

136-001

The Coast Guard should clarify what is meant by TPO oversight of the internal survey program.

There is guidance that addresses this as part of the [CG-CVC Policy Letter 17-04 – Subchapter M Third Party Organization \(TPO\) Guidance](#), which can be found on the TVNCOE website (<https://www.dco.uscg.mil/tvncoe/>).

Received August 2016

Answered 6 February 2016

136-002

**What is the extent of modifications to the vessel that operators must describe?
(136.210(a)(2)(ii))**

Any modifications that would potentially affect a vessel's suitability for its route or service since the previous COI must be included when submitting an "Application for Inspection of a U.S. Vessel." Modifications include weight changes, system alterations, or changing the purpose of a space. This information is used to determine if a single change or incremental changes made to a vessel over time would negatively affect the stability, structures, or vessel systems.

Replacements in kind, as defined in 46 CFR [§136.110](#), are not considered modifications and do not need to be reported when completing an "Application for Inspection of a U.S. Vessel."

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Answered 19 October 2016, updated 06 October 2020

136-003, 136-004, 136-005, 136-008, 136-024, 136-025, 136-026

What constitutes a Major Conversion and what is the process for making a determination?

The Coast Guard modified the definition of Major Conversion in the final rule to align the text in Subchapter M with the statutory definition in [46 U.S.C. §2101\(14a\)](#). The Coast Guard Marine Safety Center, which makes major conversion determinations, will continue to apply the longstanding policy in NVIC 10-81 Change 1 that has guided Coast Guard decision-making for the last 35 years. We recognize that it is not unusual for a vessel to undergo one or more re-powerings over the course of its service life. As indicated in [NVIC 10-81](#), re-powerings may be deemed a major conversion, if the intent is clearly to extend the economic life of the vessel (or when conducted with other modifications that meet any of the criteria under the definition). Per the long-standing implementation of this policy, modifications that only involve replacement of aging equipment or material, propulsion system upgrades to achieve greater efficiency (e.g., conversions to alternative fuels) or compliance with environmental standards are not considered major conversions, but may still require verification of compliance to the existing regulations. For more information see FAQ 136-037.

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Answered 31 August 2016, updated 06 October 2020

136-006

What length will be used for the vessels, the COD length or a tape measured length?

The Coast Guard will use the length stated on their COD or state registration. If the owner or managing operator questions this length, they should work with their surveyor to apply objective evidence such as tape measured length and submit their results to the National Vessel Documentation Center (NVDC) to correct.

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Answered 19 October 2016, updated 06 October 2020

136-007

How will worksites be determined?

An owner or operator may submit a worksite exclusion request to the cognizant OCMI for approval. A towing vessel that moves barges carrying oil or hazmat in bulk must comply with Subchapter M and will not be considered for a worksite exclusion.

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Answered 19 October 2016

136-009

Provide more information about the exemption for workboats operating exclusively within worksites.

An OCMI may designate an area as a worksite which would afford a towing vessel the opportunity to be exempt from subchapter M while it is operating exclusively in the worksite if it qualifies as a workboat.

The Coast Guard believes the terms “worksite” and “workboat” are adequately defined in §136.110.

For further discussion of worksites, see FAQ 136-007.

Received June 2016

Answered 3 July 2017

136-010

How does the exemption for a propulsion unit used for the purpose of propelling or controlling the direction of a barge affect bow thrusters that are controlled from a towing vessel?

The primary intent of the exemption in [§136.105\(a\)\(8\)](#) for propulsion units was to exclude bow thrusters, and similar positioning devices controlled from the barge, from Subchapter M requirements. A thruster unit operated locally (on the barge) or by wireless control from the towing vessel would be considered to meet §136.105(a)(8), as they are not part of the towing vessel. However, any hard wiring installed on the towing vessel, whether part of the control system or power system for a barge propulsion unit, is subject to Subchapter M.

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Answered 17 September 2019, updated 06 October 2020

136-011

Can the Coast Guard provide examples of what it means by “objective evidence”? What other form(s) of objective evidence will the Coast Guard accept as an alternative to a survey report issued by a TPO? Can an internal survey report meet this requirement, for those companies that have chosen to demonstrate vessel compliance through an internal survey program?

