

Is a dry-dock and internal structural exam required prior to the Coast Guard issuing the initial Certificate of Inspection?

No, a Coast Guard or Third Party Organization (TPO) credit dry-dock or internal structural exam (ISE) is not required to obtain the initial Certificate of Inspection (COI). The Coast Guard is not required to attend dry-docks or ISEs prior to a towing vessel receiving its initial COI.

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Answered 31 Aug 2016

137-003

What is the benefit of selecting the TSMS option, when by comparison the TSMS survey and audit options seems to require more resources, cost, time commitment and requirements than the USCG option?

Companies that employ the TSMS option will be afforded greater flexibility to complete required surveys and audits, and a means to remedy possible non-conformities, which should reduce vessel out of service time. For TSMS vessels, the Coast Guard will exercise flexibility in 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, requiring the owner, operator to make the vessel available for inspection, schedule an inspection and a Coast Guard inspector can visit the vessel.

In addition, a fully implemented TSMS establishes a comprehensive quality control system throughout the company which will increase 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.

Finally, as discussed in the preamble to the regulation, page 40013, column 1: The Coast Guard believes that the utilization of a TSMS allows the operator to tailor safety processes to the unique conditions in which the vessel and company operate. A TSMS is scalable, dynamic, and customized by the operator for the unique risks, challenges, and operating environments anticipated. Some hazards are universal to all vessels regardless of where they operate. The additional variations necessitated by the type and area of operation can be accommodated by a TSMS.

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137-004

When will my first credit drydock and ISE be required?

Upon obtaining the initial COI, the first credit drydock date required by 46 CFR 137.300 will be reflected on the COI. These dates will be in accordance with and the 2.5 years for saltwater service and 5 years for freshwater service from the date on the initial COI.

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137-006

How will the Coast Guard ensure compliance for vessels taking the Coast Guard only option?

Since this option does not include a fully implemented Safety Management System, the company and the vessel(s) will receive significantly more attention from the Coast Guard. Under the Coast Guard option, vessel compliance with Subchapter M will require a comprehensive Coast Guard inspection and follow-up exams. Initial inspections for certification and follow up exams will be subject to the availability of Coast Guard resources and must be scheduled 90 days in advance of the inspection. Inspections for certification will likely require multiple visits by the Coast Guard to ensure resolution of deficiencies prior to issuance of the Certificate of Inspection (COI). Outstanding deficiencies may result in operational controls and may possibly delay vessel operations or COI issuance.

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137-007

For those companies that have chosen to demonstrate vessel compliance through an internal survey program, can an internal survey report meet this requirement (46 CFR 137.202)?

Yes. In accordance with § 137.202(a), prior to the vessel's initial COI, the owner or managing operator of a towing vessel must provide a report of survey to the Coast Guard as described in § 137.215. For further information on what a TSMS vessel must do prior to initial issuance of a COI, please see FAQ 137-021.

For re-issuance of the vessel's COI, the owner or managing operator must provide objective evidence of a survey program, which could be an internal survey program as per § 137.202(b)(2).

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137-008

Why does the annual survey need to be conducted within three months of the anniversary date of the COI?

This requirement is intended to evenly space out the annual external surveys required by § 137.205(a)(3), while affording the owner/managing operator flexibility to complete the survey within three months of the anniversary date of the COI.

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Answered 28 Dec 2016

137-010

The requirement for charts or maps to be “up to date” appears to conflict with the allowance under §164.72(b)(1) towing vessels may carry current editions or currently corrected editions of required charts. The Coast Guard should clarify that currently corrected editions will continue to be acceptable.

§ 140.705 requires towing vessels to carry adequate and up-to-date charts, maps, and nautical publications. The Coast Guard considers current or currently corrected charts to be up-to-date.

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137-011

In reference to 46 CFR 137.120(b), which states that non-conformities and deficiencies must be corrected in a timely manner. Does USCG have any interpretation for what a timely manner is? Class NK intends to use IMO Resolution A.1071(28) and IACS PR09 which state that non-conformities must be corrected and possible subsequent audits must be scheduled within three months.

