



## STEAMSHIP MUTUAL

To the Members

December 2013

Dear Sirs,

### United States Vessel Response Plans

#### **OSRO contracts**

Reference is made to Circular No L.223 of November 2013 and to the requirement that non-tank shipowners trading to the United States of America (US) should have in place federal Vessel Response Plans by 30 January 2014. In that Circular non-tank owners were advised that the International Group (IG) Clubs would not be continuing the retainer agreements with MSRC and NRC, originally introduced to enable non-tank owners trading to California to comply with California State law contingency plan requirements and that in future, therefore, non-tank vessel owners will need to contract with either MSRC or NRC directly. However, in order to effect a smooth transition, the retainer system with both MSRC and NRC will stay in place until 30 January 2014.

The MSRC and NRC contracts which conform with the IG Vessel Response Guidelines are as follows:

MSRC: footer (September 27, 1996)

NRC: header (September 15, 2004)

#### **Dispersants**

With regard to dispersants NRC have introduced an Addendum entitled "DISPERSANT AMENDMENT RELEASE" with footer "DISPERSANT AMENDMENT RELEASE – December 2013". This conforms with International Group guidelines.

With regard to MSRC – in August 2011 they introduced the following clause in conjunction with a Dispersants Addendum:

"2.01(e) – Discharges Involving Dispersant Services. MSRC may offer from time to time to provide aircraft, vessels or other services or Resources in connection with the supply or application of dispersants for Spill Events ("Dispersant Services"). Any additional or different terms and conditions applicable to the provision of Dispersant Services for such Spill Events will be set forth in an addendum to this Agreement executed by MSRC and the Company in advance or at the time of callout for the Spill Event. Dated: August 10, 2011".

Members should note that the effect of the second sentence of this clause is that before providing dispersant services, MSRC reserves the right to require the owner to sign an Addendum on unspecified terms. As a result of this uncertainty, this clause does not conform with IG VRP guidelines since by agreeing to it the member accepts that before dispersants are provided he/she may have to enter into an agreement with MSRC which exposes the member to liabilities falling outside the scope of Club cover.

L.224

#### **STEAMSHIP MUTUAL UNDERWRITING ASSOCIATION LIMITED**

Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority  
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However, MSRC have agreed that no Dispersant Addendum will be required from shipowners, and has agreed that neither the Addendum nor Section 2.01 (e) will be included in the package sent to shipowners so that shipowners will not need to agree to this section when signing a contract with MSRC and thus will only be required to contract on terms which conform with Club cover. Moreover, in order to provide evidence that MSRC will offer dispersant services, MSRC should include additional documentation confirming to the customer that it will provide these services notwithstanding the absence of Section 2.01(e).

### **Frequently asked questions**

The US Coast Guard has now published their Frequently Asked Questions (FAQs) on the non-tank final rule and these are attached.

Yours faithfully,

THE STEAMSHIP MUTUAL UNDERWRITING  
ASSOCIATION LIMITED

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**Nontank Vessel Response Plans (NTVRP) – Frequently Asked Questions  
December 02, 2013**

*If there is a discrepancy between this document and the regulations, the regulations control.*

**CONTENTS:**

ANNUAL REVIEW OF NONTANK VESSEL RESPONSE PLANS. . . . .	2
APPLICABILITY OF NONTANK VESSEL RESPONSE PLAN REGULATIONS. . . . .	2
AREA CONTINGENCY PLANS . . . . .	3
CANCELLATION NVIC 01-05, CH-1. . . . .	3
CERTIFICATION STATEMENTS . . . . .	3
DIFFERENCES BETWEEN THE NTVRP PROPOSED AND FINAL RULES . . . . .	4
CONTRACTS FOR OSRO COVERAGE. . . . .	5
CONTRACTS AND FUNDING AGREEMENTS UNDER SUBPART I FOR SALVAGE AND MARINE FIREFIGHTING SERVICES . . . . .	6
CONTRACTS - WRITTEN CONSENT REQUIREMENTS . . . . .	7
CONTRACT SIGNATURES . . . . .	9
DAMAGE STABILITY AND ASSESSMENT OF STRUCTURAL STABILITY. . . . .	9
DATES FOR NONTANK VESSEL COMPLIANCE. . . . .	11
PREFIRE PLANS . . . . .	13
SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS . . . . .	14

