

U.S. Department of  
Homeland Security

United States  
Coast Guard



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16732  
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The Honorable Robert L. Sumwalt  
Chairman, National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Chairman Sumwalt:

The Coast Guard has reviewed the National Transportation Safety Board's October 20, 2020, Marine Accident Report (MAR 20/03), *Fire Aboard Small Passenger Vessel CONCEPTION, Platts Harbor, Channel Islands National Park, Santa Cruz Island, 21.5 miles South-Southwest of Santa Barbara, California, September 2, 2019*. As a result of its investigation, the Board issued seven new safety recommendations M-20-14 through -20, to the U.S. Coast Guard (USCG). The following is our response to those recommendations.

Recommendation M-20-14: Revise Title 46 *Code of Federal Regulations* Subchapter T to require that newly constructed vessels with overnight accommodations have smoke detectors in all accommodation spaces.

Recommendation M-20-15: Revise Title 46 *Code of Federal Regulations* Subchapter T to require that all vessels with overnight accommodations currently in service, including those constructed prior to 1996, have smoke detectors in all accommodation spaces.

Recommendation M-20-16: Revise Title 46 *Code of Federal Regulations* Subchapter T and Subchapter K to require all vessels with overnight accommodations including vessels constructed prior to 1996, have interconnected smoke detectors, such that when one detector alarms, the remaining detectors also alarm.

Response: I concur with recommendations M-20-14, -15 and -16. As directed in the Elijah E. Cummings Coast Guard Authorization Act of 2020, the Coast Guard is currently developing regulations for small passenger vessels (SPVs) with overnight accommodations to require interconnected fire detection equipment in all areas where passengers and crew have access. The Coast Guard intends to make the new regulation applicable to new and existing (i.e., constructed prior to 1996) SPVs and we will keep the Board updated on our actions in response to these recommendations.

Recommendation M-20-17: Develop and implement an inspection procedure to verify that small passenger vessel owners, operators, and charterers are conducting roving patrols as required by Title 46 *Code of Federal Regulations* Subchapter T.

Response: I concur with this recommendation. As noted in the Board's report, the Coast Guard conducted a concentrated inspection campaign (CIC) on all SPVs with

overnight passenger accommodations immediately following the incident. The Coast Guard is using the CIC results, along with other Prevention Program initiatives to implement updated inspection job aids and establish annual inspection focus areas that will include verifying compliance with 24-hour roving patrolman/watchman requirements. We currently anticipate issuance of the new job aids and related policy/guidance in early 2021. In addition, the Assistant Commandant for Prevention Policy is advising all Officers in Charge of Marine Inspection (OCMIs) to exercise their existing regulatory authority under 46 CFR part 196.35-3(b) and 46 CFR part 185.520(f) to mandate the logging of completed night watch patrols. This provision can be added as an operational requirement to the Certificates of Inspection (COIs) for each SPV with overnight accommodations. We will keep the Board updated on our actions in response to this recommendation.

Recommendation M-20-18: Revise Title 46 *Code of Federal Regulations* Subchapter T to require newly constructed small passenger vessels with overnight accommodations to provide a secondary means of escape into a different space than the primary exit so that a single fire should not affect both escape paths.

Recommendation M-20-19: Revise Title 46 *Code of Federal Regulations* Subchapter T to require all small passenger vessels with overnight accommodations, including those constructed prior to 1996, to provide a secondary means of escape into a different space than the primary exit so that a single fire should not affect both escape paths.

Response: I concur with the intent of recommendations M-20-18 and -19. The Coast Guard agrees that having independent escape routes exit into different spaces would decrease the possibility of one incident blocking both escapes. While not explicitly stating that the two required means or escape be into different spaces, the current regulations in 46 CFR §177.500(b) do require that they must be arranged (i.e., widely separated and, if possible, at opposite ends or sides of the space) to minimize the possibility of one incident, such as a single fire, blocking both escapes. The recently passed Elijah E. Cummings Coast Guard Authorization Act of 2020 also mandated that all general areas accessible to passengers have no less than two independent avenues of escape that are located so that if one avenue of escape is not available, another avenue of escape is available. The Coast Guard has initiated a rulemaking project that will implement the requirements of the new law, which applies to both new and existing SPVs with overnight accommodations. In conjunction with the rulemaking project, the Coast Guard will examine the need for any additional clarifications or equivalencies to the current requirements to ensure the availability and efficacy of all emergency escape routes on SPVs. We will keep the Board updated on our actions in response to these recommendations.

Recommendation M-20-20: Review the suitability of Title 46 *Code of Federal Regulations* Subchapter T regulations regarding means of escape to ensure there are no obstructions to egress on small passenger vessels constructed prior to 1996 and modify regulations accordingly.

Response: I concur with this recommendation. The current requirements for means of escape in 46 CFR §177.500, which apply to vessels constructed on or after March 11, 1996, provide sufficient requirements to ensure suitable access to and freedom from obstructions for means of escape on small passenger vessels. The Coast Guard will pursue extending applicability of these requirements to vessels constructed prior to March 11, 1996, and propose revisions to 46 CFR §177.115 as appropriate. We will keep the Board updated on our actions in response to this recommendation.

In addition to the above new Safety Recommendations, the NTSB reiterated Safety Recommendation M-12-3, which the Board currently has classified as “Open-Unacceptable Response.” The following is an update on the status of Coast Guard action for that recommendation.

Recommendation M-12-3: Require all operators of U.S.-flag passenger vessels to implement a Safety Management System (SMS), taking into account the characteristics, methods of operation, and nature of service of these vessels, and, with respect to ferries, the sizes of the ferry systems within which the vessels operate.

Update: I concur with the intent of this recommendation. On January 15, 2021, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM), 86 FR 3899, seeking public comment on the scope, content, benefits, and costs of a SMS rule for U.S. passenger vessels. Comments and related material in response to the ANPRM will be accepted up through April 15, 2021. In the meantime, we continue to encourage the voluntary implementation of SMSs for all small passenger vessels as recommended in Marine Safety Information Bulletin (MSIB) 03-20. We will keep the Board updated on our actions associated with this recommendation.

Sincerely,



SCOTT A. BUSCHMAN  
Vice Admiral, U.S. Coast Guard  
Deputy Commandant for Operations