



801 North Quincy Street  
Suite 200  
Arlington, VA 22203

PHONE: 703.841.9300 Ext. 260  
EMAIL: [jcarpenter@americanwaterways.com](mailto:jcarpenter@americanwaterways.com)

Jennifer A. Carpenter  
Executive Vice President & Chief Operating Officer

September 13, 2016

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, Parts B and C,  
Change-2 (USCG-2016-0669)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the tugboat, towboat, and barge industry. AWO 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 parts B and C of the Marine Safety Manual (MSM), 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 more than 20 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 recently finalized towing vessel inspection regulations under 46 CFR Subchapter M.

When the notice of proposed rulemaking (NPRM) on towing vessel inspection was published in August 2011, both AWO and the Towing Safety Advisory Committee (TSAC) expressed strong support for the Coast Guard's statement in the preamble to the NPRM that it was not the agency's intention to change current manning requirements for towing vessels. AWO

appreciates the Coast Guard's commitment to this approach and, with one exception that is discussed in detail below, commends the Coast Guard for drafting the Subchapter M final rule and the proposed revisions to the Marine Safety Manual in a way that is consistent with this philosophy. AWO also commends the Coast Guard for its responsiveness to the recommendations of TSAC on manning of inspected towing vessels (Task 13-02, Manning) and engine room automation for inspected towing vessels (Task 15-01, Automation), which are reflected in the draft MSM revisions.

As the Coast Guard finalizes the MSM guidance on manning of inspected towing vessels, which will be crucial to the successful implementation of Subchapter M, AWO recommends several revisions outlined below to enhance the clarity and consistency of the document and facilitate uniform understanding of applicable statutory and regulatory requirements among Coast Guard OCMI's and towing vessel operators.

### Recommended Changes to Chapter 2, Section W

#### *Clarity and Consistency in Route Terminology*

To promote consistent understanding and avoid confusion, the descriptions of the routes by which sample manning scales for inspected towing vessels are organized in MSM Part B, Chapter 2.W.1, should be identical to the descriptions of the routes in Subchapter M (46 CFR 136.230) for which an inspected towing vessel will be certificated. AWO also encourages the Coast Guard to clarify that the purpose of the MSM guidance in this chapter is to lay out sample manning scales for inspected towing vessels based upon the route for which a vessel is certificated, not to prescribe the license that a crewmember aboard such vessel must hold. To that end, where references to specific licenses are included in a sample manning scale, the MSM should include the regulatory citation that gives rise to that licensing requirement.

AWO also understands that the Towing Vessel National Center of Expertise is planning to clarify the route designation of certain segments of the inland waterways system about which industry members have raised questions. We strongly support that effort in order to further minimize the potential for misunderstanding.

#### *Note 2: Two-Watch System*

Note 2 includes a sentence explaining that 46 CFR 15.810(b)(3), which requires a minimum of two mates on vessels of greater than 100 GRT but less than 1,000 GRT, will "generally" not apply to towing vessels inspected under Subchapter M when permitted to operate with a two-watch system. AWO recommends either removing the word "generally," or describing the very limited circumstances under which the requirement may apply, to prevent its inappropriate application.

*Common Variable 2(e)(1): Engineers on Rivers Routes*

The sample manning scale correctly states that engineers are not required for operation on Rivers routes. However, the proposed text in Chapter 2.W.2(e)(1) states that 46 CFR 15.820(a)(3) requires “inland (other than Great Lakes) vessels of 300 GRT and over” to be manned with a chief engineer if the OCMI determines that it is necessary. AWO reiterates the recommendation in our comments on the NPRM and TSAC Final Report 13-02 that chief engineers should not be required for inspected towing vessels. This is consistent with the Coast Guard’s stated goal of not using Subchapter M as a means of changing manning requirements for towing vessels. We reference the language of the Subchapter M preamble (81 FR 40008) in urging the Coast Guard to clarify in the MSM that the applicable definition of “inland waters” excludes the Western Rivers and 46 CFR 15.820(a)(3) does not apply to a towing vessel operating on the Western Rivers.

*Common Variable 2(f): Able Seamen on Rivers and Lakes, Bays & Sounds Routes*

Chapter 2.W.2(f) states that a vessel of 100 GRT and over must be crewed with a certain percentage of able seamen. AWO urges the Coast Guard to clarify that able seamen are not required on vessels operating on Rivers or Lakes, Bays, and Sounds routes.

