

**137-000**

**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.

**Received Aug 2016**

**Answered 31 Aug 2016, updated 14 May 2018**

**137-001/002/018**

**What will TPO oversight of the internal survey program consist of and will the Coast Guard also oversee the internal survey program?**

The owner or managing operator of a towing vessel that has selected the Towing Safety Management System (TSMS) option and who has chosen to demonstrate vessel compliance through an internal survey program, would conduct this survey program with oversight of a third-party organization (TPO) (§137.130(b)).

The TPO has latitude to determine how they will conduct oversight of a company's internal survey program. However, §137.210 provides a general framework for what the TPO will want to ensure is included in the company's TSMS.

The scope of Coast Guard oversight of a TPO under the internal survey program will depend on the reason for the visit. The Coast Guard may schedule an oversight visit, during which the items discussed in §139.160 may be examined, or if the visit is based on concern that the vessel's survey program is deficient, the Coast Guard may take any of the action described in §137.212.

**Received 28 Jul 2016**

**Answered 6 Feb 2017**

**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.

**Received Aug 2016**

**Answered 22 Nov 2016**

**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. Beginning from the date of the initial COI, these dates will be at least twice every 5 years and not to exceed 36 months between examinations for vessels in saltwater service, and at least once every 5 years for vessels in freshwater.

**Received Aug 2016**

**Answered 19 Oct 2016**

**137-005****What will be the differences between the CG option and the TSMS COI inspections?**

Regardless of the option a vessel selects, the scope of the inspection will be the same.

Time spent onboard a TSMS option vessel by the Coast Guard may be abbreviated based on the extent to which the objective evidence provided by the TPO addresses the items discussed in § 136.212(b).

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.

For additional discussion on COI inspections under the TSMS and Coast Guard options, see FAQ 136-012.

**Received Aug 2016**

**Answered 11 May 2017**

**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.

**Received Aug 2016**

**Answered 31 Aug 2016**

**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).

**Received June 2016**

**Answered 4 Jan 2017**

**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.

**Received June 2016**

**Answered 28 Dec 2016**

**137-009**

**How is the surveyor to know whether or not unapproved modifications have been made?**

**137-031**

**How do they determine if unapproved modifications were pre-existing or not?**

The owner/managing operator is ultimately responsible for ensuring that a towing vessel is in compliance with this subchapter and other applicable laws and regulations at all times, as per 46 CFR 137.120(a). With that said, a surveyor could become aware of an unapproved modification, through review and analysis of objective evidence provided, which could include: the application for inspection, verified plans, drawings, schematics, calculations, photographs, and other documents as available to ensure the vessel complies with the standards used.

46 CFR 144.135, "Verification of compliance with design standards," Table 144.135, and 46 CFR 144.145, "Procedures for verification of compliance with design standards," apply when making determinations of approved major conversions, alterations, or before a new installation is performed. This could include, but is not limited to, objective evidence of builders' plans as built or subsequently modified, as approved by qualified authority such as a registered professional engineer (P.E.), an authorized Classification Society, or the U.S. Coast Guard. For an existing vessel, § 137.215(b)(4), states that the survey must include a visual examination to confirm that unapproved modifications were not made to the vessel or its equipment.

**Received June 2016**

**Answered 31 Jan 2017**

**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.

**Received June 2016**

**Answered 28 Dec 2016**

**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.

**Received June 2016**

**Answered 28 Dec 2016**

**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.

**Received Jul 2016**

**Answered 4 Jan 2017**

**137-013**

**During the examination for certification, do you anticipate a vessel having to get underway to conduct emergency exercises?**

For the inspection for certification, per 46 CFR 136.212(a) the OCMI may direct the vessel to get underway or adopt other suitable means to test the towing vessel and its equipment.

**Received Jul 2016**

**Answered 11 Apr 2017**

**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.

**Received Jul 2016**

**Answered 28 Dec 2016**

**137-015**

**How will the Coast Guard document deficiencies, nonconformities or require corrections? IAW with Sub Chapter M, vessels are now subject to inspection, but do not have COIs.**

Per 46 CFR 136.172, existing towing vessels remain subject to the Coast Guard regulations applicable to the vessel on July 19, 2016 until either July 20, 2018 or the date the vessel obtains a COI, whichever date is earlier. In accordance with 46 CFR 2.01-7(b)(1), U.S. flag towing vessels are subject to the inspection and certifying regulations in 46 CFR Subchapter M.