Non-conformities or deficiencies identified on TSMS vessels, during non-Coast Guard inspections, must be corrected in accordance with the timelines established by the vessel’s TPO and/or its safety management system.

Non-conformities or deficiencies identified during Coast Guard inspections will be documented on a Vessel Inspection Requirements form, CG-835, which will also list a corrected by date. The Coast Guard Marine Inspector will discuss each non-conformity/deficiency and corrected by date with the vessel owner/representative and address any questions prior to concluding the inspection.

For more information on when the Coast Guard will document deficiencies, please see FAQ 138-024.

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137-012

The TSMS survey items seem more appropriately validated during the audit process rather than during a survey?

We disagree. An audit is a systematic and independent examination of objective evidence and other vessel records to determine whether activities and related results comply with a TSMS.

The internal or external surveyor conducts an examination of the vessel, including its systems and equipment, to verify compliance with applicable regulations and requirements.

For further discussion of surveys and audits, see FAQ 138-005.

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137-014

Dry cargo operations are very fast paced with very limited time in port. Very often it is less than 24 hours. Realistically, how much lead time will be needed to schedule an inspection?

For Coast Guard inspections, 46 CFR 136.210 requires that the managing owner/operator schedule the inspection with the cognizant OCMI 90 days in advance and submit the application for inspection 30 days in advance. Towing vessels that choose the Coast Guard option will require annual inspection by the Coast Guard, and inspection for certification once every five years.

Timelines for scheduling of inspections under the TSMS option will be established by the TPO. Towing vessels that are enrolled in the TSMS option will receive a Coast Guard inspection once every five years, beginning with the initial inspection for certification. For these Coast Guard inspections, TSMS vessels will be required to meet the scheduling requirements from § 136.210. For more information on inspections under the TSMS option, please see FAQ 137-003.

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Answered 28 Dec 2016

137-016**Does a vessel ever have to have an external survey?**

The owner or managing operator of a towing vessel wishing to use the TSMS option must implement either an external or internal survey program to demonstrate vessel compliance with this subchapter.

But if the cognizant OCMI has reasonable cause to believe that a vessel's survey program is deficient, the OCMI may, for vessels under the internal survey program, require that the vessel comply with the external survey program requirements of §137.205, per §137.212.

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137-017**TPO auditors that discover a major non-conformity are required to report them to the OCMI within 24 hours. If the company reports a major non-conformity to the CG, does this relieve the TPO reporting requirement?**

No. The company should follow the notification procedures as outlined in their TSMS and required by § 138.220(a)(2)(ii). If the company reports a major non-conformity to the Coast Guard, they should also notify their TPO overseeing the internal survey program. Upon notification of any major non-conformities, appropriate reporting should be made to the Coast Guard.

Internal survey reports and internal audit reports should be submitted by the towing company to the TPO responsible for oversight of internal survey programs.

If during an external audit, an auditor identifies a deficiency of equipment, systems or operations that create an unsafe condition (for example, presents a serious threat to safety or harm to the environment), the auditor should notify the towing vessel company, who must immediately take appropriate action specified in the TSMS (§137.215(d)). The auditor should also immediately notify the cognizant OCMI if possible, but in no case later than 24 hours, per § 138.410(f).

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137-019/020

1. Will Coast Guard require a format for the submissions of audit reports?

No. The Coast Guard will not require a specific format for the submission of audit reports.

External audits must be conducted by an auditor from a TPO and consider all TSMS-related requirements in this subchapter, but may be conducted on a sampling basis of each TSMS element and functional requirement. External audit results are required to be submitted to the Coast Guard and should address vessel owner or managing operator attainment of the objectives of a TSMS listed in 138.210 at a minimum, along with any major non-conformities observed.

2. Will Coast Guard require a format for the submission of survey reports?

No. There is no requirement for the submission of vessel survey reports, only requirements to maintain them and make them available upon request (46 CFR139.165). Therefore, the Coast Guard will not require a specific format for survey reports.