*The current version of this document may be found on the Coast Guard’s Homeport website. It is located in Missions > Environmental > Vessel Response Plan Program > Nontank Vessel Response Plans > Important NTVRP Documents: “NTVRP Frequently Asked Questions”  
Relevant documents are available for review or download.*

## ANNUAL REVIEW OF NONTANK VESSEL RESPONSE PLANS

1. Please clarify the requirements for annual NTVRP reviews. Is there a requirement for the vessel owner or operator to submit a letter to the Commandant reporting that the annual review was accomplished?

Nontank vessel owners or operators are required to complete an oil spill response plan review annually, but it does not need to be reported to the Coast Guard. [33 CFR.155.5070(a)]

## APPLICABILITY OF NONTANK VESSEL RESPONSE PLAN REGULATIONS

1. Do the NTVRP regulations apply to a vessel that operates outside the 12 nm territorial sea?

If the nontank vessel is not operating on the navigable waters of the U.S., they do not need to comply with the nontank regulations until they are operating on the navigable waters of the U.S. Navigable waters of the U.S. includes the waters of the territorial sea, and all the water within the U.S. tributary thereto, out to 12 nm for both tank vessels and non-tank vessels insofar as the response plan requirements of 311(j)(5) are concerned.

2. How are we able to require a geographic specific appendix for nontank vessels out to 200 nm if the law and the regulations for nontank vessels only applies to those vessels when they're in "navigable waters"?

Tank and nontank vessel regulations are written in such a way as to require a geographic specific appendix for every Captain of the Port zone, some of which are defined as extending out 200 nm, through which the vessel operates. It can be required that the vessel must comply with our VRP regulations when operating in the navigable waters of the U.S. and entering or leaving a U.S. port, consistent with international law, as a matter of port entry jurisdiction.

3. Do the NTVRP regulations apply to a vessel that operates on inland waters?

Yes, NTVRP regulations apply to a vessel that operates on inland waters if the vessel is 400 GT or more, self-propelled, and a nontank vessel. The navigable waters of the U.S. includes the waters of the territorial sea, and all the water within the U.S. tributary thereto (inland waters), out to 12 nm for both tank vessels and non-tank vessels insofar as the response plan requirements of 311(j)(5) are concerned.

4. NTVRP requirements apply to vessels 400 gross tons or more. When a vessel is measured under both the convention and regulatory measurement systems, which prevails for applicability determination purposes?

The convention (international) measurement system takes precedence. The regulatory (domestic) measurement system is only to be used if the vessel is NOT measured under the convention system. [33 CFR 155.5015(a)(4)]

#### AREA CONTINGENCY PLANS

1. Area Contingency Plans contain information about the places where my vessels go, including response resource provider information. Where can I locate these plans?

The Coast Guard's HOMEPORT website, <http://homeport.uscg.mil>, has a Port Directory link at the top left of the screen. When you open that link by double clicking it, you will see a "Select Coast Guard Unit" text box with a drop down arrow. Click on the arrow to reveal a unit list and select the one that is of interest to you. The "Safety and Security" section is midway down on right hand side of the screen contains an "Area Contingency Plan" folder containing the most recent Area Contingency Plan in a downloadable format.

Should you have an issue obtaining the most up to date version of a plan, contact the ACP Program Manager in the Office of Marine Environmental Response Policy.

