U.S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

2100 Second Street, S.W.
STOP 7581
Washington, DC 20593-7581
Staff Symbol: CG-5431
Phone: (202) 372-1229
Fax: (202) 372-1921
Email: vrp@uscg.mil

COMDTPUB P16700.4
NVIC 2-10

SEP 27 2010

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 2-10

Subj: Guidance for Implementation and Enforcement of the Salvage and Marine Firefighting Regulations for Vessel Response Plans

Ref:
(a) Title 33, Code of Federal Regulations, Part 155, Subpart I – Salvage and Marine Firefighting
(b) Title 33, Code of Federal Regulations, Part 155, Subpart D – Response Plans
(c) Title 40, Code of Federal Regulations, Part 300 – National Oil and Hazardous Substances Pollution Contingency Plan
(d) National Preparedness for Response Exercise Program (PREP) Guidelines
(e) Guidelines for the U.S. Coast Guard Oil Spill Removal Organization Classification Program, June 2008
(f) The Information and Life Cycle Management Manual, COMDTINST M5212.12 (series).

1. PURPOSE. This circular provides voluntary guidance to vessel owners and operators, salvage and marine firefighting resource providers, and other members of the maritime industry for preparing and submitting the necessary information to comply with the requirements contained in reference (a).

2. ACTION.

   a. Captains of the Port and local port partners should actively review the Salvage Annexes in the Area Contingency Plan (ACP), and Area Maritime Security Plan (AMSP), to ensure that they are updated to include pertinent details of the local Salvage and Marine Firefighting (SMFF) resources.

DISTRIBUTION – SDL No.156

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	1	1	1																							
C					1								1												1	
D																										
E														1	1			1								
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION:

b. Regulated vessel owners and operators need to submit new vessel response plans (VRPs) and update existing VRPs in accordance with the regulations found in reference (a). VRPs must be updated and submitted to the Coast Guard before February 22, 2011, in order for vessels to remain in compliance with references (a) and (b).

c. Captains of the Port and Officers in Charge, Marine Inspection are encouraged to bring this document to the attention of the marine industry within their area of responsibility.

d. This Navigation and Vessel Inspection Circular (NVIC) is available online at www.uscg.mil/hq/g-m/nvic/. Within the Coast Guard, it will be distributed by electronic means only. Questions regarding this NVIC may be emailed to vrp@uscg.mil, or call the VRP Helpdesk at 202-372-1000.

3. APPLICABILITY.

a. Reference (a) and this NVIC apply to tank vessels required by 33 CFR 155.1015 to have a VRP for vessels carrying groups I through IV petroleum oil.

b. Reference (a) and this NVIC do not apply to tank vessels required to have a VRP and that carry group V oil (33 CFR 155. 1052), animal fats and vegetable oils as a primary cargo (33CFR 155.1230), or other non-petroleum oils as primary cargo (33 CFR 155.2230).

4. DIRECTIVES AFFECTED. None

5. BACKGROUND.

a. The Oil Pollution Act of 1990 mandated that tank vessel owners ensure the availability of adequate response resources to respond to a vessel's worst case discharge, including fire and explosion.

b. The VRP regulations contained in reference (b), did not provide specific salvage or firefighting requirements and relied on the vessel owners or operators to identify contractor resources. On December 31, 2008, the Coast Guard issued reference (a), Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil; Final Rule, which defines the SMFF capability required to be listed in the VRP, establishes how quickly these planned resources should be capable of arriving on scene, and provides selection criteria for planholders to use in determining the adequacy of SMFF resources.

6. DISCUSSION. The new requirements established in reference (a) will enhance SMFF capability, save lives and property, and help prevent the escalation of potential oil spills to worst case discharge scenarios. Vessel owners or operators are required to establish contracts (or other approved means) and funding agreements with SMFF

resource providers, ensuring that response resources will be available without delay when needed.

Resource planning standards are established by reference (a). These planning standards are to be used in choosing SMFF resources to place under contract for response to an incident involving SMFF risks. Resources are contracted for response to the risks posed by the vessels listed in a particular response plan for the areas in US waters where they operate.

NVIC Attachments 1, 2, and 3 provide a table of acronyms, a glossary, and answers to frequently asked questions about the SMFF Final Rule, respectively. Attachments 4 and 5 are job aids for establishing alternative planning criteria, and for evaluating SMFF services. These reference documents are provided as a resource to SMFF stakeholders.

7. DISCLAIMER. This circular provides guidance to vessel owners and operators for submitting VRP updates required by reference (a). While the guidance contained in this document may assist the industry, the public, the Coast Guard, and other Federal and State regulators in applying statutory and regulatory requirements, the guidance is not a substitute for applicable legal requirements, nor is it a regulation itself. Thus, it is not intended to, nor does it impose legally binding requirements on any party, including the Coast Guard, other agencies, or the regulated community.

