

From: "Wayne Stacey"

Subject: COMMERCIAL PASSENGER CARRYING VESSELS -Final Rule amends regulations

The new weight standards for figuring the number of person allowed onboard a vessel only applies to Commercial Passenger Carrying Vessels only. These new regulations "DO NOT" apply to Recreational Vessels. I wanted to make sure that I was clear with you as many out in Saint Louis were not sure of this new ruling. You were right to ask as there was many rumors out there. As promised, I would verify with the Product Assurance Branch CG-54223 and get back to you with the correct answer. Again, it is business as usual for the recreational side when figuring the total weight and capacity. Please read the below reference and Point of Contact. PLEASE READ QUESTION #2 of the Frequently Asked Questions below.

(COMMERCIAL PASSENGER CARRYING VESSELS) This Final Rule amends regulations governing the maximum weight and number of passengers that may safely be permitted on board a vessel and other stability regulations. Because the average American weighs significantly more than the assumed average weight per person utilized in current regulations, this update will more accurately reflect today's average weight per person will maintain intended safety levels by accounting for this weight increase. The Final Rule also clarifies and updates intact stability, subdivision, and damage stability regulations.

The Final Rule becomes effective March 14, 2011 however the new Assumed Average Weight Per Person (AAWPP) of 185 lbs will not become effective until December 1, 2011. Implementation guidance for the AAWPP is contained in Office of Vessel Activities (CG-543) Policy Letter 11-03.

Additional information including supporting documentation from the docket, is available on the USCG Office of Design and Engineering Standards, Naval Architecture Division website at:

<http://www.uscg.mil/hq/cg5/cg5212/aawpp.asp>

The Coast Guard has also issued a Marine Inspection Notice detailing procedural changes to the Simplified Stability Test: MI Notice 01-11.

Below is a downloadable copy of the Final Rule and supporting policy documents. A list of Frequently Asked Questions is also provided and will be updated as needed.

Passenger Weight and Inspected Vessel Stability requirements: Final Rule as published in the Federal Register on December 14, 2010.

Small Entity Compliance Guide which outlines procedures for passenger vessel owners and operators to demonstrate compliance to the OCMI.

Marine Safety Information Bulletin

Frequently Asked Questions: Updated April 15, 2011

Q. Am I covered by this rule?

A. Yes, if you operate a passenger vessel. Beginning on December 1, 2011, each passenger vessel must be in compliance with stability criteria based on the new Assumed Average Weight per Person, (AAWPP) of 185 lbs or another weight approved in writing by the Officer-in-Charge, Marine Inspection (OCMI).

Q. Does this apply to recreational vessels?

A. No. This regulation does not apply to recreational vessels, only to commercial U.S. passenger vessels required to hold Certificates of Inspection and meet the requirements of Title 46 of the Code of Federal Regulations.

Q. What action must I take?

A. If the Coast Guard has not issued a stability letter associated with the new AAWPP or greater average weight, or the Coast Guard has not confirmed that existing stability guidance is acceptable relative to the new AAWPP, then the owner or operator should certify to the OCMI that the vessel complies with applicable stability requirements.

Q. What does "Certification of stability compliance" mean?

A. Certification of stability compliance by an owner or operator means that -

(1) The owner or operator has provided a written statement to the OCMI together with documentation clearly supporting the total weight and number of passengers and crew permitted to be carried at the new AAWPP; and

(2) A copy of this information has been provided to the Marine Safety Center (MSC) if the vessel is a pontoon vessel or demonstrates compliance with the provision of Subchapter S. In each case, a copy of the vessel's current stability letter should be included with the documentation.

Q. Do I have to submit something?

A. Owners and operators should provide the statement and documentation referred to above to the OCMI, in writing, not later than December 1, 2011. Owners and operators are encouraged to voluntarily comply with the new AAWPP as soon as practicable.

Q. My vessel does not have a stability letter as the OCMI dispensed with the Simplified Stability Test as permitted by regulation. Do I have to submit anything?

A. Yes. For vessels for which the OCMI has previously waived stability tests and do not have stability letters, those owners and operators should still demonstrate compliance with the new AAWPP of 185 lbs. This may be done in several ways including those listed in the preamble of the Final Rule and Small Entity Compliance Guide. Though they do not have stability letters, the maximum approved weight may be determined by multiplying the person count by 160 for exposed and partially protected routes and 140 for protected routes. Operators may then reduce passenger count or weigh passengers to ensure that total weight is not exceeded. If an operator wishes to demonstrate the vessel has adequate stability to accommodate their existing person count at the 185 lb AAWPP, then the OCMI must reassess the vessel's stability. If given the increase in AAWPP, the OCMI still does not question the stability, the OCMI may again dispense with the SST. If the increase in weight now brings the vessel's stability into question, the OCMI may require compliance with Subchapter S, an SST, or other acceptable method as may be appropriate.

Operators of these vessels must certify compliance to the OCMI and submit information with documentation clearly supporting the total weight and number of passengers and crew permitted to be carried at the new AAWPP. These operators may also choose to conduct SST's in the presence of a Coast Guard Marine Inspector and have a stability letter issued to the vessel.

Q. What happens if I do not submit "certification of stability compliance" to the OCMI, or Marine Safety Center as applicable, by December 1, 2011?

A. There is no regulation to specifically compel an operator to submit certification of compliance, however failure to do so MAY void the vessel's Stability Letter or Certificate of Inspection. On December 1, 2011, all vessel operators must comply with the 185 lb AAWPP. Certification of compliance, once approved by the OCMI, would permit the vessel to continue operating though its Stability Letter may not indicate the number of persons that may be carried using an AAWPP of 185 lbs or its Certificate of Inspection has not been amended to reflect the revised number of persons permitted. If an operator fails to submit a satisfactory certification of compliance AND operates with a total number of persons on board where the approved total test weight is exceeded with consideration to the 185 lb AAWPP, the vessel will be considered overloaded and the operator may face civil penalty action.