#### CANCELLATION OF NVIC 01-05, CH-1

1. Our NTVRP was prepared according to NVIC 01-05, CH-1. Is that NVIC still in effect?

While Navigation and Vessel Inspection Circular (NVIC) No. 01-05, CH-1, "Interim Guidance for the Development and Review of Response Plans for Nontank Vessels" remains in effect until 30 January 2014, you must submit NTVRPs that comply with the requirements of the "Nontank Vessel Response Plans and Other Response Plan Requirements" final rule. The Coast Guard intends to cancel NVIC 01-05, CH-1 once the compliance deadline for submission of NTVRPs is reached on 30 January 2014.

#### CERTIFICATION STATEMENTS

1. What is a certification statement?

When the vessel owner or operator submits a vessel response plan to the Coast Guard for review, the owner or operator shall include a statement certifying that the plan meets the applicable requirements of Title 33, Code of Federal Regulations, Part 155, Subparts D, E, F, G, and J. [33 CFR 155.1065(b); 33 CFR 155.5065(b)]

2. It appears that we can submit the certification statement on behalf of our vessel owner or operator client when they fill out and sign CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG-6083). Is this correct?

Yes. Certification statements may be submitted by cover letter or by using CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG-6083), in lieu of a cover letter. [33 CFR 155.1065(b); 33 CFR 155.5065(b)]

Form CG-6083 is located at: [http://www.uscg.mil/forms/CG/CG\\_6083.pdf](http://www.uscg.mil/forms/CG/CG_6083.pdf) or on the VRP Program’s Homeport site.

## DIFFERENCES BETWEEN THE NTVRP PROPOSED AND FINAL RULES

1. What are the differences between the proposed and final rules for NTVRPs?

The Coast Guard revised a number of sections to alleviate the burden of the rule in response to public comments or to clarify requirements. [NTVRP Final Rule, September 30, 2013. Page 60103, Preamble Section V, Summary of Changes]

1. Allows nontank owners or operators to submit their VRP electronically.
2. Removes the annual plan review reporting requirement.
3. Refers to additional oil spill planning standards found in 30 CFR Part 254 for nontank vessels that are mobile offshore drilling units.
4. Clarifies applicability for secondary carriers.
5. Clarifies requirements for onetime port waivers for remote areas.
6. Removes the revised definition “vessels carrying oil as secondary cargo” as previously proposed.
7. Revises the definition for “nontank vessels” for clarity and for purposes of consistency.
8. Allows vessels to carry electronic copies onboard.
9. Removes requirement for vessels to have original, notarized copies of the VRP onboard.
10. Allows vessels to identify their insurance provider instead of insurance representatives.
11. Adds the requirement that vessels must state their 24-hour point of contact/local agent before arriving in a port if they have not done so in their VRP.
12. Aligns the appeal procedures between Tank Vessel Response Plans for Oil and new Nontank Vessel Response Plans.
13. Clarifies salvage and marine firefighting applicability for nontank vessels.
14. Revises the definitions of “cargo” and “navigable waters of the United States.”
15. Added the definition of “transfer” to clarify that transfer means those that take place to and from vessels for the purposes of 33 CFR Part 155, Subpart J.
16. Revises the definition for “worst case discharge” (WCD) to maintain alignment between new Subpart J and tank regulations in 33 CFR Part 155, Subpart D. The Coast Guard may change these requirements in a future rulemaking.

17. Rewords sentences that might be confusing and broke up paragraphs into smaller paragraphs to make them easier to read and to improve clarity.
18. Allows vessel owners or operators to submit one plan to represent multiple vessels.
19. Vessels need only carry those VRP sections onboard their vessels the Coast Guard deemed necessary to initiate notifications and crew response.
20. Clarifies the new Alternative Training and Exercise Program.
21. Updates the Coast Guard Headquarters' mailing address.

## CONTRACTS FOR OSRO COVERAGE

1. With regard to OSRO contracts and NTVRPs, what must be submitted to the USCG for plan approval under 33 CFR 155, Subpart J - Nontank Vessel Response Plans?"