As discussed in the Final Rule (page [40018](#)), the Coast Guard added records from TPOs to the definition of “objective evidence” (found on page [40104](#)). It goes on to further state that records or reports from a classification society or TPO would be acceptable. While “objective evidence” may include written records or reports, it is not limited to such evidence or confirmation (as provided in the definition). It can include actual observation, measurement or testing that is conducted by the auditor or surveyor. Based on this, operational tests of equipment or systems are objective evidence. If the item works when tested, that would be objective evidence that the applicable requirement has been met and that the records relating to maintenance of the item are seemingly accurate.

In addition to the above information, relevant records, statements of fact or other information, which are relevant and verifiable, are to be considered as objective evidence. The attestation of these documents and reports should be considered as meeting the requirements under the TSMS option.

Examples of “Objective Evidence” include, but are not limited to:

- Internal audit carried out with non-conformities issued and corrective action documented and implemented.
- Safety checks are clearly documented, dated and signed by authorized crew member.
- If vessel is classed, all class & statutory certificates are valid and endorsed by authorized surveyor.
- Internal and external survey statements available and indicating outstanding recommendations, conditions of class have been resolved.
- Fixed fire fighting system signed inspection certificates or reports are onboard, current, with satisfactory testing and indicate no outstanding deficiencies.
- If vessel is load line, load line certificate is current, endorsed and dated.
- Vessel engineer clearly documents required maintenance of prime movers, electrical systems and other machinery equipment, along with documenting testing of various safety systems, e.g. low lube oil, over speed trip, air receiver relief valves, in a report showing details. Report details may include but are not limited to photos, invoice of parts ordered for repairs, statement of fact signed and dated by the credentialed officer.
- Surveyor’s detailed report of vessel’s dry docking, listing findings, & corrective actions.
- Authorized third party inspection and repair contractor reports.

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Answered 22 November 2016, updated 06 October 2020

136-012

Can the Coast Guard distinguish the scope of inspections for certification for towing vessels utilizing the TSMS option from towing vessels utilizing the Coast Guard option?

Inspections for certification will focus on the items discussed in [§136.212\(b\)](#), Nature of inspection. Regardless of the option a vessel selects, the scope of the inspection will be the same. However, time spent onboard by the Coast Guard could be abbreviated based on the extent to which the objective evidence provided by the TPO addresses the items discussed in §136.212(b). In the event that a major non-conformity is found (or a series of non-conformities in sufficient number), the Coast Guard may expand an inspection and can require attendance of a TPO, if needed.

For vessels utilizing the Coast Guard Option, inspections for certification will require attendance by the Coast Guard to verify that all requirements listed in §136.212(b) have been met.

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. Towing vessels that chose the Coast Guard option will require annual inspection by the Coast Guard, and inspection for certification once every five years.

Received June 2016

Answered 14 November 2016

136-013

The Coast Guard should clarify that the TSMS does not need to be overly explicit in its description of the non-compliant condition of the vessel and the necessary conditions to proceed (e.g., the TSMS could lay out decision making factors to consider when determining whether the vessel can safely proceed, as opposed to identifying multiple hypothetical mishaps and actions to take when they occur), and direct OCMI's not to routinely require inspections of vessels utilizing the TSMS option prior to their proceeding, to ensure that there is a benefit to utilizing the TSMS option.

We agree that it is not practical for a TSMS to list every potential vessel non-compliance, as well as all associated corrective actions. However, the regulations in 46 CFR [§136.240](#), and the Final Rule preamble (page [40024](#)), are clear on when a permit to proceed would normally be required. Minor repairs not affecting the safety of the vessel would not normally require a permit to proceed.

A TSMS should list, as much as possible, those casualties for which a permit to proceed for repairs would likely be required, including damage to the vessel or failure of essential systems. A decision-making process or flowchart is a reasonable approach. However, any decision to proceed by the master of a TSMS vessel must be documented in accordance with the requirements of §136.240(a), including the master's decisions, conditions for safe transit based on evaluation of the particular casualty, and the USCG OCMI notifications required by §136.240(a)(4).

46 CFR §136.240(c) allows the OCMI to require a USCG Marine Inspector or a TPO Surveyor to attend the vessel prior to it proceeding in order to verify the seaworthiness and safety of the vessel. This regulation is applicable to TSMS or non-TSMS vessels.

