



USCG Office of Commercial Vessel Compliance (CG-CVC)  
Mission Management System (MMS) Work Instruction (WI)



Category	Inspected Towing Vessel Program				
Title	OCMI Guidance on Special Consideration for 46 CFR Subchapter M Vessels				
Serial	CVC-WI-010(1)	Orig. Date	2OCT18	Rev. Date	N/A
Disclaimer:	<p>This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally-binding requirements on any part. It represents the Coast Guard’s current thinking on this topic and may assist industry, mariners, the public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), you may contact the Coast Guard Office of Commercial Vessel Compliance (CG-CVC) at <a href="mailto:CG-CVC@uscg.mil">CG-CVC@uscg.mil</a> which is responsible for implementing this guidance.</p>				
References:	<p>(a) Title 46 Code of Federal Regulations (CFR), Chapter I, Subchapter M – Towing Vessels            (b) Title 46 CFR § <a href="#">136.120</a>            (c) Title 46 CFR § <a href="#">144.215</a></p>				

- A. Purpose. This instruction provides guidance to OCMI's on the application and implementation of a special consideration determination for towing vessels inspected under reference (a). If this WI does not provide instructions or interpretations for a given provision of reference (a), that provision should be applied as written.
- B. Background. Provisions for special consideration, references (b) and (c), may be used to provide practical application of the regulations and avoid requirements, actions, or decisions unnecessary to maintain an adequate degree of safety for a given vessel. Special consideration can only be granted if “unusual circumstances or arrangements warrant such departures” and an equivalency is established to the applicable standard. The OCMI should consider if the special consideration granted, in accordance with reference (b), should be conditional on the serviceable nature of the original equipment and if the allowance should terminate once that equipment is no longer serviceable. At that point, the equipment must be replaced with equipment meeting the applicable regulations. The final approving authority for special consideration items belongs to the OCMI who issued the COI.
- C. Action. District Prevention Staff (dp), Officers in Charge, Marine Inspection (OCMI's) and the Towing Vessel National Center of Expertise (NCOE) should reference this guidance when a departure from the prescribe regulations is requested by a towing vessel owner, managing operator, or third party organization (TPO).
- D. OCMI Instruction. OCMI's have the authority to approve special consideration requests per references (b) and (c) and should exercise this authority to effectively manage the risk to towing vessels within their inspection zone.
  - 1. MISLE Documentation. Upon granting special consideration, a special note must be added in MISLE and, if applicable, the COI appropriately annotated. OCMI's must ensure that a MISLE activity fully documents the request determination and addresses, at a minimum, the items below:

- a. What specific regulation is the submitter seeking special consideration for?
  - b. What is the owner or operator's detailed analysis for how the proposed alternative provides an equivalent level of safety?
  - c. Were any assumptions made in the process of making the determination?
  - d. What is the OCMI's assessment of the applicable risk?
  - e. What is the OCMI's approved condition along with any associated restrictions?
2. Documentation for the owner or operator. OCMI's are encouraged to provide the owner or operator with a written response regarding the disposition of the special consideration request and any associated conditions for the owner or operator's records, in addition to an amended COI (if applicable).
  3. Receiving OCMI's. An OCMI in a different zone who wishes to deny a special consideration granted by an OCMI for another zone must contact the OCMI that approved the arrangement prior to such denial. Additionally, a MISLE activity must document why the special consideration is not granted and note that the OCMI originally granting the special consideration had been consulted.
- E. Appeals: Appeals of decisions made regarding special consideration request should follow the procedures within 46 CFR 136.180.

M. Edwards  
Captain, U.S. Coast Guard  
Office of Commercial Vessel Compliance  
By direction

Enclosure: (1) Guide for 46 CFR Subchapter M Special Consideration Requests

## GUIDE *for* 46 CFR SUBCHAPTER M SPECIAL CONSIDERATION REQUESTS

This enclosure provides guidance for OCMI's to use when receiving requests for special consideration. The terms "existing towing vessel" and "new towing vessel" have the same meaning found in Subchapter M, 46 CFR §136.110.

