Dear NACO Member,

The U.S. Coast Guard is requesting comments on a voluntary interim measure to address increased passenger and vessel weight associated with inspected vessels and the number of passengers permitted.

The total number of persons permitted on a small passenger vessel (inspected and certificated under 46 CFR Subchapters T & K) is limited by a number of different design factors, one of which is stability.

In all cases, an average weight per person is assumed to estimate the anticipated vessel loading and its impact on stability. Currently, Coast Guard regulations use an average weight per person of 160 pounds, except that an average weight per person of 140 pounds is used if the vessel operates exclusively on protected waters and the passenger load consists of men, women, and children. These weights were established in the 1960s. A Centers for Disease Control and Prevention (CDC) report issued in October 2004 concluded that, in the United States, the ``average weight has increased dramatically in the last 40 years with the greatest increase seen in adults.'' The increase in passenger and crew weight has an adverse effect on the stability of passenger vessels due to several factors, including increased vertical center of gravity, reduced freeboard, and increased passenger heeling moment.

The National Transportation Safety Board (NTSB) issued a Safety Recommendation , which stated that the current 140 pound per person weight allowance for operations on protected waters does not reflect actual loading conditions. The NTSB recommended that the Coast Guard revise its guidance to OCMIs for determining the maximum passenger capacity of small passenger pontoon vessels either by: (1) Dividing the vessel's simplified stability proof test weight by 174 pounds per person, or; (2) restricting at the time of loading the actual cumulative weight of passengers and crew to the vessel's total test weight. The Coast Guard concurred that the average weight per person used in needed to be updated, and noted that an internal Coast Guard study initiated shortly after the Lady D incident identified the same issue.

On March 7, 2006, the NTSB held a meeting to consider its report on the capsizing of the Lady D. In the report's synopsis, the NTSB concluded that the use of an obsolete average weight standard for persons on small passenger

vessels caused the Lady D to be more susceptible to capsizing on the day of the accident. The combined effects of the excessive load carried and the wind and wave conditions experienced at the time of the accident caused the capsizing, according to the synopsis. In addition to recommendations based on the conclusions summarized above, the NTSB recommended that the Coast Guard identify a method for determining the maximum safe load condition of a small passenger vessel at the time of loading. Based upon the Coast Guard's evaluations of all available weight studies, the 185 pound average appears to be the most accurate and appropriate average weight for evaluating the stability of small passenger vessels. For these reasons, the Coast Guard recommends that, for the purposes of this notice, the assumed weight per person should be 185 pounds for a mix of men and women.

Independent of our review of increased passenger weight, the Coast Guard identified vessel weight growth, particularly on pontoon vessels, as a significant factor impacting stability. A vessel must be kept in the same physical condition as when its stability letter was issued in order to remain in compliance with Federal regulations. Vessel operators are required to receive OCMI approval on all vessel alterations for this reason. If a vessel becomes heavier and the operating load of passengers is not similarly reduced, the possibility exists that operation beyond the vessel's regulatory stability limits will occur. This situation was discovered on some pontoon vessels and, after OCMIs required updated PSSTs, the total persons permitted to be carried had to be reduced between 22 to 43 percent. Overall, this degree of reduction probably stems from both unrecorded alterations and differences in vessel weight related to inconsistencies and variances in construction, design, outfit, and potential absorption of water by porous vessel materials such as wood or foam. Pontoon vessels are particularly sensitive to weight growth due to their typical round hull geometry. However, weight growth is an important factor to monitor on all passenger vessels. The Coast Guard has already directed the re-evaluation of most pontoon vessels and is considering methods for better tracking of vessel weight.
DATES: Comments and related material must reach the Docket Management Facility on or before May 26, 2006.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG-2005-22732 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:
(1) Web Site: http://dms.dot.gov.
(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.
(3) Fax: 202-493-2251.
(4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

If you submit a comment, please include your name and address, identify the docket number for this notice (USCG-2005-22732) and give the reason for each comment. You may submit your comments by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under ADDRESSES; but please submit your comments by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8\1/2\ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments received during the comment period.

Keeping You Informed
National Association of Charterboat Operators