

G-002 and G-022

The table in 46 CFR 2.10-101 of this rule lists annual inspection fees for vessel types. “Sea-going Towing Vessels” are addressed as well as “Any inspection vessel not listed in this table.” Does the Coast Guard plan set new annual inspection fees for Subchapter M inspected towing vessels?

Yes, but adding a new category to the annual inspection fee table will require a separate rule making. Until that separate rule making is completed, the Coast Guard is establishing the existing fee of \$1,030 stated in 46 CFR 2.10-101 as the annual inspection fee for towing vessels subject to Subchapter M, for any inspected vessel not listed in the Table 2.10-101. As reflected in 46 CFR 2.10-1(b), this annual inspection fee will not be charged for an initial COI inspection, but the fee will be charged annually starting a year later.

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Answered 31 Aug 2016

G-003

Clarify “grandfathering” as it applies to towing vessels covered by Subchapter M of Chapter I of 46 CFR.

The term “grandfathering” is used numerous times in the preamble to the final rule, to explain the Coast Guard’s decisions for final Subchapter M requirements based on comments received on the proposed rule. The term “grandfathering” is not specifically used in the final rule text. However, there are numerous parts of Subchapter M that reflect grandfathering, in that the requirements were directly carried over from previously-applicable Subchapter C. These grandfathered requirements are primarily in Parts 140-144. Some requirements of Subchapter M, such as those for TSMSs and TPOs, are new and therefore reflect no grandfathering. Owner-operators, TPOs and other stakeholders should review the final rule and preamble closely for grandfathered provisions, as existing vessels may already be compliant with certain requirements.

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Answered 28 Nov 2016

G-004**Will guidance be consistent from Coast Guard zone to Coast Guard zone?**

Yes, Coast Guard policies and guidance are intended to promote consistent and uniform execution of the marine safety program, without undue restriction of independent judgment on the part of marine safety personnel. However, the OCMI has discretion to issue local guidance, which typically addresses logistical issues such as scheduling of inspections and other notification procedures. Similarly, District offices may develop guidance that focuses on how regulations will be applied in a specific geographic area of the country, due to regional differences in industry activities.

Received Aug 2016**Answered 14 Nov 2016****G-005****Will manning be different between Coast Guard zones or will it change every three years upon a change in CG personnel?**

All OCMI's should be applying manning requirements consistently based on statutory and regulatory requirements and with consideration given to factors including, but not limited to, vessel size, service and route. The Coast Guard may review a vessel's manning requirements when a vessel changes its route or service, machinery or equipment, or the capability of onboard automation systems. Additional guidance can be found in Marine Safety Manual, Volume III, Part B.

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G-006**Will the Coast Guard use Petty Officers for Subchapter M?****Does the Coast Guard have enough personnel to issue COI's for all 6,000 boats in 4 years?**

Yes, consistent with the agency's policy regarding Enlisted Assistant Marine Inspectors, properly trained Petty Officers will form part of the Coast Guard's inspection workforce conducting inspections of towing vessels to verify compliance with Subchapter M. The Coast Guard is prepared for the estimated demand for annual inspections from owners and managing operators selecting the Coast Guard annual inspection option. The Coast Guard will closely monitor the demand for inspections and make resource adjustments as necessary. However, we do expect challenges scheduling these inspections and there may be delays. Accordingly, we are encouraging companies to consider the TSMS option. A Company may opt to use one of the TSMS compliance options to verify that their vessel's are in continuous compliance, therefore minimizing the need and presence of Coast Guard personnel on board the vessel as compared to the Coast Guard Option. Using a TSMS option may give companies more flexibility in their operational schedules.

Received Aug 2016**Answered 31 Aug 2016****G-007****Does the Coast Guard anticipate an 840 book/Job Aid or some other guide to be published?**

Yes. Inspection Books are used by Marine Inspectors during the course of their inspections as a job aid. Vessel operators are also encouraged to use them in preparation for applicable Coast Guard inspections. A CG-840 book/Job Aid will be developed and published for Coast Guard inspected towing vessels when completed.

Received Aug 2016**Answered 4 Jan 2017**

G-009

(1) What is required for a TSMS vessel that must proceed to another port for repairs?

(2) What is required for a TSMS vessel that has been issued a CG-835, Notice of Merchant Marine Inspection Requirements?

(1) Permit to Proceed:

As discussed in §136.240, permission to proceed to another port for repairs may be necessary in certain situations, including damage to the vessel or failure of an essential system. The cognizant OCMI may require an examination by a surveyor or from a TPO prior to the vessel proceeding to another port for repairs.