The OSRO services that must be planned for by contract or other approved means in NTVRPs are specified below by oil capacity:

- A. NONTANK VESSELS WITH 2,500 BARRELS CAPACITY OR GREATER require contracts or other approved means for response resources as follows:

Contract, per 33 CFR 155.5020, "Contract or other approved means," (1) – (4)  
[See also §§155.1050; 155.5050(h)]

<b><u>Resource Category</u></b>	<b><u>Regulatory Requirement</u></b>
• AMPD (vessel carries oil as cargo)	[§§155.5050(d)(1)]
• MMPD	[§§155.5050(e)(1)]
• WCD Tier 1	[§§155.5050(f) and (g)]
• Dispersant (pre-authorized area)	[§§155.5050(j)(1)]
• Aerial Tracking (not inland areas)	[§§155.5050(k)(1)(i), and (2)]
• Shoreline Protection	[§§155.5050(l)]
• Shoreline Cleanup	[§§155.5050(m)]

- B. NONTANK VESSELS WITH LESS THAN 2,500 BARRELS CAPACITY, BUT GREATER THAN OR EQUAL TO 250 BARRELS:

Contract, per 33 CFR 155.5020, "Contract or other approved means," (1) – (4)  
[See also §§155.1050; 155.5050(h)]

<b><u>Resource Category</u></b>	<b><u>Regulatory Requirement</u></b>
• MMPD	[§§155.5050(e)(1)]
• Shoreline Protection	[§§155.5050(l)]
• Shoreline Cleanup	[§§155.5050(m)]

Written Consent per 33 CFR 155.5020, "Contract or other approved means," (5)

<u>Resource Category</u>	<u>Regulatory Requirement</u>
• AMPD (vessel carries oil as cargo)	[§§155.5050(d)(1)]
• Dispersant (pre-authorized area)	[§§155.5050(j)(2)]
• Aerial Tracking (not inland)	[§§155.5050(k)(1)(ii), and (2)]

C. NONTANK VESSELS WITH LESS THAN 250 BARRELS CAPACITY:

Written Consent per 33 CFR 155.5020, "Contract or other approved means," (5)

<u>Resource Category</u>	<u>Regulatory Requirement</u>
• AMPD (vessel carries oil as cargo)	[§§155.5050(d)(1)]
• MMPD	[§§155.5050(e)(2)]

CONTRACTS AND FUNDING AGREEMENTS UNDER SUBPART I FOR SALVAGE AND MARINE FIREFIGHTING (SMFF) SERVICES

1. What nontank vessels are required to contract for salvage and marine firefighting in accordance with Subpart I?

Self propelled nontank vessels 400 gross tons or more with a capacity of 2,500 barrels or greater must meet the salvage, emergency lightering and marine firefighting requirements found in Subpart I.

2. Does the Coast Guard give SMFF providers salvage contract review letters for their Subpart I contracts?

No, there is no regulatory requirement for salvage and marine firefighting contract review letters.

3. What are the requirements for a salvage and marine firefighting contract under Subpart I?

Subpart I definitions of "contract or other approved means" and "funding agreement" provide salvage and marine firefighting contracting details. Contracts are expected to be in line with the following criteria:

- It is a written contractual agreement and funding agreement between a vessel owner or operator and resource provider and signed by both.
- The funding agreement identifies agreed upon rates for specific equipment and services to be made available by the resource provider under the agreement.
- Expressly provides that the resource provider "is capable of, and intends to commit to, meeting the plan requirements".
- States how long the agreement remains in effect.



- Contract and funding agreement ensure that salvage and marine firefighting are in place.
- Assures that responses are not delayed due to funding negotiations.
- Must be provided to the Coast Guard by the vessel owner / operator with the VRP for approval.

