



The American Waterways Operators

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Jennifer A. Carpenter
Executive Vice President

May 14, 2014

Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Draft Revisions to the Marine Safety
Manual, Volume III, Chapters 20-26
(USCG-2013-0240)

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 U.S. Coast Guard's latest draft revisions to chapters 20-26 of the Marine Safety Manual, Volume III.

AWO is committed to being a leader in marine safety, security and environmental stewardship and to working in partnership with the Coast Guard to advance these shared objectives. We continually seek to manifest this commitment through the development and continuous improvement of the AWO Responsible Carrier Program, the safety management system with which all AWO members must comply as a condition of association membership; our active engagement in the Coast Guard-AWO Safety Partnership, which has sponsored more than 40 Quality Action Teams and other cooperative efforts to improve industry safety since its inception 18 years ago; and our constructive engagement in the regulatory development and policy-making process to assist the Coast Guard in producing sound, effective regulations and standards affecting our industry, including the forthcoming towing vessel inspection regulations under 46 CFR Subchapter M.

The Tugboat, Towboat and Barge Industry Association

We appreciate the Coast Guard's efforts to address AWO's comments on the August 5, 2013 draft revisions to MSM Volume III. We believe that the newly revised MSM Volume III draft, dated March 17, 2014, is a marked improvement over the previous iteration. The revised draft more accurately reflects current law and regulation, and also provides a foundation for effective Coast Guard and industry communication on complex international requirements. In particular, AWO recognizes and appreciates:

- New revisions that accurately acknowledge that the two-watch system is permitted for deck officers on towing vessels less than 200 GRT on both Near Coastal and Unlimited voyages greater than 600 miles;
- Removal of language that unfairly disparaged the effectiveness of the two-watch system which, in addition to being permitted by regulation, has also proven safe and effective over many years of use throughout the tugboat, towboat and barge industry; and,
- New guidance for crew interviews that include the towing vessel captain and focus on the importance of objective questioning.

We also thank the Coast Guard for its acknowledgment in the preamble that the proposed revisions in this draft are not intended to preempt or take the place of specific guidance regarding minimum manning of inspected towing vessels once Subchapter M takes effect. The Coast Guard notes that it has engaged with the Towing Safety Advisory Committee on this issue and any recommendations TSAC makes will be considered for inclusion in future iterations of MSM Volume III. AWO continues to believe that this is the right approach.

As the Coast Guard works to complete this very important policy project, AWO recommends the additional revisions cited and described below.

Chapter B1, Section F: U.S. Coast Guard Oversight

The Coast Guard has added a new section of Chapter B1 (Section F) to describe in detail the process for Coast Guard oversight to ensure that a vessel complies with the specified manning complement. In general, AWO is concerned that the language in this section is overly punitive in nature and that its practical effect – especially considering its priority placement at the beginning of Chapter 1 of Part B of the draft MSM – would be to implicitly encourage Coast Guard inspectors to board vessels expecting to issue Form CG-835s. Chapter B1 is intended to describe the process by which Coast Guard personnel must consider provisions for safe manning, and we believe that including enforcement procedures in this section could undermine the collaboration necessary between the Coast Guard and industry when making manning decisions. We believe this language is more appropriate for inclusion in Volume V of the MSM (Investigations and Enforcement) and recommend that the Coast Guard incorporate this section there instead.

Additionally, under the subsection labeled “Examples of Clear Grounds,” it is not clear what the Coast Guard would consider objective evidence that a crewmember is able to “operate shipboard equipment necessary to complete operational tests” (part 1.g) or that the master and/or crew are “familiar with their specific duties and with ship arrangements, installations, equipment, procedures, and ship characteristics” (part 1.h). We ask the Coast Guard to revise the MSM to provide greater clarity on what level of deficiency constitutes clear grounds in examples (g) and (h), and provide guidance on how vessel operators can correct the deficiency.