Subject	Requirement (46 CFR...)	Items that should be considered
Use of Type II/III PFDs in lieu of work vests	§140.430, 141.340	<p>Approved under CFR 46 §160.064 or §160.264; inherently buoyant – no inflatable PFDs may be used unless specifically approved under §160.053; color highly visible (red or orange); free of snag hazards; and made of durable fabric.</p> <p>Refer questions on use of Type II/III devices to the OCMI.</p> <p>Of note, devices approved under 160.064 are marked as "USCG approved wearable device for uninspected commercial vessels less than 12 m (40 feet) in length not carrying passengers for hire, and for recreational boats." This statement speaks to the vessels for which the device meets carriage requirements. Therefore, these PFDs may be used as work vests only and not to fulfill carriage requirements.</p>
Storage of Flammable/Combustible products	§142.225	<p><u>For existing towing vessels:</u> Subject to the provisions listed below, vessels may keep their current configuration until the arrangement is no longer serviceable, or the current dedicated storage units present a higher risk of fire hazard.</p> <p>If authorized by the OCMI the special consideration request must be documented within the TSMS, if applicable, and notated on the Certificate of Inspection (COI):                      "Vessel is authorized to use the storage locker located on [e.g. the stern quarter] for storage of flammable or combustible products, until no longer serviceable."</p> <p>The provisions are:</p> <ol style="list-style-type: none"> <li>1. Must have previously been onboard the vessel (no new aluminum paint lockers since publishing of Sub M: 20Jun2016);</li> <li>2. Must be on the weather deck;</li> <li>3. Cannot be adjacent to or above machinery spaces, sleeping quarters, or stacks;</li> <li>4. Must be stowed away from ignition sources;</li> <li>5. Must be made of minimum 1/4" aluminum;</li> <li>6. Welded construction;</li> <li>7. Maximum size- 30 ft<sup>3</sup>; and</li> <li>8. Must meet other requirements in 142.225 (i.e. Secured to vessel and have additional 40-B portable extinguisher near locker.)</li> </ol> <p><u>For new towing vessels:</u> It would be rare for unusual circumstances or arrangements to warrant departures for new vessels.</p>
Fire pump pitot-tube pressure testing	§142.325(a)	Is there an accurate method to ascertain pressure and flow of fire main system? Is the instrument calibrated at least annually per manufacturer's specifications? Has the requester

		provided the manufacturer's specification of instrument, test procedure, and calculations?
Length of fire hose.	§142.325(d) and (e)(2)	Has the requester addressed how each part of the vessel can be reached by one hose length that can be handled by a crewmember when fully charged? Is the number of fire hydrants onboard for a stream of water to reach any part of the vessel based on a single 50' hose length per 46 CFR 142.325(c)? A change in the length of hose or in the fire main pressure could also necessitate a testing of the complete system to ensure access to all required spaces in the event of a fire.
Pressure vessel (PV) maximum allowable working pressure (MAWP)	§143.300(c)	<p>For the safety of the attending MI and the crew onboard, the requirement for <i>marking</i> of the pressure vessels remains. OCMIs, MIs, and TPOs should look for such visual indications as a stamp, permanent or semi-permanent nameplate, laminated card, or writing on the PV with a marker or paint.</p> <p><u>For existing towing vessels:</u> Because the MAWP may not be known on many existing PVs, existing vessels are authorized to mark the existing pressure vessels with the relief valve pressure, provided the relief valve set point has been verified in the last year, in accordance with 46 CFR 143.245. Once an existing PV is no longer serviceable or is replaced with a new PV, the vessel must meet the requirements in this subchapter for PVs.</p> <p><u>For new towing vessels:</u> It would be rare for unusual circumstances or arrangements to warrant departures for new vessels.</p>
Ventilation: Means to stop fans and close openings	§144.605	The means to stop fans and close openings requirements of 46 CFR 144.605 is separate from the fire extinguishing equipment requirements in Part 142. While ventilation closures (for example, dampers) that are part of fixed fire extinguishing systems may also be used as a means to close openings in the machinery space, the installation of a fixed fire extinguishing system may not alleviate the vessel from the requirements to provide a means to close all openings to the machinery space (such as doorways, annular spaces around funnels and other openings into such spaces). Canvas is an acceptable means of closure for annular spaces around funnels and other openings. While specific requirements are not found in Subchapter M, additional guidance can be found in 46 CFR 76.15-35 (a cite that permits the use of canvas).