

0800	<p><b><u>Introduction &amp; Welcome</u></b></p> <ul style="list-style-type: none"> <li>• Chair's Remarks</li> </ul>	Mr. Parker
0810	<p><b><u>Executive Director's Remarks</u></b></p>	CAPT Scott
0820	<p><b><u>Sponsor's Remarks</u></b></p> <ul style="list-style-type: none"> <li>• Administer Oath to new member</li> </ul>	RADM Gilmour
0830	<p><b><u>Presentations</u></b></p> <ul style="list-style-type: none"> <li>• NMC/REC Reorganization (60)</li> <li>• Record Keeping for Designated Examiners (20)</li> </ul>	CAPT Fink Mr. Cavo
1000	<p><b><u>Break</u></b></p>	
1015	<p><b><u>Resume Presentations</u></b></p> <ul style="list-style-type: none"> <li>• ISPS Compliance; NVIC 11-93,Change 3; (15)</li> <li>• Oversize and Overloaded Tows (15)</li> <li>• Electronic Notice of Arrival (Temp Final Rule) (15)</li> </ul>	Mr. Kuhaneck Capt. Gwin Lt. Andersen
1100	<p><b><u>Existing Business/Reports</u></b></p> <ol style="list-style-type: none"> <li>1. Acceptance of Minutes</li> <li>2. Memo Closing out Task 99-01a: Remote Anchoring</li> <li>3. Increasing Maritime Security</li> <li>4. Towing Vessel Regulatory Review</li> <li>5. Commercial/Recreational Boating Interface</li> <li>6. CEMS (Crew Endurance Management System)</li> <li>7. Ammonium Nitrate</li> <li>8. Mariner Deaths during Nighttime Barge Operations</li> <li>9. STCW Implementation for Towing Vessels</li> </ol>	Mr. Parker Ms. Wilson/Mr. Parker Mr. DeSimone/Ms. Wilson Mr. Muñoz Ms. Hammond/Mr. Maurice Mr. Woodward/Mr. Daley Mr. Woodward/Ms. Carpenter Mr. Maurice/Mr. Zeringue Ms. Goncalves/Ms. Carpenter
1250	<p><b><u>New Business/Draft Task Statements</u></b></p> <ul style="list-style-type: none"> <li>• Record-keeping for Designated Examiners</li> <li>• STCW Implementation for Towing Vessels</li> </ul>	Mr. Parker
1315	<p><b><u>Public Comment</u></b></p>	All
1330	<p><b><u>Summary of TSAC Action Items</u></b></p> <p><b><u>Schedule Next Meeting Date</u></b></p> <p>(?September 28/29, 2004 @ USCG HQ/Memphis?)</p> <p><b><u>Adjourn</u></b></p>	Ms. Carpenter Mr. Parker

## TSAC - Working Group Meeting Agenda

Tuesday, March 16, 2004 (Begin in Room 2415)

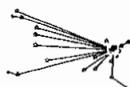
0830	<u>Arrival</u>	
0900	<u>Introduction &amp; Welcome</u> <ul style="list-style-type: none"><li>• Review of Meeting Schedule and Objectives</li><li>• Discussion of Working Groups' Taskings and Status</li></ul>	Mr. Parker
0920	<u>Working Group Meetings</u> <ul style="list-style-type: none"><li>• Increasing Maritime Security</li><li>• Towing Vessel Regulatory Review</li><li>• Commercial/Recreational Boating Interface</li><li>• Crew Endurance Management/CEMS</li><li>• Ammonium Nitrate</li><li>• Mariner Deaths</li><li>• STCW Implementation</li></ul>	All Mr. DeSimone Mr. Muñoz Ms. Hammond/Mr. Maurice Mr. Woodward Mr. Woodward Mr. Maurice Ms. Goncalves
1130	<u>Lunch</u>	All
1230	<u>Resume Working Group Meetings</u>	All
1430	<u>Working Group Preliminary Reports</u>	WG Chairs
1530	<u>Adjourn</u>	

Links to the G-M Business and Capability Strategies for FY2002-2006 and FY2003-2007, and the FY 2001 Performance Data, as well as other G-M information, are now available on the following G-MRP web site:

<http://cgweb.comdt.uscg.mil/g-mr/mr-p/mrp-1g-mplan.htm>

**ENCLOSURE(2)**

## Mariner Licensing & Documentation Program

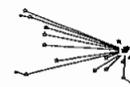


TSAC  
March 17, 2004  
Washington, DC

Captain Ernie Fink  
Commanding Officer  
National Maritime Center

1

## MLD Mission



- ✓ Ensure competency of mariners
- ✓ Meet domestic and international standards
- ✓ Maintain a safe & secure mariner credentialing program
- ✓ Provide high quality service

2

## Regional Examination Centers



- The REC is a department within 17 MSOs / Activities nationwide
- The first contact between the mariner & the Coast Guard often occurs at the REC

3

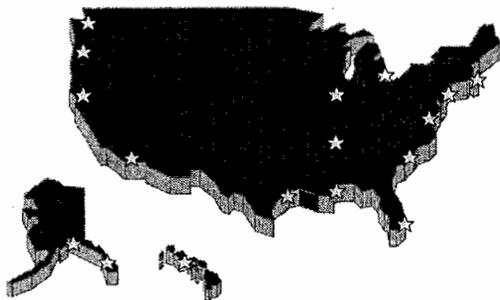
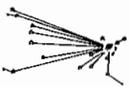
## Yearly



- ✓ 60,000 mariners issued credentials
- ✓ \$8 million collected in user fees

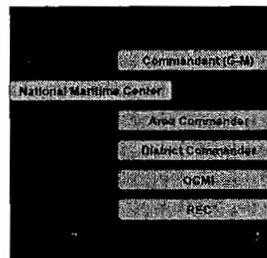
4

## REC Locations



5

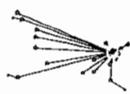
## MLD Chain of Command



6

**ENCLOSURE(3)**

## Initiatives Since 1990

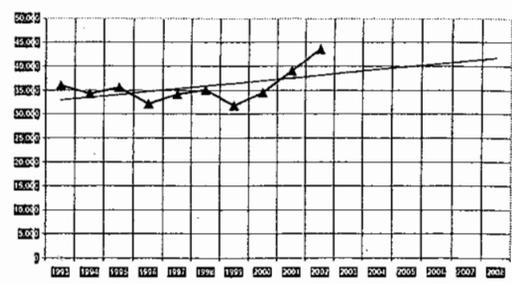
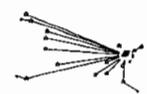


- ✓ User fees / user fee reconciliation
- ✓ OPA 90
  - Drug testing
  - Renewable MMDs
  - National Driver Register check
- ✓ Tankerman regulations
- ✓ MMLD / MID
- ✓ Towing vessel regulations
- ✓ Course in lieu of exam
- ✓ STCW
- ✓ Maritime security (credentials)

7

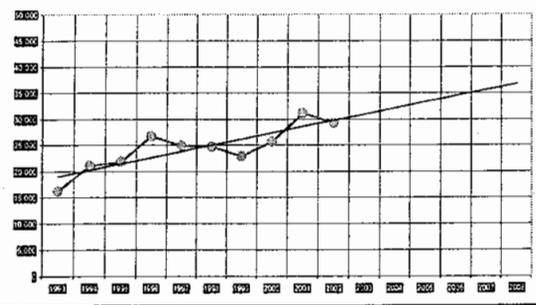
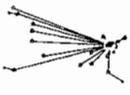
## Workload Increase

(Number of Licenses Issued Per Year)



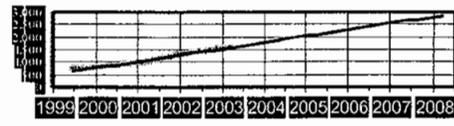
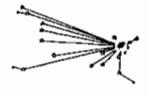
## Workload Increase

(Number of MMDs Issued Per Year)



## Workload Increase

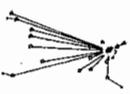
(Number of Approved Courses By Year)



10

## STCW

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers



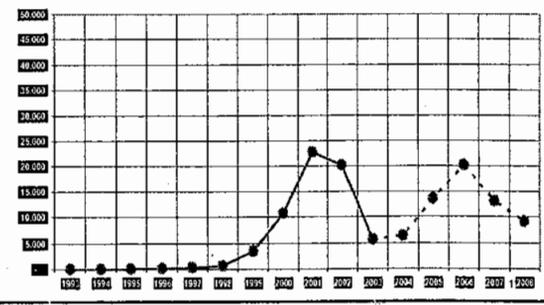
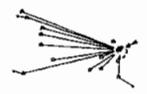
- ✓ New credential
- ✓ New evaluation criteria
- ✓ Additional mariner training & assessments to review



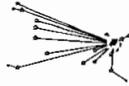
11

## Workload Increase

(Number of STCW Certificates Issued Per Year)



## Efforts to Improve



### Action Workout

- ✓ Visits to all RECs
- ✓ Review of local processes / procedures
- ✓ New forms
- ✓ Job aids (checklists)
- ✓ Standardized information packages
- ✓ Local data base for tracking applications

### STCW / REC Surge Ops

- ✓ Close monitoring of:
  - Backlogs
  - Staffing
  - Workload
- ✓ Area / District involvement
- ✓ New equipment
- ✓ Civilian overtime
- ✓ Interim policy changes
- ✓ Tiger teams

13

## Action Workout - Surge Ops



- ✓ Both were helpful but not enough to overcome chronic problems of:
  - ✓ inconsistency
  - ✓ inefficiency
  - ✓ insufficient resources

14

## September 11th



- ✓ Strict compliance with regulatory requirements for oath, identity & nationality
- ✓ New MMD Card with anti-counterfeiting features and serial number
- ✓ Expanded safety and security screening of applicants

15

## MMD Security Initiatives



- ✓ Centralized mariner safety & security screening and evaluation
- ✓ New staff and function at NMC
- Continued
  - ✓ Close monitoring of:
    - Backlogs
    - Staffing
    - Workload
  - ✓ Area / District involvement
  - ✓ New equipment
  - ✓ Civilian overtime
  - ✓ Policy / regulatory changes
  - ✓ Tiger teams at 14 RECs

16

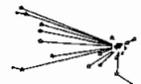
## Current Status



- ✓ Customers complaining of –
  - Slow service
  - Inconsistency
  - Unresponsiveness
- ✓ REC staffs overworked
- ✓ OCMI's / COTPs focused on port security
- ✓ Additional security concerns
  - Licenses
  - Courses
  - TWIC ?
  - International Seafarers ID Card ?

17

## Change is Necessary

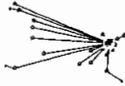


### The Challenge

- ✓ Design and implement an MLD Program that:
  - Maintains face-to-face contact with mariners
  - Meets new security requirements
  - Incorporates technology & measures of efficiency
  - Prepares for ability to implement new tasks
  - Meets the expectations and needs of the customer

18

## *Change is Necessary*



The process for developing the plan

19

## *MLD Business Process Review Workshop*



- August 12 - 16, 2002 Quantico, VA
- Representatives from:
  - Regional Examination Centers
  - National Maritime Center
  - Marine industry
- Identified:
  - REC processes
  - Strengths & weakness
  - Goals & standards
  - Alternatives

20

## *REC Chief Conference*



- September 9, 2002 NMC
- Agenda:
  - Validated REC process strengths & weaknesses
  - Evaluated which processes most need to be addressed
  - Identified options to improve processes

21

## *Involving Industry & Stakeholders*



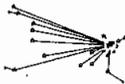
STCW Workgroup	Sep 4 - 5, 2002
SOCP Conference	Oct 16, 2002
PVA Conference	Oct 21, 2002
Gulf Coast Users Meeting	Dec 3, 2002
MERPAC	Sep 18 - 19, 2003

### Agenda:

- Identified customer service expectations
- Discussed current performance
- Evaluated importance & performance
- Identified options to meet expectations

22

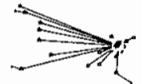
## *Industry Feedback*



- Consistency
- Timeliness
- Customer-focused service
- Coordination

23

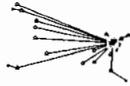
## *Internal Stakeholders*



MLD Business Process Review	August 2002
REC Evaluator Course JTA	September 2002
2002 REC Chief Conference	September 2002
NMC Senior Staff	Sep - Nov 2003
MLD Reorganization Action Team	Oct - Nov 2003
2003 REC Chief Conference	November 2003
Review / comments on draft plan	December 2003
CG Headquarters Concurrent Clearance	Jan/Feb 2004
Completed plan submitted for approval	March 2004

24

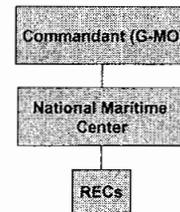
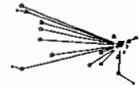
## *Future Vision*



So what's the idea?