8. PAPERWORK REDUCTION ACT. This Circular describes a collection of information. An agency may not conduct or sponsor, and a person is not required to response to, an information collection that does not display a currently valid OMB control number. Submission of a VRP is required by Coast Guard Regulations at 33 CFR Part 155, and the relevant OMB control number is 1625-0066.

9. PLAN SUBMISSION GUIDANCE.

   a. Existing VRPs – SMFF Updates.
   Existing approved VRPs must be updated to comply with the provisions of reference (a) and submitted to the Coast Guard before February 22, 2011. Currently, the VRP update approval process takes up to 30 days. Review times may be extended due to the high volume of submissions that are expected. VRPs with SMFF updates may be submitted to the Coast Guard beginning September 1, 2010.

   b. Existing VRPs – 5-Year Renewal.
   Existing approved VRPs must be revised every five years. VRPs expiring on or after February 22, 2011, should incorporate the provisions of reference (a) in the submitted plan revisions. The 5-year renewal approval process can take approximately 90 days. A VRP sent to the Coast Guard to be reviewed for its 5-year renewal on or after September 1, 2010, should address the provisions of reference (a).

c. New VRPs.
New VRPs should be submitted 60 days in advance of operations in US waters in order to leave adequate time for the new plan approval process. A new VRP sent to the Coast Guard for approval, in which the vessel intends to operate after February 22, 2011, should address the provisions of reference (a). New VRPs with SMFF updates will be accepted for review as early as September 1, 2010.

d. Temporary Waiver Requests.
Vessel owners or operators unable to identify a resource provider who can meet response time requirements of reference (a) may submit a request for the temporary waiver of a specific response time requirement in accordance with 33 CFR 155.4055.

Temporary waiver requests must be submitted to the local Captain of the Port (COTP) 30 days prior to any VRP submission deadlines in order to allow waiver request processing time prior to VRP review. Section 10.d.(2) of this NVIC contains further information on temporary waiver request submissions. Submission deadlines include:

(1) SMFF updates (February 22, 2011)

(2) Adding a vessel to an existing approved VRP (30 days in advance of operations)

(3) First time VRP submission (60 days in advance of operations)

(4) 5-year revisions (accepted between 180 and 90 days in advance of the plan expiration date)

If you are submitting a waiver request and your vessel is due to call in the United States in less than 30 days from submission of the waiver request, it would be prudent to request interim operating authorization (IOA) in accordance with 33 CFR 155.1025(c)(1) for the VRP until the request has been reviewed. The VRP Program (CG-5431) will issue an IOA for a temporary period of time when it is verified that the vessel owner or operator has submitted a temporary waiver request to the applicable COTP.

e. Alternative Planning Criteria Requests.
A request for alternative planning criteria (APC) may be made when the vessel owner or operator believes that SMFF planning criteria are inappropriate to the vessel for the area(s) in which it is intended to operate. APC requests may be submitted at any time, but it is anticipated that waiver requests will be submitted as the first alternative with regard to SMFF resources, allowing time to work out standard response capability as described in reference (a).

Submission of a request for APC must be made 90 days before the vessel intends to operate under the proposed alternative, and forwarded to the COTP for the geographic area(s) affected. In the case where APC will replace a temporary waiver from SMFF response timeframes, APC requests should be submitted no later than 90 days before the end of the applicable waiver period.

Approved APC requests must be submitted with the VRP and be attached to the applicable Geographic Specific Appendix (GSA).

f. Electronic Plan Submissions.
The Coast Guard has developed an optional Internet-based tool that provides the ability to submit VRPs electronically. The new electronic VRP system includes the required SMFF revisions. Using this system will significantly improve turnaround time for VRP approvals.

For more expedient processing VRPs including revisions, should be submitted electronically by using the VRP electronic submission tool located on the Coast Guard's Homeport website. You may register to use the system by accessing the VRP section of Homeport located on the web at <https://homeport.uscg.mil>. Follow registration instructions after you click the word "Register" in upper right corner of the webpage. The Homeport pathway, Missions>Environmental>Vessel Response Plan Program, will enable you to find updated VRP Program information.

g. Vessel Owner / Operator Certification Statements.
The vessel owner or operator is required to include a certification statement when submitting or amending the VRP in accordance with 33 CFR 155.1065(b).

(1) Third party plan preparation companies may upload vessel owner or operator certification statements when they submit VRPs electronically.

(2) Vessel owners or operators may directly verify certification statements when they submit VRPs electronically.

(3) If VRPs are submitted in paper format, plan submitters should use CG Form "Application for Approval/Revision of Vessel Pollution Response Plans" (CG-6083), which is located on the Coast Guard's Homeport website. This form is used in lieu of a cover letter to make initial application for plan submission and revision. The required certification statements are included within CG-6083.

h. Approval Letters.
When a VRP submission meets Coast Guard review standards, the Coast Guard will issue a letter stating that the VRP has been reviewed and approved to the most current applicable regulations.

