#)

September 3: AWO Pacific Region Summer Meeting, Seattle, WA

September 9-10: Interregion Safety Committee Meeting, St. Louis, MO

October 14-16: AWO Fall Convention, New Orleans, LA

December 2-3: AWO Executive Committee Meeting, Arlington, VA

AWO Submits Oil Removal Equipment FPEIS Comments to Coast Guard

(continued from page 2)

rivers and canals from the aerial surveillance requirements.

Publication of the FPEIS is a procedural step to clear the way for issuance of a final rule, tentatively slated for publication later this year. To read AWO's comments, click

[here](#). For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.



Coast Guard Raises Liability Limits Based on Inflation

The Oil Pollution Act of 1990 requires the U.S. Coast Guard to adjust the limits of liability for oil spills at least every three years if “significant” inflation has occurred. On July 1, the Coast Guard published an interim rule announcing that a significant rise in inflation had occurred over the past three years, and adjusting the liability limits accordingly. These increases were first announced in a September 24, 2008, notice of proposed rulemaking (NPRM) and have been adjusted slightly since then based on final 2008 inflation data. The new limits of liability, which take effect July 31, are as shown in the table to the right.

Type of Vessel	Hull	Gross Tonnage	Current Liability Limit	Proposed Liability Limit
Tank Barges/ Oil Tankers	Single Hull	Less than 3,000	\$3,000 per ton (min: \$6 million)	\$3,200 per ton (min: \$6.408 million)
		More than 3,000	\$3,000 per ton (min: \$22 million)	\$3,200 per ton (min: \$23.496 million)
	Double Hull	Less than 3,000	\$1,900 per ton (min: \$4 million)	\$2,000 per ton (min: \$4.272 million)
		More than 3,000	\$1,900 per ton (min: \$16 million)	\$2,000 per ton (min: \$17.088 million)
Cargo Ships, Freighters, Fishing Vessels			\$950 per ton (min: \$800,000)	\$1,000 per ton (min: \$854,400)

In addition, the Coast Guard has changed the applicability of the liability limits for single-hulled vessels. These liability limits will now apply to vessels that are “constructed or adapted to carry, or carr[y]ing, oil in bulk as cargo or cargo residue,” and not to all tank vessels as previously applied. The Coast Guard is accepting comments on this modification until August 31.

The interim rule also establishes a methodology for the Coast Guard to use when adjusting the liability limits for inflation. A “significant” increase in inflation is defined as a three- (or more) percent increase in the Consumer Price Index (CPI). If the CPI increases less than three percent, the Coast Guard will announce in the *Federal Register* that there will be no adjustment in the liability limits.

To read the interim rule and request for comments, click [here](#). For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.

Senate Confirms Deborah Hersman as NTSB Chair

On July 24, Deborah A. P. Hersman was confirmed by the Senate as Chairwoman of the National Transportation Safety Board (NTSB) for a term of two years. Chairwoman Hersman has been a member of the NTSB since June 2004 and has been an on scene investigator at 15 major transportation accidents. Before joining the NTSB, Ms. Hersman served as a Senior Professional Staff Member for the Senate Committee on Commerce, Science and Transportation. In March, Ms. Hersman participated in an educational field trip to New Orleans hosted by AWO members Canal Barge Company, Inc., Marathon Oil Company, and Bayou Fleet Inc., to improve her understanding of the inland barge and towing industry.



With Ms. Hersman’s confirmation as Chairwoman, Acting NTSB Chairman Mark V. Rosenker, who has chaired the Safety Board since 2005, announced that he will resign his position as Acting Chairman and Board Member. General Rosenker will delay his departure as a Board Member until an additional member is confirmed to ensure a quorum. NTSB Member Kathryn O’Leary Higgins, a Board Member since 2006, also submitted her resignation, effective August 3.