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Answered 18 May 2017, updated 06 October 2020

136-014

46 CFR §136.110 – Definitions; operating station means a steering station on the vessel, or the barge being towed or pushed, from which the vessel is normally navigated. Question: What does "...or the barge being towed or pushed" mean?

If the barge is configured to be the normal navigating station for the towing vessel-barge combination, then the operating station must meet all Subchapter M requirements, including those specified for lifesaving equipment, fire detection control panels, and alarms.

Received June 2016

Answered 17 September 2019

136-015

Class NK envisions continuing vessel attendance for as-yet uninspected tugboats – What are the USCG expectations for TPOs in this situation after 20 July 2018?

Regardless of the inspection status of a subchapter M vessel, a TPO may attend towing vessels at any time per the owner or managing operator's contractual arrangements.

If a vessel is listed on the owner or managing operator's TSMS certificate, the TPO should ensure that any Subchapter M discrepancies identified are corrected and should notify the cognizant OCMI.

For additional discussion refer to TOPOCO FAQ 136-043, Vessel Actions During Phase-in.

Received: June 2016

Answered: 4 December 2017

136-016

How does an Inspected Towing Vessel become designated as working in a Limited Geographical Area (LGA)?

An owner or managing operator should request, when submitting the Application for Inspection ([CG-3752](#)) to the OCMI, that their area of operation be designated a Limited Geographical Area (LGA). The OCMI will issue a Certificate of Inspection or amend the existing, that will restrict the route of the towing vessel to the approved LGA. Vessel owners or managing operators should consult with the local OCMI or COTP as early as possible to determine their applicability.

Received August 2016

Answered 19 October 2016, updated 06 October 2020

136-017

Are assistance and salvage towing limited to recreational vessels?

No. Assistance towing as defined in 46 CFR [§136.110](#) is not limited to recreational vessels. For more information about the applicability of Subchapter M to a particular operation, contact the cognizant COTP or OCMI.

Received 25 July 2016, updated 06 October 2020

Answered 4 August 2017

136-018**Is a fleet boat exempt from Subchapter M?**

This does not include the movement of barges carrying oil or hazardous material in bulk. All towing vessels, regardless of size, involved in the movement of barges carrying oil or hazardous material in bulk shall be certificated and manned in accordance with their COI. A fleet boat may be exempt from Subchapter M provided that the vessel is operating exclusively in a Limited Geographic Area as defined in 46 CFR [§136.110](#) as determined by the local Captain of the Port (COTP), and that the vessel meets the excepted vessels provisions as coordinated with their local OCMI.

Received 21 June 2016

Answered 13 September 2017, updated 06 October 2020

136-019**Will there be additional restrictions on local CG offices on Limited Geographic Areas (LGAs)?**

No. At this time we do not envision placing additional restrictions on the local Captain of the Port (COTP) in making determinations of LGAs. A vessel owner or managing operator seeking to operate in an LGA under the provisions of an excepted vessel should request permission from the local COTP at the earliest possible time as to avoid confusion during the application for inspection. In the case a vessel is determined to operate solely within an LGA and considered an “excepted” vessel in accordance with Subchapter M, it will be noted on the vessels COI.

Received 13 June 2016

Answered 4 December 2017, updated 06 October 2020

136-020

For the purposes of Subchapter M applicability, vessels engaged in salvage of recreational vessels are exempted from these regulations as discussed in §§2.01–7(b)(1)(ii)(B) and §136.105(a)(2)(ii). Salvage is also discussed on page 40015 of the preamble, column three. Similarly, "Assistance Towing" is also exempted from Subchapter M, defined in §136.110 as towing a disabled vessel for consideration and also discussed on preamble page 40015.

Pure salvage is rendered without prior agreement. Whereas contract salvage (like the definition of “assistance towing”) requires prior agreement for compensation (consideration). For purposes of Sub M – if the CG exempted assistance towing for consideration (contract salvage) - it reasons that pure salvage, that creates a lien for salvage awards, would also be exempted.

Received 25 July 2016

Answered 28 December 2016

136-021

For contracted workboat (exempt vessels), who is responsible for gaining approval for a work site? See §2.01–7 Classes of vessels (including motorboats) examined or inspected and certificated.