How deficiencies are documented during Coast Guard inspections which take place prior to July 20, 2018 or the vessel's initial COI inspection will be determined by the cognizant OCMI and may be via a work list or on a CG-835. All deficiencies identified during a Coast Guard inspection after this point will be documented on a CG-835 in accordance with 46 CFR 2.01-10.

For information on documentation of deficiencies under the Coast Guard and TSMS options, see FAQ 138-024.

**Received 27 Jul 2016**

**Answered 11 May 2017**

**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.

**Received 21 Jul 2016****Answered 4 Jan 2017****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).

**Received 28 Jul 2016****Answered 4 Jan 2017**

**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.

**Received Jul 2016**

**Answered 2 Dec 2016**

### **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. **Vessel Surveys and Audits** – The company completes an internal vessel survey and an external vessel audit under the internal survey program. The TPO completes an external vessel survey and an external vessel 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.

**Received Aug 2016**

**Answered 28 Nov 2016, updated 27 Aug 2018**

### **137-022**

#### **How early can I do a dry-dock before I get a COI?**

As discussed in 46 CFR 137.300(a), drydock and internal structural examination intervals begin after the issuance of the initial COI, regardless of the option chosen to obtain the COI. The dates of required drydock and internal structural examinations will be listed on the vessel's COI.

**Received 09 Aug 2016**

**Answered 13 Sep 2017**

**137-023**

**Will there be standardized inspection form for drydock?**

No. There will not be a standardized inspection form for drydock, but the Subchapter M job aid is under development and will include drydock references.

**Received 19 Aug 2016**

**Answered 27 Aug 2018**

**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.

**Received 9 Aug 2016**

**Answered 13 Jan 2017**

**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.

**Received Aug 2016**

**Answered 22 Nov 2016**

**137-026****What is the Coast Guard's expectation for hull gauging for towing vessels?**

The Coast Guard will not require hull gauging on towing vessels as a matter of routine or based on a fixed schedule. However, hull gauging may be required if the cognizant OCMI or TPO has reason to believe that the hull plating or structural members of a towing vessel has deterioration that may affect its seaworthiness or fitness for its route or service in accordance with 46 CFR 137.300(b).

For additional information on hull gauging see NVIC 7-68, Notes on Inspection and Repair of Steel Hulls.

**Received 31 Aug 2016**

**Answered 20 Mar 2017**

**137-027****To what standard are we holding grandfathered doublers on the hull for inland river boats?**

Referring to §144.200, an existing vessel may be deemed by the OCMI or TPO, to be in compliance with structural standards provided that the vessel is built, equipped, and maintained to conform to the rules of a recognized class society appropriate for the intended service and routes, but not classed. Existing vessels can also be deemed compliant if the vessel has been both in satisfactory service insofar as structural adequacy is concerned and does not cause the structure of the vessel to be questioned by either the OCMI, or TPO engaged to perform an audit or survey. See also FAQ 137-029 on guidelines to determine acceptable hull structure integrity and 137-032 on criteria to determine degree of wastage, pitting, and improper repairs.

**Received 31 Aug 2016**

**Answered 27 Aug 2018**

**137-028****Is the over 100GT requirement still in effect for having a fixed bilge pumping system in place? (§137.220(c)(6)).**

Yes. However, this is an existing pollution prevention requirement in 33 CFR § 155.410, and not related to §137.220(c)(6) of subchapter M.

§137.220(c)(6) is a survey requirement to verify vessel emergency dewatering equipment, which may be an installed system or portable pump per §143.275.

§137.220(n) applies to survey requirements for vessel compliance with prevention of oil pollution regulations. This section refers to §140.655, which further references the existing water pollution prevention regulations in 33 CFR parts 151, 155, and 156, as applicable.

**Received 1 Sep 2016**

**Answered 6 Feb 2017, updated 14 May 2018**

**137-029**

**What criteria and guidelines will be used to determine acceptable or unacceptable hull and structure integrity? What specifications and tolerances will be used during the inspections?**

Classification Society surveyors abide by classification rules and guidance instruments from International Association of Classification Societies (IACS) and IMO instruments to verify the vessel's hull and structural integrity.

