



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



Category	Inspected Towing Vessel Program				
Title	Initial Towing Vessel COI Inspections under TSMS Option				
Serial	CVC-WI-013(2)	Orig. Date	18 Sept 18	Rev. Date	N/A
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 (b) CG-CVC Policy Letter 17-01, dated 10 March 2017 (c) CG-CVC Policy Letter 17-02 CH-1, dated 07 March 2018 (d) NVIC 11-93, Ch. 3, Applicability of Tonnage Measurement Systems to U.S. Flag Vessels (e) CG-CVC Policy Letter 17-10, dated 28 November 2017</p>				

- A. **Purpose.** This instruction provides guidance on the U. S. Flag Administration’s interpretations on the application and implementation of initial towing vessel Certificate of Inspection (COI) issuance under the Towing Vessel Safety Management System (TSMS) option. Where no additional instructions or interpretations are provided, reference (a) should be applied as written.
- B. **Background.** As of 20 July 2018¹, all towing vessels must comply with the requirements of reference (a) and have received, or be in the process of receiving, a COI from the USCG 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 (OCMIs) should reference this guidance when issuing a COI under 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). Priority should be given to vessels that have a valid Uninspected Towing Vessel (UTV) decal, as outlined in reference (b). The following actions are required by owners and/or managing operators:

¹ Pursuant to 46 CFR 136.172, an existing towing vessel subject to this subchapter will remain subject to 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.

1. Surveys and Audits.

- a. **Surveys:** (46 CFR 137.130 & 137.210) (*Internal*) The owner or managing operator completes a vessel survey under the internal survey program with TPO oversight of the program under 46 CFR 137.135. The owner or managing operator is not required to survey items as described in 137.220, as one event, but may survey items on a schedule over time, not to exceed one year. (*External*) External surveys shall be managed in accordance with 46 CFR 137.205 and conducted annually. The TPO must issue a report that meets the requirements of 46 CFR 137.135.
- b. **Audits:** (*Internal*) Internal audits, under 46 CFR 138.310(d), are conducted by the owner or managing operator, but the auditor must be independent of the procedures being audited, unless this is impracticable due to the size and nature of the organization, and may not be the designated person, or any other person, within the organization that is responsible for development or implementation of the TSMS. (*External*) The TPO completes an external management audit prior to the issuance of the initial TSMS certificate and will conduct an external vessel audit based on how long the vessel has been owned or operated and subjected to the TSMS (46 CFR 138.315).

2. Six (6) Months Before COI Inspection. Under 46 CFR 138.115, TSMS Certificates must be issued by an **approved** Third Party Organization (TPO) at least six months prior to the scheduled initial COI issuance date. Compliance with the International Safety Management (ISM) Code, with a Document of Compliance (DOC) and Safety Management Certificate (SMC), may also be used to obtain an initial COI in accordance with reference (c) and 46 CFR 138.225. In accordance with 138.315(b)(1), an external vessel audit is required 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, 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.

- a. Note: In accordance with CG-CVC Policy Letter 17-02 (Ch-1) 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 safety management system for a minimum of three years, as an equivalent level of performance, and will not be required to have a TSMS Certificate for the 6 months prior to the issuance of a COI, as required above. The company must possess a TSMS Certificate prior to the issuance of the COI, for this option to be utilized.

3. Three (3) Months Before COI Inspection. Owner/operator should schedule the initial inspection for certification at least three (3) months before the vessel is to undergo the inspection.² Create a MISLE Activity in accordance with MISLE user guide.

4. Thirty (30) Days Before 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.³

5. Initial COI Inspection. The owner/operators should:

- a. Provide the OCMI with the towing vessel particulars information. (46 CFR §136.210(a)(i)) The OCMI will use this information to complete an ITV Particulars Form, [CVC-FM-004\(series\)](#).

² See 46 CFR 136.210 – Obtaining or renewing a COI.

³ See *Id.* – Obtaining or renewing a COI.

- b. Provide the OCMI with the towing vessel route(s).⁴ (CG-3752)
- c. Provide the OCMI with a manning proposal for each route sought. (For example: domestic voyages (two watch systems) versus international route (potential three-watch or two-watch system)). (46 CFR 2.01-5, 46 CFR 15.501, and MSM Vol III (COMDTINST 16000.8B))
- d. Provide the OCMI with objective evidence that both the vessel and owner and/or managing operator are in compliance with the TSMS per 46 CFR 136.210(b)(1). As defined in 46 CFR 136.110 this objective evidence can be “quantitative, qualitative, records, or statements of fact,” and audits or surveys.
- e. Provide the OCMI with a survey report in accordance with 46 CFR 137.135 and 137.202(a) stating the vessel's structure, stability, and essential systems comply with 46 CFR 136.210(b)(2) for the intended route and service requested.
- f. If applicable, provide the OCMI a Fresh Water Intent Letter to request hull exams at the intervals prescribed at 46 CFR 137.300(a)(2).
- g. If applicable, provide the OCMI any international documents and certificates appropriate for the vessel from its Recognized Organization, in accordance with Ref (d) and the USCG Inspected Towing Vessel (ITV) International Addendum, [CVC-FM-003\(series\)](#).

E. Additional Guidance.

1. (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, and/or professional engineer certification, gap analysis from 46 CFR Subchapter C to Subchapter M regarding audit and survey requirements would also be valid objective evidence.
2. Deficiencies or non-conformities noted by Coast Guard Marine Inspectors should be addressed as described in reference (e).
3. In accordance with reference (b), UTV decals can 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 options 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.
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, based on reports, documents and records provided by [*insert name of TPO or TPO’s*], an approved Third-Party Organization, and the vessel’s possession of a valid Coast Guard UTV Decal.

⁴ 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.

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, based on objective evidence provided by [insert name of TPO or TPO's], an approved Third Party Organization, and the vessel possesses [*pick one*] a valid TSMS Certificate or both a valid Document of Compliance and International Safety Management Certificate for the existing safety management system used on the vessel.

7. An OCMI will not annually endorse the COI and Annual COI Activities are not required in MISLE.
8. Coast Guard Towing Vessel Marine Inspectors may find instruction on how to complete a TSMS inspection MISLE activity by viewing the "MISLE 5.0 Towing Vessel Data Entry Guide" located on the [MISLE Community CG Portal site](#).

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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)

