



Subchapter M TPO/Class Quarterly Meeting

16 Dec 2021, 1:00 P.M. CDT

Meeting Minutes



- I. Opening: The meeting was called to order at 1:00 P.M. CST by CDR Andrew Bender, TVNCOE.
- II. Present: TVNCOE, CVC-1, CVC-4, CGD8, D13, and representatives from ABS, ITOW, Sabine, and TVIB.
- III. Agenda Topics and Discussion (Past Business):
 - a. Fleet Status:
 1. 233 TSMSs/DOCs issued.
 2. 3592 vessels covered by TSMSs/DOCs.
 3. 3662 total COIs: +553 COIs over six months (67/33 TSMS Option). Single vessel companies at 71.2% (+19.9% over six months), while multi-vessel companies at 72.6% (+12.6% over six months).
 4. 198 in COI draft/awaiting review status.
 - b. TPO Approval Renewals: CG shared that one TSMS renewal application is under review and other TPOs have been proactive with questions as their deadlines approach. (No further discussion requested.)
- IV. Agenda Topics and Discussion (New Business)
 - a. Policy Updates and Guidance: None.
 - b. Progress of mid-period management audits. Completed (133), in window (9), remaining, but not in window (41), overdue (0) = 183 total. (No further discussion requested.)
 - c. [TVNCOE website](#) and [TVNCOE Online Training](#). TVNCOE emphasized that facilitated online training remains available to industry and TPOs. (No further discussion requested.)
 - d. General TPO feedback/concerns/Poll Everywhere.
 1. TPO asked "What is the TVNCOE's policy/position towards companies that wish to change management systems? Should a TPO follow the requirements for Initial Verification? Can two systems be in place (ISM, TSMS) at the same time in order to facilitate a seamless transition to the new system?"

CG answered that the regulation doesn't speak to this specific question; therefore, the TPO should manage the transition between SMSs as they see fit. CG notes that although a fleet of vessels may be divided between multiple certified SMSs, a single vessel may not operate under more than one certified SMS. Also, as the company's vessels transition to the new SMS, the vessel's owner or managing operator (OMO) should work with the cognizant OCMI to ensure any existing COIs are amended as appropriate.
 2. TPO asked "You may be aware, but radar parts and radar units are on a 5-6 month back order. This supply chain disruption will likely continue for some time. Some vessels operate with a single radar. If the Coast Guard requires operable radar in order to operate that will create a scenario where a vessel is out of service for 5-6 months. Use of AIS with

electronic charting, VHF communications, as well as a supplemental lookout (when needed) should be helpful in mitigating risks. Will the Coast Guard allow flexibility under Permit to Proceed process during this unprecedented supply chain disruption?”

CG answered that a permit to proceed would not be appropriate for this type of issue and that the CG is not in a position to broadly waive radar carriage requirements. Owners and operators should engage the cognizant OCMI/COTP, as appropriate, via the authorization for temporary deviation from navigation equipment requirements under 33 CFR 164.55.

3. TPO asked, “Will there be an update to [CG-CVC Policy Letter 18-01](#) that allows random audit program to begin with second issuance of TSMS Certificate rather than connecting that to the 100% COI attainment rate?”

CG answered that an update to Policy Letter 18-01 is under review by CG Headquarters, but there is no guarantee if or when the Policy will be available. At this time, the current policy remains in effect.

4. TPO asked, “What will be the CG’s stance on vessels that don’t have a COI by July 19, 2022? If a vessel does not have a COI, but an application has been submitted, will there be any leeway for that?”

CG answered that on July 19, 2022, the CG will evaluate which vessels have not been certificated, and, regardless of COI application status, using the guidance in [CG-CVC Policy Letter 20-01](#), Subchapter M Enforcement, those vessels should expect a Code 705 (Other: Rectify deficiency within 90 days) requiring the vessel to be certificated by the CG within 90 days. If an inspection is not completed prior to this date, the action for this deficiency shall be changed to a 60 (Rectify deficiencies prior to movement) and the vessel may no longer be permitted to operate.

5. TPO asked, “What is the status of user fee revision? Have heard it recently passed OMB review. If accurate, when will it be published in the Federal Register?”

CG answered that OMB has cleared; however, for additional updates to the proposed rulemaking, please use the following site at [User Fees for Inspected Towing Vessels](#).

6. TPO asked, “During COI amendments, we are seeing the OCMI issue a CG-835V requiring an external vessel audit within six months of the COI amendment. The citation being used is 46 CFR 138.315(b)(2); however, the audit in this reference is a requirement for "initial COI". It would seem more appropriate that a vessel be placed into the operator's pool of vessels for random selection as described in 138.315(b)(3) and there not be a CG-835V issued. 136.235 outlines COI amendment process and does not include a requirement for an external audit within six months of an amendment. Can you provide clarification on why OCMI's are requiring an external audit within six months of the COI amendment?”

CG answered that in the case where the COI was amended because the vessel moved from one SMS to another (a move between the CG and TSMS Options should result in a new COI), the way to ensure implementation of said SMS on the vessel is for the TPO to complete an external vessel audit (usually granted a six month window for the external audit). In the case where a vessel remains under the same operator, and the operator decides to use another SMS, that, in the opinion of the TPO does not deviate from the original SMS at the vessel level, the TPO should validate the same via an external management audit (the TPO may determine the breadth); however, the CG does not require an additional external audit for a

vessel already externally audited under the existing SMS. Additionally, in a similar scenario where the OMO changes their TPO, the new TPO has discretion to accept previous audits and can maintain the existing external audit schedule for the OMO.

V. Adjournment: This meeting was adjourned at 1:30 P.M. by CDR Andrew Bender

Minutes approved by: *A.R. Bender*