For a vessel with a TSMS, 46 CFR 136.240(a) details the requirements that a vessel must meet before proceeding to another port for repair without a Permit to Proceed. If the conditions in (a) cannot be met, the TSMS vessel will need to request a Permit to Proceed (Form CG-948) per the instructions in §136.240(b).

(2) CG-835:

When the Coast Guard issues a CG-835 to a TSMS vessel's owner or managing operator, it will include a list of deficiencies, required corrective actions, and a date by which each corrective action must be completed. A Coast Guard Marine Inspector will discuss this list of deficiencies with the vessel's owner or managing operator to ensure that any questions are addressed.

For additional information on how deficiencies will be documented on TSMS vessels, please see FAQ 138-024.

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Answered 4 Jan 2017

G-011

Has there been any discussion about developing a stream line inspection program similar to the TBSIP currently in effect?

Vessels inspected under Subchapter M can utilize the Streamline Inspection Program as an inspection alternative, as discussed in 46 CFR Part 8, Subpart E.

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Answered 28 Dec 2016

G-013

How does the Coast Guard envision MISLE entry for vessels utilizing the TSMS option? Will this only occur after Coast Guard has come on board? Where will vessel history be captured?

All vessel activities documented by the Coast Guard will be captured in MISLE. This will include surveys attended by the Coast Guard, deficiencies identified during an inspection for certification, marine casualties, and could also include major non-conformities and unsafe conditions reported by a TPO or owner/operator. Survey and audit reports provided to the Coast Guard will also be entered into MISLE.

Vessel owner/managing operators will be required to maintain more extensive vessel histories in order to document compliance and provide objective evidence of compliance with Subchapter M (§§ 136.210, 137.135, 137.202, 137.205, 137.305, 138.220, and 139.165).

For more information on Coast Guard documentation of deficiencies on TSMS vessels see FAQ 138-020 and 138-024.

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Answered 2 Jan 2017

G-015

(1) What are the rules concerning exclusive vs. non-exclusive auditors/surveyors, contractors, subsidiary companies, partnerships, etc.?

(2) Can a class society use non-exclusive auditors/surveyors when acting as a TPO?

(1) The terms “exclusive” and “non-exclusive,” in this context, specify the employment status of an auditor or surveyor working for a TPO; whereby an “exclusive” auditor or surveyor is an internal employee of the TPO, and a “non-exclusive” auditor or surveyor may be an associate or contracted employee who works for the TPO on a periodic or job specific basis. Individual TSMS auditors and ITV surveyors must meet the standards set forth in 46 CFR 139.130 (Qualifications of auditors and surveyors) regardless of their employment status with a specific TPO. It is the TPO’s responsibility to ensure each auditor and surveyor, exclusive or non-exclusive, meet the qualification requirements in 139.130. TPO’s are also ultimately responsible for the quality of work conducted by a surveyor/auditor. Each TPO must maintain a list of the auditors and surveyors who they have approved to conduct audits or surveys for their organization, and must notify the TVNCOE when adding or removing an auditor or surveyor. Upon request by the CG, a TPO must provide objective evidence that each listed auditor and surveyor meet the qualification requirements listed in 139.130. An individual may conduct external audits or surveys for more than one TPO, but must be listed independently by each organization.

(2) Normally a class society may not use non-exclusives, but Subchapter M does not prohibit their use and they must be documented and audited under their quality system.

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G-016

What documentation is required to be provided to the Coast Guard post survey, exam, audit and in what format?

TSMS option: SURVEY's - The Coast Guard does not require the submission of survey reports following annual surveys, drydocks or internal structure exams. Prior to obtaining the vessel's initial COI, however, the owner or managing operator must provide a report to the Coast Guard of a survey which demonstrates compliance with the requirements of Part 137. For re-issuance of a COI, a survey report is not required. However, objective evidence of an external or internal survey program must be provided to the Coast Guard (§ 137.202). Furthermore, under the internal survey program, the TPO will require access to copies of these reports (§ 139.165).

Although the submission of routine survey reports is not required, it should be noted that an owner or managing operator must notify the cognizant OCMI when the condition of the vessel, its equipment, systems, or operations, create an unsafe condition (§ 137.215).

AUDIT's – Final reports from external management and vessel audits must be provided to the Coast Guard within 30 days of an audit. Managing operator's compliance audits are to be sent to the Towing Vessel National Center of Expertise (504 Broadway Street, Suite 101, Paducah, Kentucky 42001). Vessel external audits are to be sent to the cognizant OCMI within 30 days of an audit. External audit results must be maintained for 5 years, and be available when requested by Coast Guard inspectors or an external auditor (§ 138.315(c)).