The owner or managing operator is responsible for gaining worksite exceptions from the OCMI. Other contracting entities *may* seek worksite designation and exceptions from the OCMI.

Received 28 July 2016

Answered 6 July 2017, updated 06 October 2020

136-022

What will a vessel undergoing repairs after a casualty fall under? New install, replacement in kind, or major conversion? Depending on age of the vessel, this could impact owners as insurance will cover cost of original equipment.

The vessel should be repaired to its original condition. If the owner or managing operator wishes to modify the repair from the original condition, they must communicate their intentions with the TPO or OCMI to ensure compliance with the regulations.

The answer to this question depends on a number of factors and will likely require a case by case assessment by the TPO or OCMI depending on the inspection option the vessel is under.

For additional information on major conversions see FAQ 136-003 and for replacement in kind see FAQ 136-028.

Received 28 July 2016

Answered 20 March 2017, updated 06 October 2020

136-023

How will the next drydock be determined when generating a COI?

The next drydock date will be determined by the vessel's operations and the initial COI date:

For vessels in salt water service the date for the next drydock would need to be within 36 months of the initial COI.

For a vessel in fresh water service the next drydock would need to be within 5 years of the initial COI.

See 46 CFR [§137.300](#) for additional details.

Received 18 August 2016

Answered 28 February 2017, updated 29 May 2018, updated 06 October 2020

136-027

May a drydock and internal structural exam (ISE) attendance today be used as objective evidence for a vessel two or three years from now for the initial COI?

Yes. Evidence of a drydock and ISE at any time prior to the issuance of a COI can be used and presented as objective evidence that the vessel's hull and structure are in compliance with 46 CFR [§136.210\(b\)\(2\)](#). The objective evidence presented to the OCMI may aid them in determining whether the vessel needs a drydock and/or ISE prior to issuance of the COI. The vessel audit and survey report issued by the TPO may also be used as objective evidence to meet 46 CFR §136.210(b)(2).

For additional information on drydock and ISE requirements see FAQ 137-004.

Received 22 August 2016

Answered 6 March 2017, updated 06 October 2020

136-028

What does the term “replacement in kind” mean and what is the significance of the term?

In accordance with 46 Code of Federal Regulations [§136.110](#) and as noted on 81 FR [40018](#), replacement in kind means replacement of equipment or components that have the same technical specifications as the original item and provide the same service. A replacement in kind is not typically required to meet current regulations. Replacements in kind may normally be accomplished by the crew, or a shipyard, as part of routine maintenance or repairs, and may not require notification to the OCMI or TPO as appropriate. If the replacement item upgrades the system in any way, the change is not a replacement in kind and the item or system should meet the current rules. When significant or extensive upgrades are made, consideration should be given if it is appropriate to seek a major conversion determination (see FAQ 136-003 for a discussion on major conversions).

Received August 2016

Answered 14 November 2016, updated 06 October 2020

136-029

Request that the Coast Guard provide a definition of “occasional towing” as it is used in 46 CFR §136.105(a)(5), which exempts “a vessel inspected under other subchapters of this chapter that may perform “occasional towing” from Subchapter M.

“Occasional towing” is described as engaged in the “infrequent” and “irregular” act of commercial towing (assistance towing exempt). “Infrequent” describes engaged in towing a minority amount of time. “Irregular” describes towing not on an established and routinely scheduled route or operation.

Received September 2016

Answered 22 November 2016

136-030

Is there a Coast Guard policy to accept the current ABYC standards in lieu of the standards incorporated by reference? And if so, is there a memo or policy addressing this?

There is no overarching policy in place to allow for the automatic acceptance of an updated edition of a standard that is listed in 46 CFR Subchapter M's Incorporated by Reference (IBR) section (46 CFR [§136.112](#)).

Under the equivalency determination provisions of 46 CFR [§136.115](#), however, an owner or managing operator may request that the cognizant Officer in Charge, Marine Inspection (OCMI) review and accept the updated standards as equivalent to those that are incorporated by reference in 46 CFR Subchapter M. Current editions of recognized standards are normally considered equivalent to those listed in 46 CFR §136.112.

