September 28, 2011

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


Dear Sir or Madam:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry’s 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move more than 800 million tons of cargo each year in the domestic commerce of the United States, including more than 60 percent of U.S. export grain, energy sources such as coal and petroleum, including most of New England’s home heating oil and gasoline, and other bulk commodities that are the building blocks of the U.S. economy. Most AWO member companies that operate in domestic coastal service also engage in international trade from time to time. We appreciate the opportunity to comment on the supplemental notice of proposed rulemaking to implement the 1995 and 2010 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and make other, non-STCW-related changes to 46 CFR Subchapter B.

AWO is deeply committed to marine safety and environmental protection, as evidenced by the award-winning Responsible Carrier Program, compliance with which is a condition of AWO membership, and the first-of-its-kind Coast Guard-AWO Safety Partnership. AWO has worked closely with the Coast Guard over the past two decades to strengthen licensing and training requirements for mariners on towing vessels and tankermen on barges, and AWO members have made a substantial investment in the training of their crewmembers. We recognize that qualified, experienced, and trained mariners are the backbone of our industry and essential to safe, secure, and environmentally responsible vessel operations.
AWO commends the Coast Guard for taking the additional step of publishing this SNPRM for public comment before issuing a final rule on this very important and very complex rulemaking. We note that as written, the SNPRM will affect all of AWO’s members, regardless of service. AWO very much appreciates, and strongly supports, the Coast Guard’s reiteration that the provisions related to implementation of the STCW amendments apply only to mariners on commercial vessels operating seaward of the Boundary Line, and not to mariners on inland vessels. However, the SNPRM will have direct and indirect impacts that extend far beyond those mariners serving on vessels subject to STCW. In some cases those impacts will be harmful if the Coast Guard does not make changes to the proposed regulations and/or develop and institute effective implementation policies and guidance. We elaborate below on the changes that we believe are needed to avoid harmful impacts and unintended consequences and ensure the smooth and effective implementation of the STCW amendments.

First, however, we wish to underscore AWO’s belief that the SNPRM is a significant improvement over the November 2009 notice of proposed rulemaking. In our comments on the NPRM, AWO expressed deep concern that the 2009 proposal would have effectively sealed off the hawespipe, especially for engineers in the towing industry; subjected towing companies and towing vessel mariners to a ship-centric regulatory regime that is neither necessary nor appropriate for the safe operation of towing vessels in domestic coastal and international service; potentially deprived existing license holders of the ability to continue operating the vessels on which they are qualified to work today; and, subjected companies and mariners to excessive and unnecessary costs and administrative burdens through an over-focus on expensive and time-consuming classroom training.

AWO appreciates the Coast Guard’s responsiveness to these serious concerns. In particular, we emphasize our strong support for:

- The expansion of options, in addition to classroom training, to meet the STCW requirements for demonstration of competence;
- The proposed grandfathering and transition provisions for mariners who begin their service or training before July 2013; and,
- The proposal to allow service on Great Lakes and inland waters to be credited toward a portion of the sea time required to obtain an STCW endorsement.

We believe that the proposed changes from the NPRM in these areas are fully consistent with the STCW Amendments, well within the authority of the Coast Guard as a flag administration to implement, and urgently needed to avoid unacceptable consequences for U.S. companies and mariners.

In the same spirit, we highlight several areas in which we believe additional regulatory change and/or policy development is needed in order to ensure that the proposed regulations achieve their intended purpose – higher standards of maritime safety – without harming U.S. mariners or disrupting the continued efficient flow of maritime commerce.
Strategy to Manage Transition to Two-Year Medical Certificates

The STCW-mandated transition to a two-year medical certificate for mariners subject to the Convention is a monumental change that will more than double the workload of the already overburdened National Maritime Center (NMC). Without an effective strategy to manage this transition, all mariners will face the prospect of lengthy delays in the medical review process and longer credential processing times that could affect the validity of their credentials and their continued ability to earn a livelihood. Mariners not subject to STCW face the same potential for delays, simply because the demands on the NMC’s finite resources will be so much greater.

We urge the Coast Guard to view this situation with the utmost seriousness and to devote flag-level attention to ensuring an effective transition plan. In doing so, the Coast Guard should consider a full suite of creative options to deal with this increased workload and avoid unacceptable consequences for mariners and their employers. In particular, we recommend that the agency:

- **Issue STCW medical certificates as a separate document, rather than requiring an endorsement on the Merchant Mariner Credential (MMCs) that triggers the need to reissue the MMC every two years.** Requiring an endorsement or notation on the MMC will further exacerbate the administrative burden of this transition on mariners and on the NMC.

