

Coast Guard, DOT

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(4) Tank cleaning openings; and

(5) Any other tank vessel openings that maintain the seaworthy condition of the tank vessel and prevent the inadvertent release of oil or hazardous material in the event of a tank vessel accident.

(b) No person may open any of the closure mechanisms in paragraph (a) of this section while the tank vessel is underway or at anchor except when authorized and supervised by a licensed officer or the tankerman required by 46 CFR 31.15-5(a).

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

§ 155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMI of:

(a) The name of each person currently designated as a person in charge of transfer operations.

(b) The date and result of the most recent test and inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500(e) and (g) of this chapter unless that information is marked on the hose; and

(d) The Declaration of Inspection as required by § 156.150(f) of this chapter.

[CGD 75-124, 45 FR 7175, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36255, Sept. 4, 1990]

Subpart D—Response Plans

SOURCE: CGD 91-034, 61 FR 1081, Jan. 12, 1996, unless otherwise noted.

§ 155.1010 Purpose.

The purpose of this subpart is to establish requirements for oil spill response plans for certain vessels. The planning criteria in this subpart are intended for use in response plan development and the identification of resources necessary to respond to the oil spill scenarios prescribed during the planning process. The development of a response plan prepares the vessel owner or operator and the vessel's crew to respond to an oil spill. The specific criteria for response resources and their

arrival times are not performance standards. They are planning criteria based on a set of assumptions that may not exist during an actual oil spill incident.

§ 155.1015 Applicability.

(a) Except as provided in paragraph (c) of this section, this subpart applies to each vessel that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that—

(1) Is a vessel of the United States;

(2) Operates on the navigable waters of the United States; or

(3) Transfers oil in a port or place subject to the jurisdiction of the United States.

(b) This subpart also applies to vessels which engage in oil lightering operations in the marine environment beyond the baseline from which the territorial sea is measured, when the cargo lightered is destined for a port or place subject to the jurisdiction of the United States.

(c) This subpart does not apply to the following types of vessels:

(1) Public vessels and vessels deemed public vessels under 14 U.S.C. 827.

(2) Vessels that, although constructed or adapted to carry oil in bulk as cargo or cargo residue, are not storing or carrying oil in bulk as cargo or cargo residue.

(3) Dedicated response vessels when conducting response operations.

(4) Vessels of opportunity when conducting response operations in a response area.

(5) Offshore supply vessels as defined in 46 U.S.C. 2101.

(6) Fishing or fishing tender vessels as defined in 46 U.S.C. 2101 of not more than 750 gross tons when engaged only in the fishing industry.

(7) Foreign flag vessels engaged in innocent passage.

(d) Vessels covered by this subpart that are not operating within the navigable waters or the exclusive economic zone of the United States must meet all requirements of this subpart except for—

(1) Identifying and ensuring, through contract or other approved means, the

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availability of response resources including the shore-based spill management team;

(2) Providing the geographic-specific appendices required in §155.1035, 155.1040, or 155.1045, as appropriate; and

(3) Identifying and designating a qualified individual and alternate qualified individual required in §155.1026.

§ 155.1020 Definitions.

Except as otherwise defined in this section, the definitions in §155.110 apply to this subpart and subparts F and G of this part. For the purposes of this subpart only, the term:

Adverse weather means the weather conditions that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include, but are not limited to, significant wave height, ice, temperature, weather-related visibility, and currents within the Captain of the Port (COTP) zone in which the systems or equipment are intended to function.

Animal fat means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

Average most probable discharge means a discharge of the lesser of 50 barrels of oil or 1 percent of the cargo from the vessel during cargo oil transfer operations to or from the vessel.

Bulk means any volume of oil carried in an integral tank of the vessel and oil transferred to or from a marine portable tank or independent tank while on board a vessel.

Captain of the Port (COTP) Zone means a zone specified in 33 CFR part 3 and, for coastal ports, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ).

Cargo means oil that is transported to and off-loaded at a destination by a vessel. It does not include—

(1) Oil carried in integral tanks, marine portable tanks, or independent tanks for use by machinery, helicopters, and boats carried aboard the vessel, or for use by helicopters that are directly supporting the vessel's primary operations; or

(2) Oil transferred from a towing vessel to a vessel in its tow to operate installed machinery other than the propulsion plant.

Contract or other approved means includes—

(1) A written contractual agreement between a vessel owner or operator and an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the vessel owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the vessel owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and exercises; and

(iv) Is referenced in the response plan; or

(5) With the written consent of the oil spill removal organization, the identification of an oil spill removal organization with specified equipment and personnel which are available within stipulated response times in the specified geographic areas. This paragraph is an other approved means for only—

(i) A vessel carrying oil as secondary cargo to meet the requirements under §155.1045(i)(3);

(ii) A barge operating on rivers and canals to meet the requirements for

lightering capability under §§ 155.1050(1), 155.1052(g), 155.1230(g), and 155.2230(g);

(iii) A vessel to meet the salvage and firefighting requirements in §§ 155.1050(k), 155.1052(f), 155.1230(f), and 155.2230(f); and

(iv) A vessel to meet the resource requirements in § 155.1052(c), 155.1230(c), and 155.2230(c).

Dedicated response vessel means a vessel of which the service is limited exclusively to oil and hazardous substance spill response-related activities, including spill recovery and transport, tanker escorting, deployment of spill response equipment, supplies, and personnel, and spill response-related training, testing, exercises, and research.

Exclusive economic zone means the zone contiguous to the territorial sea of United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Higher volume port area means the following areas, including any water area within 50 nautical miles seaward of the entrance(s) to the specified port:

- (1) Boston, MA.
- (2) New York, NY.
- (3) Delaware Bay and River to Philadelphia, PA.
- (4) St. Croix, VI.
- (5) Pascagoula, MS.
- (6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA. Note: Vessels destined for, departing from, or offloading at the Louisiana Offshore Oil Port are not considered to be operating in this higher volume port area.
- (7) Lake Charles, LA.
- (8) Sabine-Neches River, TX.
- (9) Galveston Bay and Houston Ship Channel, TX.
- (10) Corpus Christi, TX.
- (11) Los Angeles/Long Beach Harbor, CA.
- (12) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA.
- (13) Strait of Juan De Fuca at Port Angeles, WA to and including Puget Sound, WA.

(14) Prince William Sound, AK.

Inland area means the area shoreward of the boundary lines defined in 46 CFR part 7, except that in the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) as defined in §§ 80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes.

Maximum extent practicable means the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria in this subpart or in a specific plan approved by the Coast Guard.

Maximum most probable discharge means a discharge of—

- (1) 2,500 barrels of oil for vessels with an oil cargo capacity equal to or greater than 25,000 barrels; or
- (2) 10% of the vessel's oil cargo capacity for vessels with a capacity of less than 25,000 barrels.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, a nearshore area is one extending seaward 12 miles from the line of demarcation (COLREG lines) as defined in §§ 80.740 through 80.850 of this chapter.

Non-persistent or Group I oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions—

- (1) At least 50% of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and
- (2) At least 95% of which by volume, distill at a temperature of 370 degrees C (700 degrees F).

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fats and vegetable oils.

Ocean means the open ocean, offshore area, and nearshore area as defined in this subpart.

Offshore area means the area up to 38 nautical miles seaward of the outer boundary of the nearshore area.

Oil field waste means non-pumpable drilling fluids with possible trace amounts of metal and oil.

Oil spill removal organization means an entity that provides response resources.

On-scene coordinator or OSC means the Federal official predesignated by the Coast Guard or Environmental Protection Agency to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR part 300.

Open ocean means the area from 38 nautical miles seaward of the outer boundary of the nearshore area, to the seaward boundary of the exclusive economic zone.

Operating in compliance with the plan means operating in compliance with the provisions of this subpart, including ensuring the availability of the response resources by contract or other approved means and conducting the necessary training and exercises.

Operator means person who is an owner, a demise charterer, or other contractor, who conducts the operation of, or who is responsible for the operation of a vessel. For the purposes of this subpart only, the operator of a towing vessel is not, per se, considered the operator of a vessel being towed.

Other non-petroleum oil means an oil of any kind that is not a petroleum oil, an animal fat, or a vegetable oil.

Owner or vessel owner means any person holding legal or equitable title to a vessel; provided, however, that a person holding legal or equitable title to a vessel solely as security is not the owner. In a case where a Certificate of Documentation has been issued, the owner is the person or persons whose name or names appear on the vessel's Certificate of Documentation provided, however, that where a Certificate of Documentation has been issued in the name of a president or secretary of an incorporated company, such incorporated company is the owner.

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

- (1) Group II—specific gravity of less than .85.
- (2) Group III—specific gravity equal to or greater than .85 and less than .95.

- (3) Group IV—specific gravity equal to or greater than .95 and less than or equal to 1.0.

- (4) Group V—specific gravity greater than 1.0.

Petroleum oil means petroleum in any form including crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Qualified individual and alternate qualified individual means a shore-based representative of a vessel owner or operator who meets the requirements of 33 CFR 155.1026.