The VRP Program expects SMFF nontank contracts to adhere to these criteria. Where this is found not to be the case, the contracts will not be accepted. [33 CFR 155.4020]

4. Where can I find further information about Subpart I salvage and marine firefighting contracts?

Navigation and Vessel Inspection Circular 2-10 covers salvage and marine firefighting contracts in detail. NVIC 2-10 may be downloaded from the Coast Guard's Homeport website: <http://homeport.uscg.mil>  
>Missions > Environmental>Vessel Response Plan Program>Salvage and Marine Firefighting>Salvage and Marine Firefighting NVIC>NVIC 2-10.

## CONTRACTS - WRITTEN CONSENT REQUIREMENTS

1. What is "written consent"?

The vessel owner or operator may only list response resource providers in their response plan that have been arranged by contract or other approved means.

The vessel owner operator must obtain written consent from the resource provider stating that they agree to be listed in the vessel response plan.

- For salvage contracting, the consent must state that the resource provider agrees to provide the services that are listed in 33 CFR 155.4030(a) through (h) and that these services are capable of arriving within the response times listed in Table 155.4030(b).
- For OSRO contracting, contract or other approved means includes, with the written consent of the OSRO, the identification of an OSRO with specified equipment, and personnel which are available within stipulated response times in the specified geographic areas.

2. A resource provider's written consent to be listed in an NTVRP is considered an "other approved means" instead of a contract for some NTVRP response resources. Which nontank vessels are only required to establish written consent to be listed in the NTVRP, and for which response resources?

With regard to self-propelled nontank vessels 400 gross tons or more:

- a. Those nontank vessels with an oil capacity of 250 to 2,500 barrels are required to establish written consent to be listed in the NTVRP from the providers of salvage, emergency lightering, firefighting, dispersant, and aerial tracking services.
- b. Those nontank vessels with an oil capacity below 250 barrels are required to establish written consent to be listed in the NTVRP from the providers of MMPD and salvage services.

Written consent is considered an acceptable “other approved means” for vessels with an oil capacity under 2,500 barrels. See 33 CFR 155.5020, paragraph (5) of the definition of “Contract or other approved means.”

3. Must written consent agreements be submitted with the VRP?

Written consent agreements must be submitted with the NTVRP for self-propelled nontank vessels 400 gross tons or more with less than 2,500 barrels oil capacity.

Please be advised that written consent agreements are required to be submitted with the NTVRP when the written consent functions as an “other approved means.” This means that nontank vessels with an oil capacity under 2,500 barrels as described in the answer to the previous question must submit written consent agreements with their NTVRP. [33 CFR 155.5050]

Written consent agreements need not be submitted with the NTVRP for self-propelled nontank vessels 400 gross tons or more with 2,500 barrels or greater oil capacity.

The written consent agreement is not required to be submitted with the NTVRP for vessels with an oil capacity of 2,500 barrels or above. For self-propelled nontank vessels of 400 gross tons or more with oil capacity of 2,500 barrels or greater, the written consent may be included with the contract with the resource provider or in a separate document. This written consent must be available to the Coast Guard for inspection. The response plan must identify the location of this written consent, which must be on board the vessel, or with a qualified individual located in the United States. [33 CFR 155.4045]

4. What other requirements must nontank vessels submitting only written consents plan for in their NTVRP ?

33 CFR 155.5050(p) requires nontank vessels with a oil capacity less than 2,500 barrels to only identify and plan for response resources, but does not require availability by contract. While the Coast Guard does not require contracts for these vessels, we believe that requiring these vessels to plan for and comply with all of the other requirements of Subpart I is sufficient.

## CONTRACT SIGNATURES

### 1. Will the Coast Guard accept signed contracts by third parties?

Yes, the Coast Guard will accept contracts signed on behalf of a vessel owner or operator by an authorized agent or power of attorney. The contract must still be between the vessel owner or operator and the resource provider rather than with a third party.