- **Move quickly to establish a network of Coast Guard-accepted medical providers who can evaluate an applicant’s medical eligibility.** While mariners should not be required to use Coast Guard-accepted medical providers, so as not to create additional bottlenecks in the medical evaluation and review system, the agency should provide for expedited processing of medical examinations conducted by Coast Guard-accepted medical professionals and organizations. The Coast Guard should establish criteria for the acceptance of medical providers that include familiarity with NVIC 04-08 or any future Coast Guard-issued medical guidance. Doing so will benefit mariners, employers, and the Coast Guard by allowing for more efficient processing of medical certificates and better management of limited NMC staff resources.

- **Establish a process to grant “interim operating authorization” to mariners who submit their medical information in a timely manner but whose medical certificates cannot be processed by the NMC before expiration of the certificate.** We urge the Coast Guard to broadly construe its authority to grant interim operating authorization and to institute a process similar to that employed for review of tank vessel response plans. Under such a process, upon receipt of a completed form 719-K, the Coast Guard would issue a letter to the mariner allowing him or her to continue operating under the authority of his or her credential and/or STCW endorsement pending NMC review of the application. Upon completion of the Coast Guard review process, the NMC would either issue the medical certificate or, in the case of a medical condition posing an imminent and serious threat to marine safety, follow up
with the mariner to specify the additional information or next steps needed to maintain medical certification. A mariner who submitted his or her 719-K in a timely manner and did not receive notification from the Coast Guard of a medical problem would be allowed to continue operating. Such a mechanism would promote marine safety by allowing the Coast Guard to focus its limited medical resources on those applications warranting the greatest near-term scrutiny from the agency, without being diverted by the need to review a large pool of non-problematic applications simply to meet deadlines. Such a process would also guard against unacceptable situations in which mariners who submit their medical information in a timely manner face the expiration of their credentials because of the inability of the resource-constrained NMC to keep pace with a greatly increased workload.

Proposed New Towing Endorsements

AWO strongly opposes the creation of the proposed new Master of Towing (Utility) and Master of Towing (Harbor Assist) licenses. From a substantive perspective, AWO believes that the need for the proposed new licenses has been insufficiently demonstrated and the scope of the proposed utility license is dangerously broad. The work of moving barges associated with marine construction, dredges, and pile drivers – equipment that may be 200-300 feet in length or more – in waterways shared by all manner of vessel traffic demands no less skill, experience, or training than that required for a Master of Towing Vessels license. (See Appendix A for photos showing the types of equipment that a mariner holding a Master of Towing (Utility) license would be authorized to move under the proposed regulations.) The fact that some assistance towing vessel operators have been found during Coast Guard enforcement actions to have been moving barges, dredges, and construction equipment outside the scope of their current licenses is poor justification for the creation of a utility towing license with no restriction on towing vessel size, size of the equipment towed, or geographic area of operation. Instead, the Coast Guard should establish a transition path to allow such operators to obtain a Master of Towing Vessels license with appropriate training, examination and experience. The reopening of the grandfathering process for towing vessel officers who began their service before May 2001 provides a useful start in this direction.

AWO also opposes the creation of the proposed Master of Towing (Harbor Assist) license, as we did when such a license was first proposed by the Coast Guard more than 15 years ago during the development of the new towing vessel officer licensing structure. We believed then, and continue to believe now, that creation of such a license serves no real need and will simply lead to unnecessary stovepiping in an already complicated licensing structure. In fact, most towing vessel officers who perform harbor assist work also engage in conventional towing outside of ports and harbors from time to time. Establishing a narrowly focused harbor assist licensing track serves no positive safety objective and limits the operational flexibility of both mariners and companies. Current regulations already provide for the tailoring of a Towing Officer Assessment Record (TOAR) to fit the service in which a mariner is employed, the placement of any necessary restrictions on his or her
credential, and the opportunity to have such restrictions removed upon completion of the additional assessments needed.