Response activity means the containment and removal of oil from the water and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to public health or welfare or the environment.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals mean bodies of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that have a project depth of 12 feet or less.

Secondary Cargo (see Vessels Carrying Oil as a Secondary Cargo)

Specific gravity means the ratio of the mass of a given volume of liquid at 15 degrees C (60 degrees F) to the mass of an equal volume of pure water at the same temperature.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of such a discharge means any incident involving a vessel that may create a significant risk of discharge of cargo oil. Such incidents include, but are not limited to, groundings, strandings, collisions, hull damage, fire, explosion, loss of propulsion, flooding, on-deck spills, or other similar occurrences.

Tanker means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

Tier means the combination of required response resources and the

times within which the resources must arrive on scene. Appendix B of this part, especially Tables 5 and 6, provide specific guidance on calculating the response resources required by each tier. Sections 155.1050(g), 155.1135, 155.1230(d), and 155.2230(d) set forth the required times within which the response resources must arrive on scene. Tiers are applied in three categories:

- (1) Higher volume port areas;
- (2) The Great Lakes; and
- (3) All other operating environments, including rivers and canals, inland, nearshore, and offshore areas.

Vegetable oil means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels or fruits.

Vessel of opportunity means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Vessels carrying oil as a primary cargo means all vessels except dedicated response vessels carrying oil in bulk as cargo or cargo residue that have a Certificate of Inspection issued under 46 CFR Chapter I, subchapter D.

Vessels carrying oil as a secondary cargo means vessels, other than vessels carrying oil as a primary cargo, carrying oil in bulk as cargo or cargo residue pursuant to a permit issued under 46 CFR 30.01-5, 70.05-30, or 90.05-35, an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by 33 CFR §§ 151.33 or 151.35; or any uninspected vessel that carries oil in bulk as cargo or cargo residue.

Worst case discharge means a discharge in adverse weather conditions of a vessel's entire oil cargo.

§ 155.1025 Operating restrictions and interim operating authorization.

(a) Vessels subject to this subpart may not perform the following functions, unless operating in compliance with a plan approved under § 155.1065:

- (1) Handling, storing, or transporting oil on the navigable waters of the United States; or
- (2) Transferring oil in any other port or place subject to U.S. jurisdiction.

(b) Vessels subject to this subpart may not transfer oil in a port or place subject to the jurisdiction of the United States, where the oil to be transferred was received from another vessel subject to this subpart during a lightering operation referred to in § 155.1015(b), unless both vessels engaged in the lightering operation were operating at the time in compliance with a plan approved under § 155.1065.

(c)(1) Notwithstanding the requirements of paragraph (a) of this section, a vessel may continue to handle, store, transport, transfer, or lighter oil for 2 years after the date of submission of a response plan pending approval of that plan, if the vessel owner or operator has received written authorization for continued operations from the Coast Guard.

(2) To receive this authorization, the vessel owner or operator must certify in writing to the Coast Guard that the owner or operator has identified and ensured the availability of, through contract or other approved means, the necessary private response resources to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from their vessel as described in §§ 155.1050, 155.1052, 155.1230, or 155.2230, as appropriate.

(d) With respect to paragraph (b) of this section, a vessel may not continue to handle, store, transport, transfer, or lighter oil if—

(1) The Coast Guard determines that the response resources identified in the vessel's certification statement do not meet the requirements of this subpart;

(2) The contracts or agreements cited in the vessel's certification statement are no longer valid;

(3) The vessel is not operating in compliance with the submitted plan; or

(4) The period of this authorization expires.

(e) An owner or operator of a vessel may be authorized by the applicable COTP to have that vessel make one voyage to transport or handle oil in a geographic specific area not covered by the vessel's response plan. All requirements of this subpart must be met for any subsequent voyages to that geographic specific area. To be authorized,

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the vessel owner or operator shall certify to the COTP in writing, prior to the vessel's entry into the COTP zone, that—

(1) A response plan meeting the requirements of this subpart (except for the applicable geographic specific appendix) or a shipboard oil pollution emergency plan approved by the flag state that meets the requirements of Regulation 26 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78) which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161;

(2) The approved response plan or the required plan section(s) is aboard the vessel;

(3) The vessel owner or operator has identified and informed the vessel master and the COTP of the designated qualified individual prior to the vessel's entry into the COTP zone; and

(4) The vessel owner or operator has identified and ensured the availability of, through contract or other approved means, the private response resources necessary to respond, to the maximum extent practicable under the criteria in §§ 155.1050, 155.1052, 155.1230, or 155.2230, as appropriate, to a worst case discharge or substantial threat of discharge from the vessel in the applicable COTP zone.

§ 155.1026 Qualified individual and alternate qualified individual.

(a) The response plan must identify a qualified individual and at least one alternate who meet the requirements of this section. The qualified individual or alternate qualified individual must be available on a 24-hour basis.

(b) The qualified individual and alternate must—

(1) Speak fluent English;

(2) Except as set out in paragraph (c) of this section, be located in the United States;

(3) Be familiar with the implementation of the vessel response plan; and

(4) Be trained in the responsibilities of the qualified individual under the response plan.

(c) For Canadian flag vessels while operating on the Great Lakes or the

Strait of Juan de Fuca and Puget Sound, WA, the qualified individual may be located in Canada if he or she meets all other requirements in paragraph (b) of this section.

(d) The owner operator shall provide each qualified individual and alternate qualified individual identified in the plan with a document designating them as a qualified individual and specifying their full authority to—

(1) Activate and engage in contracting with oil spill removal organization(s) and other response related resources identified in the plan;

(2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OCS); and

(3) Obligate funds required to carry out response activities.

(e) The owner or operator of a vessel may designate an organization to fulfill the role of the qualified individual and alternate qualified individual. The organization must then identify a qualified individual and at least one alternate qualified individual who meet the requirements of this section. The vessel owner or operator is required to list in the response plan the organization, the person identified as the qualified individual, and the person or persons identified as the alternate qualified individual(s).

(f) The qualified individual is not responsible for—

(1) The adequacy of response plans prepared by the owner or operator; or

(2) Contracting or obligating funds for response resources beyond the full authority contained in their designation from the owner or operator of the vessel.

(g) The liability of a qualified individual is considered to be in accordance with the provisions of 33 U.S.C. 1321(c)(4).

§ 155.1030 General response plan requirements.

(a) The plan must cover all geographic areas of the United States in which the vessel intends to handle, store, or transport oil, including port areas and offshore transit areas.

(b) The plan must be written in English and, if applicable, in a language that is understood by the crew

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members with responsibilities under the plan.

(c) A vessel response plan must be divided into the following sections:

- (1) General information and introduction.
- (2) Notification procedures.
- (3) Shipboard spill mitigation procedures.
- (4) Shore-based response activities.
- (5) List of contacts.
- (6) Training procedures.
- (7) Exercise procedures.
- (8) Plan review and update procedures.
- (9) On board notification checklist and emergency procedures (unmanned tank barges only).
- (10) Geographic-specific appendix for each COTP zone in which the vessel or vessels operate.
- (11) An appendix for vessel-specific information for the vessel or vessels covered by the plan.

(d) A vessel owner or operator with multiple vessels may submit one plan for each class of vessel (i.e., manned vessels carrying oil as primary cargo, unmanned vessels carrying oil as primary cargo, and vessels carrying oil as secondary cargo) with a separate vessel-specific appendix for each vessel covered by the plan and a separate geographic-specific appendix for each COTP zone in which the vessel(s) will operate.

(e) The required contents for each section of the plan are contained in §§ 155.1035, 155.1040, and 155.1045, as applicable to the type or service of the vessel.

(f) The response plan for a barge carrying nonhazardous oil field waste may follow the same format as that for a vessel carrying oil as a secondary cargo under § 155.1045 in lieu of the plan required under § 155.1035 or § 155.1040.

(g) A response plan must be divided into the sections described in paragraph (c) of this section unless the plan is supplemented with a cross-reference table to identify the location of the information required by this subpart.

(h) The information contained in a response plan must be consistent with the—

- (1) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area

Contingency Plan(s) (ACP) in effect on the date 6 months prior to the submission date of the response plan; or

- (2) More recent NCP and ACP(s).

(i) Copies of the submitted and approved response plan must be available as follows:

(1) The owner or operator of all vessels, except for unmanned tank barges, shall ensure that one English language copy of the plan sections listed in paragraph (c) (1), (2), (3), (5), (10) and (11) of this section and the Coast Guard approval letter or notarized copy of the approval letter are maintained aboard the vessel. If applicable, additional copies of the required plan sections must be in the language understood by crew members with responsibilities under the plan and maintained aboard the vessel.

(2) The owner or operator of all unmanned tank barges shall ensure that one English language copy of the plan section listed in paragraph (c)(9) of this section and the Coast Guard approval letter or notarized copy of the approval letter are maintained aboard the barge.

(3) The vessel owner or operator shall maintain a current copy of the entire plan, and ensure that each person identified as a qualified individual and alternate qualified individual in the plan has a current copy of the entire plan.