33 CFR 155.5035 requires the nontank vessel owner / operator (O/O) to identify in NTVRPs resource providers that are "ensured available" in the case of an actual or potential discharge, "through contract or other approved means." "Contract or other approved means" is defined in 33 CFR 155.5020 as including, among other things, written contractual agreements between the nontank vessel O/O and the resource provider. This definition does not prevent an agent of the nontank vessel O/O from arranging or entering into the contract on behalf of the nontank vessel O/O. Using a Power of Attorney, the contract is between the nontank vessel O/O and the resource provider, with the QI as agent. It is not the Coast Guard's intention to dictate the exact contractual arrangement that meets the intent of this regulation. The Coast Guard's purpose is to ensure the requirement of a contractual relationship between the nontank vessel O/O and the resource provider is present in the event of an actual or potential discharge.

### 2. Will the Coast Guard accept a QI's signature on a contract?

Yes, the Coast Guard will accept contracts signed on behalf of a vessel owner or operator by an authorized agent or power of attorney. The contract must still be between the vessel owner or operator and the resource provider rather than with a third party.

### 3. Will the Coast Guard accept electronic signatures on contracts?

Yes, use of authorized electronic signatures will be accepted.

## DAMAGE STABILITY AND ASSESSMENT OF STRUCTURAL STABILITY

### 1. What do damage stability services typically encompass?

Damage stability services typically encompass the following:

- a. A database of pertinent aspects of the vessel's structure, materials, machinery and equipment
- b. A computer model of the vessel that will allow for damage stability and residual strength analysis
- c. Evaluation of salvor's or operator's plans for off-loading, ballasting or cargo transfer sequences to improve residual stability and reduce hull girder stresses and ground force reaction

- d. Extensive calculation routines, which include:
- bending and shear stresses caused by pinnacle loads from grounding or stranding
  - residual hull girder strength based on the reported extent of damage
  - residual stability when the vessel's compartments are breached
  - hull girder strength in damaged condition with wave loading
  - hull girder ultimate strength
  - local strength in the damaged area
  - local buckling and ultimate strength

The above would all fall under "calculations", since the process involves only modeling, computing and information exchange. The salvor will then use the data provided (in consultation with the QI, master and operators) as part of the response effort.

It seems clear that an external provider capable of providing damage stability services must be identified in the NTVRPs. Few, if any, operators could provide such a service in-house, since a typical vessel's stability-calculating equipment is designed to calculate static intact stability data (while fully afloat, with a watertight hull). Such equipment would be incapable of calculating the vessel's dynamic stability which is necessary after an incident involving loss of watertight integrity and/or a ground reaction.

2. Given the above, what damage stability calculation services from Subpart I must nontank vessels plan for and identify in their VRPs?

"Damage stability calculation" service is not a defined service within Subpart I.

33 CFR 155 Subpart I requires the vessel owner or operator to identify "Assessment of Structural Stability" services by contract or other approved means. "Assessment of structural stability" means completion of a vessel's stability and structural integrity assessment through the use of a salvage software program. The data used for the calculations would include information collected by the on-scene salvage professional. The assessment is intended to allow sound decisions to be made for subsequent salvage efforts." [33 CFR 155.4025]

Pre-planning for the "assessment of structural stability" is intended to facilitate rapid response by salvage providers who are able to accomplish the defined services within specified timeframes in the event of an incident. Timeframes for "assessment of structural stability" are either 12 or 18 hours, depending upon the operating area of the vessel. The timeframe starts when anyone in the vessel owner or operator's response organization receives notification of a potential or actual incident. The response timeframe ends for "assessment of structural stability" when the initial analysis is completed. "Assessment of structural stability" is a continual process, but by the end of the specified timeframe an analysis needs to be completed. [33 CFR 155.4040]

The decision whether or not adequate planning for “assessment of structural stability” includes arranging to pre-load a computer model with relevant vessel-specific data prior to an incident is the responsibility of the vessel owner or operator. The vessel owner or operator is responsible for determining the adequacy of the resource providers included in their plan. [33 CFR 155.4050]

3. Are nontank vessels required to contract for damage stability services?

No. “Damage Stability Services” are not defined in Subpart I. Nontank vessels are required to contract for “assessment of structural stability” services, as defined in 33 CFR 155.4025.