25

## *Organizational Realignment*



26

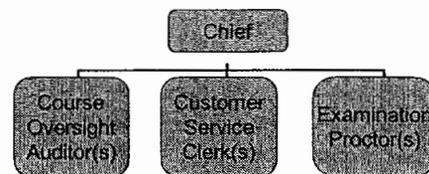
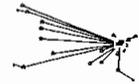
## *Retain the RECs*



- ✓ Customer service & security
  - Receive applications / answer mariner questions
  - Review applications for completeness
  - Verify ID / take fingerprints electronically
  - Forward application package to NMC
- ✓ Course oversight
- ✓ Exam administration

27

## *New REC Organization*



28

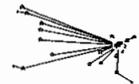
## *Centralize Certain MLD Processes*



- ✓ Mariner information call center (1-800...)
- ✓ User fee collection
- ✓ Application evaluations
- ✓ Safety & security screening & evaluation
- ✓ Credential production
- ✓ Mariner records

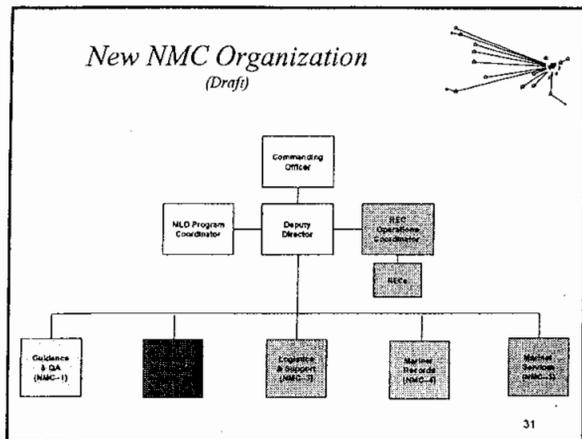
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## *Future Vision*

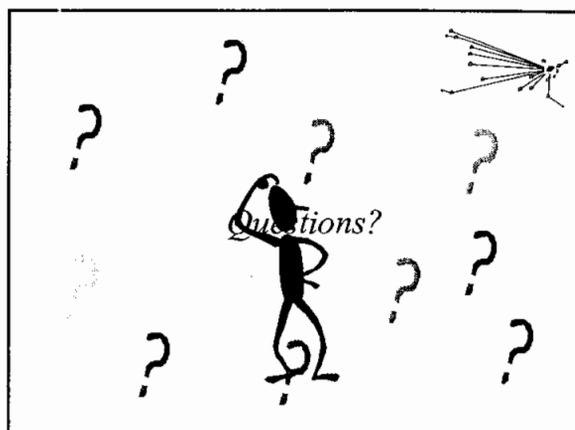
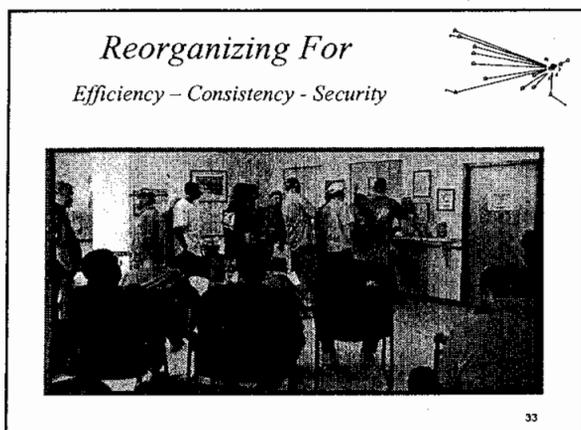


- ✓ Incorporate innovative technology and production line efficiencies with centralization of certain MLD processes

30



- ### Implementation
- Reorganization plan approval March 2004
  - REC realignment under NMC April 2006
  - Transition REC Baltimore June 2006
  - Transition other 16 REC's October 2006 – July 2007
- 32



# Gulf Coast Mariners Association



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Fax: (985) 879-3911  
www.gulfcoastmariners.org

## GCMA REPORT #R-391

March 17, 2004

Subject: Oversized and Overloaded Tows

Remarks of Captain Larry P. Gwin  
Prepared for the Towing Safety Advisory  
Committee Meeting  
At United States Coast Guard Headquarters  
Washington, D.C. March 17, 2004

Ladies and Gentlemen, Members, and Guests:

My name is Larry Gwin. I have been a licensed mariner for the last 33 years sailing on the inland rivers. I have worked for several different companies, and have seen many changes during these 33 years. However, certain changes that I was expected to participate in went beyond the bounds of safety to the point where they presented a clear and present danger to other mariners, to other waterway users, to the general public and the environment.

Thank you for allowing me to speak to you today. Based on my experience, I will discuss a situation on the river and other inland waterways that has become a severe problem. I believe it is important enough to travel from my home in Illinois to be with you today. The problem concerns **oversized and overloaded tows**.

One major carrier, and my former employer, insisted upon moving **oversized and overloaded tows**. They own five boats that are in a unique class based on their size and horsepower. They are the largest towboats on the Mississippi River.

"**Oversized**" means that this company dispatches more barges than these large and powerful towboats were designed for and can adequately control or handle safely based on their available horsepower, the experience of their licensed officers, and full consideration of the changeable operating conditions such as river stages, weather conditions and the ever-present danger of mechanical failure. I will limit my definition of an oversized tow for such a vessel as being any tow that consists of more than 40 barges dispatched in a downstream direction. Specifically, "oversized"

refers to any number of barges between 41 and 48 on any southbound trip from Cairo, Illinois to the Gulf of Mexico. Such a load could hold as much as 100,000 tons of cargo or more depending on the draft of its barges.

"**Over-loaded**" refers to a situation where the standard barges we normally pushed for years had an average loaded draft of 9 feet carrying a load of approximately 1,500 tons per barge. The Army Corps of Engineers only guarantees a 9-foot deep channel maintained by dredging where necessary north of Baton Rouge, Louisiana to Cairo, Illinois during low water. Newly constructed barges are now loaded to a 12' draft with an average of 2,130 tons per barge. These new 14-foot hull barges that draw 12 feet of water are replacing the old 12-foot hull barges that drew 9 feet of water and sufficed for many years. To the general public, these new barges may "look" the same, but there is a noticeable difference in the ability of a towboat to handle them. In order to carry the equivalent tonnage in 9-foot-draft barges a towboat would have to push more than 68 barges.

As a "heavy tow pilot" I have pushed 40 barge tows of standard 195'x 35'x 9'-draft barges down river with the most powerful towboats on the river that have three twenty-cylinder, turbocharged Electromotive Diesel (EMD) engines totaling 10,500 horsepower. While downbound tows are the most difficult to handle, I have also pushed as many as 56 barges up river. While most of the barges were in the grain trade, we also integrated other loads including denatured alcohol, coal and caustic soda in these tows. We call this class of exceptionally powerful towboats the "ten-fives."

I have always believed that this was "honest horsepower" although I have watched one industry publication "increase" the paper horsepower on some 8,400 horsepower boats to 9,000 horsepower without a commensurate mechanical upgrade of any sort. I have seen similar increases in "paper-" or "sales-horsepower" in smaller boats from 5,600 to 6,000. This kind of horsepower is of absolutely no value to a pilot whatsoever and simply attracts larger and deeper loading. It is a deceptive practice that can defeat "voluntary" measures taken by joint Coast Guard and river industry committees under high-water emergency conditions. I believe that whatever horsepower this industry uses must be "honest" horsepower based on some measurable standard. Without this, we compare apples to oranges leaving the industry and the Coast Guard as a regulatory agency with neither reliable nor meaningful standard horsepower figures to base tow handling and maneuverability on. Yet, in this case, I speak of unquestionably the largest and most powerful of river towboats and seek only a safe and reasonable "upper limit" for vessels of this size.

I have pushed 40-barge southbound tows with these large towboats that are twenty years old or older that

were designed to handle standard 9-foot draft barges. Normally, for the past few years, we pushed 40 barges configured as 8 barges wide by 5 barges long. Up until about two years ago my former employer started asking for "volunteers" to move 6 to 8 extra barges downstream to New Orleans. With the addition of an extra 1 to 8 barges, the length of the tow is extended by about 200 feet. With this configuration you lose the vital room necessary to negotiate bridges, traffic, and close turns when you are southbound with the current. I find that this lost room is critical in just about every case. I consider this room as a reasonable buffer to correct for normally acceptable navigational clearances, small errors and mechanical malfunctions when the machinery is performing reliably.

While extending the length of a southbound tow is a major problem for river pilots, the eight-barge width of existing tows provides problems for other river users. Inland Rule 14(d) gives a southbound vessel the right-of-way over an upbound vessel as well as the obligation to propose the manner of passage in all cases. This allows the downbound vessel to legally and effectively control traffic at certain times and places. Keep in mind that the width of the channel from Baton Rouge to Cairo and on to St. Louis (UMR Mile 191) as published in the Corps of Engineers "map book" is only 300 feet. A tow eight barges wide takes up 280 of the available 300 feet leaving nothing for other vessels except to try to find a spot to push into and wait. Waiting for an oversized or overloaded tow to pass can take hours and cause significant delays to both upbound and downbound traffic – especially as the tow proceeds cautiously or runs aground for any reason. In addition, threading a 280-foot wide tow through a 300-foot wide buoyed channel is not an exact science. The Coast Guard and its buoy tenders must do the work and bear the expense of constantly replacing buoys.

The company began to move beyond "volunteers" to insist that their experienced mariners "advance" within the company by accepting oversized tows of more than 40 barges and/or by inserting the new oversized barges into the tow. The company appeared to be willing to accept the risk of damage but simply assumed their licensed officers would assume whatever risk accrued to their own licenses. In return for this assumption, they compensated their masters with an additional \$50 per day and their pilots with \$45 per day.

I want to introduce GCMA Report #R-340 as a report on oversized and overloaded tows that was put together with the input from a number of experienced mariners. I participated in preparing several areas of this report. The report provides a good summary of what can be expected with this type of **oversized and overloaded** towing on the Lower Mississippi River and other waters including the Gulf Intracoastal Waterway and Illinois River. Briefly, the size and composition of handling of these **oversized and overloaded tows**

changes their handling characteristics dramatically.

Oversized tows are more susceptible to unseen eddies or other conditions. Overloaded barges within the tow adversely affect backing and swinging the tow and make its handling unpredictable. It makes bridges harder to transit. There is a loss of distance perception when a tow expands from 1,000 to 1,200 feet in length. This makes it hard for the pilot to judge his navigation moves. This places a tremendous amount of added stress upon the master or pilot. This stress is well known to cause severe health problems with a number of pilots who I know personally have died or became permanently disabled from heart attacks or strokes. These huge tows disrupt other river traffic by creating hold ups that can last for hours and clog the traffic pattern. On these tows there is absolutely no room for error. If you don't make a turn or a bridge the first time there is no second chance and you are helpless to watch the disaster unfold in slow motion right before your eyes.

Over the years I regularly moved 40 barges from Cairo, Illinois to the New Orleans area. During this time, I never broke a tow or scattered its barges. I am proud of my reputation as a responsible and careful Coast Guard-licensed towing vessel officer. Yet, I had the distinct impression that as the years passed that the company I worked for became increasingly lax in carrying out its vessel maintenance. I continually reported problems, such as propulsion and steering difficulties to company personnel with mixed results.

Many members of the public unfamiliar with the industry judge the "power" of a towboat by how many barges it can push upstream against the current. The real test, as we in the industry know, comes in being able to stop, hold, and maneuver a large tow moving downstream.

My greatest fear occurred when I was pushing just 35 barges at a medium to low river stage. I found that I simply could not stop my tow when fog unexpectedly set in. I backed my 10,500-horsepower vessel full astern at maximum power with all three engines turning at the full 900 rpm for between two and three miles realizing within the next mile that there was a state ferry docked at St. Francisville, Louisiana, that carried both vehicles and passengers across the river. I backed at full power with the engines screaming and the whole boat shuddering for a full fifty (50) minutes. However, I was unable to stop the tow completely unless and until I dragged the barges to a stop down along the bank or dragged a string down a sand bar to finish stopping it. I mowed down several hundred yards of young willow trees in doing this and had difficulty even holding the tow dead in the water until the fog cleared and I could proceed safely.

I immediately reported this to the company. I advised them that based upon my riding this boat constantly for five years the vessel needed immediate

repair. To their credit, they did put the vessel on dry dock. Upon inspecting the underwater propulsion gear, we found the two outside flanking rudders were bent out and back toward the Kort nozzle. The inside port flanking rudder was bent across in a manner that blocked water from reaching the propeller. All three propellers were in dire need of replacement. The center Kort nozzle surrounding the center wheel had large chunks of metal gouged out of it. The vessel had a keel cooler leak that the company did not hesitate to fix.

As for the rest of the repairs, the company representative at the shipyard told me that they would have to be done at some later date. At this point, I advised the company official that unless the vessel propulsion was acceptably repaired I could not bring full tows out of St. Louis. In other words, I could not handle 25 to 30 barges from St. Louis to Cairo and 40 barges from Cairo south. I told them that I would only bring the number of barges I felt the vessel could safely handle. That figure was 30 barges of 9-foot draft or only 25 overloaded barges. This estimate evidently infuriated the company officials enough to make a quick fix instead of making complete and thorough repairs.