Received 29 September 2016

Answered 4 May 2017, updated 06 October 2020

136-031/034

In Sub-M the definition of Western Rivers (§136.110) includes the Gulf Intracoastal as included (33 CFR §§89.25 and 89.27). In 46 CFR Part 10 (Licensing) Western Rivers is completely separate from the GIWW. The Western Rivers and Inland Waters definitions are also linked back to the Navigation Rules in 33 CFR 89 and 33 CFR 83. We have one definition of route for the equipment and another conflicting definition for the licensing and navigation. If the Subchapter M definition is applicable to the equipment, does that extend the exemptions for Western Rivers vessels to vessels operating on the Gulf Intracoastal Canal? Do the equipment standards apply under the Sub M definition and the Licensing standards apply as they are?

For the purpose of Inspected Towing Vessels in 46 CFR §136.110 – Definitions – Does the definition of Western Rivers include the entire Gulf Intracoastal Waterway (GIWW) from St. Marks to Rio Grande or is it on the sections of the GIWW not listed in 33 CFR §89.27(b)(1-12)?

The Coast Guard has adopted the existing [33 CFR §164.70](#) definition of Western Rivers which applies to navigation safety regulations for towing vessels. Western Rivers means the Mississippi river, its tributaries, South Pass, and Southwest Pass to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternative Route including the Old River and the Red Rivers and those waters specified in [33 CFR §§ 89.25](#) and [89.27](#) of this chapter, and such other, similar waters as are designated by the COTP.

Therefore, for the purposes of applying the navigation safety regulations for towing vessels within both [33 CFR 164](#) and [46 CFR Part 140 Subpart G](#), the waters of the “entire Gulf Intracoastal Waterway from St. Marks, Florida, to the Rio Grande, Texas including the Morgan City-Port Allen Alternate Route and the Galveston-Freeport Cutoff” are included. The remainder of the 33 CFR §89.27 text, including the stated exception for the applicability of Rule 24(c) on certain waterways listed therein, does not affect the definition as used in Sub M or the existing definition in [33 CFR §164.70](#).

Please note that Part 140 Subpart G – Navigation and Communication Equipment – is the only section in the Sub M regulations that uses the term “Western Rivers.”

Licensing standards will be addressed in separate policy.

Received 14 Nov 2016

Answered 21 June 2017, updated 06 October 2020

136-032

§136.172 states that the current towing vessel requirements are in effect until July of 2018 or the vessel receives a COI. After that date, the requirements of SUB M are applicable. Since a COI is required for a vessel to sail under Subchapter M, and the USCG is not requiring COIs on the first towing vessels until 2019, is there a regulation gap between July of 2018 and July of 2022 (when the last vessels are required to comply) that will prohibit operation of vessels? By default, do all vessels have to have a COI by July 2018?

All existing vessels must comply with Subchapter M not later than July 20, 2018 regardless of whether the vessel has received its COI.

[§136.172](#) “Temporary compliance for existing towing vessels” provides regulatory guidance for existing vessels and vessels that would receive a COI prior to July 2018. Between July of 2018 and July of 2022 there is no regulation gap. All vessels do not have to have a COI by July 2018. [§136.202](#) “Certificate of Inspection phase-in period” defines the four year phase-in period and sets the dates for each 25 percent of a fleet. Because this phase-in period is built into the regulation only the vessels that are designated by your phase-in schedule will be required to have a COI by the end of that specific period. The other vessels that are awaiting their COI inspection period can continue to operate without a COI however; these vessels must be compliant with Subchapter M.

For more information see [CG-CVC Policy Letter 17-03](#), COI Phase-in Period for Existing TVs Using the TSMS Option.

Received 7 Oct 2016

Answered 20 March 2017, updated 06 October 2020

136-033

Since ABS Rules are incorporated does this require that welding on either vessels that have been issued a COI or a New vessel will be required to be performed by certified welders. Must these welders be certified by ABS, Coast Guard, or by Shipyard.

No. 46 CFR [§2.75-70\(a\)](#), “Welding procedure and performance qualifications”, states that “welding procedures and welder performance utilized in the fabrication of vessels and their various systems and components subject to Coast Guard inspection shall be qualified as required by the applicable subchapter.” Subchapter M is not included in the subsequent list of applicable subchapters and provides no specific requirements for welding procedures or performance qualifications.

Vessels operating under a Load Line certificate, which undergo repairs, shall continue to comply with the applicable requirements consistent with the load line certificate held, per [46 CFR §42.09-50\(b\)](#).