4. The definition of “assessment of structural stability” in Subpart I refers to 33 CFR 155.240 and .245. These regulations discuss damage stability and residual strength computer calculation requirements for tank vessels? Do these parts apply to nontank vessels?

33 CFR 155.240 and .245 do not apply to nontank vessels.

The definition of “assessment of structural stability” in Subpart I (salvage and marine firefighting) addresses both Subpart D (tank vessel response plans) and Subpart J (nontank vessel response plans). The references in the definition of “assessment of structural stability” to 33 CFR 155.240 and .245 are clearly applicable only to tank vessels regulated under Subpart D.

5. Must nontank vessel data be pre-entered into computer models for damage stability calculations?

No, pre-entry of vessel data into computer models is an option, but it is not mandated in all cases by the regulations. Although the “assessment of structural stability” service provider must be able to complete a vessel's stability and structural integrity assessment within timeframes through the use of a salvage software program, regulations do not specifically require pre-entry of vessel data into a computerized model for nontank vessels.

## DATES FOR NONTANK VESSEL COMPLIANCE

1. What is the effective date of the NTVRP final rule?

The NTVRP final rule has both an effective date and implementation (compliance) date. The effective date of October 30, 2013 is when the final rule enters into force. The effective date is generally the compliance date unless a separate compliance date is designated, as established for NTVRP submissions in this final rule.

2. What is the compliance date for the Notice of Arrival requirements?

The compliance date for some Notice of Arrival requirements that are part of the NTVRP final rule is October 30, 2013.

This final rule requires the submission of VRP Control Numbers for both tank and nontank vessels as part of already required notice of arrival information listed in 33 CFR 160.206(a). The Coast Guard's electronic notice of arrival (eNOA) online form already requires a submitter to check a box when they have a nontank (*emphasis added*) VRP and provides a control number entry field when the box is checked in the affirmative. Nontank vessels should continue to submit their VRP Control Number in this manner. At this time, no such prompt or entry field exists for tank vessels. Therefore, until an entry field is added to the eNOA submission form for tank vessels, the Coast Guard advises tank vessel owner or operators to list their tank VRP Control Numbers in the eNOA comments field.

Since the October 30, 2013 effective date of this requirement does not align with the January 30, 2014 compliance date for submission of nontank VRPs, and to ensure consistency with our previous enforcement policy for nontank vessels 1,600 gross tons and above, the Coast Guard will enforce this new notice of arrival submission requirement by the following eNOA submission timelines:

1. October 30, 2013 – Tank Vessels
  2. October 30, 2013 – Nontank Vessels (1,600 gross tons or greater; use VRP Control Number listed in existing IOAs)
  3. January 30, 2014 – Nontank Vessels (400 – less than 1,600 gross tons)
3. Is the NTVRP compliance date January 30, 2014, per 33 CFR 155.4020?

Yes. The final rule establishes January 30, 2014 as the date of compliance by which a vessel owner or operator is required to submit and operate under a vessel response plan that meets the new regulatory requirements of 33 CFR 155, Subpart J. As a result, existing Interim Operating Authorizations (IOAs) will remain valid until the compliance date of January 30, 2014, or until they are replaced with an approval letter or new IOA that specifically refers to compliance with "Title 33, Code of Federal Regulations, Part 155, Subpart J."

Nontank vessels with existing IOAs must resubmit their plan, with required revisions, for approval before the January 30, 2014, compliance date in order to receive a Subpart J compliant approval letter or new IOA.