CTAC Plans August Meeting, Seeks New Members

On August 11-13, the Chemical Transportation Advisory Committee (CTAC) and a selection of its subcommittees and working groups will hold meetings to discuss various issues relating to the marine transportation of hazardous materials in bulk. These meetings are open to the public and will be held at U.S Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. Individual meeting times are as follows:

- Outreach subcommittee: Tuesday, August 11, from 8:30 a.m. to 10:30 a.m.
- MARPOL working group: Tuesday, August 11, from 10:30 a.m. to 12:00 p.m.
- NFPA 472 Standard subcommittee: Tuesday, August 11, from 12:45 p.m. to 1:45 p.m.
- First Responders working group: Tuesday, August 11, from 1:45 p.m. to 3:00 p.m.
- International Maritime Solid Bulk Cargoes (IMSBC) Code subcommittee: Wednesday, August 12, from 8:30 a.m. to 10:00 a.m.
- Barge Emission and Hazard Communication working group: Wednesday, August 12, from 10:00 a.m. to 12:00 p.m.
- Hazardous Cargo Transportation Security (HCTS) subcommittee: Wednesday, August 12, from 1:15 p.m. to 4:00 p.m.
- Report from all working groups and committees: Thursday, August 13, 9:00 a.m. to 3:00 p.m.

In addition, the Coast Guard is seeking applications for appointment to membership on CTAC. The committee advises, consults with, and makes recommendations to the Coast Guard on matters relating to the safe and secure transportation and handling of hazardous materials in bulk on U.S.-flag vessels in U.S. ports and waterways. Anyone with expertise in that general area is encouraged to apply. Applications should reach the Coast Guard on or before September 30. For more information, including how to receive an application, click [here](#). For more information about the scheduled meetings, click [here](#). If you have any questions, please contact Brian Vahey at (703) 841-9300, extension 251, or via email at bvahey@vesselalliance.com.

AWO Letter Sponsorships Now Offer Half-Page Ad!

Sponsors of the *AWO Letter* now have a chance to get even more attention for their company's services with a half page ad for the same reasonable price! This is a great way to advertise your company to the AWO membership and show support for the tugboat, towboat and barge industry.



Each sponsorship now includes a front-page "sponsorship block" featuring your company's name, location, logo and Web site address PLUS a half page ad! The *AWO Letter* reaches a wide and diverse audience including AWO members, elected officials, transportation agencies and companies in industries related to the maritime industry. It is published 24 times a year. The cost of sponsorship has remained the same for several years: \$500. Now you get even more for your money! (To see an example of the first sponsor display ad, please click [here](#).)

The following issues are still available:

- | | |
|----------------|---------------|
| ■ August 14 | ■ November 6 |
| ■ August 28 | ■ November 20 |
| ■ September 25 | ■ December 4 |
| ■ October 9 | ■ December 18 |
| ■ October 23 | |

Sponsorship forms can be found by visiting the AWO Web site, or by clicking [here](#). If you have any questions, please contact Susan Miller at (703) 841-9300, extension 262, or via email at smiller@vesselalliance.com.

Coast Guard Launches Web-based Notices

Merchant Mariner Credential Verification Tool Now Available

On July 23, the U.S. Coast Guard announced the introduction of a Web-based tool that employers can access in order to verify the validity of employees' or potential employees'



Merchant Mariner Credentials (MMCs). AWO members have urged the Coast Guard to make such a

tool available to assist companies in confirming the validity of mariners' licenses. Through this new program, employers can verify the validity of an MMC by either: 1) credential type and serial number; 2) Mariner Reference number; or, 3) last name, date of birth and last four digits of the mariner's Social Security number.

To access the tool, please go to the Coast Guard's Homeport Web site by clicking [here](#). When you arrive at this page, click on "Merchant Mariners" on the left-hand side of the screen, and then click on "Merchant Mariner Credential Verification" near the top of the subsequent screen.

Coast Guard Issues Guidance on Posting of MMCs

The Coast Guard recently issued a notice instructing mariners on how to display their MMCs on board. As was previously required of legacy licenses and documents, mariners must display

their credential in a conspicuous place aboard the vessel. For the new passport-style MMCs, the officer endorsement page of the credential must be displayed. To read the Coast Guard notice, please click [here](#).

NMC Begins Licensing Customer Survey

On July 21, the Coast Guard announced the availability of an electronic licensing customer survey to gather mariner feedback on the

National Maritime Center's process for handling credential applications. To access the survey, please go to Homeport by clicking [here](#). When you arrive at this page, click on "Online Customer Survey Now Available."

For questions on these or other licensing developments, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at jcarpenter@vesselalliance.com or brogers@vesselalliance.com.

