

VOLUME 68, No. 8 • APRIL 29, 2011

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GAO Report Finds Mailing TWICs Technologically Feasible but Inconsistent with Current DHS Policy

No Mention of Burdens Imposed on Transportation Workers by Two-Trip Requirement

On April 13, the U.S. Government Accountability Office (GAO) published its report assessing the feasibility of mailing Transportation Worker Identification Credentials (TWICs) to applicants' homes, as required by the 2010 Coast Guard Authorization Act. In the report, GAO concludes that delivering TWICs to applicants by mail would not be consistent with the Department of Homeland Security policy decision to align TWIC activation requirements with the FIPS-201 standard. FIPS-201 is the federal government standard that specifies personal identity verification requirements for federal employees and contractors. Early in the development of the TWIC program, DHS made the policy decision to tie the TWIC issuance and activation process to the same standard used for federal IDs, despite the fact that TWIC recipients represent a largely mobile population. The Transportation Security Administration (TSA) has described FIPS-201 as very complex but very secure.

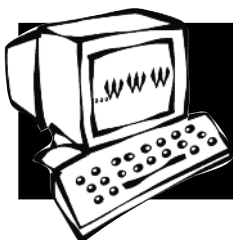
GAO clarifies that while mailing TWICs to applicants' homes is not consistent with the specifications of the FIPS-201 process, it is otherwise technologically

feasible to do so. The report notes that, according to U.S. Citizenship and Immigration Services (the organization that personalizes TWICs for TSA), if DHS and TSA were to change the current policy of remaining aligned with FIPS-201 card issuance requirements, it would be possible for USCIS to mail personalized TWICs directly from the Corbin, Kentucky facility where the cards are printed to individual residences. TSA is not legislatively required to adhere to FIPS-201 protocols, but notes that to change the process would require significant and potentially costly changes to TWIC systems, regulations, and contracts.

Notably, the GAO report includes no discussion of the financial and administrative burdens imposed by the current TWIC issuance and activation process on the 1.8 million American transportation workers who hold TWICs, or the companies that employ them. The requirement that applicants make two trips to a TWIC enrollment center that may be hundreds of miles from their home or workplace represents a substantial burden on transportation



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GAO Report Finds Mailing TWICs Technologically Feasible but Inconsistent with Current DHS Policy

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workers across the country. The GAO report also does not explore options to eliminate the second trip to the TWIC enrollment center other than mailing cards to applicants' homes (for example, mailing the card to a government facility located in the applicant's local community). At an April 14 House Transportation and Infrastructure Committee hearing, Coast Guard and Maritime Transportation Subcommittee Vice Chairman Jeff Landry (R-LA) raised this issue and urged that TSA "make less decisions based on what's feasible for TSA and more decisions based on what's feasible for workers." While Chairman John Mica (R-FL) had invited TSA to testify at the hearing, the agency elected not to attend.



Developing a practical and secure approach to TWIC issuance and activation that does not require applicants to make a second trip to a TWIC enrollment center remains a high priority for AWO. AWO will meet with Congressional allies to discuss next steps needed to ensure that Congress has a complete record on which to make decisions about the TWIC program.

To read the GAO report, click [here](#). For additional questions, please contact Jennifer Carpenter, Chris Coakley or Brian Vahey at (703) 841-9300 extensions 260, 297 and 251, respectively, or via email at jcarpenter@vesselalliance.com, ccoakley@vesselalliance.com and, bvahey@vesselalliance.com.

AWO Submits Comments on Marine Vapor Control Systems

On April 21, AWO submitted comments to the U.S. Coast Guard on its October 2010 notice of proposed rulemaking (NPRM) on marine vapor control systems (VCS). AWO's comments urged the agency to avoid changes that do not improve safety, to distinguish between tank barge cleaning and loading facilities and to clarify confusing or ambiguous language.

The proposed rule was published in the *Federal Register* on October 21, 2010 and is intended to modernize existing VCS regulations by reconciling them with new federal and state environmental requirements, reflecting industry advancements, and codifying standards of design and operation for VCSs at tank barge cleaning facilities.

In its comments to the Coast Guard, AWO reiterated its longstanding commitment to safety and environmental stewardship and highlighted the work of the AWO Barge Emissions Working Group and the Best Management Practices guide it produced. The Best Management Practices document is an effective tool for controlling and reducing tank barge emissions and has been validated by several state agencies, the Chemical Transportation Advisory Committee and the Coast Guard.