Coast Guard marine inspectors (MI) and marine surveyors use their qualifications and experience in evaluating the vessel's hull condition to ensure the vessel's seaworthiness, fitness or suitability for its route and service. MIs or surveyors are not limited by regulations from making inspections or tests as deemed necessary to be assured of the safety and seaworthiness of the vessel. Tests and inspections of the hull may include, but are not limited to; visual examinations, non-destructive testing (NDT) of the hull plates and structures, and/or hull gauging (thickness measurement). To aid in determining the true condition of a vessel, the MIs or surveyors should make every effort to research the vessel's records to detect any recent structural problems. An increase in the rate of failures may indicate a general deteriorating condition.

NVIC 7-68 provides information relating to good practice in the inspection and repair of steel hulled vessels. Marine Safety Manual (MSM) Vol. II, Material Inspection, Section B, Chapter 1 "Inspection of Vessels for Certification" and Chapter 3 "Hull Examinations" provide additional guidance.

The American Society for Testing and Materials (ASTM), standard F2991-13, "Standard Guide for Doubler Plate Repairs for Non-Classed Ship Structures," is applicable to vessels which are not classed and not required to meet the load line regulations. Section 5 "Applicability of Doubler Plates," specifies situations where doublers can and cannot be used.

For further information on hull and structural integrity see FAQ 137-032.

**Received 1 Sep 2016**

**Answered 11 Apr 2017**

**137-030**

**What constitutes "deficient"?**

According to the definitions listed under 46 CFR 136.110, *Deficiency* means a failure to meet the minimum requirements of the vessel inspection laws or regulations.

**Received 1 Sep 2016**

**Answered 4 Aug 2017**

**137-032**

**What criteria is used to determine degree of wastage, pitting, improper repairs etc? What specifications and tolerances will be used?**

Marine surveyors and marine inspectors rely on their training and experience in evaluating the vessels hull condition. In addition, there are Classification rules, IACS instruments, NVIC's, policies and industry standards to aid them.

Some of the tools available for use by marine surveyors and marine inspectors are:

- ABS Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways
- ABS Rules for Building and Classing Steel Vessels Under 90 Meters (295 ft) in Length
- NVIC 7-68 Notes on Inspection and Repair of Steel Hulls
- MSM Vol. II Section B, Chapter 1 Inspection of Vessels for Certification page. B1-24 – 26.
- ASTM Standard F2991-13 Standard Guide for Doubler Plate Repairs for Non-classed Ship Structures.

Additional resources are available in the incorporated by reference list located in § 136.112. For further information on hull and structural integrity see FAQ 137-029.

**Received 1 Sep 2016**

**Answered 20 Mar 2017, updated 14 May 2018**

**137-033**

**What do they mean by "hull protection system?" Coatings, anodes?**

The term "hull protection system" is used in 46 CFR 137.335 when discussing underwater survey in lieu of drydocking (UWILD). This term refers to cathodic protection, as referenced in Marine Safety Manual Volume II, Section B, Chapter 3, Hull Examinations. 46 CFR, Subchapter T provides a definition for this term, which includes: "a method of protecting the vessel's hull from corrosion. It includes either hull coatings and a cathodic protection (CP) system consisting of sacrificial anodes, or an impressed current CP system" (46 CFR 175.400). For additional information on UWILD, see FAQ G-030.

**Received 1 Sep 2016**

**Answered 16 Feb 2017**

**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.

**Received 22 Sep 2016**

**Answered 13 Jan 2017**

**137-035**

**Will there be a required 10% USCG attendance for inspections and tests? Will USCG follow attendance guidelines already listed in NVIC 10-82?**

No, there is no specific requirement for percentage based Coast Guard attendance, as discussed in NVIC 10-82, for vessel surveys or audits under the Towing Safety Management System compliance option. The Coast Guard may choose to attend audits and surveys.

**Received 29 Aug 2016**

**Answered 3 July 2017**

**137-036**

**How will the Coast Guard establish dates for hull examinations and internal structural examinations (ISEs) for vessels inspected under Subchapter M?**

The hull exam and ISE dates will be based on the issuance date of the COI.

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**Answered 27 Aug 2018**