Submission Format: A specific format for audit reports, surveys, and examinations is not prescribed by the Coast Guard. Owners, managing operators, and TPO's are responsible for ensuring reports include objective evidence to demonstrate compliance. External audit reports may be submitted via hard copy or by electronic submission. The Coast Guard will accept electronically transmitted external audits records so long as the submitter meets the equivalent safeguards for transmitting records outlined in § 140.915(b).

Coast Guard option: Under the Coast Guard compliance option all inspections and exams will be performed by a Coast Guard Marine Inspector. All documentation for related inspections and exams will be completed by the attending Marine Inspector.

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G-017

Are we [ABS: RCS] required, or is there an expectation that we need to submit our process inspections, checklists, job aids, etc. to the Coast Guard for approval?

No. As a recognized classification society, no additional approval or review is required for the organization to perform services as a Third-Party Auditor or Surveyor if approved under the appropriate sections of 46 CFR Part 8 per 46 CFR 139.110. For organizations, which are not a recognized classification society, 46 CFR 139.120(f) does require submission of these items as part of a TPO application.

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G-018

Are the classification societies required to provide lists of their surveyors and auditors as is required of the yet to be approved third-parties in Part 139?

Recognized Classification Societies (RCSs), as defined in 46 CFR 8.100, meet the requirements of a TPO for the purposes of performing Subchapter M audits and are not required to submit the application required by 46 CFR part 139. Also, Authorized Classification Societies (ACSs) may perform Subchapter M surveys, including verification of design standards as described in 144.140. As a condition of approval under part 8, these classification societies must abide by the agreement conditions required by 46 CFR 8.130 and meet the minimum standards required by 46 CFR 8.230. Those standards, for the most part, either meet or exceed what is required in part 139 of applicants seeking to become third-party organizations. Because these organizations are governed by 46 CFR part 8, they are not subject to the approval process required by §§139.120 and 139.125 nor the renewal requirements of §139.140. However, RCSs and ACSs must ensure that their employees conducting Subchapter M audits or surveys hold proper qualifications for the particular type of service performed.

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G-019

For those companies with extremely large fleets, will there be a process in place to request an earlier start to COI issuance? There are some companies that may have a challenge meeting COI issuance in four years due to the size of their fleets, and operations (grain harvest).

Vessel operators may begin scheduling their initial certification inspections in early 2018 and are required by 46 CFR 136.210 to schedule those inspections at least three months prior to the desired date of the inspection. The Coast Guard does not intend on issuing Certificates of Inspection (COI) to existing towing vessels prior to July 20th, 2018 and believes that the phase in period identified in 46 CFR 136.202 is sufficient for existing towing vessels to achieve certification. Additional policy will be developed on planning for and scheduling initial COI issuance.

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G-025

Is the Coast Guard coordinating internally on consistency with inspections?

Yes. The Coast Guard has conducted training courses at Training Center Yorktown and plans to hold additional courses. Long-term informal training options are under development; these courses would include training for both officer and enlisted personnel involved in the inspection of towing vessels. As part of the qualification training the Coast Guard has developed a Personal Qualification Standard (PQS) for Subchapter M inspections. In addition, the Office of Commercial Vessel Compliance (CG-CVC) is working with other Coast Guard offices at Headquarters, Areas, Districts and the Towing Vessel National Center of Expertise (TVNCOE) to develop policy and guidance for Coast Guard personnel regarding Subchapter M regulations. In addition to developing new policy, we will also leverage existing policy that is applicable to towing vessels, such as the newly amended Marine Safety Manual Volume III, which now addresses licensing and manning for inspected towing vessels. All of these items will work as a system to maximize the consistency of Subchapter M-related activity between zones, districts and areas in the Coast Guard.

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Answered 14 Nov 2016

G-026**Would I have to get an excursion for an extra person on the COI?**

Approval to engage in an excursion is required anytime an operator wishes to carry persons in addition to the amount of persons authorized on the COI. This approval is temporary, typically one day or less, and may allow the vessel to be used for a purpose other than what is specified on the COI such as for recreation. The process for obtaining this approval is different depending on if the operator is utilizing the Coast Guard compliance option or the TSMS compliance option. Operators who are interested in carrying persons in addition to those identified on the COI should follow the procedures identified in 46 CFR 136.245.

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G-027**How will "persons in addition to crew" be determined on the COI since many existing towing vessels will not have a documented stability test to determine total persons allowed?**

46 CFR 136.210(a)(ii) states that a vessel owner or managing operator, prior to inspection for initial certification, must, in addition to submitting Form CG-3752 "Application for Inspection of U.S. Vessel," include documentation on the number of persons in addition to the crew they would like the OCMI to include in the COI.

Vessel stability is among the factors that the OCMI will consider when making persons in addition to crew determinations. Other factors that will be considered include, but are not limited to, voyage purpose and specifics, lifesaving equipment, overnight accommodations, means of egress, and any special circumstances.