The Coast Guard published the NPRM on the same day EPA published a complementary NPRM setting parameters under which VCSs must be used. As reported in the April 20 *AWO Letter*, EPA's final rule was signed on April 1 and established submerged fill as the baseline practice for tank vessel loading. The rule was published in the *Federal Register* on April 21. To read the *AWO Letter* story on the EPA final rule, click [here](#).

AWO's comments to the Coast Guard are available [here](#). For more information, please contact Brittany Meyer or Brian Vahey at (703) 841-9300, extensions 264 or 251, respectively, or via email at bmeyer@vesselalliance.com or bvahey@vesselalliance.com.

AWO Letter Sponsorships Currently Available

AWO is currently accepting sponsorship applications for the 2011 *AWO Letter*. Each great advertising opportunity costs \$500, which includes a prominent front-page "sponsorship block" featuring your company's name, location, logo, and Website.

The full *AWO Letter* schedule is listed on the sponsorship form and can be accessed on the AWO Website by clicking [here](#). To secure a sponsorship, please complete the form and send it to Anne Burns via fax at (703) 841-0389 or email at aburns@vesselalliance.com. Send in your form today, before your preferred date is taken!



Coast Guard Clarifies Proper Procedure for ASP Compliance Checks

On April 14, the U.S. Coast Guard published Policy Letter 11-04, "Compliance Verification of Alternative Security Programs for MTSA Regulated Vessels and Facilities." The purpose of the policy letter is to remind Coast Guard marine and facility inspectors to conduct Alternative Security Program (ASP) compliance inspections by consulting the vessel or facility's ASP and not the underlying regulations at 33 CFR parts 104 and 105. Coast Guard regulations authorize the use of approved ASPs as an alternative way to comply with the vessel and facility security plan requirements of the Maritime Transportation Security Act (MTSA); an approved ASP need not mirror each

provision of the vessel and facility security plan regulations.

At a Coast Guard-hosted workshop for ASP sponsor organizations in August 2010, industry stakeholders, including AWO, expressed concern over the continuing tendency of some Coast Guard inspectors to assess a vessel's compliance with the security plan regulations by consulting 33 CFR part 104 and not the vessel's Coast Guard-approved ASP. Policy Letter 11-04 is intended both to guide Coast Guard marine inspectors and give vessel security officers clear Coast Guard guidance to reference when working with inspectors.

Important Dates and Reminders

..... at a glance

For more information, please contact Ashley Smith at (703) 841-9300, extension 291, unless otherwise noted.

August 3-4: AWO Executive Committee Meeting, AWO Office, Arlington, VA

October 5-7: AWO Fall Convention, The Barclay, New York, NY

To read the policy letter, click [here](#). For more information, please contact Brian Vahey at (703) 841-9300, extension 251, or via email at bvahey@vesselalliance.com.

Coast Guard Publishes Report on Deepwater Horizon Incident Criticizes Absence of Safety Management System

On April 22, U.S. Coast Guard members of the Joint Investigation Team (JIT), charged with examining the catastrophic casualty of the mobile offshore drilling unit (MODU) *Deepwater Horizon* in April 2010, released their findings related to the Coast Guard's areas of responsibility. These findings, which comprise Volume I of the JIT Report, cover five aspects of the incident under the cognizance of the Coast Guard: the explosions on the *Deepwater Horizon*; the resulting fire; the evacuation of crew members; the flooding and sinking of the MODU; and the safety systems of the *Deepwater Horizon* and its owner-operator, Transocean. The JIT, convened in the immediate aftermath of the *Deepwater Horizon* disaster, also includes representatives

of the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), which will address its areas of responsibility – including the blowout of the Macondo well – in Volume II, to be released by the end of July.

The Coast Guard's investigation revealed numerous deficiencies, decisions and acts of omission by Transocean and its *Deepwater Horizon* crew that adversely impacted their ability to prevent or limit the magnitude of the disaster, implicating Transocean's failure to establish an effective safety management system and instill a culture that emphasizes and ensures safety. In addition, the Coast Guard found that the oversight and regulation of *Deepwater Horizon* by its flag state, the Republic of the

Marshall Islands (RMI), was ineffective, and that RMI effectively abdicated its vessel inspection responsibilities by delegating its inspection activities to classification societies. The report contains specific recommendations for the Coast Guard to strengthen its oversight of foreign-flagged MODUs and to work with the International Maritime Organization to enhance safety by amending its MODU Code.