Surveys conducted under the internal survey program are required to be documented in a report that meets §137.135. TPO's that conduct external surveys in accordance with §137.205 and 137.310 must also document each survey in a report that meets the requirements of §137.135.

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137-021

What must occur prior to a TSMS vessel receiving its initial COI?

The process that must occur prior to issuance of an initial COI is as follows:

1. 6 Months Before COI Inspection – If the TSMS and company are in compliance with Sub M requirements, the TPO approves the TSMS. The TPO conducts a management audit and issues a TSMS certificate to the company.
2. Surveys and Audits – The company completes a vessel survey and audit under the internal survey program. The TPO completes a vessel survey and audit under the external survey program.
3. 3 Months Before COI Inspection – Company schedules initial COI with the OCMI.
4. 30 Days Before COI Inspection – Company submits application for inspection to the OCMI, along with objective evidence as per §§ 136.210 and 137.202.
5. Initial COI Inspection – The Coast Guard conducts the inspection and COI is issued. *In some cases a decal will be accepted as the inspection for an initial COI.

§ 136.210 also discusses the process that an owner or managing operator must follow in order to schedule a COI inspection. In addition, the preamble to the regulation, page 40032, column 2, provides a short sequence of events for issuance of a COI.

Finally, in accordance with § 138.315(b)(1), an external vessel audit is required 6 months prior to issuance of the initial COI, for vessels subject to an owner or managing operator's TSMS that have been owned or operated for 6 or more months. For vessels subject to an owner or managing operator's TSMS that have been owned or operated for fewer than 6 months, § 138.315(b)(2) requires that an external audit must be conducted no later than 6 months after the issuance of the initial COI.

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137-024**What will an initial survey consist of?**

Surveys are intended to assess whether vessel operations and material condition complies with Subchapter M. The regulations in 46 CFR 137.220 describe the required systems, equipment, and procedures that a surveyor must examine as part of the vessel survey. Under the TSMS option, companies may choose either an internal or external survey program. Regardless of the option chosen, the vessel survey scope shall be that as outlined in §137.220.

For additional information on survey requirements, see FAQ 138-005.

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137-025**What are the expectations and standards for TPO and internal surveyor oversight of steel repair associated with dry-dock and internal structural exams?**

Guidance on drydock and internal structural examinations can be found in 46 CFR 137.330, Scope of the drydock examination. For further technical guidance consult Navigation and Vessel Inspection Circular (NVIC) 7-68, Notes on Inspection and Repair of Steel Hulls, and Marine Safety Manual, Volume II, Section B, Chapter 3, which outline the requirements for hull and internal structural examinations and describe the process, respectively.

TPOs will, to the extent necessary to ensure proper repairs, supervise welding in accordance with policies, including proper edge preparation and testing. In the same way that the Coast Guard on some occasions accepts work performed by shipyard personnel, TPOs or internal surveyors may evaluate risks in order to determine when attendance is necessary.

Doublers may be used on towing vessels that operate inside the boundary line in accordance with ASTM F2991-13, Standard Guide for Doubler Plate Repairs for Non-Classed Ship Structures.

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137-034

Several items listed within the scope of the survey would more commonly be found on an audit - like (k) sanitary examination, (m) vessel personnel, etc. If we use the internal survey program and these are covered on the internal audit, then can the survey simply reference those items on the audit? It seems like the answer should be yes, but a qualified surveyor is supposed to be doing the survey, so if that person is not personally checking these items an auditor is instead.

No. Surveys are designed to ensure vessel regulatory compliance with 46 CFR Parts 136-144, Subchapter M, and must follow the scope of inspection identified in 46 CFR 137.220. Audits, however, are designed to ensure the proper and effective implementation of a company's safety management system at the management and vessel levels. While both may overlap in some areas, audits cannot replace surveys as the purpose of each is different (see definitions in 46 CFR 136.110), hence the differing requirements to become an Auditor or Surveyor as laid out in 46 CFR 137.130.

For further discussion on the differences between audit and survey requirements, see FAQ 138-005.

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