(j) If an owner or operator of a United States flag vessel informs the Coast Guard in writing at the time of the plan submission according to the procedures of § 155.1065, the owner or operator may address the provisions of Regulation 26 of MARPOL 73/78 if the owner or operator—

(1) Develops a vessel response plan under § 155.1030 and §§ 155.1035, 155.1040, or 155.1045, as applicable;

(2) Expands the plan to cover discharges of all oils defined under MARPOL, including fuel oil (bunker) carried on board. The owner or operator is not required to include these additional oils in calculating the planning volumes that are used to determine the quantity of response resources that the owner or operator must ensure through contract or other approved means;

(3) Provides the information on authorities or persons to be contacted in the event of an oil pollution incident as

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required by Regulation 26 of MARPOL 73/78. This information must include—

(i) An appendix containing coastal State contacts for those coastal States the exclusive economic zone of which the vessel regularly transits. The appendix should list those agencies or officials of administrations responsible for receiving and processing pollution incident reports; and

(ii) An appendix of port contacts for those ports at which the vessel regularly calls; and

(4) Expands the plan to include the procedures and point of contact on the ship for coordinating shipboard activities with national and local authorities in combating an oil spill incident. The plan should address the need to contact the coastal State to advise them of action(s) being implemented and determine what authorization(s), if any, are needed.

(5) Provides a cross reference section to identify the location of the information required by § 155.1030(j).

(k) A vessel carrying oil as a secondary cargo may comply with the requirements of § 155.1045 by having a response plan approved under Regulation 26 of MARPOL 73/78 with the addition of the following—

(1) Identification of the qualified individual and alternate that meets the requirements of § 155.1026;

(2) A geographic specific appendix meeting the requirements of § 155.1045(i), including the identification of a contracted oil spill removal organization;

(3) Identification of a spill management team;

(4) An appendix containing the training procedures required by 155.1045(f); and

(5) An appendix containing the exercise procedures required by 155.1045(g).

(1) For plans submitted prior to the effective date of this final rule, the owner or operator of each vessel may elect to comply with any or all of the provisions of this final rule by amending or revising the appropriate section of the previously submitted plan.

§ 155.1035 **Response plan requirements for manned vessels carrying oil as a primary cargo.**

(a) *General information and introduction.* This section of the response plan must include—

(1) The vessel's name, country of registry, call sign, official number, and International Maritime Organization (IMO) international number (if applicable). If the plan covers multiple vessels, this information must be provided for each vessel;

(2) The name, address, and procedures for contacting the vessel's owner or operator on a 24-hour basis;

(3) A list of the COTP zones in which the vessel intends to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page to record information on plan reviews, updates or revisions.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications, including telephone or other contact numbers, in order of priority to be made by shipboard or shore-based personnel and the information required for those notifications. Notifications must include those required by—

(i) MARPOL 73/78 and 33 CFR part 153; and

(ii) Any applicable State.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to vessel location, the persons to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individual(s) designated by the vessel's owner or operator.

(4) Descriptions of the primary and, if available, secondary communications methods by which the notifications will be made that should be consistent with the regulations in § 155.1035(b)(1).

(5) The information that is to be provided in the initial and any follow up notifications required by paragraph (b)(1) of this section.

(i) The initial notification may be submitted in accordance with IMO Resolution A648(16) "General Principles for Ship Reporting Systems and Ship Reporting Requirements" which is available through COMDT G-MSO-4, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. It must include at least the following information:

(A) Vessel name, country of registry, call sign, and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil on board;

(H) Nature and detail of defects, deficiencies, and damage (e.g. grounding, collision, hull failure, etc.);

(I) Details of pollution, including estimate of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel; and

(N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene coordinator in a follow-up report. This information must include—

(A) Additional details on the type of cargo on board;

(B) Additional details on the condition of the vessel and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship.

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the vessel's crew to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures.* This section of the response plan must include—

(1) Procedures for the crew to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from shipboard operational activities associated with internal or external cargo transfers. Responsibilities of vessel personnel should be identified by job title. These procedures must address personnel actions in the event of a—

(i) Transfer system leak;

(ii) Tank overflow; or

(iii) Suspected cargo tank or hull leak;

(2) Procedures in the order of priority for the crew to mitigate or prevent any discharge or a substantial threat of such a discharge in the event of the following casualties or emergencies:

(i) Grounding or stranding.

(ii) Collision.

(iii) Explosion or fire, or both.

(iv) Hull failure.

(v) Excessive list.

(vi) Equipment failure (e.g. main propulsion, steering gear, etc.);

(3) Procedures for the crew to deploy discharge removal equipment as required under subpart B of this part;

(4) The procedures for internal transfers of cargo in an emergency;

(5) The procedures for ship-to-ship transfers of cargo in an emergency:

(i) The format and content of the ship-to-ship transfer procedures must be consistent with the Ship to Ship Transfer Guide (Petroleum) published jointly by the International Chamber of Shipping and the Oil Companies International marine Forum (OCIMF).

(ii) The procedures must identify the response resources necessary to carry out the transfers, including—

- (A) Fendering equipment (ship-to-ship only);
- (B) Transfer hoses and connection equipment;
- (C) Portable pumps and ancillary equipment;
- (D) Lightering and mooring masters (ship-to-ship only); and
- (E) Vessel and barge brokers (ship-to-ship only).

(iii) Reference can be made to a separate oil transfer procedure and lightering plan carried aboard the vessel, provided that safety considerations are summarized in the response plan.

(iv) The location of all equipment and fittings, if any, carried aboard the vessel to perform such transfers must be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment, including that required by subpart B of this part, aboard the vessel;

(7) The location, crew responsibilities, and procedures for use of shipboard equipment which may be carried to mitigate an oil discharge;

(8) The crew responsibilities, if any, for recordkeeping and sampling of spilled oil. Any requirements for sampling must address safety procedures to be followed by the crew;

(9) The crew's responsibilities, if any, to initiate a response and supervise shore-based response resources;

(10) Damage stability and hull stress considerations when performing shipboard mitigation measures. This section must identify and describe—

(i) Activities in which the crew is trained and qualified to execute absent shore-based support or advice; and

(ii) The information to be collected by the vessel's crew to facilitate shore-based assistance; and

(11)(i) Location of vessel plans necessary to perform salvage, stability, and hull stress assessments. A copy of these plans must be maintained ashore by either the vessel owner or operator or the vessel's recognized classification society unless the vessel has pre-arranged for a shore-based damage stability and residual strength calculation

program with the vessel's baseline strength and stability characteristics pre-entered. The response plan must indicate the shore location and 24-hour access procedures of the calculation program or the following plans:

- (A) General arrangement plan.
- (B) Midship section plan.
- (C) Lines plan or table of offsets.
- (D) Tank tables.
- (E) Load line assignment.
- (F) Light ship characteristics.

(ii) The plan must identify the shore location and 24-hour access procedures for the computerized, shore-based damage stability and residual structural strength calculation programs required by §155.240.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel personnel to the shore-based spill management team.

(3) The procedures for coordinating the actions of the vessel owner or operator or qualified individual with the pre-designated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will be used to manage the response actions. This structure must include the following functional areas and must further include information for key components within each functional area:

- (i) Command and control;
- (ii) Public information;
- (iii) Safety;
- (iv) Liaison with government agencies;
- (v) Spill response operations;
- (vi) Planning;
- (vii) Logistics support; and
- (viii) Finance.

(5) The responsibilities of, duties of, and functional job descriptions for each oil spill management team position within the organizational structure

identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this section of the response plan or, if more appropriate, in a geographic-specific appendix and referenced in this section of the response plan:

- (1) Vessel owner or operator.
- (2) Qualified individual and alternate qualified individual for the vessel's area of operation.
- (3) Applicable insurance representatives or surveyors for the vessel's area of operation.
- (4) The vessel's local agent(s) for the vessel's area of operation.
- (5) Person(s) within the oil spill removal organization to notify for activation of that oil spill removal organization for the three spill scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.
- (6) Person(s) within the identified response organization to notify for activating that organization to provide:
 - (i) The required emergency lightering required by §155.1050(1), §155.1052(g), §155.1230(g), or §155.2230(g), as applicable to the type of service of the vessel; and
 - (ii) The required salvage and fire-fighting required by §155.1050(k), §155.1052(e), §155.1230(e), and §155.2230(e), as applicable to the type of service of the vessel.
- (7) Person(s) to notify for activation of the spill management team for the spill response scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.

(f) *Training procedures.* This section of the response plan must address the training procedures and programs of the vessel owner or operator to meet the requirements in §155.1055.

(g) *Exercise procedures.* This section of the response plan must address the exercise program to be carried out by the vessel owner or operator to meet the requirements in §155.1060.

(h) *Plan review, update, revision, amendment, and appeal procedure.* This section of the response plan must address—

(1) The procedures to be followed by the vessel owner or operator to meet the requirements of §155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(i) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendices must include the following information or identify the location of such information within the plan:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the vessel intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and group of oil on which the required level of response resources are calculated.