[46 CFR 57](#) includes requirements for welding of pressure piping, boilers, pressure vessels, and non-pressure vessel type tanks.

In situations where there is concern or questions on the part of the builder or owner or managing operator, the cognizant OCMI should be contacted.

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Answered 21 June 2017, updated 06 October 2020

136-035

46 CFR §136.110 defines "new towing vessel" as a towing vessel which had its keel laid or was at a similar stage of construction on or after July 20, 2017. How does the Coast Guard define "similar stage of construction" for a towing vessel, which may not have a keel or was built in a modular mode of construction?

Similar stage of construction, for modular construction, is when the first piece of steel for the construction of the vessel has been started. This should not be confused with the "contract date."

Owners should submit objective evidence during the application for a COI to their OCMI. This evidence should indicate the date on which the vessel began construction. If this is BEFORE the date of July 20, 2017 the vessel will be considered an existing vessel. The objective evidence may include documentation and or photographs of the initial construction.

For more information see [CVC-WI-015\(1\), Determinations for a Vessel's Keel Laid Date or Similar Stage of Construction](#).

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Answered 17 January 2017, updated 06 October 2020

136-036

With ever changing economic conditions, there are times when it becomes necessary to lay up a vessel for extended times without a crew. Currently, a vessel can be re-crewed, gear tested, and get underway.

1) What will the process be for vessels which are not working at the time a certificate expires to renew a certificate?

2) Under the USCG option or TSMS, will full crewing be required to renew a certificate? Under a TSMS, can the vessel be issued a COI based on cursory inspection of vessel, with a minimal crew on board only to complete the vessel inspection similar to a government owned ship in ROS (reduced operating status) undergoing class inspections with only a partial crew?

1) Vessels with expired certificates will be subject to the full scope of inspection under the applicable option. Economic and seasonal circumstances which impact vessel operations may be addressed in a vessel's Safety Management System (SMS).

2) The scope of a COI inspection will be determined based on a number of factors including, but not limited to the condition of the vessel, and objective evidence of maintenance programs, drills and exercises etc. COI examinations under the Coast Guard option may require the full crew complement onboard and available to get underway and conduct drills. COI examinations under the TSMS option may not be required to have the full crew onboard and available if based on the objective evidence provided, underway testing and drills are deemed unnecessary.

Received 17 January 2017

Answered 11 May 2017, updated 06 October 2020

136-037

Who is required to initiate a major conversion determination request?

The owner of the vessel is responsible for initiating a major conversion determination request to the Marine Safety Center (MSC). When contemplating if a major conversion determination should be initiated, the owner should apply the criteria in [46 U.S.C §2101\(14a\)](#) and consider if the modification:

- a) Substantially changes the dimensions or carrying capacity of the vessel;
- b) Changes the type of the vessel;
- c) Substantially prolongs the life of the vessel; or
- d) Otherwise so changes the vessel that it is essentially a new vessel.

The OCMI or TPO may also prompt the owner to submit a determination request if the OCMI or TPO believes the extent of modifications would warrant the MSC's review.

For more information on major conversions, see FAQ 136-003.

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Answered 20 March 2017, updated 06 October 2020

136-039

I was interested in exploring what exactly the USCG will consider a recognized equivalent to ANSI/ISO/ASQ Q9001-2000 or ISO 9001:2008(E) (incorporated by reference, see §136.112 of this subchapter). For example, if I'm going to be an internal auditor for my company's vessels then what training would suffice? Would TVIB internal auditing course work? Would RC14001 (ACC's Responsible Care) work, as it is a derivative of ISO14001? Also, has the USCG considered making a full listing of approved equivalents? Much like they have started doing for approved TPOs?

46 CFR [§138.310\(d\)](#) contains an internal auditor requirement for the ANSI/ISO/ASQ 9001-2000 or ISO 9001:2008(E) course. The Coast Guard may accept any ISM Auditor course as an equivalent and will consider other courses if requested. The Coast Guard will also accept an ISM lead auditor course as an equivalent to 46 CFR §138.310(d)(2) requirements and will consider other courses if requested. A list of approved U.S. Coast Guard [recognized auditor and assessor courses](#) can be found on the TVNCOE website.