From a process standpoint, AWO recognizes that the Coast Guard is under pressure to finalize the STCW rulemaking quickly given the looming January 1, 2012 effective date of the Manila Amendments. The creation of the proposed new towing endorsements is unrelated to STCW, raises serious safety concerns, and should not be fast-tracked as part of a final rule to implement the STCW amendments. We note that in the recently published notice of proposed rulemaking on towing vessel inspection, the Coast Guard stated its intent to propose inspection requirements for assistance towing vessels, towing vessels under 26 feet, and workboats conducting intermittent towing within a worksite in a separate regulatory proposal. We believe that rulemaking would provide a more appropriate and holistic context in which to consider the safety of such vessels and the licenses needed by their operators to ensure adequate standards of safety.

**Engineering License and STCW Endorsement Pathway**

In our comments on the 2009 NPRM, AWO expressed serious concern that the proposed licensing and training requirements for engineers would have effectively closed off the hawsepipe as a career path for engineers in the towing industry, with grave consequences for companies and mariners. We noted that the hawsepipe is the most common route by which engineers in the towing industry are developed, and the skill, experience, and safety record of existing towing vessel engineers makes clear that this route has been effective, benefiting both companies and mariners. We urged the Coast Guard to make a number of changes to ensure that the hawsepipe remains a viable career path for engineers in the towing industry, including: 1) allowing documented onboard training to be counted as “approved training and experience”; 2) clarifying the definition of Designated Duty Engineer (DDE) to recognize the reality of towing vessel engine rooms; and, 3) avoid creating a bifurcated licensing track in which some licenses are not STCW-compliant. We appreciate the Coast Guard’s changes to the proposed rules in response to these comments.

AWO also recommended that the Coast Guard remove geographic restrictions from engineering licenses, allow existing DDEs to advance to chief engineer with appropriate service, and allow service as Qualified Member of the Engine Department (QMED) to be counted toward a chief engineer officer endorsement. We appreciate the Coast Guard’s willingness to accept further comment on the first two of these recommendations, and we urge the agency to reconsider its denial of our request to allow some degree of credit for QMED service.

Overall, while we believe the proposed changes to the engineering licensing and training requirements in the SNPRM represent a significant and much needed improvement over the NPRM, we believe additional changes are needed to ensure an engineering career path that meets the twin goals of safety and practicality. The diagram below graphically depicts our recommendations for how the proposed requirements should be further modified. We elaborate on these recommendations below.
Our proposal makes the following changes to the engineering licensing structure and requirements proposed in the SNPRM:

- It removes route restrictions from engineering licenses. As any engineer seeking to sail on an international or ocean voyage will require an STCW endorsement, AWO believes that the need to obtain an STCW endorsement serves the same function as a route restriction.

- It eliminates the Chief Engineer Limited-Near Coastal license and replaces it with a Chief Engineer Limited license limited to vessels less than 1600 GRT, unlimited horsepower. Consistent with the corresponding service requirements for deck licenses (where Master limited to vessels less than 1600 GRT requires four years of service), we recommend that the service time required for a Chief Engineer Limited license be reduced from five years to four years. (We note, however, that as a practical matter an
engineer wishing to obtain an STCW endorsement as Chief Engineer will require five years of service to meet the STCW requirements.)

- It allows direct crossover from lower level to upper level licenses where appropriate, including a new crossover from Chief Engineer Limited to First Assistant Engineer unlimited.

- It provides a direct crossover from DDE-unlimited horsepower and Assistant Engineer Limited to vessels under 1600 GRT to Third Assistant Engineer unlimited, and from Chief Engineer-Limited to vessels under 1600 GRT to Second Assistant Engineer unlimited.

We note that the chart above assumes all STCW endorsements at the unlimited horsepower level. STCW endorsements at the 1,000 and 4,000 horsepower levels would require the same service requirements, with the only difference being the horsepower of the vessels on which the service is obtained.

The need to ensure a practical means of transitioning to compliance with the new STCW requirements is especially important for the towing industry because towing vessels have not historically operated with engineers holding Chief Engineer licenses or STCW endorsements. Mariners serving as engineers on towing vessels today typically range from unlicensed engineers to DDEs. In order to ensure that mariners currently employed as engineers on towing vessels can continue to work on the vessels on which they are qualified today and can obtain the necessary STCW endorsements, AWO recommends that:

- All engineers who hold a license as Chief Engineer-Limited 1600 GRT Near Coastal or Ocean prior to January 1, 2013, should be given an STCW endorsement as Chief Engineer meeting the requirements of STCW III/2, but with a tonnage limitation to 1600 GRT. Evidence of meeting the standard of competence for leadership and management skills and for management of electrical and electronic control equipment should be required at the first renewal of such endorsement.

