



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



Category	Inspected Towing Vessel Program				
Title	Towing Vessel COI Inspections under TSMS Option				
Serial	CVC-WI-013(4)	Orig. Date	18 Sept 18	Rev. Date	31 Dec 19
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 party. 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 CG-CVC-1@uscg.mil who is responsible for implementing this guidance.</p>				
References:	<p>(a) Title 46 Code of Federal Regulations (CFR), Chapter I, Subchapter M – Towing Vessels</p> <p>(b) CG-CVC Policy Letter 17-01, Use of Uninspected Towing Vessel (UTV) decal to meet certain requirements regarding issuance of the initial Certificate of Inspection (COI) under Subchapter M, dated March 10, 2017</p> <p>(c) CG-CVC Policy Letter 17-02 CH-2, Use of existing Safety Management Systems (SMS) to obtain an initial COI under Subchapter M, dated September 18, 2018</p> <p>(d) Enclosure (2) TO Navigation and Vessel Inspection Circular (NVIC) No. 04 03, CH-1 to Guidance for verification of vessel security plans (VSP) on domestic vessels in accordance with the Maritime Transportation Security Act (MTSA) regulations and International Ship & Port Facility Security (ISPS) Code</p> <p>(e) 46 United States Code (U.S.C.) §3305(d), Scope and standards of inspection</p> <p>(f) CG-CVC Policy Letter 17-10, Deficiency recording and reporting for vessels using a Towing Safety Management System (TSMS) option, dated November 28, 2017</p> <p>(g) CG-CVC Work Instruction CVC-WI-010(series), OCMI guidance on special consideration for 46 CFR Subchapter M vessels</p>				

- A. **Purpose.** This instruction provides guidance on the U. S. Flag Administration’s interpretations on the application and implementation of towing vessel Certificate of Inspection (COI) issuance under the Towing Safety Management System (TSMS) option. Where no additional instructions or interpretations are provided, reference (a) should be applied as written.
- B. **Background.** As of July 20, 2018, all towing vessels must be in compliance with the requirements of reference (a) and have received, or are making plans to receive, a COI from the Coast Guard in accordance with 46 CFR §136.202. There are two options for documenting compliance for certification: the Coast Guard option or the TSMS option.

- C. Action. Officers in Charge, Marine Inspection (OCMI) should reference this guidance when issuing a COI under 46 CFR Subchapter M for inspected towing vessels choosing the TSMS option. Enclosure (1) provides a flow chart to illustrate the TSMS compliance process.
- D. Discussion. Owners and operators electing the TSMS option must submit requests for COIs to their local OCMI, as outlined in 46 CFR §136.210(a). OCMI should give priority to vessels that have a valid UTV decal, as outlined in reference (b). The following actions are required by owners and managing operators:
1. Surveys and Audits.
 - a. **Surveys:** Whether operating under an internal or external survey program, the surveyor shall conduct a survey in accordance with 46 CFR §137.215 and report the same per 46 CFR §137.135.
 - i. (*Internal*) The owner or managing operator completes a vessel survey under the internal survey program with Third Party Organization (TPO) oversight of the same. The owner or managing operator is not required to survey items as described in 46 CFR §137.220 as one event, but may survey items on a schedule over time, provided that the interval between successive surveys of any item does not to exceed one year. If the TSMS prescribes the internal survey to be conducted as a single event, then the survey shall be based on the anniversary date of the COI and may take place within a six-month window, between 90 days prior to and 90 days after the anniversary date. However, surveys for renewal, which occur every five years, must be completed prior to the COI expiration date but not sooner than 90 days prior to the expiration date.
 - ii. (*External*) External surveys shall be managed in accordance with 46 CFR §137.205 and conducted annually, within 3 months of the anniversary date of the COI.
 - b. **Audits:**
 - (*Internal*) Internal audits, under 46 CFR §138.310(d), are conducted by the owner or managing operator. The auditor must be independent of the procedures being audited, unless this is impracticable due to the size and nature of the organization. The auditor may not be the designated person, or any other person, within the organization that is responsible for development or implementation of the TSMS. While the internal audit results must be documented and made available to the Coast Guard upon request, the audit results are not required to be submitted as the objective evidence referenced in 46 CFR §136.210(b)(1) for issuance of a COI.
 - i. (*External*) The TPO completes an external management audit prior to the issuance of the initial TSMS certificate and will conduct an external vessel audit either prior to or after initial issuance of the COI depending on how long the vessel has been owned or operated and subject to the TSMS (46 CFR §138.315). In accordance with 46 CFR §138.315(b)(1), vessels subject to an owner or managing operator's TSMS that have been owned or operated for 6 or more months are required to conduct an external vessel audit prior to issuance of the initial COI. For vessels that have been owned or operated for fewer than 6 months, 46 CFR §138.315(b)(2) requires that an external audit must be conducted no later than 6 months after the issuance of the initial COI.
 2. Six (6) Months Before Initial COI Inspection. Under 46 CFR §138.115, owners or managing operators must obtain a TSMS Certificate from a TPO at least 6 months prior to the scheduled initial COI issuance date. The list of TPOs can be found on the [Towing Vessel National Center of Expertise \(TVNCOE\) website](#).