To read Volume I of the JIT Report, click [here](#). For more information, please contact Caitlyn Stewart at (703) 841-9300, extension 262, or via email at cstewart@vesselalliance.com.



Save the Date - AWO 2011 Meetings and Conventions!

Please mark your calendar for the following AWO meetings and conventions. The hotel reservations are included for each event. We encourage you to make your hotel accommodations at your earliest convenience as the AWO room block fills up quickly!

Interregion Safety Committee Meeting

July 19-20
Hilton Houston Post Oak
Houston, TX

AWO \$109.00 group rate deadline:
June 29.

For reservations, call the hotel reservations department at (800) 245-7299 and reference the meeting group code "AWO."

Southern Region Summer Meeting

July 21-22
Hilton Houston Post Oak
Houston, TX

AWO \$109.00 group rate deadline:
June 29.

For reservations, call the hotel reservations department at (800) 245-7299 and reference the meeting group code "AWO."

Atlantic Region Summer Meeting

July 27-28
Hotel TBD
Washington, DC

Pacific Region Summer Meeting

August 17-18
Hotel TBD
Seattle, WA

Midwest and Ohio Valley Regions Joint Summer Meeting

August 24-25
Omni William Penn Hotel
Pittsburgh, PA

AWO \$149.00 rate deadline: August 2.

For reservations, call the hotel reservations department at (800) 843-6664 and reference The American Waterways Operators.

AWO Fall Convention

October 5-7
InterContinental Barclay
New York, NY

AWO \$259.00 group rate deadline:
September 10.

For reservations, call the hotel reservations department at (800) 327-0200 and reference The American Waterways Operators Fall Convention.

For additional information about AWO meetings and conventions, please contact Ashley Smith at (703) 841-9300, extension 291, or via email at asmith@vesselalliance.com.

REMINDER

Coastal Safety Committee Summer Meeting

June 7-8
Paris Hotel
Las Vegas, NV

AWO \$95.00
group rate deadline: May 9.

For reservations, call the hotel reservations department at (877) 796-2096 and reference The American Waterways Operators – Coastal Safety Committee Meeting.



Recreational Boating Season is Almost Here:

Order Your Lifelines Brochures Today!

AWO urges recreational boaters to use special caution when operating around commercial vessels and to educate themselves on the constraints under which those vessels operate. This awareness can arm recreational boaters with the best protection against danger and could save lives.

AWO's popular brochure, entitled "Lifelines: Safety Tips That Could Save Your Life," delivers important safety tips to recreational boaters in an easy-to-read, user friendly format. Have you ordered your brochures yet?

To request copies of the brochure, please email your request to Anne Burns at aburns@vesselalliance.com. This brochure is free; however, there is a cost for shipping. Order your brochures today!



Welcome, New Carrier Members!

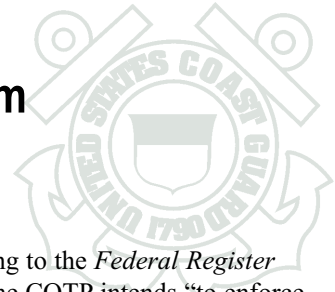
Natures Way Marine LLC
5993 Rangeline Road
Theodore, AL 36582

Rep: Mr. Billy Haney
Operations Manager

Midcontinent Office

Coast Guard Proposes Permanent Safety Zone from Brandon Road Lock and Dam to Lake Michigan

Comments Due May 27



On April 27, the U.S. Coast Guard published a notice of proposed rulemaking (NPRM) in the *Federal Register* proposing the establishment of a permanent safety zone from Brandon Road Lock and Dam to Lake Michigan. The proposed safety zone, which is identical in area to a temporary safety zone established on May 1, 2010, that expired on March 1, 2011, includes the waterways of the Des Plaines River, the Chicago Sanitary and Ship Canal (CSSC) and the Calumet-Saganashkee Channel. If finalized, the rule would prohibit vessels from entering into, transiting, mooring, laying up or anchoring within an enforced segment of the safety zone unless authorized by the Captain of the Port (COTP), Sector Lake Michigan.

The purpose of the safety zone is to protect the waters, waterways users and vessels from the hazards associated with actions designed to

control the spread of aquatic nuisance species, namely Asian carp. The temporary safety zone previously in place was enforced at several points to facilitate testing and fish sampling activities led by the Asian Carp Regional Coordinating Committee (ACRCC). Because the ACRCC may take such actions at any time and in any segment of the waterways covered by the proposed safety zone, the COTP, Sector Lake Michigan, finds it necessary to establish a permanent safety zone in place of the previous temporary safety zone to retain his ability to take expeditious actions to protect waterways users against future Asian carp countermeasures.