- All engineers who currently hold a license as Chief Engineer-Limited 1600 GRT Near Coastal should be upgraded to Chief Engineer-Limited 1600 GRT Ocean without further sea service or testing requirements and given the same STCW III/2 endorsement restricted to vessels less than 1600 GRT.

- Mariners holding a DDE-unlimited license should be given an STCW endorsement as Officer in Charge of an Engineering Watch meeting the requirements of STCW III/1. Additionally, mariners holding a DDE-unlimited license should qualify as a Chief Engineer, Limited to vessels less than 1200 GT (III/2). Under current regulations at 46 CFR 15.915, mariners with a DDE-unlimited license are qualified to serve as Chief Engineer on vessels less than 500 GRT. Assuming the Coast Guard still believes that the 500 GRT/1200 GT equivalency is appropriate (a premise established in the NPRM), this path will ensure that mariners currently sailing in
these positions will continue to be able to do so. If the Coast Guard no longer believes that the 500 GRT/1200 GT equivalency is appropriate, then at a minimum mariners holding a DDE-unlimited license should be issued an STCW endorsement as Chief Engineer, Limited to vessels under 500 GT. In order to obtain an unlimited STCW endorsement as Chief Engineer, they would require evidence of meeting the additional sea service and training requirements.

In this regard, we note that the proposed §15.915(a) lessens the universe of vessels on which a mariner with a DDE-unlimited license is authorized under current regulations to sail as Chief Engineer from 500 GRT to 200 GRT/500 GT. We urge the Coast Guard to maintain the threshold at 500 GRT to ensure that engineers currently sailing as Chief Engineer on vessels between 200 and 500 GRT on domestic voyages can continue to do so.

- All grandfathering provisions should be in effect for any original application submitted prior to January 1, 2013 and for any renewal prior to January 1, 2017.

- A mariner who has sailed as an unlicensed engineer for at least one year prior to January 1, 2013, should be allowed to obtain a restricted license and STCW endorsement that will ensure that he or she can continue sailing on the same class of vessel and in the same capacity. (For example, if Seaman Jones has been sailing as the sole unlicensed engineer aboard the Freedom class vessel operated by American Ship Company for five years on seagoing voyages, Seaman Jones should be able to obtain a license as Chief Engineer-Limited to Freedom class vessels and an STCW endorsement as Chief Engineer III/2-Limited to Freedom class vessels.)

The new STCW requirements will make it even more challenging for the towing industry to develop future engineers (an already difficult position to fill). To alleviate these burdens somewhat, we urge the Coast Guard to reconsider its denial of our 2010 recommendation that QMED time be allowed to count for some portion of the service required to upgrade to a management level STCW endorsement. (The preamble to the SNPRM provided no explanation for the Coast Guard’s rejection of this recommendation beyond the statement that “Service using a rating endorsement will not be accepted to upgrade to an officer endorsement as chief engineer or second engineer officer.”) Specifically, we recommend that QMED time be credited on a two days-for-one basis for up to 50% of the service time required for upgrade. We believe that such a provision is necessary in order to allow individuals with significant service time as an unlicensed engineer to obtain the STCW endorsement needed to continue their career in the towing industry.

Finally, we urge the Coast Guard to recognize the limited size and scope of towing vessel engine rooms and account for this by issuing safe manning certificates for towing vessels subject to STCW that allow an individual serving as officer in charge of an engineering watch or designated duty engineer in a periodically manned towing vessel engine room meeting the operational (STCW III/1) rather than management (STCW III/2) level training requirements to serve as Chief Engineer. If the Coast Guard concludes that it does not have
the authority under STCW to make a blanket determination in this regard, we urge the agency to convene a stakeholder working group immediately to work with the Coast Guard to develop a process by which vessel owners can apply for exemptions from the STCW III/2 requirements based on vessel-specific factors such as equipment scope, manning, etc. Vessels operating on seagoing domestic voyages should also be eligible for such exemptions. Such a working group should include participation from the Mariner Credentialing Program Policy Division at Coast Guard headquarters and the National Maritime Center, as well as industry, and should be convened at the earliest possible opportunity.