Figure B2-4: Uninspected Towing Vessels (UTV) – Engineer Officers

The draft MSM offers guidance that towing vessels over 200 GRT be manned with a complement of 2 or 3 licensed engineers (1 chief engineer and, at maximum, 2 OICEW), depending on whether the vessel is operating under a 2-watch or a 3-watch system. It is unclear in Figure B2-4 on what basis the Coast Guard has established this manning recommendation, and the table does not explicitly describe the authority the OCMI has to allow reductions to the engineering complement based on specific characteristics of the vessel.

Smaller vessels with automated engine rooms, including towing vessels, have historically been safely and successfully operated with one engineer on international voyages. AWO believes that this current safe operating practice is fully consistent with the International Maritime Organization’s Resolution A.1047(27), “Principles of Safe Manning,” and with 46 CFR 15.715(a), which allows the Coast Guard to accept automated systems to replace specific personnel or reduce overall crew requirements as appropriate given the capabilities of the automated system, the system’s demonstrated and continuing reliability, and a planned maintenance program that ensures the continued safe operation of the vessel. Coast Guard Navigation and Inspection Circular 1-78 further describes the process by which vessels can be authorized for reduced manning based on credit for a Periodically Unattended Machinery Space. Chapter B6 of the draft MSM, which discusses the acceptance of automated systems to replace specific personnel or to reduce overall crew requirements, specifically discusses the process by which OCMI should review PUMS requests.

However, because the sample vessel manning scales do not explicitly address the Coast Guard’s flexibility on this point, AWO asks the Coast Guard to amend Figure B2-4 to clarify, via an additional variable, the authority the OCMI has to allow for reduced engineering complements for uninspected towing vessels to the maximum extent determined to be safe and allowable, as it has for Offshore Supply Vessels in Figure B2-6.

Chapter B2, Section W: Manning and STCW Certification Reference Tables

AWO recommends that the Coast Guard amend the second paragraph of this section to more clearly describe how tonnage measurement systems will be applied to dual-tonnage vessels. Several dual-tonnage vessels have tonnage that falls above one threshold but below the other. In these instances, the manning requirements are primarily driven by whether the vessel is operating domestically or internationally. We ask the Coast Guard to clarify this issue by providing specific examples. We believe that this will help Coast Guard inspectors and industry better understand this complicated issue.

Chapter B3, Section K: Automatic Radar Plotting Aid (ARPA)

AWO asks the Coast Guard to clarify in the MSM that a valid MMC without an ARPA limitation is evidence that an officer has completed training in ARPA. If an individual has not received ARPA training, this will be noted on his or her license; we do not believe it is appropriate for Coast Guard inspectors to ask to see an officer's ARPA training certificate.

Chapter B4, Section B, part 1.a.3: Impact of International Standards – STCW Requirements – Engine Department Personnel

The Coast Guard has included language in its description of 46 CFR 15.1103(e) that is not in the cited regulations (added text is bolded and italicized):

Title 46 CFR 15.1103(e) states that onboard a seagoing vessel driven by main propulsion machinery of 1,000 hp/750 kW propulsion power or more, no person may employ or engage any person to serve, and no person may serve, as an able seafarer-engine, ***nor may any person be designated to perform duties in a periodically unmanned engine-room, except for training or for the performance of duties of an unskilled nature,*** unless the person serving holds an appropriate, valid STCW endorsement (STCW III/5) issued in accordance with 46 CFR Part 12.

We do not believe that the Coast Guard has the authority to make these changes to, or interpretation of, the regulatory text and ask that the Coast Guard remove the text bolded above in the final version of the MSM to match the language in the Code of Federal Regulations.

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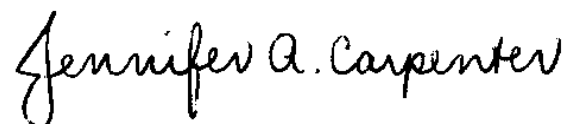
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Thank you for the opportunity to comment on the latest proposed revisions to Volume III of the MSM. AWO appreciates the consideration the Coast Guard gives to these additional recommendations as it works to finalize its MSM revisions. We would be pleased to discuss these comments further or to provide additional assistance as the Coast Guard sees fit.

Sincerely,

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

Jennifer A. Carpenter