According to the *Federal Register* notice, the COTP intends “to enforce the safety zone, depending on the circumstances, in the smallest segments possible” to minimize waterway closures and impacts on vessel traffic. The NPRM also states that the COTP must publish notices of enforcement “in a manner that provides as much notice to the public as possible.”

If finalized, the rule would prohibit vessels from entering into, transiting, mooring, laying up or anchoring within an enforced segment of the safety zone unless authorized by the Captain of the Port (COTP), Sector Lake Michigan

AWO has strongly supported the various efforts of the ACRCC, which have proven to be very effective at controlling the spread of Asian carp and protecting the ecosystem of the Great Lakes. However, AWO has repeatedly emphasized to federal agencies the importance of providing notice and a firm timeline for any closures to CSSC stakeholders a minimum of 30 days prior to any closure to ensure industry and other waterways users can plan appropriately.

Comments on the proposal are due May 27. To read the NPRM, click [here](#). For further information, please contact Lynn Muench at (314) 446-6474 or via email at lmuench@vesselalliance.com, or Caitlyn Stewart at (703) 841-9300, extension 262, or via email at cstewart@vesselalliance.com.

CEMS Training Opportunities Available

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
May 5-6	Salyers Solutions, LLC Paducah, KY	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net

(Additional classes can also be scheduled at your location.)

Southern Region

AWO Makes Presentation to the Mississippi River Commission

AWO delivered remarks to the Mississippi River Commission (MRC) on April 15 at the Port of New Orleans. In its remarks, AWO addressed the following topics: the Great Lakes Mississippi River Interbasin Study (GLMRIS); the Missouri River Authorized Purposes Study (MRAPS); the Inland Waterways User Board Capital Development Plan; and Mississippi River dredging. The comments were delivered to MRC President MG Michael J. Walsh, USACE and MRC Commissioners by Mark Wright, AWO Vice President-Southern Region during the MRC's final stop on its high-water inspection tour, which included Hickman, KY; Memphis, TN; and Greenville, MS. The MRC is a Presidentially appointed commission charged with developing plans to improve the Mississippi River, and provides water resources engineering direction, policy advice and project oversight to the Administration, Corps and Congress. The other MRC Commissioners are MG John W. Peabody, USACE; BG John R. McMahon, USACE; RDML Jonathan W. Bailey, NOAA; Hon. Sam E. Angel; Hon. R.D. James; and Hon. Wm. Clifford Smith.

For more information, please contact Mark Wright at (985) 674-3600 or via email at mwright@vesselalliance.com if you would like more information.☪



Atlantic Region

Comments Requested on Proposed Offshore New Jersey Area for Wind Energy Projects

On April 20, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) called for submissions to gauge specific commercial interest in the development of one or more commercial leases for wind energy projects on the Outer Continental Shelf (OCS) seven nautical miles (nm) off the shore of New Jersey. The proposed area extends roughly 23 nm seaward and 45 nm parallel to the federal/state boundary between Avalon and Barnegat Light and is approximately 418 square nm. Comments are due no later than June 6.

BOEMRE also requests feedback from affected maritime stakeholders, including vessel operators, regarding navigation or safety concerns. BOEMRE is aware that the proposed area may need to be modified and will take into consideration any impacts on existing waterways uses.

AWO seeks industry feedback on any concerns that may arise over the location of the proposed lease area in relation to traditional tug and barge transit routes and shipping lanes. If necessary, AWO will work with the U.S. Coast Guard and other regional maritime partners to advocate for the relocation of the proposed lease area away from commercial shipping lanes.

To view a detailed map of the proposed lease area, click [here](#). To read the BOEMRE April 20 *Federal Register* announcement, click [here](#). For more information or to get involved, please contact Brittany Meyer at (703) 841-9300, extension 264, or via email at bmeyer@vesselalliance.com.☪



Welcome, New Affiliate Members!

Rolls-Royce Commercial Marine Inc.

1880 South Dairy Ashford
Suite 301
Houston, TX 77345

Rep: Mr. Peter Redpath
Vice President - Gulf of Mexico

STS Supply & Training, Inc.

PO Box 1567
League City, TX 77574

Rep: Mr. Mitchell Jones
Director of Operations