Q. Can I just use my draft marks or load line to ensure I operate in compliance with the new passenger weight?

A. No. While staying within previously issued draft limitations will maintain a vessel within overall weight restrictions, it does not address the effect of this weight growth on stability. Typically to compensate for increased weight topside (more passenger weight) an operator will carry less tankage. This exchange of low weight for height has a negative effect on stability and therefore must be evaluated prior to acceptance.

Q. Do I have to get a new stability letter?

A. No. While you may get a new stability letter if all information is available to issue a new letter, this is not required. Those vessels which cannot or will not be issued a new stability letter will be issued a Stability Letter Addendum which must be posted with the vessel's current stability letter on the vessel. The

addendum will reflect compliance with the 185 lb weight standard and any further restrictions applicable to the vessel as a result of the 185 lb standard.

Q. Do I have to do a new simplified stability test (SST) or pontoon simplified stability test (PSST)?

A. No. While you may conduct a new SST or PSST to demonstrate compliance with the 185 lb standard, the weight ratio, weight compensation and direct verification options do not require a new test.

Q. I plan to submit updated stability calculations for my vessel. Do I need to do a new stability test (deadweight survey or inclining)?

A. No, provided you use the results of a Coast Guard witnessed stability test that remains applicable to the vessel as the basis for the updated calculations. You may, if you wish, conduct a new stability test to be used as the basis of updated stability calculations, but the test must be witnessed by the Coast Guard.

Q. I have a multi-deck vessel with passenger distribution restrictions. Can I still use the weight ratio method?

A. Yes but the ratio calculation must maintain the weight distribution restrictions in place on the vessel.

Q. I've determined I will have to reduce passenger capacity to comply. If I submit my documentation early, do I need to begin restricting my capacity immediately?

A. No, you may begin to operate at restricted capacity immediately if you wish but there is no requirement, even if your calculations and paperwork are completed early, to begin operating at a reduced capacity dictated by the 185 lb weight, prior to December 1, 2011.

Q. What passenger weight should I assume was used to originally assess the stability of my vessel?

A. In general vessels which underwent an SST for operation on Protected Waters should assume an original passenger weight of 140 lb per person. All other vessels should assume a weight of 160 lb per person. Of course, if documentation is available indicating/reflecting the actual weight assumed, that weight should be used.

Q. I know the SST weight that was used for my vessel. Do I need to determine the original assumed passenger weight?

A. No. The SST test weight corresponds to the total weight of passengers and may simply be divided by 185 to determine the new passenger capacity.

Q. What is "sufficient documentation"?

A. Sufficient documentation is all information you found necessary in making your determination of passenger capacity in compliance with the 185 lb assumed weight. Of particular importance is documentation to support any assumptions made and, if the vessel has a stability letter, a copy of the current stability letter.

Q. I have requested an SST/PSST/Deadweight Survey/Inclining but the Coast Guard cannot witness the test until after December 1, 2011. Can I continue to operate at my current passenger capacity until the test is completed?

A. No. Everyone must be in compliance with the 185 lb requirement by December 1, 2011. If a requested stability test, and any subsequent stability calculations, cannot be completed by this date, an alternate method of compliance (such as the weight ratio method) must be employed between December 1, 2011 and the date of the SST, PSST or submission of calculations.

Q. If I choose the weight ratio method to bring my vessel into compliance now, is this the final solution or can I revisit one of the other methods at a later date?

A. Alternate methods for compliance with the 185 lb requirement can be employed at any later date.

Q. I have had stability calculations done for 185 lb passengers and have submitted them to the Coast Guard, but it is December 1, 2011 and I have not received a reply. Can I operate with the passenger capacity as determined by my submitted calculations?

A. Yes. It may potentially take a year to hear back from the Coast Guard. If you have followed the self-certification process - notifying the OCMI and submitting any necessary calculations - you may begin operating in accordance with your calculations pending response from the Coast Guard.

Q. I'm authorized (for stability) to carry crew in excess of my minimum manning requirements. Can I trade excess crew count for passengers that would otherwise be lost due to weight growth?

A. Yes provided minimum manning requirements are met and any required passenger crowding calculations are revisited to reflect the increase in passenger weight.

Q. If my option for compliance includes reducing my passenger count or calculations and tests at the 185 lb AAWPP show I must reduce my passenger count, will the number of passengers my vessel is permitted to carry be reduced prior to December 1, 2011 if I submit my compliance documentation early?

A. No. There is no penalty for early submission of your compliance data. You may continue to operate under your vessel's current stability guidance until December 1, 2011 regardless of how you intend to comply, what additional stability calculations or tests show at the 185 lb AAWPP, or when you submit your compliance documentation. The Coast Guard does, however, encourage all vessel operators to implement the 185 lb AAWPP as soon as practicable.

For questions about vessel compliance with these regulations, please contact:

Lieutenant Commander David Webb
U.S. Coast Guard Office of Vessel Activities
(202) 372-1216
CG5431@uscg.mil

It was a pleasure talking shop with you over the weekend.

Wayne - Respectfully Sends

Wayne A. Stacey
Program Operations Branch
Boating Safety Division
Department of Homeland Security
U. S. Coast Guard (CG-54222)
Office of Auxiliary & Boating Safety
2100 Second Street S.W., 5th Floor Cube 0236
Washington, D.C. 20593-0001
Desk: (202) 372-1067
Fax: (202) 372-1932
Wayne.A.Stacey@uscg.mil
Wayne.A.Stacey@uscg.dhs.gov