(3) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) that are identified and ensured available, through contract or other approved means, and the spill management team to respond to the following spill scenarios:

- (i) Average most probable discharge.
- (ii) Maximum most probable discharge.
- (iii) Worst case discharge.

(6) The organization(s) identified to meet the requirements of paragraph (i)(5) of this section must be capable of providing the equipment and supplies necessary to meet the requirements of §§155.1050, 155.1052, 155.1230, and 155.2230, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first 7 days of the response.

(7) The appendix must list the response resources and related information required under §§155.1050, 155.1052, 155.1230, 155.2230, and Appendix B of this part, as appropriate.

(8) If an oil spill removal organization(s) has been evaluated by the Coast

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Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (i)(7) of this section.

(9) The appendix must also separately list the companies identified to provide the salvage, vessel firefighting, lightering, and if applicable, dispersant capabilities required in this subpart.

(j) *Appendices for vessel-specific information.* This section must include for each vessel covered by the plan the following information:

(1) List of the vessel's principal characteristics.

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks.

(3) The total volume and cargo groups of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks.

(5) General arrangement plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(6) Midships section plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately aboard the vessel providing the response plan identifies the location).

(8) Damage stability data (can be maintained separately providing the response plan identifies the location).

(9) Location of cargo and fuel stowage plan for vessel (normally maintained separately aboard the vessel).

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, cargo information required by 33 CFR 154.310, or equivalent will meet

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this requirement. This information can be maintained separately.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996]

§ 155.1040 Response plan requirements for unmanned tank barges carrying oil as a primary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) A list of tank barges covered by the plan, which must include the country of registry, call sign, IMO international numbers (if applicable), and official numbers of the listed tank barges;

(2) The name, address, and procedures for contacting the barge's owner or operator on a 24-hour basis;

(3) A list of the COTP zones in which the tank barges covered by the plan intend to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page used to record information on plan reviews, updates or revisions.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications. The checklist must include notifications required by MARPOL 73/78, 33 CFR part 153, and any applicable State, including telephone or other contact numbers, in the order of priority and the information required for those notifications to be made by the—

(i) Towing vessel;

(ii) Vessel owner or operator; or

(iii) Qualified individual.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to the location of the barge, the persons to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by the towing vessel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individuals designated by the barge's owner or operator.

(4) Identification of the primary and, if available, secondary communications methods by which the notifications will be made, consistent with the requirements of paragraph (b)(1) of this section.

(5) The information that is to be provided in the initial and any follow-up notifications required by paragraph (b)(1) of this section.

(i) The initial notification information must include at least the following information:

(A) Towing vessel name (if applicable);

(B) Tank barge name, country of registry, and official number;

(C) Date and time of the incident;

(D) Location of the incident;

(E) Course, speed, and intended track of towing vessel (if applicable);

(F) Radio station(s) frequencies guarded by towing vessel (if applicable);

(G) Date and time of next report;

(H) Type and quantity of oil on board;

(I) Nature and details of defects, deficiencies, and damage (e.g., grounding, collision, hull failure, etc.);

(J) Details of pollution, including estimate of oil discharged or threat of discharge;

(K) Weather and sea conditions on scene;

(L) Barge size and type;

(M) Actions taken or planned by persons on scene;

(N) Current condition of the barge; and

(O) Details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene coordinator in a follow-up report. This information must include—

(A) Additional detail on the type of cargo on board;

(B) Additional details on the condition of the barge and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the vessel.

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the towing vessel personnel or tankermen, as applicable, to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures*. This section of the response plan must include—

(1) Procedures to be followed by the tankerman, as defined in 46 CFR 35.35-1, to mitigate or prevent any discharge or a substantial threat of such a discharge of oil resulting from operational activities and casualties. These procedures must address personnel actions in the event of a—

(i) Transfer system leak;

(ii) Tank overflow; or

(iii) Suspected cargo tank or hull leak;

(2) Procedures in the order of priority for the towing vessel or barge owner or operator to mitigate or prevent any discharge or a substantial threat of such a discharge of oil in the event of the following casualties or emergencies:

(i) Grounding or stranding;

(ii) Collision;

(iii) Explosion or fire, or both;

(iv) Hull failure;

(v) Excessive list; and

(3) Procedures for tankermen or towing vessel crew to employ discharge removal equipment required by subpart B of this part;

(4) The procedures for the internal transfer of cargo in an emergency;

(5) The procedures for ship-to-ship transfers of cargo in an emergency:

(i) The procedures must identify the response resources necessary to carry out the transfers, including—

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(A) Fendering equipment (ship-to-ship only);

(B) Transfer hoses and connection equipment;

(C) Portable pumps and ancillary equipment; and

(D) Lightering vessels (ship-to-ship only).

(ii) Reference can be made to separate oil transfer procedures or a lightering plan provided that safety considerations are summarized in the response plan.

(iii) The location of all equipment and fittings, if any, to perform such transfers must be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment, including that required by subpart B of this part aboard the barge;

(7) The location and procedures for use of equipment stowed aboard either the barge or towing vessel to mitigate an oil discharge;

(8) The responsibilities of the towing vessel crew and facility or fleeting area personnel, if any, to initiate a response and supervise shore-based response resources;

(9) Damage stability, if applicable, and hull stress considerations when performing on board mitigation measures. This section must identify and describe—

(i) Activities in which the towing vessel crew or tankerman is trained and qualified to execute absent shore-based support or advice;

(ii) The individuals who shall be notified of a casualty potentially affecting the seaworthiness of the barge; and

(iii) The information that must be provided by the towing vessel to facilitate the assessment of damage stability and stress; and

(10)(i) Location of barge plans necessary to perform salvage, stability, and hull stress assessments. A copy of these barge plans must be maintained ashore by either the barge owner or operator or the vessel's recognized classification society. The response plan must indicate the shore location and 24-hour access procedures of the following plans:

(A) General arrangement plan.

(B) Midship section plan.

(C) Lines plan or table of offsets, as available.

(D) Tank tables; and

(ii) Plans for offshore oil barges must identify the shore location and 24-hour access procedures for the computerized shore-based damage stability and residual structural strength calculation programs required by § 155.240.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from towing vessel personnel or tankermen to the shore-based spill management team.

(3) The procedures for coordinating the actions of the barge owner or operator of qualified individual with the action of the predesignated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will manage the barge owner or operator's response actions. This structure must include the following functional areas and must further include information for key components within each functional area:

(i) Command and control;

(ii) Public information;

(iii) Safety;

(iv) Liaison with government agencies;

(v) Spill response operations;

(vi) Planning;

(vii) Logistics support; and

(viii) Finance.

(5) The responsibilities of, duties of, and functional job descriptions for each oil spill management team position within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this section or, if more appropriate, in a geographic-specific appendix and referenced in this section:

(1) Barge owner or operator.

(2) Qualified individual and alternate qualified individual for the tank barge's area of operation.

(3) Applicable insurance representatives or surveyors for the barge's area(s) of operation.

(4) Person(s) within the oil spill removal organization to notify for activation of that oil spill removal organization for the spill scenarios identified in paragraph (j)(5) of this section for the barges's area(s) of operation.

(5) Person(s) within the identified response organization to notify for activating that organization to provide:

(i) The required emergency lightering required by §§ 155.1050(1), 155.1052(g), 155.1230(g), and 155.2230(g), as applicable to the type of service of the barge(s); and

(ii) The required salvage and fire fighting required by §§ 155.1050(k), 155.1052(e), 155.1230(e), and 155.2230(e), as applicable to the type of service of the barge(s).

(6) Person(s) to notify for activation of the spill management team for the spill response scenarios identified in paragraph (j)(5) of this section for the vessel's area of operation.

(f) *Training procedures.* This section of the response plan must address the training procedures and programs of the barge owner or operator to meet the requirements in § 155.1055.

(g) *Exercise procedures.* This section of the response plan must address the exercise program carried out by the barge owner or operator to meet the requirements in § 155.1060.

(h) *Plan review, update, revisions amendment, and appeal procedure.* This section of the response plan must address—

(1) The procedures to be followed by the barge owner or operator to meet the requirements of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(i) *On board notification checklist and emergency procedures.* This portion of the response plan must be maintained in the documentation container aboard the unmanned barge. The owner or operator of an unmanned tank barge subject to this section shall provide the personnel of the towing vessel, fleeing

area, or facility that the barge may be moored at with the information required by this paragraph and the responsibilities that the plan indicates will be carried out by these personnel. The on board notification checklist and emergency procedures must include—

(1) The toll-free number of the National Response Center;

(2) The name and procedures for contacting a primary qualified individual and at least one alternate on a 24-hour basis;

(3) The name, address, and procedure for contacting the vessel's owner or operator on a 24-hour basis;

(4) The list of information to be provided in the notification by the reporting personnel;

(5) A statement of responsibilities of and actions to be taken by reporting personnel after an oil discharge or substantial threat of such discharge; and

(6) The information contained in paragraph (c)(1) of this section.