10. MAJOR PLAN REVISIONS FOR SMFF COMPLIANCE.
Recommendations for incorporating SMFF updates into the structure of the VRP are included in this section. Contracts and funding agreements, which are submitted along with the VRP, are discussed in section 13 of this NVIC.

a. Shipboard Spill Mitigation Procedures.
In accordance with 33 CFR 155.4035(a), the shipboard spill mitigation procedures section of VRPs prepared according to 33 CFR 155.1035(c) and 1045(c) must be provided to the SMFF resource providers listed in the VRP. No changes to this plan section are mandated by reference (a), just its distribution to the SMFF service providers. The distribution of shipboard spill mitigation procedures should be noted in the plan distribution section of your VRP.

The shipboard spill mitigation procedures section of the VRP may be distributed in electronic format. There is no requirement for a statement of acceptability of this section from the resource providers. By definition, this is a shipboard plan. The purpose of its distribution is to inform SMFF resource providers of how the vessel's crew plans to respond to contingencies aboard the vessel.

b. Shore-Based Response Activities.
SMFF resource providers must be integrated into the response organizations listed in VRPs in accordance with 33 CFR 155.4030(c).

In accordance with 33 CFR 155.4030(d), the information contained in the VRP must be consistent with the applicable ACPs, regional response plans and the National Oil and Hazardous Substances Pollution Contingency Plan (reference (c)). The VRP must indicate how SMFF resource providers will coordinate with other response resource providers, response organizations and Oil Spill Removal Organizations (OSROs). The VRP must indicate how SMFF resource providers will coordinate with public organizations that, by law, provide public assistance during SMFF response.

It is recommended, but not required by reference (a), that the revised shore based response activities section of your VRP be provided to contracted SMFF service providers along with the shipboard spill mitigation procedures as discussed in Section 10.a. of this NVIC.

c. Vessel Specific Appendices (VSA).
In order to identify the proper resources to handle the risks associated with a particular vessel it is recommended that your VSAs provide the following additional vessel information in accordance with 33 CFR 155.4030(e), (f), and (g), and §155.4035(b):

(1) *Towing Capacity Required.*
Identify the proper characteristics, horsepower and bollard pull necessary to tow the vessel, in any condition of loading, in winds up to 40 knots.

(2) *Transfer Capacity Required.*
State the size of the largest oil tank for the vessel.

(3) *Extinguishing Agent Identification.*
State the appropriate firefighting extinguishing agent(s) to be provided by your resource provider to combat a fire involving your vessel's cargo, other contents and superstructure.

(4) *Extinguishing Agent Quantity and Pumping Capacity Requirements.*
If the primary extinguishing agent is foam, sufficient quantities should be available from your resource provider to meet the criteria established in 33 CFR 155.4030(g). Calculate the amount of foam required and the pumping capacity necessary to enable application of at least 0.016 gallons of foam or water per minute per square foot of the deck area of the vessel for twenty minutes. You may use an alternate pumping rate to calculate the quantity of foam for spaces where this rate is not appropriate. The vessel owner or operator should ensure that the type(s) of foam identified are acceptable for use in U.S. waters.

The calculations to determine the primary extinguishing agent quantity and pumping capacity to be made available from the resource provider should be made as follows:

STEP 1. GALLONS PER MINUTE CALCULATION. Multiply the vessel's deck area in square feet times 0.016 gallons per minute (gpm) to yield the required amount of foam to be delivered per minute for this particular vessel.

STEP 2. PRIMARY EXTINGUISHING AGENTY QUANTITY REQURIED. Multiply the gallons per minute required by 20 minutes to calculate the minimum quantity of firefighting foam in gallons to be made available by the resource provider for this vessel.

STEP 3. PUMPING CAPACITY REQUIREMENT. Multiply the quantity of foam required to be delivered in 20 minutes times 3 to find the delivery rate per hour (60 minutes). This is the gallons per hour of external pumping capacity that required for foam delivery to meet the requirements of reference (a) for this vessel.

(5) *Attach Vessel-Specific Pre-Fire Plans to the VRP.*
The marine firefighting pre-fire plan attached to the VRP must meet the requirements of National Fire Protection Association (NFPA) 1405 (2006) Chapter 9. If the vessel's pre-fire plan is one that meets another regulation, such as SOLAS (2009) Chapter II-2, Regulation 15; or international standard, a copy of that specific fire plan must also be given to the resource provider(s) instead of the NFPA 1405 pre-fire plan, and be attached to the VRP. Since

these fire plans are vessel-specific, pre-fire plans should be attached to the corresponding VSA.