The company exerted pressure in a number of ways to coerce some towing vessel officers to accept **oversized and overloaded** tows. The typical approach to many of its senior Captains is "If you won't do the job, we will get someone that will." However, finding a person with comparable experience does not appear to be very high on their priority list. However, it does open up a slot for "advancement" for a pliable individual willing to step up as master of one of the nine largest and most powerful towboats in the country and take his chances with the risk. I don't want to be known as a towboat captain who, like the railroad engineer Casey Jones, became known for one of the most spectacular pile-ups of the century!

A mariner and his license coupled with his experience can earn the company a profit. Unfortunately, a less-experienced pilot can be exploited or coerced into accepting risks that more experienced mariners will not accept because of the potential damage that can result. The company demonstrated that it was willing to use personal ego, family, or financial issues as pressure tactics to move their **oversized and overloaded tows**.

I made an important decision not to move **oversized and overloaded tows** that cost me my job. My decision came after long and careful consideration. I asked for a transfer to a smaller boat pushing smaller tows. After I was terminated, I found that I was not the only mariner that made this same decision. I personally know of at least six others that made a comparable decision and lost their jobs. The company says our loss of jobs was a result of the "economy", work force cutbacks, and seasonal. Yet, less experienced mariners were hired within hours of our termination? That is clearly an

"employment" issue and cannot concern us here today. But, as one of a group of mariners, I took legal action for unfair labor practices where each of us was wrongfully discharged for refusing to commit unsafe acts that placed us in jeopardy of losing our reputations, our licenses, our careers, and had the potential to cause untold damage on our waterways. We also seek an award of \$60,000,000 in punitive damages to remove the financial incentives that unfairly accrue to a large corporation that crowds and clogs the public waterways with its oversized and overloaded tows. As pilots, we tried reasoning with the company. We tried to invoke common sense to no avail. Perhaps tying dollars to common sense will change their mind about taking unnecessary risks!

Our waterways' infrastructure is supported by the American taxpayers and policed by the Coast Guard. I urge the Coast Guard, the American Waterways Operators, the National Transportation Safety Board and this Committee to focus on the problem of **oversized and overloaded tows** and provide a reasonable solution that protects the interests of the taxpayers, the industry and the mariners that serve in this industry.

The record shows a number of accidents since the introduction of these **oversized and overloaded tows**. One accident that approached a million-dollars in damage happened near the Upper Baton Rouge Bridge and is cited in GCMA Report #R-340. This accident happened to a mariner who was well posted and had navigated the area many times in almost all conditions. The question that investigators should ask under these circumstances is: "What happened, and what changed?"

My answer in consultation with other officers was that the oversized and overloaded nature of the tow was the root cause of the accident. Strangely, the Coast Guard investigator never reached that conclusion or offered any suggestions as how to avoid similar accidents. We can forgive him if he lacked the background of a river pilot approaching this bridge with 42 barges in tow – a place where other pilots previously came to grief. What will it take before the Coast Guard understands the problem posed by these huge tows and acts to protect the other waterway users and the infrastructure on our waterways?

You may ask, "Why am I here, today?" I want to tell you that river pilots have tried for years to get someone in authority to listen to problems that are well known in this industry, only to fall upon deaf ears. American Inland Mariners tried in the mid-1990s to bring our issues to the attention of the Coast Guard. In 1998 river pilots tried to unionize hoping that this would give us a strong voice. Unfortunately, mariners met with very strong threats, intimidation, and resistance by the companies. The "Pilots Agree" movement was not successful and caused many experienced mariners to be black listed so that they could no longer work for the better companies. Others were driven from the industry.

There is little motivation for experienced mariners to work at a job that may kill or disable them years before their normal retirement age. There is even less motivation to commit unsafe and reckless acts or to break existing laws or regulations in an honest attempt to provide for their families.

A mariner that stands the front watch as Master of the vessel is now caught in a situation where he almost certainly must violate the existing 12 hour rule in light of the time he must spend doing reports, holding safety drills, and other duties managing the crew and shepherding a large number of barges. He must continue to stand his six-hour watch no matter how much time he spends doing these other necessary things instead of resting during his "off-duty" hours. Add this to the stress of an **oversized and overloaded tow** and you will see why the determination by the American Inland Mariners Association that the average life span for river pilots is only 57 years worries many mariners. Thus, the matter of **oversized and overloaded tows** that developed in the pressure of corporate "business competition" has turned into unbridled greed and has cause a significant safety problem with a measurable human toll.

Will it take another tragic and catastrophic event for the Coast Guard to act? A one-barge tow took out the Judge Seeber Bridge in New Orleans; a two-barge empty tow took down the I-40 bridge at Webbers Falls; a four-barge tow brought down the Queen Isabella Causeway in Texas; six-barges caused the Amtrak

disaster at Bayou Canot. Just imagine what a 48 barge tow traveling at 10 to 12 miles per hour southbound, at a medium to high river stage with the current, carrying between 70,000 and 100,000 tons of cargo could do to a bridge heavily laden with traffic, to a chemical dock, or to the river infrastructure at Memphis, Baton Rouge or to the chemical corridor down river toward New Orleans? While we are absorbed with guarding against terrorists, we must also guard ourselves against preventable catastrophic accidents.

As members of the Towing Safety Advisory Committee, I ask you to consider what actions by the towing industry or even regulations it would take to resolve this aspect of the **oversized and overloaded tow** problem. If it is an "industry problem," the industry should step in and solve it. If it becomes a "regulatory problem," then the Coast Guard must step in and solve it.

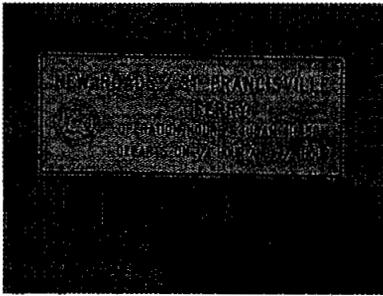
I did my best to present this problem as a person with experience handling one of the largest and most powerful towboats on the river. This is just the pinnacle of the iceberg and it is in plain view. I respectfully ask you to consider that there is a clear need to define and establish an upper limit for tow size. As an experienced pilot, I recommend that that the upper limit for downbound tow size must be capped at a maximum of 40 barges, 195 ft. x 35 ft. x 9 ft-draft on any southbound tow pushed by a 10,500 horsepower towboat on the free-flowing main stem of the Mississippi River between Cairo, Illinois and the New Orleans area.

I suggest to this Committee, to the Commandant of the Coast Guard, and to the Chairman of the National Transportation Safety Board that any larger tow be recognized and labeled as "an unsafe industry practice."

Thank you for your time and your future consideration of this problem.

[D#7]

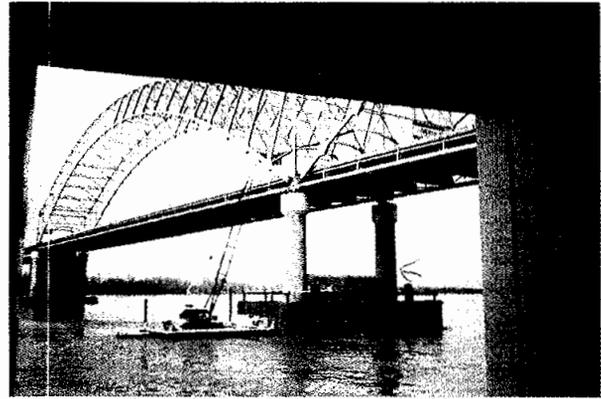
R-391 PHOTOGRAPHS



The St. Francisville, LA, ferry crossing the Mississippi River at LMR Mile 266 as mentioned in Captain Gwin's remarks. The emphasis on handling a large tow should always be on safety first and foremost. Inland Rule 15(b) requires a ferry crossing a river to keep out of the way of a power-driven vessel ascending or descending the river. On October 26, 1976 the Ferry GEORGE PRINCE was struck and sunk by an upbound ship at Luling, LA, LMR Mile 120.8 with the loss of 76 lives.



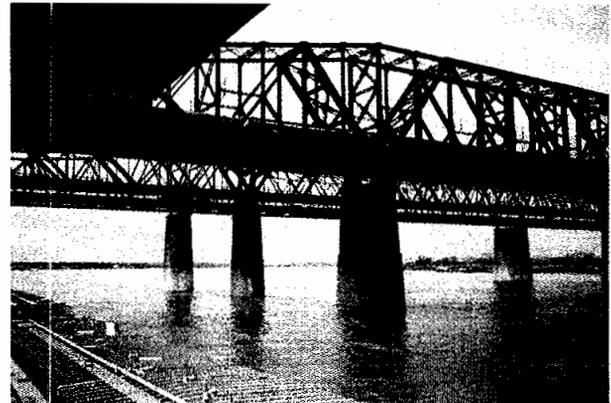
A forty-barge tow as seen from the pilothouse of a 10,500-horsepower river towboat, the largest used on America's inland river system. Mariners who push these large tows believe that the Coast Guard, as the responsible regulatory agency, should limit the size of tows pushed downstream by these river towboats to a maximum of 40 barges measuring 195 ft. x 35 ft. x 9.5 foot draft.



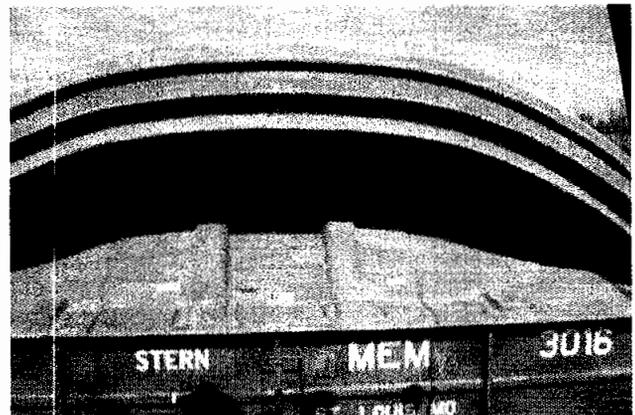
The Hernando De Soto I-40 Bridge at Memphis, TN, LMR Mile 736.6. Captain Gwin took this picture with the Memphis Gage at 9 feet. At about 20 feet on the gage the main body of the bridge pier footings submerges leaving the smaller circular portion of the bridge support shown in the photograph vulnerable to bridge allisions from tows.

On February 26, 2004 GCMA sought comparative structural information on the vulnerability of these supports from the USCG Bridge Administration Branch in St. Louis in light of the May 2002 barge allision that collapsed the I-40 bridge at Webbers Falls, OK, with the loss of 14 lives.

The barge and temporary sheet piling shown in the photo are part of a \$170,000,000 seismic reconditioning program to protect the 30-year old structure from earthquakes resulting from the New Madrid fault line.



The Harahan Railroad Bridge, Memphis, TN, LMR mile 734.7. On December 7, 2002 the M/V Andrew Cargill MacMillan pushing 46 barges misjudged how fast her tow was flanking and struck the bridge with her starboard string of barges breaking up the tow sinking one barge, grounding two others.



An experienced towboat pilot pointed out the dangers of pushing tows that they can not see around or see over to a meeting of the Coast Guard's Navigation Safety Advisory Committee in Galveston, TX, on March 9, 2002. This is the view from the pilothouse of a towboat where the pilot's vision is blocked by an empty barge faced up to his towboat. (GCMA Report #R-275)

APPLICATION FOR INSPECTION OF U.S. VESSEL

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 15 mins. You may submit any comments concerning the accuracy of this burden estimate or any suggestion reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0002), Washington, DC 20503.

Address to reply to:

TO: Officer in Charge, Marine Inspection

Marine Inspection Zone \_\_\_\_\_

The undersigned applies to have the  Steam Vessel  Motor Vessel

Motorboat  Barge  Other (Indicate) \_\_\_\_\_

TELEPHONE NUMBER:

DATE:

named \_\_\_\_\_ Official or Award No. \_\_\_\_\_

inspected under the laws of the United States; to be employed as a  Passenger Vessel (No. of Passengers \_\_\_\_\_)

Cargo Vessel  Tank Vessel  MODU  Other (Indicate) \_\_\_\_\_

on the following route: (Waters, Geographical limits) \_\_\_\_\_

Liquid cargo in bulk  will  will not be carried as follows:

Flammable or Combustible (Indicate grade) \_\_\_\_\_

Chemicals (Indicate) \_\_\_\_\_

Length of vessel \_\_\_\_\_ ft.

Hull material:  Steel  Other (Indicate) \_\_\_\_\_

Vessel will be at (Port, Pier, etc.) \_\_\_\_\_

The current Certificate of Inspection expires on \_\_\_\_\_

Inspection is desired on \_\_\_\_\_

Cargo Ship Safety Construction Certificate to be issued by  ABS  USCG.

Vessel  is  is not to be classed.