CEMS Training Opportunities Available

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
August 4-5	Salyers Solutions, LLC Houston, TX	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
August 11-12	Salyers Solutions, LLC Seattle, WA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
September 14-15	Salyers Solutions, LLC New Orleans, LA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
September 17-18	Salyers Solutions, LLC Houston, TX	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
October 8-9	Salyers Solutions, LLC New Orleans, LA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
November 11-12	Salyers Solutions, LLC Portland, OR	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net

New Coast Guard Towing Manager to Address the Interregion Safety Committee

The summer meeting of the AWO Interregion Safety Committee will be held on September 9-10 at the Sheraton Westport Lakeside Chalet Hotel, 191 Westport Plaza, St. Louis, MO. Special guest Mr. Peter Squicciarini, the new U.S. Coast Guard LANTAREA Towing Vessel Manager, will discuss his role in assisting companies in their transition to inspected status.

Subcommittee meetings on Lesson Plans, Fall Overboard, and Crew Alertness will be held at the hotel from 10:00 a.m. to 12:00 p.m. on Wednesday, September 9. The main meeting will begin at 1:00 p.m. on Wednesday, September 9. A reception will be held at the conclusion of the afternoon session. The meeting resumes at 8:00 a.m. on Thursday, September 10 and will conclude by noon. The hotel is holding a block of rooms at \$120.00 until August 18. Reservations can be made by calling (800) 822-3535 or by clicking [here](#). When making your reservations be sure to mention that you are with the AWO Interregion Safety committee meeting block. As always, a meeting fee of \$50.00 will be billed to attendees to cover the cost of meeting rooms and refreshments.

Mr. Squicciarini comes to his position with “real world” experience in the towing industry and is committed to working closely with the tugboat, towboat and barge industry to facilitate communication between regulators, companies and individuals who are actually doing the work, ensuring a smooth transition to inspection.

The committee will also continue its work on developing a strategic plan to improve the effectiveness of the committee and better integrate its efforts into the overall work of the

association. A meeting agenda will be available on the AWO Web site in early August under “Safety Meetings.”

All AWO member companies are invited to send a representative to the meeting, particularly company safety, security officers and operations personnel who will be responsible for complying with the new towing vessel inspection regulations. Committee members are encouraged to “bring a mate (or captain or deckhand)” or anyone else who might benefit from seeing the work of a broad base of industry safety professionals and helping to learn new ways crewmembers can help in



upgrading the safety culture of the inland barge and towing industry.

To RSVP for the meeting or for further information, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at bclinton@vesselalliance.com.

Safety Calendar Sponsorship Opportunities Still Available!

AWO is now accepting sponsorship applications for the 2010 edition of the AWO Safety Calendar! Each sponsor’s information and logo is prominently placed in full color on a page of the calendar. This is a great way to promote your company’s commitment to safety to AWO members and customers, as well as to legislators, regulators and the media. Additionally, each sponsor will receive six free calendars. The cost of sponsorship is \$500. Upon receipt of the sponsorship form, AWO will invoice your company.



Please note that the calendar photos are chosen through the AWO Safety Calendar Photo Contest. It is difficult for us to match photos of certain vessels to certain sponsors, but AWO will make every effort to accommodate sponsors’ requests in this regard if they are made known on the sponsorship application. Thank you for your understanding.

Fill out the sponsor form found [here](#) and fax it to Susan Miller at (703) 841-0389. For more information, please contact Susan at (703) 841-9300, extension 262, or via email at smiller@vesselalliance.com.

2009 Regional Summer Meetings to Be Held

The AWO Midwest & Ohio Valley Regions Joint Summer Meeting will be held on August 19-20 at the Four Seasons Hotel in St. Louis, MO. On the first day of the meeting, there will be a Special Session from 2:00 p.m. until 5:00 p.m. followed by a reception from 6:00 p.m. to 7:30 p.m. The meeting begins at 7:30 a.m. the following day and adjourns at 12:30 p.m.



The AWO Atlantic Region Summer Meeting and Pacific Region Summer Meeting will be held on August 26-27 and September 3, respectively. Important association business will be conducted, including discussion of Subchapter M towing vessel inspection requirements, the Vessel General Permit and regional and national reports. Membership attendance and involvement is essential.