- a. In accordance with reference (c) and per 46 CFR §138.225, in lieu of meeting 46 CFR §138.115, a company may submit objective evidence that the vessel has been operating under an existing SMS, for a minimum of three years, as an equivalent level of performance. If the submission is accepted, the owner or managing operator will not be required to hold a TSMS Certificate for the 6 months prior to the issuance of a COI, as required above; however, a valid TSMS Certificate is required prior to the issuance of the COI.
 - b. Additionally, in accordance with reference (c) and 46 CFR §138.225, a company may submit objective evidence that the vessel has been operating under the International Safety Management (ISM) Code (for any amount of time), as an equivalent level of performance. The company will not be required to have a Document of Compliance (DOC) and Safety Management Certificate (SMC) for the 6 months prior to the issuance of a COI. However, the company must possess a valid DOC and the vessel must possess a valid SMC prior to the issuance of the COI.
3. Three (3) Months Before Initial COI Inspection. The owner or managing operator should schedule the initial inspection for certification at least three (3) months before the vessel is to undergo the inspection.¹ Upon receipt of the initial inspection request from the owner or managing operator, the OCMI must create a MISLE Activity in accordance with the [Subchapter M MISLE user guide](#).
 4. Thirty (30) Days Before Initial COI Inspection. Thirty (30) days prior to the vessel undergoing the initial inspection for certification, owners and managing operators must submit Form CG-3752, titled "Application for Inspection of U. S. Vessel," to the cognizant OCMI where the inspection will take place.² Along with the CG-3752, the owner or managing operator should:
 - a. Provide the OCMI with the towing **vessel particulars information**. (46 CFR §136.210(a)(1)(i)). The OCMI may use this information to complete an [ITV Particulars Form, CVC-FM-004\(series\)](#). Not all information on the ITV Particulars Form (for example, photos) is required for issuance of a COI. The OCMI will determine the minimum items on the form that are necessary to complete the COI and provide adequate MISLE data.
 - b. Provide the OCMI with the towing vessel **route(s)** on the CG-3752.³
 - c. Provide the OCMI with a **manning proposal** for each route sought as well as **persons in addition to crew**. [For example: domestic voyages (two watch systems) versus international route (potential three watch or two watch system)]⁴.
 - d. Provide the OCMI with objective evidence that the owner or managing operator is in compliance with the TSMS per 46 CFR §136.210(b)(1). A valid TSMS Certificate or DOC is sufficient.
 - e. Provide the OCMI with objective evidence that the vessel is in compliance with the TSMS per 46 CFR §136.210(b)(2). For a vessel operating under a TSMS Certificate, the company should provide evidence demonstrating the vessel operates under said TSMS. Vessels that have been owned or operated for 6 months or more should submit a **copy of the external vessel audit** results. For a vessel under ISM, an SMC is sufficient.

¹ See 46 CFR §136.210 – Obtaining or renewing a COI.

² See *Id.* – Obtaining or renewing a COI.