If classed, indicate Classification Society:  ABS  Other (Indicate) \_\_\_\_\_

I CERTIFY that previous application for this inspection  has  has not been made. I further certify that I have instructed the master to present the vessel ready in all respects for the above requested inspection on the date specified. I understand that if this inspection is to be conducted at foreign port or place the vessel owners will be billed for the costs incurred in accordance with 46 USC 385b-1.

(Signature) \_\_\_\_\_

(Title) \_\_\_\_\_

the Director of the Office of Energy Projects. The cost limits for calendar year 2004, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

**List of Subjects in 18 CFR Part 157**

Administrative practice and procedure, Natural Gas, Reporting and recordkeeping requirements.

J. Mark Robinson,  
Director, Office of Energy Projects.

■ Accordingly, 18 CFR part 157 is amended as follows:

**PART 157—[AMENDED]**

■ 1. The authority citation for part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

\* \* \* \* \*

(d) \* \* \*

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col.1)	Prior notice proj. cost limit (Col.2)
1982	\$4,200,000	\$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000

\* \* \* \* \*

■ 3. Table II in § 157.215(a) is revised to read as follows:

**157.215 Underground storage testing and development.**

(a) \* \* \*

(5) \* \* \*

TABLE II

Year	Limit
1982	2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000
2002	4,850,000
2003	4,900,000
2004	5,000,000

\* \* \* \* \*

[FR Doc. 04–4324 Filed 2–26–04; 8:45 am]

BILLING CODE 6717–01–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 101 and 104**

[USCG–2004–17086]

**Continuous Synopsis Record (CSR)**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of availability; Application for Continuous Synopsis Record (CG–6039); and request for public comments.

**SUMMARY:** The Coast Guard announces the availability of the “Application for Continuous Synopsis Record” (Application for CSR) form CG–6039. Certain vessels are required to carry onboard a Continuous Synopsis Record (CSR) by the International Convention for the Safety of Life at Sea, 1974 (SOLAS) Chapter XI–1. This document details the process of obtaining and amending the CSR. The Coast Guard also solicits public comments on the collection of information associated with the CSR.

**DATES:** *Comments.* Comments and related material must reach the Docket Management Facility on or before April 27, 2004. Comments sent to the Office of Management and Budget (OMB) on collections of information must reach OMB on or before April 27, 2004.

**Availability.** The Application for CSR form CG–6039 will be available at the locations listed in the ADDRESSES section below beginning February 25, 2004. The Coast Guard will begin issuing the “Continuous Synopsis Record” (CSR) form CG–6038 on March 1, 2004. All applicable U.S. flag vessels shall have a Coast Guard issued CSR onboard and available for inspection no later than July 1, 2004.

**ADDRESSES:** *Comments.* To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) Electronically through the web site for the Docket Management System at <http://dms.dot.gov>.

(2) By mail to the Docket Management Facility, (USCG–2004–17086), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(3) By fax to the Docket Management Facility at (202) 493–2251.

(4) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

**Availability.** The Application for CSR form CG–6039, and the “Amendments to the CSR and Index of Amendments to the CSR” (Amendments and Index to CSR) form CG–6038A, may be obtained by any of the following methods:

(1) By downloading it from the Coast Guard Port Security Directorate Web site at <http://www.uscg.mil/hq/g-m/mp/rules.shtml>.

(2) By requesting it, via mail, from the Continuous Synopsis Record Desk (CSR Desk) at P.O. Box 1750, Falling Waters, WV 25419–1750.

(3) By calling the CSR Desk toll free number: 1–866–603–5476.

(4) By requesting it, via e-mail, to [csrdesk@nvdc.uscg.mil](mailto:csrdesk@nvdc.uscg.mil).

Application for  
CONTINUOUS SYNOPSIS RECORD

**I. APPLICATION**

1. VESSEL NAME:

2. IMO NUMBER:

3. OFFICIAL NUMBER:

4. DATE OF ORIGINAL DOCUMENTATION:

5. FLAG STATE: United States

6. HAILING PORT:

7. NAME AND ADDRESS OF CURRENT  
MANAGING OWNER:

8. NAME AND ADDRESS OF CURRENT REGISTERED  
BAREBOAT CHARTERER(S):

9. NAME AND ADDRESS(ES) OF COMPANY  
AS DEFINED IN SOLAS REGULATION IX/1

10. CLASSIFICATION SOCIETY(IES):

11. ADMINISTRATION/RECOGNIZED ORGANIZATION  
THAT ISSUED DOCUMENT OF COMPLIANCE:

12. ADMINISTRATION/RECOGNIZED ORGANIZATION  
THAT ISSUED ISM CERTIFICATE:

13. ADMINISTRATION/RECOGNIZED ORGANIZATION  
THAT ISSUED ISS CERTIFICATE:

**II. CONSENT AND CERTIFICATION**

I CERTIFY THAT I AM LEGALLY AUTHORIZED TO EXECUTE THIS APPLICATION IN THE CAPACITY SHOWN AND THAT THE INFORMATION PROVIDED HEREIN IS COMPLETE AND CORRECT:

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED OFFICER/PERSON

\_\_\_\_\_  
CAPACITY OF AUTHORIZED OFFICER/PERSON

\_\_\_\_\_  
PRINTED NAME OF AUTHORIZED OFFICER/PERSON

\_\_\_\_\_  
AUTHORIZING COMPANY

DATE: \_\_\_\_\_

PHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_



**Amendments to the Continuous Synopsis Record  
(CSR) Document Number \_\_\_\_ for the ship with  
IMO Number: \_\_\_\_\_**

Information	
1	This document applies from (date):
2	Flag State:
3	Date of registration with the State indicated in 2:
4	Name of ship and official number:
5	Port of registration (Hailing Port):
6	Name of current registered owner(s): Registered address(es):
7	If applicable, name of current registered bareboat charterer(s): Registered address(es):
8	Name of Company (International Safety Management): Registered address(es): Address(es) of its safety management activities:
9	Name of all classification societies with which the ship is classed:
10	Administration/Government/Recognized Organization which issued Document of Compliance: Body which carried out audit (if different):
11	Administration/Government/Recognized Organization which issued Safety Management Certificate: Body which carried out audit (if different):
12	Administration/Government/Recognized Security Organization which issued International Ship Security Certificate: Body which carried out verification (if different):
13	Date on which ship ceased to be registered with the State indicated in 2:



[REDACTED]

**CONTINUOUS SYNOPSIS RECORD DESK**  
 Address, [REDACTED] And Phone Listing

Address:  
**CSR DESK**  
 [REDACTED]  
 National Vessel  
 Documentation Center  
 792 T J Jackson Drive  
 Falling Waters, WV 25419  
 [REDACTED]

Phone Numbers:  
**1-866-603-5476**  
 Toll Free: [REDACTED]  
 [REDACTED]

Hours: 7:30 a.m. to 5:00 p.m.  
 (Eastern Standard Time)

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]



[REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]

# INTERIM INTERNATIONAL SHIP SECURITY CERTIFICATE

Certificate Number.....

Issued under the provisions of the  
INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES  
(ISPS CODE)



under the authority of the Government of  
**THE UNITED STATES OF AMERICA**  
by the UNITED STATES COAST GUARD

Name of ship.....

Distinctive number or letters.....

Port of registry.....

Type of ship.....

Gross tonnage.....

IMO Number.....

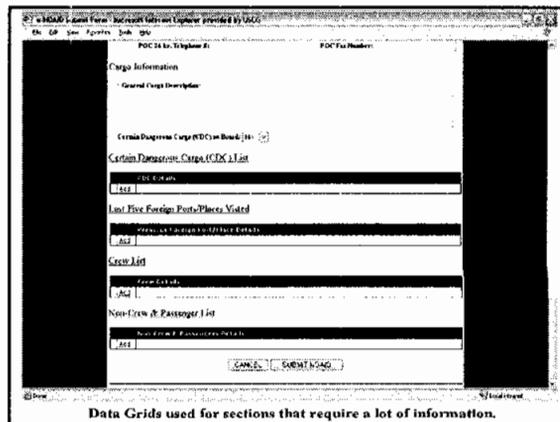
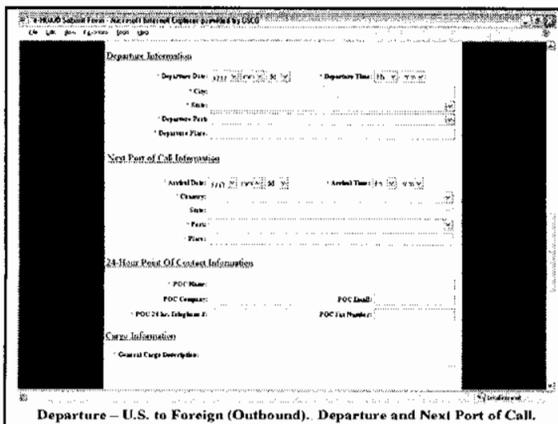
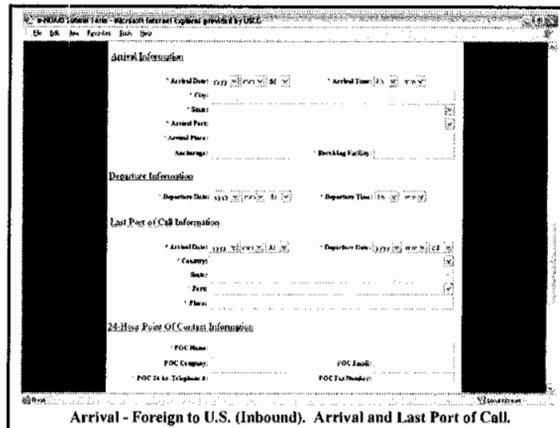
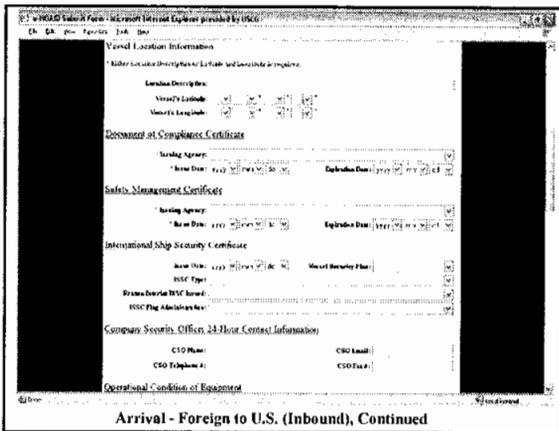
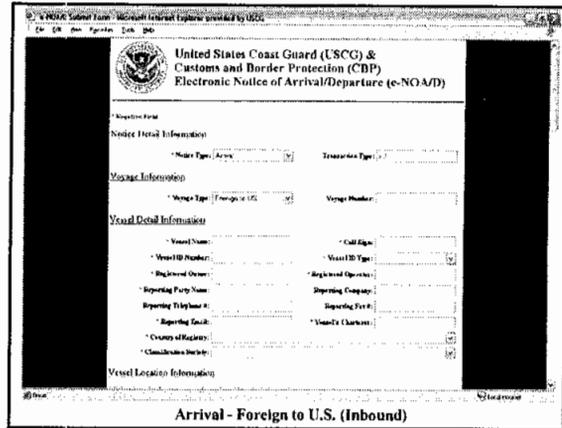
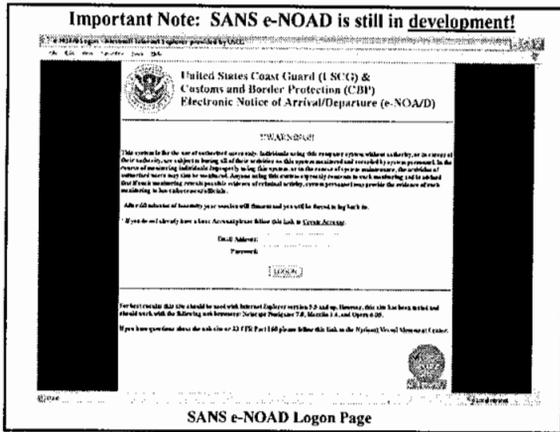
Name and address of Company.....

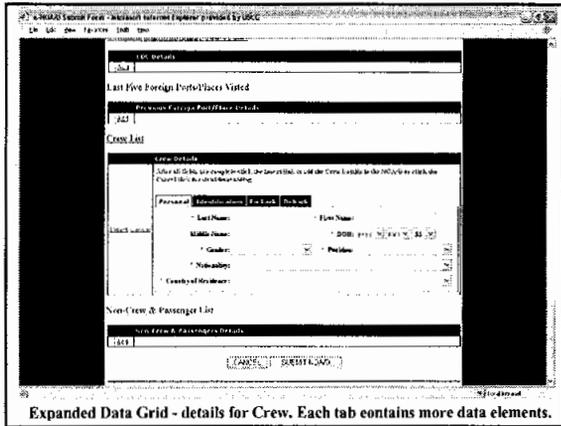
An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 5 minutes. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001 or Office of Management and Budget, Paperwork Reduction Project (1625-0017), Washington DC 20503.

