

U.S. Department of
Homeland Security
United States
Coast Guard



Commander
Ninth Coast Guard District

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CGD9NOTE 16771

NINTH DISTRICT NOTICE 16771

FEB 27 2018

Subj: SPECIAL CONSIDERATION IN AUTHORIZING DEPARTURES FROM SPECIFIC REQUIREMENTS IN SUBCHAPTER M.

Ref: (a) Title 46, Code of Federal Regulations (CFR) Subchapter M
(b) Marine Safety Manual Volume II, Chapter 2

1. PURPOSE. It is my intention to allow the OCMI/COTP to utilize their authority to allow special considerations for certain requirements found in Subchapter M. Per reference (a), the cognizant OCMI may give special consideration to authorizing departures from specific requirements, when unusual circumstances or arrangements warrant such departures and when an equivalent level of safety is provided.
2. ACTION. All Ninth District OCMI/COTP shall comply with the decision outlined in this notice.
3. DIRECTIVES AFFECTED. None
4. DISCUSSION. Throughout the vessel inspection regulations, there are provisions for special actions and considerations to be given in certain circumstances. In many cases, the discretion to give special consideration rests with the Commandant or District Commander. In some cases, the OCMI is given this authority and may further delegate the authority to inspectors. Other regulations authorize the inspector to make discretionary rulings on matters within the limits of unit policy. Provisions for special consideration should be used to provide practical application of the regulations, and to avoid unreasonable requirements and arbitrary actions or decisions not necessary to maintain an adequate degree of safety. This policy applies only to those regulations that expressly authorize these special provisions.

The OCMI is authorized by certain sections of the regulations to permit departures from specific requirements when special circumstances or arrangements warrant such departures. In this regard, the OCMI must recognize that local practices in meeting the peculiarities of local conditions have often proved safe under conditions that do not conform to specific provisions of the regulations.

5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations under the National Environmental Policy Act (NEPA) were examined in the development of this Instruction. This Instruction included preparation of guidance documents that implement, without substantive change, the applicable Command Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents. It is categorically excluded from further NEPA analysis and documentation requirements under Categorical Exclusion (33) as published in COMDITINST M16475.1D, Figure 2-1. An Environmental Checklist and Categorical Exclusion Determination (CED) are not required.
7. DISTRIBUTION. No paper distribution will be made of this Instruction. An electronic version will be located on the following site:
<https://cg.portal.uscg.mil/units/d9/districtnineinspectionsandinvestigations/District%20Nin%20Inspections%20and%20Investigations/Forms/AllItems.aspx>
8. PROCEDURE. OCMI/COTP shall implement Subchapter M within their fleets of responsibility at a pace unit resources can support based on local evaluation of risks posed to the marine transportation system. The operational requirements listed below likely pose minimal risk to the operational safety of this fleet depending on the vessel's route and service.

A. Fire pump pressure testing *46 CFR 142.325*: It is not uncommon for inspectors or industry partners to test the pressure of the fire pump with a pitot gauge. In some cases, the requirement for a fire pump to display 50 psi may far exceed the pressure necessary to reach all parts of the vessel. Marine inspectors should use their best judgment in determining adequacy of the fire main and not rely solely on the reading from a pitot gauge.

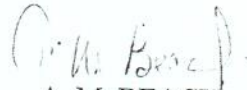
B. Shipboard lighting with 90 minute-batteries, *46 CFR 143.410*: Many towing vessels are equipped with 90 minute emergency lighting. The regulation calls for a 2-hour lighting requirement. As the Federal Register discusses in the final rule, the use of phosphorescent lighting strips are available that provide illumination for more than 2 hours, and is an acceptable alternative.