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Answered 4 May 2017, updated 06 October 2020

136-040

Are requirements/restrictions (i.e. manning requirements, maximum number of persons allowed onboard) listed on the COI applicable 100% of the time, or only when the boat is operating? For instance, if the vessel is undergoing maintenance on a drydock or having an engine overhauled, would the vessel be out of compliance with the terms of its COI if the total number of persons allowed onboard is exceeded due to an influx of shipyard personnel?

Per 46 CFR [§136.200](#) a towing vessel may not be operated without a COI and must be in full compliance with the terms of the COI. The Coast Guard has interpreted dry-dock/maintenance as a time when conditions will be different from the COI because the vessel is temporarily out of service. However, partially due to the fact that maintenance may be done on towing vessels while operating, the COI includes allowances for carriage of persons in addition to crew. For guidance these cases please read the following:

Out of Service: Examples include dry-dock, maintenance/repair availabilities, or when the vessel is cold-ironed. The manning conditions of the COI and maximum number of persons onboard for day work maintenance purposes would not apply until the vessel is in operation. See [CG-CVC Work Instruction 018](#), Laid up Inected/Examined Vessels for more information.

Carriage of Additional Persons: If the vessel is in operation with additional persons onboard for maintenance, the conditions on the COI must be complied with. This could mean that the vessel could have up to a specified number of contractors on board while underway, but to do work requiring more than that number the vessel would need to be taken out of service or an excursion permit requested per 46 CFR [§136.245](#).

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Answered 4 May 2017, updated 06 October 2020

136-041

Our company has a flat-deck barge we use specifically for carrying out short duration excursions for guests (no cargo). Would guests occupying and remaining on the barge be counted against the total persons allowed onboard which is stated on the towboat's COI?

No. Minimum manning requirements and total persons allowed are assigned to the towing vessel independent of barge manning and passenger allowance. If passengers are regularly carried aboard a barge, the barge must be certificated for the carriage of passengers and meet the applicable lifesaving requirements. Marine Safety Manual Vol. III, Part B: Vessel Manning, Chapter 2.D Passenger-Carrying Barges Under Tow, discusses requirements for barges carrying passengers.

Received 8 March 2017

Answered 6 July 2017

136-043

I'm not scheduled to phase in until 2020. Until then, do I need an annual survey, a vessel inspection, and am I part of the random audit pool?

All vessels must be compliant with Subchapter M on July 20, 2018. Until a COI is issued, annual Coast Guard inspections are not required. Likewise, annual surveys or audits are not required unless otherwise specified in the TSMS. Vessels will not conduct random audits until after the phase-in period ends on July 20, 2022 as it is more reasonable and practicable to begin the random process only after all vessels are issued a COI to draw an equivalent "random" selection from. See [CG-CVC Policy Letter 18-01, Guidance On The Audit Scheme For Vessels Using A Towing Safety Management System \(TSMS\) Option.](#)

Received 10 October 2017

Answered 4 December 2017, updated 06 October 2020

136-044

46 CFR §136.115 requires USCG approval to carry alternate equipment, and accordingly the owner documents this in their TSMS. If alternate arrangement is USCG-approved how do TPOs determine that? Will this information be documented on the COI?

46 CFR [§136.115](#) states that the Coast Guard MAY approve arrangements, fittings, appliances, apparatuses, equipment, calculations, information, or tests that provide a level of safety equivalent to that established. Requests should be submitted to the Coast Guard via the cognizant OCMI, who will coordinate with the appropriate Coast Guard Headquarters office for consideration. Approvals will be provided in the form of a letter to the owner or managing operator, and the owners or managing operators who will be responsible for ensuring that a copy is provided to their TPO. The alternate arrangement MUST be documented in the TSMS and should be notated on the COI.

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Answered 17 September 2019, updated 06 October 2020

136-045

Now that this rule is published, will the TVBP decal remain valid and will the Coast Guard continue to issue them?

The decals remain valid until they expire or until the vessel is issued a COI. As operations permit, the Coast Guard will continue to issue valid decals until July 20, 2018. This “carryover” period is discussed in Subchapter M at 46 CFR [§136.172](#) (and in the Final Rule preamble, 81 FR [40021](#)).

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Answered 31 August 2016, updated 06 October 2020