³ Pursuant to 46 CFR §136.230, the area of operation for each towing vessel and any necessary operational limits are determined by the cognizant OCMI and recorded on the vessel's COI.

⁴ See 46 CFR §§2.01-5 and 15.501, MSM Vol III (COMDTINST 16000.8B), 46 CFR §136.210(a)(1), and 46 U.S.C. §3304(a).

- f. Provide the OCMI with a **survey report** that meets requirements of 46 CFR §137.135 stating the vessel's structure, stability, and essential systems are fit for the intended route and service requested. The owner or managing operator should clearly communicate whether the vessel will operate under an external or internal survey program. For vessels operating under an external survey program, the TPO provides the company a survey report. For vessels operating under an internal survey program, the company provides a survey report.
 - g. Inform the OCMI if vessel is expected to be exposed to salt water more than 6 months in any 12-month period or not more than 6 months in any 12-month period so as to establish hull exam intervals prescribed by 46 CFR §137.300(a). A drydock (DD) and internal structural exam (ISE) is **NOT** required for the initial COI. The date of the initial COI sets the schedule for DD and ISE intervals. As per 46 CFR §137.300, the cognizant OCMI may require additional examinations of the vessel prior to issuance of the COI if the OCMI discovers or suspects damage or deterioration to hull plating or structural members that may affect the seaworthiness or fitness for the route or service of a vessel.
 - h. Provide, if applicable, the OCMI any **international documents and certificates** appropriate for the vessel from its Recognized Organization, in accordance with reference (c) and the Coast Guard Inspected Towing Vessel (ITV) International Addendum, [CVC-FM-003\(series\)](#).
 - i. Provide, if applicable, the OCMI with requested **equivalents** (46 CFR §136.115) and **special considerations** (46 CFR §136.120) for the vessel, and inform the OCMI whether the owner or managing operator considers it to be an excepted vessel (46 CFR §136.110).
 - j. If the MTSA is applicable and a towing vessel has not received a **VSP (“MTSA”) verification** by the Coast Guard within five years, then it will be necessary for the OCMI to verify the VSP prior to issuance of a COI⁵. The OCMI can coordinate with the owner or managing operator to harmonize the VSP verification date with the COI issuance date.
5. Initial COI Inspection.
- a. The OCMI should ensure that the items received in paragraph 4(a)-(j) are properly documented in MISLE. Inspectors will document survey program type in the MISLE narrative in accordance with the [Subchapter M MISLE User Guide](#).
 - b. As a result of the **transient nature of the towing vessel industry**, it may be common for towing vessels to schedule the COI inspection in one OCMI zone and not be available in that zone when the actual inspection date arrives. To facilitate the inspection process, it is imperative that complete and accurate COI application information is entered into MISLE and the relevant documents uploaded. Should a schedule or location change be required, owners and managing operators should promptly communicate the same to the affected OCMI(s) to minimize inspection delays. Upon receipt of a request to change OCMI zones, the OCMI may:
 - i. **Transfer the inspection to the receiving OCMI (preferred option).** The OCMI should discuss the application to determine if additional information is required from the owner or managing operator. In general, if a COI inspection has commenced in one OCMI zone and needs to be completed in another OCMI zone, the OCMI should communicate areas of the vessel already inspected to avoid duplication. If the previously scheduled inspection is moved to another OCMI zone, the **“Initial Certification” MISLE activity** should be transferred to the OCMI where the

⁵ See paragraph 3.B of reference (d).

inspection will take place. The MISLE activity narrative should clearly outline what portions of the inspection have been completed and any applicable findings.

- ii. **Reschedule or postpone** the inspection so that it can be conducted by the OCMI that received the initial CG-3752.