C. An installed pressure vessel (PV) that does not have the MAWP posted is considered out of compliance. An MAWP setting established by the crew and listed on a sticker is not considered satisfactory, unless it can be verified against a user manual, manufacturer nameplate/datasheet or other paperwork associated with the particular PV. The CG MI should also consider the system pressure to the PV (from a pump or compressor) and the PV relief valve setting before accepting an alternative to a nameplate. If the MAWP posted is not acceptable or the MAWP is missing, the PV needs to be inspected and pressure-tested to establish the MAWP.

Alternatively, a class society surveyor familiar with PV testing, a professional engineer, or an ASME or National Board member familiar with PV certification may witness the testing and recommend a MAWP.

9. FORMS/REPORTS. None

10. REQUEST FOR CHANGES. Questions and comments concerning this policy should be directed to the Ninth District Chief of Prevention.



A. M. BEACH

Captain, U. S. Coast Guard

Ninth Coast Guard District

By Direction

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Subj: DEFERMENT OF ENFORCEMENT OF COLREGS FOR INSPECTED TOWING
VESSELS ON WESTERN RIVERS ROUTES.

Ref: (a) Title 46, Code of Federal Regulations (CFR) Subchapter M
(b) Title 33, CFR §1.01-30, Captains of the Port
(c) Navigation Rules COMDTINST M16672.2D

1. PURPOSE. The purpose of this guidance is to defer certain requirements for implementation of Subchapter M on the Western Rivers in the Ninth Coast Guard District.
2. ACTION. All Ninth District OCMI/COTP shall comply with the decision outlined in this notice.
3. DIRECTIVES AFFECTED. None
4. DISCUSSION. Historically, towing vessels solely operating on the Western Rivers of the United States have not carried or used dayshapes and navigation lights for *vessel aground, not under command, vessel at anchor, and restricted in ability to maneuver*. With the establishment of subchapter M, each towing vessel must be equipped with navigation lights, shapes, and sound signals in accordance with the International Regulations for Prevention of Collisions at Sea (COLREGS) or 33 CFR part 84. Per reference (b), Captains of the Port and their representatives enforce within their respective areas port safety and security and marine environmental protection regulations, including, without limitation, regulations for the protection and security of vessels, harbors, and waterfront facilities; anchorages; security zones; safety zones; regulated navigation areas; deepwater ports; water pollution; and ports and waterways safety. Therefore, it is entirely within the OCMI/COTP authority to defer enforcement of certain navigational requirements until the vessels second Certificate of Inspection or until national regulatory changes occur. The operational requirements listed below likely pose minimal risk to the operational safety of this fleet depending on the vessel's route and service.
5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.

6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations under the National Environmental Policy Act (NEPA) were examined in the development of this Instruction. This Instruction included preparation of guidance documents that implement, without substantive change, the applicable Command Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents. It is categorically excluded from further NEPA analysis and documentation requirements under Categorical Exclusion (33) as published in COMDITINST M16475.1D, Figure 2-1. An Environmental Checklist and Categorical Exclusion Determination (CED) are not required.

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8. PROCEDURE. For Inspected Towing Vessels (ITV) on the Western Rivers, including the Chicago River to the entrance of the Chicago River Lock, and upon the Calumet River to the entrance of Calumet Harbor (Calumet Pier Head Light). Ninth District OCMI/COTPs may defer compliance for the following items until the development of a national policy but not beyond the issuance of the vessel's second COI:

(a) Dayshapes and Navigation lights for the following conditions on vessels operating on the Western Rivers only:

Vessel Aground-33 CFR 83.30 (d)

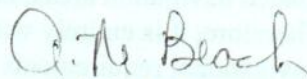
Not Under Command-33 CFR 83.27 (a)

Vessel at Anchor-33 CFR 83.30 (a)

Restricted in Ability to Maneuver-33 CFR 83.27 (b)

9. FORMS/REPORTS. None

10. REQUEST FOR CHANGES. Questions and comments concerning this policy should be directed to the Ninth District Chief of Prevention.



A. M. BEACH
Captain, U. S. Coast Guard
Ninth Coast Guard District
By Direction