4. Plans must be submitted to the Coast Guard by January 30, 2014 but the regulations do not state whether or not a vessel can operate in U.S. waters while the plan is under review. Please advise the plan review process and under what approval instrument nontank vessels will be allowed to operate after January 30, 2014.

The VRP Program will issue plan approval letters after a comprehensive VRP review for compliance with the Nontank Vessel Final Rule is completed. Given the short four month compliance date, and in anticipation of the high volume of expected plan submissions that may make it difficult to complete comprehensive VRP reviews in a

timely manner, abbreviated VRP reviews may be conducted. In this case, new IOA letters will be issued for those nontank vessel response plans that meet minimum certification requirements. These new IOA letters will specifically reference “Title 33, Code of Federal Regulations, Part 155, Subpart J” and be valid for up to 2 years or until replaced by a plan approval letter issued by the VRP Program.

5. NTVRP approvals are for 5 years. Is there any way we can stagger approval dates so there is not a huge renewal effort in 5 years?

Approved NTVRPs will be given a 5 year renewal date. However, the VRP Program will accept early NTVRP submissions for 5 year renewals if it will help a plan preparer level out their NTVRP workload over the 5 year period between 2014 and 2019.

6. What do I submit if the NTVRP Interim Operating Authorization (IOA) for the plan that complies with NVIC 01-05, CH-1 expires before January 30, 2014?

You can either submit a plan written to NVIC 01-05, CH-1 or 33 CFR 155 Subpart J.

An expiration date of January 30, 2014, will be approved for those NTVRPs that expire before that date and requesting recertification under the NVIC 01-05, CH1 guidance. NTVRPs expiring after January 30, 2014 will not be reviewed for recertification under NVIC 01-05, CH-1 guidance. NTVRPs expiring after January 30, 2014, must comply with the requirements of Subpart J.

NTVRPs that are submitted for compliance with 33 CFR 155 Subpart J will be reviewed for full 5-year approval.

## PREFIRE PLANS

1. Do all regulated nontank vessels require pre-fire plans as described in 33 CFR 155.4035(b)?

No. Pre-fire plans are required of nontank vessels with a carrying capacity of 250 barrels or more. Nontank vessels with a worst case discharge of less than 250 barrels of oil are not required to have pre-fire plans because they are not required to plan for firefighting services in their vessel response plans. [33 CFR 155.5050(i)(3)]

## SALVAGE AND MARINE FIREFIGHTING (SMFF) REQUIREMENTS

1. Where can I find more information about SMFF requirements?

SMFF requirements have been in place for tank vessels since February, 2011. Please refer to 33 CFR 155.4010-4055 and information contained on the Coast Guard’s Homeport website at <http://homeport.uscg.mil>.

2. Homeport shows SMFF resource providers with the versions and dates of their most recently accepted SMFF core Geographic Specific Appendices (GSAs). What does Coast Guard acceptance of these documents mean?

The listed versions of SMFF GSAs have been reviewed by the Coast Guard and are accepted for incorporating into VRP GSAs by reference as posted on <http://homeport.uscg.mil> [Missions > Environmental > Vessel Response Plan Program > Salvage and Marine Fire Fighting > Important Documents > Current Core SMFF GSAs].

Acceptable SMFF resource information consists of core GSAs that are submitted to the Coast Guard by SMFF resource providers and are periodically updated, augmented by up-to-date resource listings readily available by electronic means. Prior to approving a Vessel Response Plan that incorporates by reference the SMFF resource provider GSA information, the Coast Guard must first review and accept core GSAs provided by the SMFF resource provider. Conditional acceptance of a core GSA indicates that acceptance is conditioned on correction of errors and omissions found during the review of the listed version, and proper identification of gaps, waiver requests, and approved waivers or approved alternative planning compliance.

Coast Guard acceptance of core GSAs for incorporation into NTVRPs by reference in no way relieves the vessel owner or operator of the requirement to select adequate resources.