For more information on persons in addition to crew, see FAQ G-031.

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Answered 2 Jan 2017

G-028

Per 46 CFR 136.172, Sub C is still applicable until the vessel is certificated or 20 July 2018, whichever is earliest. Does this contradict published information that states the requirements of 46 CFR 144.320 are applicable now?

There is no contradiction between 46 CFR 136.172, Temporary compliance for existing towing vessels, and 46 CFR 144.320, Watertight and weathertight integrity.

46 CFR 144.105(a), Applicability and delayed implementation, states “An existing towing vessel must comply with 144.320 starting July 20, 2016 and it must comply with the other applicable requirements in this part no later than July 20, 2018 or the date the vessel obtains a Certificate of Inspection (COI), whichever date is earlier”.

We added § 137.172 to the regulation to ensure that we do not leave a gap after the rule becomes effective but before most requirements in parts 140 through 144 are implemented. § 137.172 requires existing towing vessels that will be subject to subchapter M to remain subject to Coast Guard regulations applicable to the vessel on July 19, 2016 until the earlier of two dates: July 20, 2018 or the date the vessel obtains a COI.

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G-029

Will there be training that will be open for industry to attend?

The Coast Guard is considering recurring courses which industry could attend and participate in. Information on available training would be disseminated via the Towing Vessel National Center of Expertise’s website at (<https://www.uscg.mil/hq/cg5/TVNCOE/>).

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G-030

Will CG inspectors be required to attend UWILD examinations if approved via TSMS? Per 137.335(b) an application must be submitted to the OCMI at least 90 days prior to. Why is the application required if already approved within the TSMS?

Attendance of a CG inspector is not a requirement for an underwater inspection in lieu of drydocking (UWILD) examination to take place; however, the local OCMI maintains the oversight authority and prerogative to attend on a case by case basis. An application is required 90 days prior to EACH proposed UWILD examination so the OCMI may properly evaluate the vessels eligibility and make a determination in accordance with § 137.335.

UWILD procedures within a TSMS are required to ensure internal process and procedures are established and followed. As conditions of a vessel may change between drydock examinations, a vessels owner or managing operator must submit a UWILD application to the CG prior to each required dry dock to determine eligibility within the program.

NVIC 01-89, Underwater Survey Guidance, contains additional guidance concerning the requirements, application and process for participating in the UWILD program.

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Answered 13 Jan 2017

G-031

How many non-crew members are allowed to be onboard a towing vessel/onboard the barge that the towing vessel is engaged in moving?

Under Subchapter M when the owner or managing operator applies for a COI they are requested to submit, in addition to form CG-3752, the vessel particular information and the number of persons in addition to the crew. The number of persons in addition to the crew will be displayed on the COI along with the applicable safety equipment and appliances. If a non TSMS vessel wishes to carry more non-crew members than the number reflected on the COI they may apply for a CG-949, "Permit to Carry Excursion Party," to the cognizant OCMI. A TSMS vessel may engage in carrying a greater number of persons than that listed on the COI if temporary excursion operations are addressed in the TSMS. Manning/crewing of barges is not addressed in Subchapter M.

In accordance with 46 U.S. Code § 3304, a towing vessel which exceeds persons in addition to crew totals of 12 for international voyages and 16 for domestic voyages would be subject to inspection as a passenger vessel or small passenger vessel.

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Who approves Towing Safety Management Systems?

Once the company's TSMS is developed, implemented at the management-level and audited by a TPO, the TPO will approve it and issue a TSMS certificate to the company.

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What is the advantage of using the TSMS option?

A fully implemented Towing Safety Management System (SMS) establishes a comprehensive quality control system throughout the company which increases the safety and efficiency of all towing vessel operations. Across the maritime industry, vessel operators have told the Coast Guard that a proper TSMS increases safety while cutting overall operating costs. A proper TSMS will reduce accidents, equipment failures and undo delays. Accordingly, the Coast Guard will exercise appropriate discretion while implementing these regulations to incentivize using the TSMS option. Specifically, companies that employ the TSMS option will be afforded greater flexibility to complete required surveys and audits, which may reduce vessel downtime. For TSMS vessels, the Coast Guard will exercise flexibility in the scheduling and reduce the scope of COI inspections. Under the TSMS option, any visits the Coast Guard will make to a vessel will be de-scoped and the time onboard will be significantly less than the Coast Guard option. TSMS vessels will also not be subject to mandatory Coast Guard attendance for drydock or internal structural exams. Under the Coast Guard option, Coast Guard inspectors will visit the vessel at least annually and in some cases more frequently possibly holding operations until a Coast Guard inspector can visit the vessel.

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