(j) *Geographic-specific appendices for each COTP zone in which a tank barge operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendices must include the following information or identify the location of such information within the plan:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the barge intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and group of oil on which the required level of response resources are calculated.

(3) Required Federal or State notifications applicable to the geographic areas in which the barge operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) that are identified and ensured available, through contract or other approved means and the spill management team to provide the response resources necessary to respond to the following spill scenarios:

(i) An average most probable discharge.

(ii) A maximum most probable discharge.

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(iii) A worst case discharge to the maximum extent practicable.

(6) The organization(s) identified to meet the provisions of paragraph (j)(5) of this section must be capable of providing the equipment and supplies necessary to meet the provisions of §§ 155.1050, 155.1052, 155.1230, and 155.2230, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first seven days of the response.

(7) The appendix must list the response resources and related information required under §§ 155.1050, 155.1052, 155.1230, 155.2230, and Appendix B of this part, as appropriate.

(8) If the oil spill removal organization(s) providing the necessary response resources has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (j)(7) of this section.

(9) The appendix must also separately list the companies identified to provide the salvage, barge firefighting, lightering, and if applicable, dispersant capabilities required in this subpart.

(k) *Appendices for barge-specific information.* Because many of the tank barges covered by a response plan may be of the same design, this information does not need to be repeated provided the plan identifies the tank barges to which the same information would apply. The information must be part of the response plan unless specifically noted. This section must include for each barge covered by the plan the following information:

(1) List of the principal characteristics of the vessel.

(2) Capacities of all cargo, fuel, lube oil, and ballast tanks.

(3) The total volumes and cargo group(s) of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks aboard the barge.

(5) General arrangement plan (can be maintained separately providing that the location is identified).

(6) Midships section plan (can be maintained separately providing that the location is identified).

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately providing that the location is identified).

(8) Damage stability data, if applicable.

(9) Location of cargo and fuel stowage plan for barge(s) (normally maintained separately).

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the barge. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, cargo information required by 33 CFR 154.310, or equivalent will meet this requirement. This information can be maintained separately.

§ 155.1045 Response plan requirements for vessels carrying oil as a secondary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) The vessel's name, country of registry, call sign, official number, and IMO international number (if applicable). If the plan covers multiple vessels, this information must be provided for each vessel;

(2) The name, address, and procedures for contacting the vessel's owner or operator on a 24-hour basis;

(3) A list of COTP zones in which the vessel intends to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page used to record information on plan updates or revisions.

(6) As required in paragraph (c) of this section, the vessel owner or operator must list in his or her plan the total volume of oil carried in bulk as cargo.

(i) For vessels that transfer a portion of their fuel as cargo, 25 percent of the fuel capacity of the vessel plus the capacity of any oil cargo tank(s) will be assumed to be the cargo volume for determining applicable response plan requirements unless the vessel owner or operator indicates otherwise.

(ii) A vessel owner or operator can use a volume less than 25 percent if he or she submits historical data with the plan that substantiates the transfer of a lower percentage of its fuel capacity between refuelings.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications, including telephone or other contact numbers, in the order of priority to be made by shipboard or shore-based personnel and the information required for those notifications. Notifications must include those required by—

(i) MARPOL 73/78 and 33 CFR part 153; and

(ii) Any applicable State.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of discharge of oil. If notifications vary due to vessel location, the person(s) to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individual and alternate qualified individual.

(4) Descriptions of the primary and, if available, secondary communication methods by which the notifications will be made, consistent with the requirements in paragraph (b)(1) of this section.

(5) The information that is to be provided in the initial and any follow-up notifications required by paragraph (b)(1) of this section.

(i) The initial notification may be submitted in accordance with IMO Resolution A648(16) "General Principles for Ship Reporting Systems and Ship Reporting Requirements." It must in-

clude at least the following information:

(A) Vessel name, country of registry, call sign, IMO international number (if applicable), and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil on board;

(H) Nature and detail of defects, deficiencies, and damage (e.g., grounding, collision, hull failure, etc.);

(I) Details of pollution, including estimate of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel; and

(N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported to the appropriate on-scene coordinator in a follow-up report. This information must include—

(A) Additional details on the type of cargo on board;

(B) Additional details on the condition of the vessel and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship.

(c) *Shipboard spill mitigation procedures.* This section of the response plan must identify the vessel's total volumes of oil carried in bulk as cargo and meet the applicable requirements of this paragraph as in paragraph (a)(6) of this section.

(1) For vessels carrying 100 barrels or less of oil in bulk as cargo, the plan must include a basic emergency action checklist for vessel personnel including notification and actions to be taken to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel.

(2) For vessels carrying over 100 barrels of oil but not exceeding 5,000 barrels of oil in bulk as cargo, the plan must include—

(i) Detailed information on actions to be taken by vessel personnel to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel due to operational activities or casualties;

(ii) Detailed information on damage control procedures to be followed by vessel personnel;

(iii) Detailed procedures for internal or external transfer of oil in bulk as cargo in an emergency; and

(iv) Procedures for use of any equipment carried aboard the vessel for spill mitigation.

(3) For vessels carrying over 5,000 barrels of oil as a secondary cargo, the plan must provide the information required by §155.1035(c) for shipboard spill mitigation procedures.

(4) For all vessels, the plan must include responsibilities and actions to be taken by vessel personnel, if any, to initiate a response and supervise shore-based response resources.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal on-scene coordinator and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel personnel to the shore-based spill management team.

(3) The procedures for coordinating the actions of the vessel owner or operator with the actions of the pre-designated Federal on-scene coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will be used to manage the response ac-

tions. This structure must include the following functional areas and must further include information for key components within each functional area:

(i) Command and control;

(ii) Public information;

(iii) Safety;

(iv) Liaison with government agencies;

(v) Spill response operations;

(vi) Planning;

(vii) Logistics support; and

(viii) Finance.

(5) The responsibilities, duties, and functional job description for each oil spill management team member within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals or organizations must be included in this section or, if more appropriate, in a geographic-specific appendix and referenced in this section:

(1) Vessel owner or operator, and if applicable, charterer.

(2) Qualified individual and alternate qualified individual for the vessel's area of operation.

(3) Vessel's local agent(s), if applicable, for the vessel's area of operation.

(4) Applicable insurance representatives or surveyors for the vessel's area of operation.

(5) Person(s) within the identified oil spill removal organization(s) to notify for activation of the oil spill removal organization(s) identified under paragraph (i)(3) of this section for the vessel's area of operation.

(6) Person(s) to notify for activation of the spill management team.

(f) *Training procedures.* (1) This section of the response plan must address the training procedures and programs of the vessel owner or operator. The vessel owner or operator shall ensure that—

(i) All personnel with responsibilities under the plan receive training in their assignments and refresher training as necessary, and participate in exercises required under paragraph (g) of this section. Documented work experience can be used instead of training; and

(ii) Records of this training are maintained aboard the vessel, at the U.S. location of the spill management team, or with the qualified individual. The plan must specify where the records are located.

(2) Nothing in this section relieves the vessel owner or operator from responsibility to ensure that all private shore-based response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

(g) *Exercise procedures.* This section of the response plan must address the exercise program carried out by the vessel owner or operator to evaluate the ability of vessel and shore-based personnel to perform their identified functions in the plan. The required exercise frequency for each category of vessel is as follows:

(1) For vessels carrying 100 barrels or less of oil as cargo—

(i) On board spill mitigation procedures and qualified individual notification exercises must be conducted annually; and

(ii) Shore-based oil spill removal organization exercises must be conducted biennially.

(2) For vessels carrying over 100 barrels and up to 5,000 barrels of oil in bulk as cargo—

(i) On board emergency procedures and qualified individual notification exercises must be conducted quarterly; and

(ii) Shore-based oil spill removal organization exercises must be conducted annually.

(3) Vessels carrying over 5,000 barrels of oil in bulk as cargo must meet the exercise requirement of § 155.1060.

(h) *Plan review, update, revision, amendment, and appeal procedures.* This section of the response plan must address—

(1) The procedures to be followed by the vessel owner or operator to meet the requirement of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness

(i) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific appendix

must be included for each COTP zone identified. The appendix must include the following information or identify the location of such information within the plan:

(1) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(2) Identification of the qualified individuals.

(3) A list of the oil spill removal organization(s) and the spill management team(s) available to respond to the vessel's worst case oil discharge in each COTP zone in which a vessel operates. The oil spill removal organization(s) identified must be capable of commencing oil spill containment and on-water recovery within the response times listed for Tier 1 in § 155.1050(g); providing temporary storage of recovered oil; and conducting shoreline protection and cleanup operations. An oil spill removal organization may not be identified in the plan unless the organization has provided written consent to being identified in the plan as an available resource.

(j) *Appendices for vessel-specific information.* This section must include for each vessel covered by the plan the following information:

(1) List of the vessel's principal characteristics (i.e., length, beam, gross tonnage, etc.).

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks.

(3) The total volume and cargo groups of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks.

(5) Cargo and fuel piping diagrams and pumping plan as applicable. These diagrams and plans can be maintained separately aboard the vessel providing the response plan identifies the location.