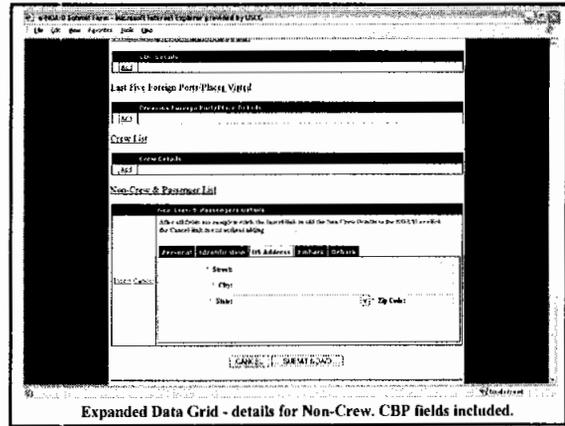
6







Expanded Data Grid - details for Crew. Each tab contains more data elements.



Expanded Data Grid - details for Non-Crew. CBP fields included.

# Towing Safety Advisory Committee

Jeffrey E. Parker  
Chairman

Allied Transportation Co.  
P.O. Box 717  
Norfolk, Virginia 23501

## Status Report of the TSAC Working Group on Barge Anchoring and Retrieval Systems

### Task Statement 99-01a: Feasibility of Developing and Using Remotely Operated Anchor Release Devices on Barges

March 17, 2004

In 1999, TSAC was tasked with investigating and preparing a written report to the Coast Guard listing manufacturers and organizations currently engaged in R&D of remotely operated anchoring systems for tank barges and the feasibility of implementing them, as well as identifying problems associated with the application of these anchoring systems and determining the risk to crewmembers while remotely deploying an anchor (TSAC Task Statement 99-01a) (*copy attached*). This Task Statement was developed in response to a recommendation made by the NTSB in its report on the 1996 fire aboard the tug SCANDIA and the subsequent grounding/oil spill of the tank barge NORTH CAPE. The NTSB recommendation (M-98-108) was that the Coast Guard, in conjunction with the towing vessel industry, should develop modern remote anchoring release devices for barges in emergencies, that do not expose crewmen to unnecessary risks, and then require utilization of such devices.

TSAC work on this Task Statement was deferred pending completion of the Coast Guard's rulemaking projects on "Towing Vessel Safety" (Docket No. USCG-1998-4443; Interim Rule 12/30/98; 63 FR 71754); "Emergency Control Measures for Tank Barges" (Docket No. USCG-1998-4443; Final Rule 5/19/00; 65 FR 31806); "Fire Protection Measures for Towing Vessels" (Docket No. USCG-1998-4445; Final Rule 8/28/00; 65 FR 52043); and "Fire-Suppression Systems and Voyage Planning for Towing Vessels" (Docket No. USCG-2000-6931; Interim Rule with request for comments 4/29/03; 68 FR 22604). In its recommendations on these various rulemakings, TSAC did not take a position *per se* on use of remotely operated anchoring devices, but instead recommended alternative safety equipment and barge retrieval devices that could include an operable anchoring system. In its 2000 Final Rule on "Emergency Control Measures for Tank Barges" the Coast Guard adopted a requirement that all single hull tank barges be equipped with an operable anchoring system and either an emergency retrieval system or alternative system approved by the Coast Guard.

Task Statement 99-01a has remained dormant to date. In the meantime, the Coast Guard has responded to the NTSB with a statement to the effect that its action under NTSB recommendation M-98-108 is complete and it requested that NTSB assign it the status of "Closed—Acceptable Alternate Action." NTSB apparently has not accepted the Coast Guard's requested designation and has asked the Coast Guard to reconsider its position.

The Working Group has taken the foregoing information into account and, after reconsideration, it continues to believe—and takes the position—that no further work on this Task Statement is warranted. Moreover, it takes the position that the Working Group on Barge Anchoring and Retrieval Systems should be disbanded and Task Statement 99-01a closed out. The Working Group proposes that TSAC adopt the following recommendation, which contains the explanation for such recommendation:

\* \* \* \* \*

**ENCLOSURE(7)**

TSAC Recommendation No. \_\_\_\_\_ [DRAFT]

The Towing Safety Advisory Committee supports the U.S. Coast Guard's request to the National Transportation Safety Board that the Coast Guard action under NTSB Recommendation M-98-108 be assigned the status of "Closed—Acceptable Alternate Action." Moreover, TSAC does not believe that any further action on Task Statement 99-01a, "Feasibility of Developing and Using Remotely Operated Anchor Release Devices on Barges," is necessary, and recommends that Task Statement 99-01a be closed out. The reasons for this recommendation are as follows:

- The NTSB's 1998 recommendation has been overtaken by time and by subsequent rulemaking initiatives undertaken by the U.S. Coast Guard.
- By the time any studies and recommendations could be made by TSAC, the single hull tank barges to which a remotely operated anchoring system would apply would be phased out of service according to the retirement schedule set forth in the Oil Pollution Act of 1990 in favor of double hull tank barges.
- TSAC agrees that, pursuant to the Coast Guard's Final Rule on "Emergency Control Measures for Tank Barges," a remotely operated anchoring system could be proposed by a tank barge operator for approval by the Coast Guard as an "alternative barge retrieval system."
- One of TSAC's members served on the SCANDIA/NORTH CAPE before the 1996 fire and oil spill incident and strongly believes that a remotely operated anchoring system may not have prevented the incident and that there is no need for such devices.
- Anchoring systems—whether remotely operated or not—are not feasible for many oceangoing towing vessels operating in deeper coastal and ocean waters, such as on the West Coast; thus, the universe of towing vessels to which a remotely operated system could be applied would be rather limited to, *e.g.*, inland towing vessels or towing vessels operating on lakes, bays and sounds or shallower coastal waters.
- TSAC is unaware of the existence of any U.S. manufacturer of remotely operated anchor devices or systems and there is a lack of commercially available remote anchor release systems.
- TSAC believes there would be numerous technical and operational problems associated with such equipment that, without extensive study, could not be analyzed or the risks to crewmen assessed.

Towing Safety Advisory Committee (TSAC)

TASK STATEMENT

TASK 99-01a

- I. TASK TITLE: Feasibility of developing and using remotely operated anchor release devices on barges.
- II. BACKGROUND: The National Transportation Safety Board (NTSB) conducted an investigation of the fire on the tug SCANDIA and the subsequent grounding/oil spill of the tank barge it was towing, the NORTH CAPE. The NTSB issued fourteen recommendations directing Coast Guard response and/or action to mitigate oil spills from tank barges and fires on tugs.
- The NTSB recommendation that this task statement seeks to answer is:  
“In conjunction with the towing vessel industry, develop modern remote anchor release devices for barges in emergencies that do not expose crewmen to unnecessary risks and require their utilization. (M-98-108)”
- The Coast Guard issued a Notice of Proposed Rulemaking in October 1997, as mandated by Congress following the NORTH CAPE grounding and oil spill, to require anchoring, as well as retrieval, systems on single-hulled, non-self-propelled tank vessels operating in open ocean or coastal waters. The interim rule is expected to be published before the end of the year.
- III. PROBLEM: Evaluate the feasibility of developing, installing and using remotely operated anchoring systems on barges.

IV. TASK

A. Description:

1. The Coast Guard requests a written report listing manufacturers and organizations currently engaged in R&D of remotely operated anchoring systems for tank barges and the feasibility of implementing them.
2. TSAC should also identify problems associated with the application of these anchoring systems and determine the risk to crewmembers while remotely deploying an anchor.

B. Estimated time to complete this task:

1. Interim verbal report to be given to the Coast Guard technical representative by 31 March 1999.

2. Final written report to be given to the Executive Director by 30 June 1999.

C. Recommended professional qualifications:

1. Member(s) should have a general knowledge and/or background in towing vessel operations, and specifically knowledge on any type of anchoring evolution; and

2. Be familiar with the hazards that the crew and/or vessel/barge may be exposed to during the anchoring evolution.

D. Coast Guard Technical Representative:

Mr. Allen W. Penn

Phone: (202) 267-0162

FAX: (202) 267-4816

Mailing Address: Commandant (G- MSE-1)

2100 2nd St., SW

Washington, DC 20593-0001

# **TOWING SAFETY ADVISORY COMMITTEE (TSAC)**

## **TASK STATEMENT**

### **Task # 03-01**

#### I. TASK TITLE

Regulatory Review of Travel Time for Towing Vessel Crewmembers

#### II. BACKGROUND

G-MOC Policy Letter 4-00, "Watchkeeping and Work-hour Limitations on Towing Vessels, Offshore Supply Vessels (OSV) & Crew Boats Utilizing a Two Watch System," was presented at the TSAC meeting in Memphis in September 2000. At this meeting, the public was encouraged to submit comments. As a result, the Coast Guard received a Petition for Rulemaking in accordance with Title 33, Code of Federal Regulations (33 CFR) 1.05-20. The petition asks the Coast Guard to adopt into its regulations language similar to that of the Federal Railroad Administration's regulation at 49 CFR 228.7(a)(4) that considers "on-duty" time to include "time spent in deadhead transportation en route to a duty assignment."

#### III. PROBLEM STATEMENT

The petition was generated as a result of a study by the National Transportation Safety Board (NTSB) titled "Evaluation of U.S. Department of Transportation Efforts in the 1990s to Address Operator Fatigue," NTSB/SR-99/01.

The petitioner believes the above-mentioned G-MOC policy letter deals, in part, with this matter and is concerned with the definition of "travel" time as it appears in paragraph 2.d. of that letter. He is further concerned that the phrase "neutral time," as it is used in that paragraph, is not defined in the letter, and believes that could lead a mariner and an employer to a possible misunderstanding regarding whether the mariner is expected to go on watch immediately upon arriving at the vessel, or waiting until he/she has received the required rest. This situation could result in a fatigue-related accident if a mariner were required to work without an adequate period of rest.

#### IV. TASK

1. Direct the Regulatory Review Working Group to perform the following tasks:
  - a) Review NTSB/SR-99/01 and the railroad regulatory scheme found at 49 CFR 228.7(a)(4);
  - b) Review current towing industry practice concerning travel time for crewmembers;
  - c) Consider the range of options available to address the issue of travel time for crewmembers, and the benefits and disadvantages of each;
  - d) Consider related information the Working Group deems appropriate; and
  - e) Submit a report to the Coast Guard outlining findings and recommendations.

V. ESTIMATED TIME TO COMPLETE TASK

The Working Group should provide an interim report at the spring 2004 TSAC meeting and a final report at the fall 2004 meeting, unless it believes that it can deliver a direct final report at the spring 2004 meeting.

VI. COAST GUARD TECHNICAL REPRESENTATIVES

Mr. Scott Kuhaneck

Office of Compliance, Vessel Compliance Division, (G-MOC-1)

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VII. TSAC CONTACT

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U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
United States Coast Guard

2100 Second Street, SW  
Washington, DC 20593  
Staff Symbol: G-MOC-1  
Phone: (202) 267-2978

16711  
POLICY LTR 4-00,  
REV-1  
APR 26 2001

G-MOC POLICY LETTER 4-00, REV-1

Subj: WATCHKEEPING AND WORK-HOUR LIMITATIONS ON TOWING VESSELS, OFFSHORE SUPPLY VESSELS (OSV) & CREW BOATS UTILIZING A TWO WATCH SYSTEM

Ref: (a) Title 46 United States Code (46 USC) Part F – Manning of Vessels  
(b) Title 46 Code of Federal Regulations (46 CFR) Part 15 – Manning Requirements  
(c) USCG Marine Safety Manual, Volume III, Chapters 20 through 26 – Marine Industry Personnel  
(d) Title 46 United States Code (46 USC) §2114 – Protection of Seamen Against Discrimination  
(e) Title 46 United States Code (46 USC) §3315 – Disclosure of Defect & Protection of Informants

1. The purpose of this policy letter is to, in one document, summarize and clarify references (a) – (e) as they pertain to work-hour limitations and watchkeeping for licensed operators and other mariners on towing vessels, offshore supply vessels and crew boats utilizing a two watch system. Related to this subject is the concern that exceeding work-hour limitations leads to the diminution of crew alertness that could contribute to human factors type accidents. The problems associated with diminution of crew alertness are of particular concern even when operating within the constraints of the law. The Coast Guard is currently conducting research on improving crew alertness by identifying the extent to which various aspects of shipboard life/operations may be contributing to the diminution of crew alertness and subsequent unsafe conditions. This policy will further clarify the responsibilities of mariners, vessel owners, operators, masters and the Coast Guard concerning crew alertness and actions necessary to prevent casualties as a result of fatigue. Finally, this policy summarizes the protections afforded to individuals who report to the Coast Guard on violations of the applicable statutes.

2. Definitions

The following definitions are consistent with previous Coast Guard policies or Coast Guard regulations.