Online registration for the Atlantic and Midwest and Ohio Valley Summer meetings is now available. To register, please click [here](#). For general information or for information on sponsoring a meeting, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.

ATLANTIC REGION

MA Legislature Seeks to Allow Localities to Charge Higher Mooring Fees to Out-of-Town Entities

The Commonwealth of Massachusetts State Senator Robert O'Leary (D-Cape and Islands) has introduced a bill in the Massachusetts Legislature, SB 423, that would permit local harbor masters in the state to charge higher mooring fees for vessel operators not based in the locality. Commonwealth law currently states that "no such mooring fees may discriminate on the basis of residence." AWO believes that both interstate and intrastate commerce are significantly harmed when discriminatory barriers to the flow of commerce, such as SB 423, are introduced.



Sen. Robert O'Leary

AWO will work with its allies in Massachusetts to prevent this bill from becoming law in this form. If you have any questions, please contact Nicole deSibour or Benjamin Rogers at (703) 841-9300, extensions 297 or 292, respectively, or via email at ndesibour@vesselalliance.com or brogers@vesselalliance.com.

REGIONAL MEETINGS AT-A-GLANCE

Midwest & Ohio Valley Regions Joint Summer Meeting

August 19-20
Four Seasons Hotel – St. Louis
St. Louis, MO
Hotel Telephone Numbers:
(800) 819-5053
(314) 881-5757

→ [REGISTER NOW](#)

Atlantic Region Summer Meeting

August 26-27
Renaissance Portsmouth Hotel & Waterfront Conference Center
Norfolk, VA
Hotel Telephone Number:
(888) 839-1775

→ [REGISTER NOW](#)

* *A special session has been added on August 26*

Pacific Region Summer Meeting

September 3
Salty's on Alki
Seattle, WA

If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or at mmccarthy@vesselalliance.com.



MIDCONTINENT OFFICE**New Commander Installed in Rock Island District**

On July 17, U.S. Army Corps of Engineers Mississippi Valley Division Commander BG Michael J. Walsh installed the new commander for the Corps Rock Island District. COL Shawn McGinley assumed command, from outgoing commander COL Robert A. Sinkler, in Rock Island, IL.



Photo credit: Kevin E. Schmidt, Quad-City Times

COL McGinley was commissioned in 1988 from the Pennsylvania State University ROTC program. He served in Operation Desert Shield/Desert Storm, in Kosovo, twice in Iraq and as Deputy Chief of Staff, Engineer, in Heidelberg, Germany.

COL Sinkler now commands the Hurricane Protection Office (HPO) in New Orleans, LA. The HPO is responsible for several projects of key concern for the navigation industry, including the Inner Harbor Canal Flood Gate.

Rock Island District is responsible for executing the modernization of lock structures on the Upper Mississippi River – Illinois Waterway. For more information on AWO's work with the Corps on navigation issues, please contact Lynn Muench at (314) 446-6474 or via email at lmuench@vesselalliance.com.

New Commander Installed at MSU – Huntington

On July 20, the Chief of Western Rivers for the U.S. Coast Guard, CAPT Tom Hooper, installed the new commander for Marine Safety Unit (MSU) – Huntington. CDR Kevin C. Kiefer relinquished command to CDR Christopher K. Palmer.



Christopher K. Palmer

CDR Palmer's previous Western Rivers experience includes serving as the Deputy Chief of Port Safety and Security for the Eighth District from 2002 to 2006. While in New Orleans, he also led the Outload Management Team and was the Planning Section Chief on the Incident Management Team following Hurricanes Katrina and Rita. CDR Palmer has also served in several other assignments on the west coast, east coast and in Puerto Rico.

CDR Kiefer has moved to Washington, D.C. to oversee the Sector office. AWO members look forward to continuing their relationship with CDR Kiefer during his time at Headquarters.

An AWO luncheon with MSU-Huntington and MSU-Pittsburgh staff will be scheduled in September or October to discuss key issues with the new commanders. For more information, please contact Lynn Muench at (314) 446-6474 or via email at lmuench@vesselalliance.com.