(6) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, cargo information required by

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33 CFR 154.310, or the equivalent, will meet this requirement. This information can be maintained separately on board the vessel, providing the response plan identifies the location.

§ 155.1050 Response plan development and evaluation criteria for vessels carrying groups I through IV petroleum oil as a primary cargo.

(a) The following criteria must be used to evaluate the operability of response resources identified in the response plan for the specified operating environment:

(1) Table 1 of Appendix B of this part.

(i) The criteria in Table 1 of Appendix B of this part are to be used solely for identification of appropriate equipment in a response plan.

(ii) These criteria reflect conditions used for planning purposes to select mechanical response equipment and are not conditions that would limit response actions or affect normal vessel operations.

(2) Limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

- (i) Ice conditions;
- (ii) Debris;
- (iii) Temperature ranges; and
- (iv) Weather-related visibility.

(b) The COTP may reclassify a specific body of water or location within the COTP zone. Any reclassifications will be identified in the applicable Area Contingency Plan. Reclassifications may be to—

(1) A more stringent operating environment if the prevailing wave conditions exceed the significant wave height criteria during more than 35 percent of the year; or

(2) A less stringent operating environment if the prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment during more than 35 percent of the year.

(c) Response equipment must—

(1) Meet or exceed the criteria listed in Table 1 of Appendix B of this part;

(2) Be capable of functioning in the applicable operating environment; and

(3) Be appropriate for the petroleum oil carried.

(d) The owner or operator of a vessel that carries groups I through IV petro-

leum oil as a primary cargo shall identify in the response plan and ensure the availability of, through contract or other approved means, the response resources that will respond to a discharge up to the vessel's average most probable discharge.

(1) For a vessel that carries groups I through IV petroleum oil as its primary cargo, the response resources must include—

(i) Containment boom in a quantity equal to twice the length of the largest vessel involved in the transfer and capable of being deployed at the site of oil transfer operations—

(A) Within 1 hour of detection of a spill, when the transfer is conducted between 0 and 12 miles from the nearest shoreline; or

(B) Within 1 hour plus travel time from the nearest shoreline, based on an on-water speed of 5 knots, when the transfer is conducted over 12 miles up to 200 miles from the nearest shoreline; and

(ii) Oil recovery devices and recovered oil storage capacity capable of being at the transfer site—

(A) Within 2 hours of the detection of a spill during transfer operations, when the transfer is conducted between 0 and 12 miles from the nearest shoreline; or

(B) Within 1 hour plus travel time from the nearest shoreline, based on an on-water speed of 5 knots, when the transfer is conducted over 12 miles up to 200 miles from the nearest shoreline.

(2) For locations of multiple vessel transfer operations, a vessel may identify the same equipment as identified by other vessels, provided that each vessel has ensured access to the equipment through contract or other approved means. Under these circumstances, prior approval by the Coast Guard is not required for temporary changes in the contracted oil spill removal organization under § 155.1070(c)(5).

(3) The owner or operator of a vessel conducting transfer operations at a facility required to submit a response plan under 33 CFR 154.1017 is required to plan for and identify the response resources required in paragraph (d)(1) of this section. However, the owner or operator is not required to ensure by

contract or other means the availability of such resources.

(e) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to a discharge up to the vessel's maximum most probable discharge volume.

(1) These resources must be positioned such that they can arrive at the scene of a discharge within—

(i) 12 hours of the discovery of a discharge in higher volume port areas and the Great Lakes;

(ii) 24 hours of the discovery of a discharge in all rivers and canals, inland, nearshore and offshore areas; and

(iii) 24 hours of the discovery of a discharge plus travel time from shore for open ocean areas.

(2) The necessary response resources include sufficient containment boom, oil recovery devices, and storage capacity for any recovery of up to the maximum most probable discharge planning volume.

(3) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(4) The response resources identified for responding to a maximum most probable discharge must be positioned to be capable of meeting the planned arrival times in this paragraph. The COTP with jurisdiction over the area in which the vessel is operating must be notified whenever the identified response resources are not capable of meeting the planned arrival times.

(f) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to discharges up to the worst case discharge volume of the oil cargo to the maximum extent practicable.

(1) The location of these resources must be suitable to meet the response times identified for the applicable geographic area(s) of operation and response tier.

(2) The response resources must be appropriate for—

(i) The capacity of the vessel;

(ii) Group(s) of petroleum oil carried as cargo; and

(iii) The geographic area(s) of vessel operation.

(3) The resources must include sufficient boom, oil recovery devices, and storage capacity to recover the planning volumes.

(4) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(5) The guidelines in Appendix B of this part must be used for calculating the quantity of response resources required to respond at each tier to the worst case discharge to the maximum extent practicable.

(6) When determining response resources necessary to meet the requirements of this paragraph (f)(6), a portion of those resources must be capable of use in close-to-shore response activities in shallow water. The following percentages of the response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

- (i) Open ocean—none.
- (ii) Offshore—10 percent.
- (iii) Nearshore, inland, Great Lakes, and rivers and canals—20 percent.

(7) Response resources identified to meet the requirements of paragraph (f)(6) of this section are exempt from the significant wave height planning requirements of Table 1 of Appendix B of this part.

(g) Response equipment identified to respond to a worst case discharge must be capable of arriving on scene within the times specified in this paragraph for the applicable response tier in a higher volume port area, Great Lakes, and in other areas. Response times for these tiers from the time of discovery of a discharge are—

	Tier 1	Tier 2	Tier 3
Higher volume port area (except tankers in Prince William Sound covered by § 155.1135).	12 hrs	36 hrs	60 hrs
Great Lakes	18 hrs	42 hrs	66 hrs

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	Tier 1	Tier 2	Tier 3
All other rivers & canals, inland, near-shore, and off-shore areas.	24 hrs	48 hrs	72 hrs
Open ocean (plus travel time from shore).	24 hrs+	48 hrs+	72 hrs+

(h) For the purposes of arranging for response resources through contract or other approved means, response equipment identified for Tier 1 plan credit must be capable of being mobilized and enroute to the scene of a discharge within 2 hours of notification. The notification procedures identified in the plan must provide for notification and authorization for mobilization of identified Tier 1 response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(i) Response resources identified for Tier 2 and Tier 3 plan credit must be capable of arriving on scene within the time listed for the applicable tier.

(j) The response plan for a vessel carrying group II or III persistent petroleum oils as a primary cargo that operates in areas with year-round pre-approval for dispersant use may request a credit against up to 25% of the on-water oil recovery capability for each worst case discharge tier necessary to meet the requirements of this subpart. To receive this credit, the vessel owner or operator shall identify in the response plan and ensure, through contract or other approved means, the availability of the dispersants and the necessary resources to apply those agents appropriate for the type of oil carried and to monitor the effectiveness of the dispersants. The extent of the credit will be based on the volumes of dispersant available to sustain operations at manufacturers' recommended dosage rates. Dispersant resources identified for plan credit must be capable of being on scene within 12 hours of discovery of a discharge.

NOTE: Identification of these resources does not imply that they will be authorized for use. Actual authorization for use during a spill response will be governed by the provisions of the National Oil and Hazardous Substances Pollution Contingency Plan (40

CFR part 300) and the applicable Area Contingency Plan.

(k)(1) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the following resources:

(i) A salvage company with expertise and equipment.

(ii) A company with vessel fire-fighting capability that will respond to casualties in the area(s) in which the vessel will operate.

(2) Vessel owners or operators must identify intended sources of the resources required under paragraph (k)(1) of this section capable of being deployed to the areas in which the vessel will operate. Provider(s) of these services may not be listed in the plan unless they have provided written consent to be listed in the plan as an available resource.

(3) To meet this requirement in a response plan submitted for reapproval on or after February 18, 1998, the identified resources must be capable of being deployed to the port nearest to the area in which the vessel operates within 24 hours of notification.

(1) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, certain response resources required by §155.1035(c)(5)(ii) or §155.1040(c)(5)(i), as appropriate.

(1) These resources must include—

(i) Fendering equipment;

(ii) Transfer hoses and connection equipment; and

(iii) Portable pumps and ancillary equipment necessary to offload the vessel's largest cargo tank in 24 hours of continuous operation.

(2) These resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:

(i) Inland (except tankers in Prince William Sound covered by §155.1130), nearshore, and Great Lakes waters—12 hours.

(ii) Offshore waters and rivers and canals—18 hours.

(iii) Open ocean waters—36 hours.

(3) For barges operating on rivers and canals as defined in this subpart, the requirements of this paragraph (1)(3) may be met by listing resources capable of meeting the response times in paragraph (1)(2) of this section. Such resources may not be identified in a plan unless the response organization has provided written consent to be listed in a plan as an available resource.

(m) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, response resources necessary to perform shoreline protection operations.

(1) The response resources must include the quantities of boom listed in Table 2 of Appendix B of this part, based on the areas in which the vessel operates.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph when they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway, as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(n) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, an oil spill removal organization capable of effecting a shoreline cleanup operation commensurate with the quantity of emulsified petroleum oil to be planned for in shoreline cleanup operations.