- a. *Emergency* is an unforeseen development that imposes an immediate hazard to the safety of the vessel, the passengers, the crew, the cargo, property, or the marine environment, requiring urgent action to remove or mitigate the hazard.
- b. *Overriding operational conditions* are circumstances in which essential vessel work cannot be delayed for safety or environmental reasons, or could not reasonably have been anticipated at the commencement of the voyage.

**ENCLOSURE(9)**

- c. *Rest* means a period of time during which the person concerned is off duty, is not performing work, including administrative tasks such as chart corrections or preparation of port entry documents, and is allowed to sleep without being interrupted.
- d. *Travel time* to a vessel is considered to be neutral time as it is normally not considered to be “rest,” “off-duty,” or “work” time, but all relevant circumstances should be considered in evaluating whether a mariner complies with the applicable “rest” required by STCW or “off-duty” requirements specified in 46 U.S.C. §8104(a).
- e. *Watch* is activity related to the direct performance of vessel operations, whether deck or engine, where such operations would routinely be controlled and performed in a scheduled and fixed rotation. The performance of maintenance or work necessary to the vessel’s safe operation on a daily basis does not in itself constitute the establishment of a watch. However, the latter does count towards the hours of work that can be required by an employer.
- f. *Work* is any activity that is performed on behalf of a vessel, its crew, its cargo, or the vessel’s owner or operator. This includes standing watches, performing maintenance on the vessel or its appliances, unloading cargo, or performing administrative tasks, whether underway or at the dock.

The definitions above for “overriding operational conditions” and “rest” are used in situations where the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, applies.

### 3. Watchkeeping, Work-hour Limitations and Manning Requirements

- a. Watchkeeping requirements, work-hour limitations and manning requirements for mariners on towing vessels, offshore supply vessels and crew boat, as applicable, are comprehensively addressed in references (a) – (c). As a ready reference, enclosure (1) summarizes these requirements.
- b. In establishing the safe manning level for an inspected vessel, the Coast Guard Officer in Charge, Marine Inspection (OCMI) must consider many factors in addition to the statutory and regulatory requirements, including reasonable work-hour limits. Owners and operators who establish manning levels on uninspected vessels must consider such limits as well. These factors are specifically outlined in reference (c). In addition, OCMI may increase the manning of a particular vessel if, through the course of a casualty or other type of investigation, an increase is deemed necessary for the safe operation of the vessel.
- c. The law that addresses watchkeeping and working hours on the subject vessels is found in reference (a), specifically 46 U.S.C. §8104. This section of the law includes requirements for officers to have an off-duty period before taking charge of the deck watch prior to departing port, watch rotations on vessels, and specific work-hour provisions for various types of vessels.

- d. 46 U.S.C. §8104(d) requires merchant vessels of 100 gross tons and above, when at sea, to be manned for a three-watch system, and mariners shall be kept on duty successively to perform ordinary work incident to the operation and management of the vessel. This section of the law also states that a mariner cannot be required to work for more than 8 hours in one day. There are certain exceptions to the work-hour limitations relevant to the docking/undocking, conducting emergency drills, actual emergency situations or overriding operational conditions that compromise the safety of the vessel and its passengers and crew (See 46 U.S.C. §8104(f) in which a mariner can be required to work more than 8 hours in a day. Mariners subject to 46 U.S.C. §8104(d) can consent to work in excess of 8 hours in a day.
- e. 46 U.S.C. §8104(g) permits licensed individuals and crewmembers of towing vessels, offshore supply vessels, and barges, when engaged on voyages of less than 600 nautical miles, when at sea, to be divided into at least 2 watches. The Coast Guard interprets this section of the law to mean that a mariner can be scheduled to work 12 hours in any consecutive 24-hour period, provided the mariner consents to work more than 8 hours in a day.
- f. 46 U.S.C. §8104(h) establishes that licensed operators of towing vessels subject to 46 U.S.C. §8904 may not work in excess of 12 hours in any consecutive 24-hour period, except in an emergency.

#### 4. STCW

In addition to the work-hour limitation requirements outlined above, STCW adds specific rest requirements for vessels operating outside the boundary line (12 miles in the Gulf of Mexico). As a general matter, U.S. regulations impose the STCW requirements on all commercial seagoing vessels (as defined in 46 CFR 15.1101(a)(3)) in international service and to all commercial seagoing vessels of 200 gross register tons and above on domestic and international voyages. The STCW addresses both short-term and long-term rest requirements for watchkeeping personnel.

- a. Persons assigned to navigational or engineering watches shall receive a minimum of 10 hours rest in any 24-hour period.
- b. The hours of rest may be divided into no more than two periods, of which one must be at least 6 hours in length.
- c. Rest periods may be interrupted in case of emergency, drill, or other overriding operational conditions.
- d. The minimum 10-hour rest period may be reduced to not less than 6 consecutive hours as long as no reduction extends beyond 2 days and not less than 70 hours of rest are provided in each 7-day period.
- e. The minimum period of rest required may not be devoted to watchkeeping or other duties.

- f. Watchkeeping personnel remain subject to the work-hour limits and exceptions found in reference (a).

## 5. Responsibilities

Mariners, owners/operators, and the Coast Guard have separate responsibilities for compliance with, and enforcement of, the work-hour limitation laws. The subparagraphs below provide general guidance regarding the responsibility of each party.

- a. Mariners have an individual responsibility to obey the law and are also responsible for reporting suspected watchkeeping and work-hour violations to the Coast Guard. The master of a vessel is ultimately responsible for the safety of the vessel, passengers and crew, cargo, and the environment. To carry out this responsibility the master must ensure that he/she and the crew are properly rested and complying with the law. The master must communicate with the owner/operator to ensure realistic goals are set. If management exerts pressure to exceed the law, the mariner is encouraged to report this situation to the local Coast Guard OCMI. Paragraph 6 of this policy letter describes protections afforded to mariners when reporting violations to the OCMI. While the definition of work includes activities which are required for the vessel to be operated safely, a minimal amount of *de minimis* activities would generally not be considered a violation of this rule. Examples of such *de minimis* activities include: those which are necessary to ensure continued safe operation of the vessel (i.e. information exchange at watch change); safety meetings; and drills and training which can only be conducted underway.
- b. Owners/operators, like mariners, are responsible for obeying the law. Companies should ensure employees are informed of the law and educated regarding safety concerns of not getting adequate rest. They should be aware of operational demands and work hours required to complete expected tasks on board their vessels. 46 U.S.C. §8104(j) states that "the owner, charterer, or managing operator of a vessel on which a violation of subsection (c), (d), (e) or (h) of this section occurs is liable to the government for a civil penalty..." thus pointing out their responsibility to ensure compliance. They should provide unambiguous guidelines to the master regarding expectations to comply with safety requirements and the law when these are in conflict with operational demands.
- c. Finally, the Coast Guard is charged with enforcement of the law. The Coast Guard can initiate an investigation based on confidential information provided by mariners during the vessel inspection process, anonymous tips called into a Coast Guard Marine Safety Office, or through the findings of a Coast Guard marine casualty investigation. The latter may also bring consequences for the mariners involved or the vessel's owner/operators. When the Coast Guard determines that a casualty occurred because of a violation of law, an appropriate action, a suspension and revocation proceeding, and/or a civil penalty may be recommended. However, as described below, protections exist for the mariner reporting deficiencies or illegal operations. OCMI's should ensure that all responsible parties within their area of responsibility are aware of

the requirements of the law and particularly the importance that rest plays in ensuring safe operations.

It should be noted that the Coast Guard, by 46 CFR 5.71, is prohibited from exercising its authority for the purposes of favoring any party to a maritime labor controversy. However, if a situation is encountered that affects the safety of a vessel or persons on board, the Coast Guard will initiate an investigation and pursue appropriate action when a violation of statute or regulation is discovered. A particular situation that has generated confusion and concern involves the requirement found in 46 U.S.C. §8104(a), which states that an officer taking charge of the deck watch on a vessel leaving port must have at least 6 hours of off-duty time in the 12 hours immediately before leaving port. While an owner/operator cannot be held accountable for the time a mariner has off, they are responsible for the time that an individual is on the dock or on the vessel while in port, and can be expected to verify that the individual has had an opportunity for rest regardless of where he/she has been prior to performing the assigned duties. The owner/operator cannot expect a mariner to participate in extensive preparations for getting underway and also be rested enough to take the navigation watch without providing an opportunity for the minimum off-duty time required by 46 U.S.C. §8104(a). Similarly, the mariner is responsible for arriving at the vessel properly rested.

#### 6. Protections

The Coast Guard has historically depended on individuals involved with the maritime industry to report violations or unsafe vessel conditions when they occur. In the absence of mariner reporting, the Coast Guard is limited to discovering these types of violations through casualty investigations, or by chance during a scheduled inspection. To prevent retaliation for reporting violations to the Coast Guard, Congress enacted specific protections for mariners that make reports of violations to the Coast Guard. The following cites represent the obligation and protections afforded to mariners for reporting violations of the law or regulations to the Coast Guard.

- a. 46 U.S.C. §2114 provides protection to seamen against any form of discrimination, including discharge, for reporting a violation of any law or regulation issued under the authority of Title 46.
- b. 46 U.S.C. §3315(a) requires licensed officers serving on inspected vessels to assist the Coast Guard in the inspection of their vessels as well as point out defects and imperfections known to them. This includes any violations of work or watch standing limitations.
- c. 46 U.S.C. §3315(b) prohibits any official of the Coast Guard from disclosing the identity of any individual that provides information on vessel defects, imperfections, and overall safety of an inspected vessel on which he or she is serving. This includes information on watchkeeping and work hours.

- d. The identity of any mariner who reports an unsafe condition on any vessel, inspected or uninspected, is also protected in accordance with the Freedom of Information Act (FOIA) exemptions and Department of Transportation (DOT) regulations (49 CFR 7).

  
J. D. SARUBBI

Distribution: District (m) offices  
All MSOs/MSDs/Activities  
All RECs  
NMC(4c)

**TOWING VESSEL WORK-HOUR TABLE**

GROSS TONNAGE	ROUTE	LENGTH OF VOYAGE	REFERENCED WORK-HOUR LIMITS	KEY CITE(S)
LESS THAN 100	INLAND	ANY LENGTH	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(b) & (h)
LESS THAN 100	OCEANS	LESS THAN 600 NM	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(b) & (h)
LESS THAN 100	OCEANS	MORE THAN 600 NM	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(b) & (h)
LESS THAN 100	GL	ANY LENGTH	8/12/15 HOURS	46 USC 8104(c)
MORE THAN 100	GL	ANY LENGTH	8/12/15 HOURS	46 USC 8104(c) & (d)
100 - 200	INLAND	ANY LENGTH	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(h)
100 - 200	OCEANS	LESS THAN 600 NM	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(g), (h) & (d)
100 - 200	OCEANS	MORE THAN 600 NM	12 HOURS	46 CFR 15.705(d) & 46 USC 8104(d) & (h)
MORE THAN 200	INLAND	ANY LENGTH	12 HOURS	46 USC 8104(h)
MORE THAN 200	OCEANS	LESS THAN 600 NM	12 HOURS	46 USC 8104(g), (h) & (d)
MORE THAN 200	OCEANS	MORE THAN 600 NM	8 HOURS	46 USC 8104(d) & (h)

Route definitions: Oceans refers to all non-inland routes except GL  
GL refers to Great Lakes routes

**OSV MANNING AND WATCHKEEPING TABLE**

LESS THAN 100	OCEANS	LESS THAN 600 NM	12 HOURS	46 USC 8104(b) & (g)
LESS THAN 100	OCEANS	MORE THAN 600 NM	12 HOURS	46 USC 8104(b)
MORE THAN 100	OCEANS	LESS THAN 600 NM	12 HOURS	46 USC 8104(g) & (d)
MORE THAN 100	OCEANS	MORE THAN 600 NM	8 HOURS	46 USC 8104(d)

**CREW BOAT MANNING AND WATCHKEEPING TABLE**

LESS THAN 100	OCEANS	ANY LENGTH	12 HOURS	46 USC 8104(b)
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Note: 46 USC 8104(h) limits all licensed operators on towing vessels 26 feet or over to working no more than 12 hours a day except in an emergency.

46 USC 8104(c) allows crewmembers on GL towing vessels to work up to 15 hours in 1 day, but they are limited to working no more than 36 hours in any 72 hour period.

46 USC 8104(d) states that a licensed individual or seaman in the deck or engine department may not be required (but can consent) to work more than 8 hours in one day (on a vessel of more than 100 gross tons when at sea).

46 USC 8104(g) states that voyage of less than 600 miles, the licensed individuals and crewmembers may be divided when at sea, into at least 2 watches.

46 USC 8104(b) states that licensed crewmembers on vessels less than 100 GT on coastwise or oceans voyages are not required to work more than 12 hours in one day.

46 CFR 15.705(d) permits a 2 watch system on all tow vessels less than 200 GT regardless of voyage length.

**CAUTIONARY NOTICE:**

This table should only be used in conjunction with the G-MOC policy letter 4-00

Vessel operators/owners/masters are responsible for ensuring the vessel is adequately manned and the crew has adequate opportunity for rest.

