

State Department Responses (redlined**) to Comments Offered on DS-4131
(Advance Notification of Tourist and Other Non-Governmental Activities
in the Antarctic Treaty Area), 1405-0181**

October 21, 2008

Dear Rob,

I hope you find the following comments useful.

Over the last few months you've asked for comments regarding the new "form" and I apologize for the tardiness in sending forth comments but hopefully you will find my comments useful. I think if you can clarify a few numbered items and allow for some flexibility it will work very well for you and for the operators.

This year I had "direct" experience with the new form unlike other years where only the operators would fill out Advance Notification and normally ask for it to be reviewed but I had no part in the actual filling it out. This year was different. I was asked to review the written content of 8 companies and assist 4 companies in filling out the form and three asked me to create the PDF for them based on their information for submission.

Where appropriate I have noted in the following comments where there were questions, confusion or difficulty in submitting it.

There was a variety of computer programs and software which also posed challenges amongst some operators.

Content on the Form Itself

A-4; Nationality of Organizer: you may want to clarify if it is the person's nationality you are asking for or the company. I had several companies ask me this. In some cases this could be "different." Most companies interpreted this as the nationality of the company/business. It may be that the organizer (company) is USA but the person responsible for the overall operation may not be. With international operations companies often have employees working/living around the world. For this year the companies I worked with understood that to mean the company not the person. Yachts or landbased operators on the other hand may have a US business but the person responsible for the operation may be living elsewhere. **We can adjust Question #4 to say "Nationality of Expedition Organizer" vice just "Organizer," thus corresponding exactly to terminology used in Question #1.**

A-5: For nearly all the operators the principle place of business is actually Antarctica so you may want to reword that to say Principle place of organizers office (their official address). I assume that is what you are asking. **We can adjust Question #5 to say "Principal Place of Business (Home Office)"**

A-6: Are you referring to per departure, total for the season? The way companies answered the question was "per departure" but if you have a ship for example with 100 passenger, an average with 8-10 expedition staff per departure the answer would be 8-10, but if the company had 10 departures the answer could be 80-100. While this may seem "detailed" I was asked for clarification by one company. I always took it as per departure. **We can adjust Question #6 to say "Total Number of Expedition Staff per Excursion."**

A-11: You may want to put in an example of e.g. vessel subcharter, in many cases vessels get subchartered by other companies that vary in nature, legal responsibility and in their organizational structure. **We can adjust Question #11 to say "Explain whether any organizing activities will be or are being performed by a party or parties other than the named expedition organizer; e.g., a sub-charter. Identify the nationality of**

individuals or commercial entities to whom the expedition organizer has delegated specified organizational responsibilities.”

A-13: *Implies there is only one expedition and one departure. You may want to add an (s) and provide option for multiple departures especially for nearly all the vessels and land based activities that are not private vessels. This also repeats D-32-35 to some extent. **We can adjust Question #13 to say “Specify the place(s) from which the expedition(s) will depart immediately prior to entering the Treaty Area.”***

B-16: *for ships are you actually asking for the country/flag of registry, the registration number ? The IMO number? Most companies assumed you meant the flag of the vessel. **We can adjust Question #16 to say “Country of Registration.”***

B-18: *You may want to ask “what company or country is actually providing the Registry for the ice class. They differ depending who is “classifying it so at least it is consistent and you know who classified the ice rating. **We can adjust Question #18 to say “Vessel Ice Rating and Classification Society (if applicable).”***

B-24: *You may want to further elaborate on what information you are looking for in terms of Radio Frequency. Assume you are asking for VHF, HF, GMDSS? Are you asking what frequency they monitor? The region being monitored? It is different for aircraft than for ships. Aircraft have other frequencies. **We can adjust Question #24 to say “Radio Frequency(ies) Monitored.” If more than one radio frequency can be used to communicate with a vessel or aircraft, expedition organizers can elaborate as appropriate.***

B-25: *Most vessels have multiple phone numbers. If the purpose of this question is to make sure there is a telephone/fax than one answer is sufficient. If you would want to try and call the vessel in case you have an emergency, want to do an inspection or for other reasons you may want alternative numbers as well. I suggest expanding the box. You might also want to ask for an email address. **We can adjust Question #25 to say “INMARSAT number(s)/fax(es).” A new question should be inserted to say “E-mail Address(es)”***

D-32, 34: *you might want to add in new blocks this to account for ships with multiple departures. Currently this form works well for a company with only a single departure. It doesn’t work for multiple departures with multiple ports involved. **We have already added language at the top of the form that says: “If an organizer is planning more than one expedition, details specific to each individual expedition should be provided as attachments to this form. Each organizer should prepare only one Advance Notification form.”***

Section D header “Expedition Details” preceding Questions #32 through #39 can be adjusted to say “Expedition Details (If more than one expedition is planned, refer as needed to the attachment of a schedule organized by vessel which provides information requested below.)

D-33, 35: *This only accounts for one departure and so you get a variety of “answers” of either one trip with an attachment of additional departures, a start and end date of the season but multiple trips and so the information when compiled would be inconsistent. **See comment above.***

D-36: *Same as above, there may be multiple departures. **See comment above.***

D-37, *does that mean per departure or for the season if there are multiple departures? Most companies estimated the average per departure. **We can adjust Question #37 to say “Estimated Number of Passengers to be Carried per Excursion.”***

Comments from: Denise Landau, former Executive Director of the International Association of Antarctica Tour Operators (IAATO)