*General Variable 3(b): Engine Room Manning*

The first paragraph of Chapter 2.W.3(b) states, “This does not apply to vessels of less than 100 GRT as well as for those that only operate on” Rivers and Lakes, Bays, and Sounds routes. It is unclear whether “this” refers to the requirement for an engineering complement or the ability to request reductions in the engineering complement. AWO recommends that the first paragraph be revised to make clear that the variable applies only to vessels to which engine room manning requirements apply: “Where there is a requirement for engine room manning, 46 CFR 15.715(a) allows the Coast Guard to accept automated systems [...] There is no requirement for engine room manning for vessels of less than 100 GRT as well as for those that only operate on Rivers and Lakes (except the Great Lakes), Bays and Sounds.”

*General Variable 3(f): MMC Requirement*

AWO recommends deleting Chapter 2.W.3(f) because it is redundant to Chapter 2.W.2(b) and does not include language highlighting the MMC exemption for vessels operating only on Rivers and Lakes (except the Great Lakes).

*General Variable 3(c): PIC-Fuel Transfers*

AWO was disappointed that the Coast Guard did not use the Subchapter M final rule or the draft revisions to the MSM to modify the requirement for a person in charge of a fuel transfer on an inspected towing vessel to hold a license or merchant mariner credential endorsed as Tankerman-PIC. Both AWO, in our comments on the NPRM, and TSAC, in its Final Report on Task 13-02, recommended that the Coast Guard make changes to 33 CFR 155.710(e) to

allow the use of letters of designation for PIC-fuel transfers on towing vessels inspected under Subchapter M so as not to change current manning requirements. We reiterate our request that the Coast Guard permit the person in charge of a fuel transfer on an inspected towing vessel to continue to use a letter satisfying the requirements of 33 CFR 155.715 and designating him or her as fuel transfer in light of the substantial detrimental economic and safety impacts if the requirement for a license or Tankerman-PIC endorsement is not changed.

Requiring a PIC-fuel transfer on an inspected towing vessel to hold a license or Tankerman-PIC endorsement would result in a vastly larger industry impact than estimated in the Coast Guard's final regulatory analysis for the Subchapter M final rule. Instead of 376 affected towing vessels as cited in Table 4-1 of the Coast Guard's analysis, AWO estimates that as many as 2500-3000 towing vessels would be affected. Not only would vastly more vessels be affected, but as many as three to four individuals per vessel who currently serve as PIC-fuel transfer would be affected by this unnecessary requirement.

This issue was extensively explored in 1998, when the Coast Guard issued a final rule establishing qualifications for Tankermen and for Persons in Charge of Transfers (63 FR 35822). That rulemaking record is relevant and supports the continued use of letters of designation because it is not the risk profile of towing vessel fuel transfers that is changing with the publication of Subchapter M, but merely a shift in towing vessels' status from uninspected to inspected.

The utilization of letters of designation has been contemporaneous with strongly positive safety and environmental performance trends in the towing industry. Coast Guard casualty data demonstrates that since 1998, the industry has continued to drive down oil spill volumes and rates to record lows. AWO members' commitment to achieving the goal of zero harm to the environment is further demonstrated by work such as the Coast Guard-AWO Safety Partnership's Quality Action Team on Preventing Operational Oil Spills from Towing Vessels, which in 2015 analyzed the agency's causal information on non-casualty towing vessel oil spills and produced a compendium of industry best practices to prevent them.

If 33 CFR 155.710(e) is not changed, crewmembers with letters of designation currently serving as PIC-fuel transfer on towing vessels would face significant obstacles to obtaining the requisite credential, including the obligation to apply for a Transportation Worker Identification Credential. It is also wholly impracticable for towing vessel crewmembers to accrue the 90 days' service on a tank ship or self-propelled tank vessel required to obtain a Tankerman-PIC endorsement, a factor that was not included in the computation of training costs in the Coast Guard's regulatory analysis.

As a result of these obstacles, if the requirement for a license or Tankerman-PIC endorsement stands, many towing vessel masters or mates/pilots would be forced to supervise fuel transfers. This is a safety detriment, not a safety improvement, given these mariners' many other safety-sensitive responsibilities, and is completely infeasible in midstreaming situations, where there is no way for the navigation watchstander to leave the wheelhouse to supervise the fuel transfer while the vessel is underway.

For these reasons, we again reiterate the recommendation of AWO and TSAC that the Coast Guard amend 33 CFR 155.710(e) to allow individuals serving as PIC-fuel transfer on towing vessels inspected under Subchapter M to hold a letter of designation rather than a license as master, mate, engineer or an MMC with a Tankerman-PIC endorsement.

Other Recommended Changes

*Chapter 2, Section G, Note 2: Reference to ATB Policy*

The reference to the January ATB message in Note 2 should be changed to reference Policy Letter 16-04.

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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 Coast Guard's consideration of these recommendations as it works to finalize its MSM revisions. We would be pleased to discuss these comments further or provide additional assistance as the Coast Guard sees fit.

Sincerely,

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

Jennifer A. Carpenter