Mariners can not be required to work more than 8 hours a day while at sea on a vessel of 100 GT or more. The law allows for circumstances that authorize the use of a 2-watch system that allows mariners to consent to working more than 8 hours. Also, the law has other provisions that can limit the hours a mariner can work.

[Code of Federal Regulations]  
[Title 49, Volume 4]  
[Revised as of October 1, 2002]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 49CFR228.7]

[Page 276-277]

TITLE 49--TRANSPORTATION

CHAPTER II--FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF  
TRANSPORTATION

PART 228--HOURS OF SERVICE OF RAILROAD EMPLOYEES--Table of Contents

Subpart B--Records and Reporting

Sec. 228.7 Hours of duty.

(a) For purposes of this part, time on duty of an employee actually engaged in or connected with the movement of any train, including a hostler, begins

[[Page 277]]

when he reports for duty and ends when he is finally released from duty,  
and includes--

- (1) Time engaged in or connected with the movement of any train;
- (2) Any interim period available for rest at a location that is not a designated terminal;
- (3) Any interim period of less than 4 hours available for rest at a designated terminal;
- (4) Time spent in deadhead transportation en route to a duty assignment; and
- (5) Time engaged in any other service for the carrier.

Time spent in deadhead transportation by an employee returning from duty to his point of final release may not be counted in computing time off duty or time on duty.

(b) For purposes of this part, time on duty of an employee who dispatches, reports, transmits, receives, or delivers orders pertaining to train movements by use of telegraph, telephone, radio, or any other electrical or mechanical device includes all time on duty in other service performed for the common carrier during the 24-hour period involved.

(c) For purposes of this part, time on duty of an employee who is engaged in installing, repairing or maintaining signal systems includes all time on duty in other service performed for a common carrier during the 24-hour period involved.

[37 FR 12234, June 21, 1972, as amended at 43 FR 3124, Jan. 23, 1978]

**ENCLOSURE(10)**

**National Boating Safety Advisory Council  
April 24-27, 2004 Meeting  
Norfolk, Virginia**

**RESOLUTION NUMBER 2004-73-02**

**STATUTORY AUTHORITY FOR USCG TO REQUIRE  
BOAT OPERATOR PROOF OF PROFICIENCY**

**WHEREAS**, the National Association of State Boating Law Administrators (NASBLA) has developed a Model Act on Mandatory Boating Safety Education, and

**WHEREAS**, 16 states have adopted the standards of the NASBLA Model Act and 27 states have adopted mandatory safety education laws that do not contain all of the elements of the aforementioned Model Act, and

**WHEREAS**, a few states have been reluctant to accept reciprocity with certain other states' laws with less stringent requirements on mandatory boating safety education,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting at Norfolk, Virginia on 27 April 2004, does hereby advise the U.S. Coast Guard to seek statutory authority that would require that a boat operator, on waters subject to the jurisdiction of the United States, possess a certificate showing completion of an instructional course or its equivalent, which meets the NASBLA Standards on Boating Safety Education and the elements of the NASBLA Model Act.

**ENCLOSURE(11)**

**National Boating Safety Advisory Council  
April 24-27, 2004 Meeting  
Norfolk, Virginia**

**RESOLUTION NUMBER 2004-73-06**

**REQUESTED STUDY OF BARGE LIGHTING  
TO ENHANCE RECREATIONAL BOATING SAFETY**

**WHEREAS**, conflicts between commercial and recreational vessels exist, and

**WHEREAS**, there is a concern that inadequate barge lighting is contributing to recreational boating accidents across the nation, and

**WHEREAS**, the benefits and disadvantages of requiring supplemental marker lights at each barge coupling along the outboard sides of the tow or any other location on the tow to improve recreational boating safety are not known, and

**WHEREAS**, the U.S. Coast Guard was not successful in getting a grant application to study this problem as a project area in the fiscal year 2004 grants and cooperative agreements from national, non-governmental, nonprofit, public service organizations process,

**NOW, THEREFORE, BE IT RESOLVED**, that the National Boating Safety Advisory Council, meeting in Norfolk, Virginia on 27 April 2004, does hereby requests that the U.S. Coast Guard seek out alternative funds and organizations to address the project area of Navigation Lighting on Barges as published in the Federal Register on October 8, 2003 in an effort to improve recreational boating safety around barges.

# TOWING SAFETY ADVISORY COMMITTEE (TSAC)

## TASK STATEMENT

### Task 03-03

#### I. TASK TITLE:

Addition of ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers to the Coast Guard Certain Dangerous Cargo (CDC) definition.

#### II BACKGROUND:

In response to the events of September 11, 2001, the Coast Guard partnered with industry and engaged the public in an effort to develop maritime security regulations that would provide maximum protection to our ports, waterfront facilities, and vessels transiting our waters while resulting in minimal disruption to the public and our commerce. As part of this effort, the Coast Guard's Hazardous Materials Standards Division (G-MSO-3) was asked to redefine Certain Dangerous Cargoes (CDC). We were asked to capture just those "worst of the worst" cargoes that are thought to pose the greatest risk to populations that may be exposed to them as a result of a terrorist incident. The CDC definition as it currently exists in Title 33 Code of Federal Regulations (CFR), Part 160.203 does not include packaged "inhalation hazard" poisonous gas and liquid materials that are listed in the Department of Transportation (DOT) Hazardous Materials Table (HMT) found in 49 CFR 172.101, yet does include nearly 500 bulk liquid cargoes that are listed in Table 1 of 46 CFR 153. The absence of potentially deadly packaged materials and the inclusion of hundreds of bulk liquid cargoes that are not plausible contributors in a Weapon of Mass Destruction (WMD) scenario make the current CDC definition inadequate for use within the Coast Guard's new security regulatory scheme.

The Coast Guard recently published a revised CDC definition in the Notification of Arrival in U.S. Ports Federal Register Notice published in Vol. 68, No. 40, on February 28, 2003. This revised definition contains eight line items. The first six items apply only to packaged cargoes that are listed in the HMT. The last two items apply only to bulk liquid and liquefied gas cargoes that are listed in 46 CFR Subchapter O. By definition, all cargoes listed in the HMT and 46 CFR Subchapter O are capable of posing an unreasonable risk to health, safety, and property when transported in commerce and, therefore, are subject to some degree of regulation. However, most of these cargoes are not capable of causing death, injury, and damage of the type associated with WMD. We believe that those cargoes captured by the revised CDC definition pose the greatest risk to U.S. populations.

Bulk solid cargoes were considered, but not included in the revised CDC definition. The revised CDC definition was intended to capture only those "stand-alone" materials that pose the greatest risk. For example, ammonium nitrate and ammonium nitrate fertilizers that are allowed to be transported in bulk are classified either as an "oxidizer" (Division 5.1) or as a lower hazard known as "miscellaneous hazardous material" (Class 9) in the HMT. 49 CFR 173.127 defines an oxidizer as, "a material that may, generally by yielding oxygen, cause or enhance the combustion of other

**ENCLOSURE(12)**

materials.” Similarly, the National Fire Protection Association (NFPA) defines oxidizing material in their NFPA 495 Explosive Material Code as, “any solid or liquid that readily yields oxygen or other oxidizing gas or that readily reacts to oxidize combustible material.” In general, an oxidizer is a material that, usually by providing oxygen, helps another material burn. Thus, based on DOT classifications of ammonium nitrate and ammonium nitrate fertilizers as oxidizers or miscellaneous hazardous materials, these cargoes were not captured by the revised CDC definition. However, it should be noted that ammonium nitrate formulations, either dry or liquid, that meet the criteria for classification as an explosive material (Class 1), are captured in the revised CDC definition. These materials are permitted to be transported in packaged form only – not in bulk by vessel.

Much of the general literature that is available on ammonium nitrate leads one to believe that dry ammonium nitrate is capable of detonation only if properly mixed in specific proportions with a carbon (fuel) source. In fact, pure ammonium nitrate is classified as a Division 5.1 oxidizer in the DOT HMT because, in addition to demonstrating its ability to increase the burning rate/intensity of a combustible substance when the two are mixed, it does not meet recognized international Class 1 explosives test criteria that were developed by the UN and incorporated into the DOT Regulations. Typically, with the addition of a small amount of combustible material, ammonium nitrate, that is otherwise pure, can be sensitized to the point where it must be reclassified as an explosive material. A large amount of Class 1 ammonium nitrate in packaged form is transported each year for use in the production of mining products and fireworks.

The Bureau of Alcohol, Tobacco, and Firearms (ATF) and the Office of Naval Intelligence (ONI) have recently shown through independent research that pure, dry ammonium nitrate of Class 5.1 can be detonated, without the addition of a combustible material, if initiated with a sufficient amount of high explosive material. With hundreds of thousands of short tons of ammonium nitrate and ammonium nitrate fertilizer moving on U.S. waterways each year, the Coast Guard is concerned about its potential for misuse if not properly safeguarded.

### **III. PROBLEM STATEMENT:**

The Coast Guard is considering adding dry bulk ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers to its CDC definition. The Coast Guard recently published six interim rules to promulgate maritime security requirements mandated by the Maritime Transportation Security Act of 2002. Within these rules, CDCs are subject to restrictions and requirements that are above and beyond those that apply to all other regulated cargoes.

### **IV. TASK:**

1. Establish a working group to advise the Coast Guard on the anticipated impact within the towing industry should dry bulk ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers be included in the definition of Certain Dangerous Cargoes.
2. Review the research conducted by the ATF and ONI to determine its relevance to barge and towing industry operations.

3. Estimate the quantity of pure dry ammonium nitrate of Class 5.1 (70% or more by content) carried annually by barge on the U.S. inland and coastal waterways. (Data sources: U.S. Army Corps of Engineers, barge operators.)
4. Determine whether the need exists to add dry bulk ammonium nitrate and ammonium nitrate fertilizers classified as oxidizers to the CDC definition, and if so, whether there is a need to distinguish between the carriage of such cargoes on inland and coastal voyages.
5. Prepare a report outlining TSAC's findings and recommendations to the Coast Guard.

**V. ESTIMATED TIME TO COMPLETE TASK:**

Provide recommendations to the Coast Guard as soon as possible.

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**TOWING SAFETY ADVISORY COMMITTEE (TSAC)**  
**EXCERPTS FROM TASK STATEMENT**  
**Task 03-03**

**I. TASK TITLE:**

Addition of ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers to the Coast Guard Certain Dangerous Cargo (CDC) definition.

**IV. TASK:**

1. Establish a working group to advise the Coast Guard on the anticipated impact within the towing industry should dry bulk ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers be included in the definition of Certain Dangerous Cargoes.
  - a. A joint working group was formed between TSAC and CTAC to facilitate a recommendation to the Coast Guard on whether ammonium nitrate and ammonium nitrate fertilizers should be classified as CDC cargos.
2. Review the research conducted by the ATF and ONI to determine its relevance to barge and towing industry operations.
  - a. Security Sensitive Information was presented to members of the work group in a meeting at Coast Guard Headquarters in Washington DC. At this meeting and at follow up meetings it was concluded that there is an exposure to the barge and towing operators whom handle ammonium nitrate and ammonium nitrate fertilizers.
3. Estimate the quantity of pure dry ammonium nitrate of Class 5.1 (70% or more by content) carried annually by barge on the U.S. inland and coastal waterways. (Data sources: US Army Corps of Engineers, barge operators.)
  - a. Quantity of an ammonium nitrate or ammonium nitrate fertilizer ship by barge each year is approximately 900,000 to 1.1 million short tons. These figures were supported by the Fertilizer Institute and cross-referenced with US Army Corps of Engineers Waterborne Transportation Division.
4. Determine whether the need exists to add dry bulk ammonium nitrate and ammonium nitrate fertilizer classified as oxidizers to the CDC

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definition, and if so, whether there is a need to distinguish between the carriage of such cargoes on inland and coastal voyages.

- a. Whether there is a need to add ammonium nitrate and ammonium nitrate fertilizers to the CDC list is discussed in the following report. Presently there is no need to distinguish between inland and coastal voyages related to ammonium nitrate and ammonium nitrate fertilizers.

5. Prepare a report outlining TSAC's findings and recommendations to the Coast Guard.

- a. Please see the following report outlining TSAC's recommendations to the Coast Guard.

## TSAC REPORT ON TASK 03-03

To the United States Coast Guard on the addition of ammonium nitrate and ammonium nitrate fertilizers that are classified as oxidizers to the United States Coast Guard CDC definition.

This task was put before TSAC and CTAC at approximately the same time. Due to the overlapping assignments a joint work group was formed. Joint Co-chairs from TSAC were Ms. Jennifer K. Carpenter and Mr. Rex Woodward. CTAC Co- chairs were Ms. Alice Johnson and Mr. Paul Book. Many other work group members supported the 4 Co-chairs. Other participants and those having guidance and input into this task were representatives from chemical companies, ammonium nitrate producers, handlers, towing companies, fleeters, the Fertilizer Institute, ATF, ONI, USCG, USACE and AWO.