6. Renewal COI Inspection.

- a. Per 46 CFR §2.01-3, at least 30 days prior to the expiration of the COI, a vessel's owner, charter, operator, agent, master or individual in charge shall notify the Coast Guard in writing if the vessel will be required to be re-inspected for certification or will be operated in such a manner as to not require a COI.
- b. Per 46 CFR §136.210(a)(2), the application for a COI renewal will include any **changes** to the information included in the initial COI application and a description of any **modifications** to the vessel. The timeline for scheduling and applying for a COI is the same as for the initial COI application.
- c. After a towing vessel receives an initial COI, the **OCMI will inspect the vessel at least once every 5 years** and must ensure that the towing vessel is suitable for its intended route. The OCMI may direct the vessel to get underway and may adopt any other suitable means to test the towing vessel and its equipment, to include drills.
- d. The owner or managing operator must provide the OCMI objective evidence of **external or internal survey programs** as described in paragraph (1.a.) above.
- e. The owner or managing operator must provide the OCMI objective **evidence of DD exams and ISEs** conducted during the COI period.
- f. **Coordination Across OCMI Zones:** Per reference (e), an OCMI that disagrees with an interpretation or decision made by the OCMI that issued the most recent COI for that vessel, shall contact the OCMI that approved the COI and seek to resolve such disagreement. If such disagreement cannot be resolved, the OCMI shall submit to the Commandant (CG-CVC), through the cognizant Coast Guard District Commander, a request for final agency determination.

E. Additional Guidance.

1. A per 46 CFR §136.110, "*objective evidence* means quantitative or qualitative information, records, or statements of fact pertaining to safety or to the existence and implementation of an SMS element, which is based on observation, measurement, or testing that can be verified. This may include, but is not limited to, towing gear equipment certificates and maintenance documents, training records, repair records, Coast Guard documents and certificates, surveys, classification society reports, or TPO records." Additionally, summaries of TPO independent verifications, audit findings, marine surveyor reports, professional engineer certification, and gap analysis from 46 CFR Subchapter C to Subchapter M regarding audit and survey requirements are also valid objective evidence.
2. Deficiencies or non-conformities noted by Coast Guard Marine Inspectors shall be addressed as described in reference (f).
3. In accordance with reference (b), UTV decals may be used to provide objective evidence that the Coast Guard has attended the vessel and has conducted certain regulatory compliance activities on the vessel. At the OCMI's discretion, an additional visit to a vessel that possesses a UTV decal may not be warranted.

4. In accordance with 46 CFR §136.130(e), requests to change from TSMS option to Coast Guard option during the period of validity of an existing COI must be accompanied by an application to the OCMI for a **new COI**. If the requirements for the new options are met, then the OCMI will issue a new COI following a new COI inspection.
5. When a COI is issued under the provisions of reference (b), the following endorsement will be added to the towing vessel's COI:

This COI is issued in consideration of the provisions contained in 46 U.S.C. §3103 and 46 CFR Part 139, on the basis of reports, documents and records provided by [*insert name of TPO or TPOs*], a Third-Party Organization, and the vessel's possession of a valid Coast Guard Decal.
6. When a COI issued under the provisions of reference (c), the following endorsement will be added to the vessel's COI:

This COI is issued in consideration of the provisions contained in 46 CFR Part 138, on the basis of objective evidence provided by [*insert name of TPO or TPOs*], an approved Third Party Organization, and the vessel possesses [*pick one*]: a valid TSMS Certificate or both a valid Document of Compliance and Safety Management Certificate for the existing safety management system used on the vessel.
7. OCMI should refer to reference (g) for suggested COI endorsements related to special considerations.
8. An OCMI will not annually endorse the COI for TSMS option vessels. Annual COI activities are not required.
9. Coast Guard Towing Vessel Marine Inspectors may find instructions on how to complete a TSMS-inspection MISLE activity by viewing the "MISLE Towing Vessel Data Entry Guide" located on the [MISLE Community CG Portal site](#). The MISLE Activity shall be opened as "Initial Certification" or "COI-Inspection", upon receiving a request from an owner or operator to schedule an inspection. The activity shall have a status as "Open" "Scheduled, Action Pending" and changed to "Open" "In Progress" once the exam has been conducted.

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

Enclosure: (1) 46 CFR Subchapter M Compliance Timeline: TSMS Option

46 CFR SUBCHAPTER M COMPLIANCE TIMELINE: TSMS Option

TOWING SAFETY MANAGEMENT SYSTEM (TSMS)