(1) The shoreline cleanup resources required must be determined as described in Appendix B of this part.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph when

they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(o) Appendix B of this part sets out caps that recognize the practical and technical limits of response capabilities for which an individual vessel owner or operator can contract in advance. Table 6 in Appendix B lists the contracting caps that are applicable, as of February 18, 1993, and that are slated to apply on February 18, 1998. The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo, whose required daily recovery capacity exceeds the applicable contracting caps in Table 6, shall identify commercial sources of additional equipment equal to twice the cap listed for each tier or the amount necessary to reach the calculated planning volume, whichever is lower, to the extent that this equipment is available. The equipment so identified must be capable of arriving on scene no later than the applicable tier response times contained in §155.1050(g) or as quickly as the nearest available resource permits. A response plan must identify the specific sources, locations, and quantities of this additional equipment. No contract is required.

(p) The Coast Guard will initiate a review of cap increases and other requirements contained within this subpart that are scheduled to be phased-in over time. Any changes in the requirements of this section will occur through a public notice and comment process.

(1) During this review, the Coast Guard will determine if the scheduled increase remains practicable, and will also establish a specific cap for 2003. The review will include—

(i) Increases in skimming efficiencies and design technology;

(ii) Oil tracking technology;

(iii) High rate response techniques;

(iv) Other applicable response technologies; and

(v) Increases in the availability of private response resources.

(2) All scheduled future requirements will take effect unless the Coast Guard determines that they are not practicable. Scheduled changes will be effective on February 18, 1998 and 2003 unless the review of the additional requirements have not been completed by the Coast Guard. If this occurs, the changes will not be effective until 90 days after publication of a FEDERAL REGISTER notice with the results of the review.

EFFECTIVE DATE NOTE: By USCG-98-3417, 63 FR 7071, Feb. 12, 1998, §155.1050, paragraph (k)(3), was suspended from Feb. 12, 1998 until Feb. 12, 2001. At 66 FR 3878, Jan. 17, 2001, paragraph (k)(3) was suspended from Feb. 12, 2001 until Feb. 12, 2004.

§ 155.1052 Response plan development and evaluation criteria for vessels carrying group V petroleum oil as a primary cargo.

(a) Owners and operators of vessels that carry group V petroleum oil as a primary cargo must provide information in their plan that identifies—

(1) Procedures and strategies for responding to discharges up to a worst case discharge of group V petroleum oils to the maximum extent practicable; and

(2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) Using the criteria in Table 1 of Appendix B of this part, an owner or operator of a vessel carrying group V petroleum oil as a primary cargo must ensure that any equipment identified in a response plan is capable of operating in the conditions expected in the geographic area(s) in which the vessel operates. When evaluating the operability of equipment, the vessel owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

- (1) Ice conditions;
- (2) Debris;
- (3) Temperature ranges; and
- (4) Weather-related visibility.

(c) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo must identify in the response plan and ensure, through contract or other approved means, the

availability of required equipment, including—

(1) Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;

(2) Containment boom, sorbent boom, silt curtains, or other methods for containing oil that may remain floating on the surface or to reduce spreading on the bottom;

(3) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline; and

(4) Other appropriate equipment necessary to respond to a discharge involving the type of oil carried.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of being deployed within 24 hours of discovery of a discharge to the port nearest the area where the vessel is operating. An oil spill removal organization may not be listed in the plan unless the oil spill removal organization has provided written consent to be listed in the plan as an available resource.

(e) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of the following resources through contract or other approved means—

(1) A salvage company with appropriate expertise and equipment; and

(2) A company with vessel fire-fighting capability that will respond to casualties in the area(s) in which the vessel is operating.

(f) Vessel owners or operators must identify intended sources of the resources required under paragraph (e) of this section capable of being deployed to the areas in which the vessel will operate. A company may not be listed in the plan unless the company has provided written consent to be listed in the plan as an available resource. To meet this requirement in a response plan submitted for approval or re-approval on or after February 18, 1998, the vessel owner or operator must identify both the intended sources of this capability and demonstrate that the resources are capable of being deployed to the port nearest to the area where the vessel operates within 24 hours of discovery of a discharge.

(g) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of certain resources required by §§ 155.1035(c)(5)(ii) and 155.1040(c)(5)(i), as applicable, through contract or other approved means.

(1) Resources must include—

- (i) Fendering equipment;
- (ii) Transfer hoses and connection equipment; and
- (iii) Portable pumps and ancillary equipment necessary to offload the vessel's largest cargo tank in 24 hours of continuous operation.

(2) Resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:

- (i) Inland, nearshore, and Great Lakes waters—12 hours.
- (ii) Offshore waters and rivers and canals—18 hours.
- (iii) Open ocean waters—36 hours.

(3) For barges operating in rivers and canals as defined in this subpart, the requirements of this paragraph (g)(3) may be met by listing resources capable of being deployed in an area within the response times in paragraph (g)(2) of this section. A vessel owner or operator may not identify such resources in a plan unless the response organization has provided written consent to be identified in a plan as an available resource.

EFFECTIVE DATE NOTE: By USCG-98-3417, 63 FR 7071, Feb. 12, 1998, § 155.1052, the last sentence in paragraph (f) was suspended from Feb. 12, 1998 until Feb. 12, 2001. At 66 FR 3878, Jan. 17, 2001, the last sentence in paragraph (f) was suspended from Feb. 12, 2001 until Feb. 12, 2004.

§ 155.1055 Training.

(a) A response plan submitted to meet the requirements of § 155.1035 must identify the training to be provided to persons having responsibilities under the plan, including members of the vessel crew, the qualified individual, and the spill management team. A response plan submitted to meet the requirements of § 155.1040 must identify the training to be provided to the spill management team, the qualified individual, and other personnel in § 155.1040 with specific respon-

sibilities under the plan including tankermen and members of the towing vessel crew. The training program must differentiate between that training provided to vessel personnel and that training provided to shore-based personnel. Appendix C of this part provides additional guidance regarding training.

(b) A vessel owner or operator shall ensure the maintenance of records sufficient to document this training and make them available for inspection upon request by the Coast Guard. Records must be maintained for 3 years following completion of training. The response plan must identify the location of training records, which must be—

- (1) On board the vessel;
- (2) With the qualified individual; or
- (3) At a U.S. location of the spill management team.

(c) A vessel owner or operator may identify equivalent work experience which fulfills specific training requirements.

(d) The vessel owner or operator shall ensure that any oil spill removal organization identified in a response plan to meet the requirements of this part maintains records sufficient to document training for the organization's personnel. These records must be available for inspection upon request by the Coast Guard. Records must be maintained for 3 years following completion of training.

(e) Nothing in this section relieves the vessel owner or operator from the responsibility to ensure that all private shore-based response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

(f) A training plan may be prepared in accordance with Training Elements for Oil Spill Response to satisfy the requirements of this section.

§ 155.1060 Exercises.

(a) A vessel owner or operator required by §§ 155.1035 and 155.1040 to have a response plan shall conduct exercise as necessary to ensure that the plan will function in an emergency. Both announced and unannounced exercises must be included. The following are the

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minimum exercise requirements for vessels covered by this subpart:

(1) Qualified individual notification exercises, which must be conducted quarterly;

(2) Emergency procedures exercises, which must be conducted quarterly;

(3) Shore-based spill management team tabletop exercises, which must be conducted annually. In a triennial period, at least one of these exercises must include a worst case discharge scenario;

(4) Oil spill removal organization equipment deployment exercises, which must be conducted annually; and

(5) An exercise of the entire response plan, which must be conducted every 3 years. The vessel owner or operator shall design the exercise program so that all components of the response plan are exercised at least once every 3 years. All of the components do not have to be exercised at one time; they may be exercised over the 3-year period through the required exercises or through an area exercise.

(b) Annually, at least one of the exercises listed in §155.1060(a) (2) and (4) must be unannounced. An unannounced exercise is one in which the personnel participating in the exercise have not been advised in advance of the exact date, time, and scenario of the exercise.

(c) A vessel owner or operator shall participate in unannounced exercises, as directed by the Coast Guard COTP. The objectives of the unannounced exercises will be to evaluate notifications and equipment deployment for responses to average most probable discharge spill scenarios outlined in vessel response plans. The unannounced exercises will be limited to four per area per year, an area being that geographic area for which a separate and distinct Area Contingency Plan has been prepared, as described in the Oil Pollution Act of 1990. After participating in an unannounced exercise directed by a COTP, the owner or operator will not be required to participate in another unannounced exercise for at least 3 years from the date of the exercise.

(d) A vessel owner or operator shall participate in area exercises as directed by the applicable on-scene coord-

inator. The area exercises will involve equipment deployment to respond to the spill scenario developed by the exercise design team, of which the vessel owner or operator will be a member. After participating in an area exercise, a vessel owner or operator will not be required to participate in another area exercise for at least 6 years.