The anticipated impact of adding ammonium nitrate or ammonium nitrate fertilizers in bulk to the CDC list is discussed in the minutes of the work group (see attachment). Briefly, it would affect approximately 8,000 to 9,000 additional barges, 30 – 40 fleet operators, 60-80 fleet boats and 160 line haul vessels. If ammonium nitrate and ammonium nitrate fertilizers were added to CDC list, these vessels or facilities would fall under the MARSEC requirements thus having to file VSP's and FSP's.

The anticipated economic impact would be left to the USCG to determine. However, it should be noted that there are many mitigating economic impacts if ammonium nitrate and ammonium nitrate fertilizers are added to the CDC list.

The anticipated security impact should be strongly looked at. At this point, there are abundant concerns in the work group that by moving bulk ammonium nitrate and ammonium nitrate fertilizers to the CDC cargo list it would force this cargo from waterborne commerce, thus not only causing economic impacts but also increasing security exposure by putting in motion many more trucks or rail cars moving ammonium nitrate or ammonium nitrate fertilizers.

The SSI supplied by the ATF and ONI was very important to the work group. It provided us with valuable information on ammonium nitrate and ammonium nitrate fertilizers. It also created questions that remain unanswered. What effect would a 1500-ton barge of ammonium nitrate or ammonium nitrate fertilizers if exploded have, knowing that the barge is 9 foot deep in the water when loaded?

The quantity of ammonium nitrate and ammonium nitrate fertilizers carried by barge each year is approximately 900,000 tons (see notes). The large

majority of this is imported by vessel and loaded into barge and shipped to various facilities on the inland river system. It appears that most coastal shipments are offloaded from ships and moved by non-waterborne carriers.

### DISCUSSION:

1. By moving ammonium nitrate or ammonium nitrate fertilizers to the CDC list, the security exposure that may be created by the possibility of putting bulk, river-borne transportation onto highways or railways is an unknown factor to this work group.
2. If ammonium nitrate or ammonium nitrate fertilizers were added directly to the CDC list, the economic factors as discussed by the work group papers are unknown. .

Following is the recommendation voted on and approved by TSAC at the Public Hearing on 01/27/04.

### FINAL RECOMMENDATION:

#### **Recommendation #1:**

Amend the vessel special permit for ammonium nitrate and ammonium nitrate fertilizers under 46 CFR 148.01-9 (safety requirements). Add security requirements to special permits. This special parameter is already in place with the carriers of ammonium nitrate and ammonium nitrate fertilizers and should be amended to include the following security requirements:

1. These security requirements should be set by a USCG/Industry work group and should include reporting daily whereabouts to USCG as well as other security requirements the work group deems necessary. TSAC members recommend that a work group be formed to setup the parameters of handling and shipping Ammonium Nitrates and that this work group should work closely with USCG, CTAC and other industry representatives to achieve a cohesive agreement with all groups affected.

TOWING SAFETY ADVISORY COMMITTEE (TSAC)  
TASK STATEMENT 03-02

I. TASK TITLE

Mariner Deaths during Nighttime Barge Operations

II. BACKGROUND

In 2000, Marine Safety Unit (MSU) Baton Rouge was called on to investigate the deaths of two separate crewmen, both of which occurred during nighttime barge operations. The investigating officers in both cases attributed inadequate lighting as a significant factor in the deaths, and both investigating officers requested that the problem be submitted to TSAC for consideration and recommendation.

III. PROBLEM STATEMENT

The MSU investigating officers found that in both cases, the victims were relying on spot lights from the fleet tug; however, this light was blocked at the critical moment, leaving the victims unable to see where they were going. Both victims stepped off of the barge they were walking on and fell into the Mississippi River, where they subsequently died.

The cases studied by the MSU are not isolated incidents. A study of the Coast Guard's Marine Safety Information System (MSIS) database conducted by the MSU in 2000 revealed eight other similar incidents on the inland rivers in the previous four years. Of the eight incidents, all occurred at night, one was walking a tow while underway, and only one of the mariners lived.

IV. TASK

1. Establish a Nighttime Barge Operations Working Group to perform the following tasks:
  - a) Study the MSU Baton Rouge cases and conduct an analysis of barge and towing vessel crew fatalities to determine the scope of the problem: how frequently do such fatalities occur at night, and do the cases share similar characteristics? (Data sources: Coast Guard MISLE database, Coast Guard-AWO Safety Partnership.)

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- b) Consider the range of options to address the problem of nighttime crew fatalities, including the adequacy of lighting, other equipment, and work practices currently used during nighttime barge operations.
- c) Consider different lighting schemes that can be used to assist crewmen while walking on barges of different sizes, shapes, and drafts at night.
- d) Consider the benefits and disadvantages of the use of various types of handheld wide-beam floodlights, headlamps, or other equipment by crewmen during nighttime barge operations.
- e) Consider the benefits and disadvantages of using reflective paint on the decks of barges to highlight the barge's boundaries.
- f) Consider the benefits and disadvantages of other measures or work practices to reduce the risk of nighttime fatalities during barge operations.
- g) Submit a report to the Coast Guard outlining findings and recommendations.

V. ESTIMATED TIME TO COMPLETE TASK

Provide an Interim Report to the Committee at the spring 2004 meeting, and a Final Report at the fall 2004 meeting

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# **TOWING SAFETY ADVISORY COMMITTEE (TSAC)**

## **TASK STATEMENT**

### **Task # 04-02**

#### **I. TASK TITLE**

STCW Implementation for Coastal/Ocean Towing Vessels

#### **II. BACKGROUND**

In July 1995, the International Maritime Organization (IMO) adopted a comprehensive package of amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (STCW), which established international standards for the qualification and training of mariners on seagoing vessels. Existing license holders and crewmembers sailing on international or domestic ocean voyages were required to complete Coast Guard-approved "gap closing" training and obtain an STCW 95 certificate by February 2002. Mariners working on towing vessels over 200 gross register tons on near-coastal voyages were required to complete gap closing training and obtain an STCW 95 certificate by February 2003. New applicants who apply for an STCW endorsement after February 1, 2002, are subject to extensive new Coast Guard-approved training requirements and an assessment of competence in specified tasks.

#### **III. PROBLEM STATEMENT**

STCW made major changes to the process of obtaining a license as Master or Mate of vessels over 200 gross tons. These changes include extensive new Coast Guard-approved training requirements, an assessment of competence in specified tasks, and sea service requirements. Most mariners who held licenses before 2001 have successfully transitioned into the new STCW system. However, mariners who have attempted to upgrade their existing credentials and continue working in the towing industry since STCW came into effect and those mariners that did not hold licenses prior to 2001 are facing difficulties in being able to continue "up the hawsepipe" and obtain the required STCW credentials. Because of the extensive new STCW training requirements, mariners face significant challenges in being able to obtain the required STCW training while at the same time continuing to actively work in the towing industry. Mariners who would like to upgrade their existing licenses have also been hampered from doing so because of tonnage discrepancies between the U.S. domestic tonnage system (GRT) and the international tonnage system (ITC) and the different requirements in the domestic licensing regulations and the STCW requirements.

Enabling new mariners and current license holders to obtain STCW certificates is critical to preventing a serious deficit of qualified, experienced mariners and maintaining the continued vitality and safety of the towing industry. Mariners seeking new licenses and current license holders who wish to upgrade their licenses should be able to obtain the required STCW training in ways that are accessible to them and allow them to continue to work on vessels while advancing their careers.

**ENCLOSURE(15)**

#### IV. TASK

1. Establish an STCW Working Group that includes representatives from the towing industry, training institutions, and the Coast Guard to perform the following tasks:

(a) Develop ways to provide training that will be accessible to the working towing vessel mariner and meet Coast Guard standards for course approval. The Working Group should consider the feasibility of distance learning, computer based training, and a modular approach to training and testing.

(b) Identify towing industry concerns about current STCW implementation;

(c) Work with the Coast Guard's National Maritime Center to resolve any additional STCW-related implementation concerns identified in (b).

#### V. ESTIMATED TIME TO COMPLETE TASK

The working group will provide a status report at the fall 2004 TSAC meeting. At the spring 2005 meeting, the working group will present a final report on the above tasks and make a recommendation on the next steps and desired future of the working group.

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**TOWING SAFETY ADVISORY COMMITTEE (TSAC)**  
**TASK STATEMENT**

**Task # 04-01**

I. TASK TITLE

Record-keeping for Designated Examiners.

II. BACKGROUND

Candidates for licenses and endorsements authorizing service on towing vessels are required to demonstrate their skill and competence in the operation of towing vessels by successfully completing a series of practical, job-related tasks before a Coast Guard approved Designated Examiner (DE). DEs certify successful completion of the tasks in a Towing Officer Assessment Record (TOAR) carried and maintained by the candidate.

III. PROBLEM STATEMENT

Currently, DEs are not required to maintain any records concerning the assessments they have performed. This makes it impossible for the Coast Guard to independently verify the authenticity and veracity of TOARs submitted in application for licenses and endorsements. It also substantially impairs a mariner's ability to replace a TOAR that is lost. If a mariner cannot replace or recreate a lost TOAR, he or she may be forced to repeat training and assessment. In addition, the potential liability exposure of a DE may be either diminished or increased depending on the availability of records of their activities.

IV. TASK

Assign to the Licensing Implementation Working Group to perform the following tasks:

- a) Consider the benefits and disadvantages of requiring Coast Guard approved Designated Examiners to maintain records of their assessment of towing vessel license candidates.
- b) Make recommendations on the scope of records to be maintained, including the type of records to be kept, how long records should be maintained, and whether records should be submitted to the Coast Guard.
- c) Submit a report to the Coast Guard outlining findings and recommendations.

V. ESTIMATED TIME TO COMPLETE TASK

The working group will submit a report to the Coast Guard outlining findings and recommendations at the fall 2004 meeting

VI. COAST GUARD TECHNICAL REPRESENTATIVES

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**ENCLOSURE(16)**

### 3/17/04 TSAC Action Items

- TSAC agreed to draft a task statement on the oversize/overloaded tow issue for committee consideration at the fall meeting. The draft task statement should be circulated for member review in advance of the meeting. As background, members will review the report submitted by Capt. Larry Gwin, previous TSAC work on this issue, and other material as appropriate. **(J. Parker, lead)**
- TSAC voted unanimously to approve Recommendation # \_\_\_ closing out Task #99-01a (Feasibility of Developing and Using Remotely Operated Anchor Release Devices on Barges), subject to the textual changes agreed at the meeting. **(L. Wilson, lead)**
- The Maritime Security Working Group will schedule a meeting this spring to discuss issues related to implementation of the security plan regulations. The meeting should be scheduled to ensure timely feedback to the Coast Guard, taking into account the July 1 effective date of the vessel and facility security plan rules. **(L. Wilson, lead)**
- The Regulatory Review Working Group will schedule a meeting to pursue work on Task #03-01, Regulatory Review of Travel Time for Towing Vessel Crewmembers. **(M. Munoz, lead)**
- TSAC agreed that Chesapeake Bay and San Francisco Harbor Safety Committee videos on commercial/recreational vessel interface should be available for TSAC member viewing at the fall meeting. **(C. Hammond, lead)**
- TSAC agreed that a Coast Guard representative from G-MSE-1 should attend the fall meeting to brief the committee on the status of the Crew Endurance Management System initiative and the Coast Guard's vision for the program. **(D. Scott and G. Miante, lead)**
- The TSAC/CTAC Ammonium Nitrate Working Group will schedule a meeting to discuss implementation challenges and potential solutions related to the pending addition of ammonium nitrate to the list of Certain Dangerous Cargoes. Timing should be coordinated with G-MP to ensure timely feedback to the Coast Guard. **(J. Carpenter and R. Woodward, lead)**
- The Working Group on Mariner Deaths During Nighttime Barge Operations will continue work as outlined in its Interim Report of March 17, 2004. **(G. Maurice and S. Zeringue, lead)**
- TSAC voted unanimously to accept Task #04-01, Record-keeping for Designated Examiners, subject to the change to the task timeframe agreed at the meeting. Jennifer Carpenter will reconvene the Licensing Implementation Working Group, plus any other interested volunteers, to conduct this work before the fall TSAC meeting. **(J. Carpenter, lead)**

**ENCLOSURE(17)**

- TSAC voted unanimously to accept Task #04-02, STCW Implementation for Coastal/Ocean Towing Vessels. Jim Daley will chair the working group, whose first task will be to convene a meeting involving the Coast Guard, company representatives, unions, and educational/training institutions to discuss the dimensions of the challenge. **(J. Daley, lead)**
- Marina Secchitano will convene an ad hoc discussion group on the MMD rulemaking (USCG-2003-14500) and the proposed reorganization of the National Maritime Center/Regional Examination Centers. The group may develop draft comments for TSAC member consideration. **(M. Secchitano, lead)**
- TSAC tentatively agreed to hold its next meeting in September in New York City, date and location to be determined. **(J. Parker and G. Miante, lead)**