Additional Comments

AWO offers the following additional comments to further refine the STCW final rule and ensure a smooth and effective implementation process:

- **Sea service credit for inland routes:** As noted above, AWO appreciates the Coast Guard’s proposal to allow service on Great Lakes and inland routes to be credited toward an STCW endorsement. We recommend, however, that the Coast Guard expand this proposal to grant day-for-day credit for service on inland routes, as the agency proposes to do for Great Lakes service. There are numerous bodies of water contiguous to the United States but within the Boundary Line that have conditions very similar to those found on ocean voyages. For example, there are sections of the Strait of Juan de Fuca that are over 40 miles wide. In the Gulf of Mexico, the Boundary Line is 12 miles offshore, much farther seaward than the Boundary Line on the Atlantic or Pacific coasts. If the Coast Guard is not willing to provide day-for-day credit for inland service across the board, the agency should, as a minimum, clarify by policy those waters inside the Boundary Line that closely mimic seagoing conditions and for which mariners may receive day-for-day credit toward an STCW endorsement.

- **Plain-language guidance for mariners:** AWO urges the Coast Guard to work with the Merchant Marine Personnel Advisory Committee and other industry stakeholders to develop a plain-language guidance document that will help mariners subject to STCW to understand readily which STCW endorsement they require and what they must do to obtain it. The STCW requirements and their implementing regulations are exceedingly complex, and even the most sophisticated mariners will be challenged to understand exactly what is required of them. Clarity in regulation is always important, but experience with similar transitions (e.g., the new towing vessel officer licensing regulations, NVIC 04-08, etc.) shows that it is even more critical when dealing with mariners on issues that affect their ability to pursue their profession and earn a living. We believe that quickly following up a well-written final rule with plain-language guidance aimed at the mariner is not a “nice to do” but a necessity to ensure effective implementation of the 1995 and 2010 STCW amendments.
• **Clarity on Safe Manning Documents:** Not only mariners, but also vessel owners will be challenged to understand the STCW endorsements their mariners must hold and demonstrate those to the satisfaction of foreign port state control officers. In order to avoid confusion (or disagreement with port state control on what endorsements are required for mariners on towing vessels), AWO recommends that the Coast Guard work with vessel owners to clarify on a vessel’s Safe Manning Document what STCW requirements must be met (e.g., 1 master (STCW III/2), 2 licensed mates (STCW III/1), etc.).

• **Advanced Oil Tanker Cargo Operations:** AWO recommends that the Coast Guard bifurcate the Tankerman-PIC domestic and STCW endorsements, as the agency proposes to do for deck and engineering licenses and STCW endorsements. Many modern oil barges operate internationally and have sophisticated cargo systems that foreign port state control officers may expect to be operated by mariners holding STCW endorsements for Advanced Oil Tanker Cargo Operations. STCW assessments are intended to be competence-based, and the requirements to obtain an STCW endorsement for Advanced Oil Tanker Cargo operations should be crafted so as to allow mariners serving on oceangoing tank barges to obtain the appropriate STCW endorsement. In this regard, we wish to clarify our understanding that §15.860 does not preclude the holder of a Tankerman-PIC (Barge) endorsement from serving on tank barges operating beyond the Boundary Line or on international voyages. Rather, it is the holding of an STCW endorsement that is the determining factor in a tankerman’s ability to serve on a tank barge to which STCW applies. We urge the Coast Guard to clarify this point in the final rule.

• **Miscellaneous corrections:**
  - §11.317(a) should read, “To qualify for an STCW endorsement as master,” for consistency with the heading of this subsection.
  - Figure 11.403 should include the Master of Towing Vessels progression and appropriate crossover points.
  - §13.603 should provide for grandfathering of existing holders of Tankerman-PIC (Barge) credentials to receive an STCW endorsement for Advanced Oil Tanker Cargo Operations. Such a provision is both appropriate and necessary given the size and scope of the vessels on which tankermen on seagoing barges serve.

###
Thank you for the opportunity to comment. AWO stands ready to provide additional information or assistance as the Coast Guard finalizes the proposed rules and prepares for full implementation of the 1995 and 2010 STCW Amendments.

Sincerely,

[Signature]

Jennifer A. Carpenter
Appendix A: Equipment that Could be Moved by Holders of Proposed Master of Towing (Utility) License