(e) The vessel owner or operator shall ensure that adequate exercise records are maintained. The following records are required:

(1) On board the vessel, records of the qualified individual notification exercises and the emergency procedures exercises. These exercises may be documented in the ship's log or may be kept in a separate exercise log.

(2) At the United States' location of either the qualified individual, spill management team, the vessel owner or operator, or the oil spill removal organization, records of exercises conducted off the vessel. Response plans must indicate the location of these records.

(f) Records described in paragraph (e) of this section must be maintained and available to the Coast Guard for 3 years following completion of the exercises.

(g) The response plan submitted to meet the requirements of this subpart must specify the planned exercise program. The plan shall detail the exercise program, including the types of exercises, frequencies, scopes, objectives, and the scheme for exercising the entire response plan every 3 years.

(h) Compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines will satisfy the vessel response plan exercise requirements. These guidelines are available from the United States Government Printing Office, North Capitol and H Sts., NW., Washington, DC 20402.

§ 155.1062 Inspection and maintenance of response resources.

(a) The owner or operator of a vessel required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in

good operating condition, in accordance with manufacturer's recommendations and best commercial practices; and

(2) All inspections and maintenance are documented and that these records are maintained for 3 years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existence of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan and ensured available through the written consent of an oil spill removal organization, as described in the definition of "contract or other approved means" at §155.1020.

§ 155.1065 Procedures for plan submission, approval, requests for acceptance of alternative planning criteria, and appeal.

(a) An owner or operator of a vessel to which this subpart applies shall submit one complete English language copy of a vessel response plan to Commandant (G-MOR), Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001. The plan must be submitted at least 60 days before the vessel intends to handle, store, transport, transfer, or lighter oil in areas subject to the jurisdiction of the United States.

(b) The owner or operator shall include a statement certifying that the plan meets the applicable requirements of subparts D, E, F, and G of this part and shall include a statement indicating whether the vessel(s) covered by the plan are manned vessels carrying oil as a primary cargo, unmanned vessels carrying oil as a primary cargo, or vessels carrying oil as a secondary cargo.

(c) If the Coast Guard determines that the plan meets all requirements of this subpart, the Coast Guard will notify the vessel owner or operator with

an approval letter. The plan will be valid for a period of up to 5 years from the date of approval.

(d) If the Coast Guard reviews the plan and determines that it does not meet all of the requirements, the Coast Guard will notify the vessel owner or operator of the response plan's deficiencies. The vessel owner or operator must then resubmit the revised plan, or corrected portions of the plan, within the time period specified in the written notice provided by the Coast Guard.

(e) For those vessels temporarily authorized under §155.1025 to operate without an approved plan pending formal Coast Guard approval, the deficiency provisions of §155.1070(c), (d), and (e) will also apply.

(f) When the owner or operator of a vessel believes that national planning criteria contained elsewhere in this part are inappropriate to the vessel for the areas in which it is intended to operate, the owner or operator may request acceptance of alternative planning criteria by the Coast Guard. Submission of a request must be made 90 days before the vessel intends to operate under the proposed alternative and must be forwarded to the COTP for the geographic area(s) affected.

(g) An owner or operator of a United States flag vessel may meet the response plan requirements of Regulation 26 of MARPOL 73/78 and subparts D, E, F, and G of this part by stating in writing, according to the provisions of §155.1030(j), that the plan submitted is intended to address the requirements of both Regulation 26 of MARPOL 73/78 and the requirements of subparts D, E, F, and G of this part.

(h) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Assistant Commandant for Marine Safety and Environmental Protection. This appeal must be submitted in writing to Commandant (G-M), Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997]

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§ 155.1070 Procedures for plan review, revision, amendment, and appeal.

(a) A vessel response plan must be reviewed annually by the owner or operator.

(1) This review must occur within 1 month of the anniversary date of Coast Guard approval of the plan.

(2) The owner or operator shall submit any plan amendments to the Coast Guard for information or approval. Revisions to a plan must include a cover page that provides a summary of the changes being made and the pages being affected. Revised pages must further include the number of the revision and date of that revision.

(3) Any required changes must be entered in the plan and noted on the record of changes page. The completion of the annual review must also be noted on the record of changes page.

(b) The owner or operator of a vessel covered by subparts D, E, F, and G of this part shall resubmit the entire plan to the Coast Guard for approval—

(1) Six months before the end of the Coast Guard approval period identified in § 155.1065(c); and

(2) Whenever there is a change in the owner or operator of the vessel, if that owner or operator provided the certifying statement required by § 155.1065(b). If this change occurs, a new statement certifying that the plan continues to meet the applicable requirements of subparts D, E, F, and G of this part must be submitted.

(c) Revisions or amendments to an approved response plan must be submitted for approval by the vessel's owner or operator whenever there is—

(1) A change in the owner or operator of the vessel, if that owner or operator is not the one who provided the certifying statement required by § 155.1065(b);

(2) A change in the vessel's operating area that includes ports or geographic area(s) not covered by the previously approved plan. A vessel may operate in an area not covered in a previously approved plan upon receipt of written acknowledgment by the Coast Guard that a new geographic-specific appendix has been submitted for approval by the vessel's owner or operator and the certification required in § 155.1025(c) has been provided;

(3) A significant change in the vessel's configuration that affects the information included in the response plan;

(4) A change in the type of oil cargo carried aboard (oil group) that affects the required response resources, except as authorized by the COTP for purposes of assisting in an oil spill response activity;

(5) A change in the identification of the oil spill removal organization(s) or other response related resource required by §§ 155.1050, 155.1052, 155.1230, or 155.2230, as appropriate, except an oil spill removal organization required by § 155.1050(d) which may be changed on a case by case basis for an oil spill removal organization previously classified by the Coast Guard which has been ensured available by contract or other approved means;

(6) A significant change in the vessel's emergency response procedures;

(7) A change in the qualified individual;

(8) The addition of a vessel to the plan. This change must include the vessel-specific appendix required by this subpart and the owner or operator's certification required in § 155.1025(c); or

(9) Any other significant changes that affect the implementation of the plan.

(d) Thirty days in advance of operation, the owner or operator shall submit any revision or amendments identified in paragraph (c) of this section. The certification required in § 155.1065(b) must be submitted along with the revisions or amendments.

(e) The Coast Guard may require a vessel owner or operator to revise a response plan at any time if it is determined that the response plan does not meet the requirements of this subpart. The Coast Guard will notify the vessel owner or operator in writing of any deficiencies and any operating restrictions. Deficiencies must be corrected and submitted for acceptance within the time period specified in the written notice provided by the Coast Guard or the plan will be declared invalid and any further storage, transfer, handling, transporting or lightering of oil in areas subject to the jurisdiction of the United States will be in violation of section 311(j)(5)(E) of the Federal Water

Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)(5)(E)).

(f) A vessel owner or operator who disagrees with a deficiency determination may submit a petition for reconsideration to Assistant Commandant for Marine Safety and Environmental Protection, Commandant (G-M), Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001 within the time period required for compliance or within 7 days from the date of receipt of the Coast Guard notice of a deficiency determination, whichever is less. After considering all relevant material presented, the Coast Guard will notify the vessel owner or operator of the final decision.

(1) Unless the vessel owner or operator petitions for reconsideration of the Coast Guard's decision, the vessel's owner or operator must correct the response plan deficiencies within the period specified in the Coast Guard's initial determination.

(2) If the vessel owner or operator petitions the Coast Guard for reconsideration, the effective date of the Coast Guard notice of deficiency determination may be delayed pending a decision by the Coast Guard. Petitions to the Coast Guard must be submitted in writing, via the Coast Guard official who issued the requirement to amend the response plan, within 5 days of receipt of the notice.

(g) Except as required in paragraph (c) of this section, amendments to personnel and telephone number lists included in the response plan do not require prior Coast Guard approval.

(h) The Coast Guard and all other holders of the response plan shall be advised of any revisions to personnel and telephone numbers and provided a copy of these revisions as they occur.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by CGD 96-026, 61 FR 33666, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997]

Subpart E—Additional Response Plan Requirements for Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

SOURCE: CGD 91-034, 61 FR 1097, Jan. 12, 1996, unless otherwise noted.

§ 155.1110 Purpose and applicability.

(a) This subpart establishes oil spill response planning requirements for an owner or operator of a tanker loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1651 *et seq.*) in Prince William Sound, Alaska, in addition to the requirements of subpart D of this part. The requirements of this subpart are intended for use in developing response plans and identifying response resources during the planning process, they are not performance standards.

(b) The information required in this subpart must be included in a Prince William Sound geographic-specific appendix to the vessel response plan required by subpart D of this part.

§ 155.1115 Definitions.

Except as provided in this section, the definitions in § 155.1020 apply to this subpart.

Prince William Sound means all State and Federal waters within Prince William Sound, Alaska, including the approach to Hinchinbrook Entrance out to and encompassing Seal Rock.

§ 155.1120 Operating restrictions and interim operating authorization.

The owner or operator of a tanker to which this subpart applies may not load cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act unless the requirements of this subpart and § 155.1025 have been met. The owner or operator of such a tanker shall certify to the Coast Guard that they have provided,