AWO Submits Comments on Proposed RNA and Safety Zone on the Chicago Sanitary and Ship Canal***Reducing Size of RNA Suggested***

On July 27, AWO submitted comments to the U.S. Coast Guard regarding the notice of proposed rulemaking (NPRM) for a regulated navigation area (RNA) and safety zone on the Chicago and Sanitary and Ship Canal. As reported in the June 19 edition of the *AWO Letter*, the proposed RNA would include all waters of the canal between mile marker 295 and 297.5.

Upon consultation with its members in the region, AWO made six recommendations for changes and/or

clarifications to the NPRM. AWO's first request was a smaller RNA geographic range, to avoid unnecessary traffic congestion and increased costs to the industry. To read AWO's comments, please click [here](#).

For more information, please contact Lynn Muench at (314) 446-6474, or Benjamin Rogers at (703) 841-9300, extension 264, respectively, or via email at lmuench@vesselalliance.com or brogers@vesselalliance.com.



SOUTHERN REGION

Southern Region Meeting Held in Houston

On July 24, the AWO Southern Region held its Summer Meeting in Houston, TX. Southern Region Chairman Bob Fry Jr., Kinder Morgan Ship Channel Services, led the meeting, which included presentations about AWO's new proposed Strategic Plan, recently-promulgated salvage and firefighting regulations, as well as reports by the U.S. Coast Guard. The meeting was preceded by a Special Session on July 23 that addressed the Vessel General Permit, the upcoming towing vessel inspection regulation, and alternative energy projects.



AWO Immediate Past Chairman H. Merritt Lane III, Canal Barge Company, Inc., discussed the proposed AWO Strategic Plan and gave the AWO Chairman's remarks on behalf of AWO Chairman Tim Casey. CAPT Verne Gifford, Chief, Eighth Coast Guard District Chief of Prevention, addressed members about the Eighth District's planning and Sector New Orleans' proposed Regulated Navigation Area. In addition, CAPT James Whitehead, Deputy Commander for Sector Houston-Galveston, and CAPT William Drelling, Deputy Commander for Sector Mobile, discussed aspects of their respective Sectors' activities.

The well-attended meeting also heard from AWO President & CEO Tom Allegretti about the state of AWO. Magnolia Marine Transport's Jim Smith, Vice Chair for the Interregion Safety Committee, gave a safety committee report, and the regional report was given by Mark Wright, Southern Region Vice President. For more information, please contact Mark Wright at (985) 674-3600, or via email at mwright@vesselalliance.com.

AWO Submits Revised Tank Barge Emissions BMP to CTAC Subcommittee for Approval

Full Committee Review Forthcoming

On July 30, the AWO Tank Barge Emissions Working Group presented the revised version of its Best Management Practices (BMP) to Control Inadvertent Cargo Vapor Emissions from Tank Barges to a subcommittee of the Chemical Transportation Advisory Committee (CTAC) in Houston, TX. This marks the first step toward vetting the newly-revised Best Management Practices with agency partners. In addition to CTAC, the document will also be reviewed by the Texas Commission on

Environmental Quality (TCEQ), the Louisiana Department of Environmental Quality (LDEQ) and the U.S. Coast Guard. If the CTAC Subcommittee approves the BMP, the next step will be to present it to the full committee on August 11 (see story, page 5).

The intent of the revision process is to enhance the BMP's value as a living document so that AWO members can continue to incorporate these practices into their operations, and to contribute to the control and reduction of

Lifelines Brochures Still Available!

AWO urges recreational boaters to use special caution when operating around commercial vessels and to educate themselves on the constraints under which those vessels operate. This awareness can arm recreational boaters with the best protection against danger and could save lives.



AWO's popular brochure, entitled "Lifelines: Safety Tips That Could Save Your Life," delivers important safety tips to recreational boaters in an easy-to-read, user friendly format. Have you ordered your brochures yet?

To request copies of the brochure, please email your request to Susan Miller, AWO Government Affairs Assistant, at smiller@vesselalliance.com. This brochure is free; however, there is a cost for shipping. Order your brochures today!

inadvertent emissions from tank barges. For more information, please contact Lynn Muench at (314) 446-6474 or via email at lmuench@vesselalliance.com; Mark Wright at (985) 674-3600 or via email at mwright@vesselalliance.com; or Brian Vahey at (703) 841-9300 extension 251, or via email at bvahey@vesselalliance.com.