It is permissible to attach pre-fire plans to the VRP by means of a CD or by uploading an electronic copy during electronic VRP submission as described in Section 9.f. Marine firefighting pre-fire plans may also be attached to the VRP by reference to a website that is accessible to, and allows the plan to be viewed, printed and downloaded by plan reviewers, response resource providers and other responders.

Distribution of pre-fire plans to marine firefighting resource providers is mandatory and may be accomplished electronically. The distribution of pre-fire plans to primary marine firefighting resource providers should be noted in the distribution section of the VRP. Marine firefighting pre-fire plans must also be distributed to subcontracted marine firefighting organizations. *(33 CFR 155.4035)*

(6) *Marine Firefighting (MFF) Resource Provider Certifications.*
The vessel owner or operator must obtain written certifications that the marine firefighting resource providers have received the pre-fire plan, find the plan acceptable, and agree to implement it to mitigate a potential or actual fire. See section 13.f.(2) of this NVIC.

d. Geographic Specific Appendices (GSA).
GSAs include COTP zone-specific contracted resource provider information and information about the availability of appropriate resources to meet the requirements of the vessels in the VRP that operate in that COTP zone. GSAs require the inclusion of new information in accordance with 33 CFR 155.4030(a) (b) (e) (f) and (g), §155.4045(a) and (c), and §155.4050. Attachment 5 provides resource information in a format that may be useful for evaluating SMFF resource providers.

Where there are resource gaps, GSAs will also include approved temporary waivers from the timeframe requirements of this rule, and any approved APC measures for the VRP in that COTP zone. See Section 8.d and .e, and Section 10.d.(2) and (3) of this NVIC.

(1) *List of Required SMFF Services (Table 155.4030(b)).*

(a) *List of Contracted SMFF Resource Providers.*
Contracted SMFF resources must be identified in GSAs by service category, including company details, name of contact person, and method of contact. Primary resource provider(s) must be designated for each COTP Zone in which the vessel owner or operator operates. Multiple resource providers may be listed, but one (and only one) primary resource provider must be designated for every SMFF service. One resource

provider may be designated for all services in a COTP Zone or any subset of those services. Only resource providers arranged by contract or other approved means may be listed in the plan.

(b) *Resource Provider's Written Consent to be Listed in the VRP.*
Vessel owners or operators must obtain written consent from resource providers to be listed in the VRP, stating that the resource provider agrees to provide the services that are listed in 155.4030 (a) through (h), as applicable, and that these services are capable of arriving within the response times listed in Table 155.4030(b). This consent may be included in the contract or other approved means, or in a separate document. See section 13.f.(1) of this NVIC.

The location of the written consent must be stated in the GSA. It must be on board the vessel or with a qualified individual located in the United States, and available to the USCG for inspection.

Public marine firefighters may only be listed out to the maximum extent of their jurisdiction unless other agreements are in place.

(c) *Required List of Emergency Towing Vessels.*
Vessel owners or operators must identify by name the contracted emergency towing vessels having proper characteristics, horsepower and bollard pull to tow their vessel(s) in any condition of loading, and capable of operating in winds up to 40 knots. These vessels must be able to meet the response timeframes listed in Table 155.4030(b).

The listed emergency towing vessels should be geographically positioned to be readily available to assist a stricken vessel so it can be stabilized, controlled, or removed from a grounded position.

At all times at least one of the identified towing vessels must be available and have the capacity to handle the largest vessel from the fleet plan that trades in a particular COTP Zone.

(d) *Required External Pumping Capability.*
Emergency lightering and external transfer operations require appropriate pumps and sufficient capacity to offload a vessel's largest oil tank in 24 hours of continuous operation. The primary resource provider for emergency lightering and external transfers must be capable of providing the pumps and supporting equipment necessary to offload the largest oil tank identified in the vessels from the plan that will trade in the COTP Zone in 24 hours.

Supporting equipment includes receiving capacity suitable for the type of cargo carried. For instance, a grounded barge carrying heated cargo oil

may need not only adequate pumps, but also an appropriately sized and configured receiving barge in order to conduct emergency lightering. This service must be able to meet the response timeframes identified in Table 155.4030(b).

(e) *Required Firefighting Extinguishing Agent Pumping Capability.*
The primary external fire fighting system resource provider identified in the GSA should be able to provide the extinguishing agent, pumps and supporting equipment necessary to pump the proper extinguishing agent(s) at the calculated delivery rate for the largest vessel from the VRP, and all vessels that will trade in the COTP Zone. The resource provider must be capable of providing these resources within the response timeframes listed in Table 155.4030(b).

(f) *Required Subsurface Product Removal Capability.*
For vessels operating in waters of 40 feet or more, the primary resource provider for subsurface product removal must be able to provide the equipment necessary to provide subsurface product removal capability to the maximum depth the vessel operates in the COTP Zone up to 150 feet, within the response timeframes identified in Table 155.4030(b).

If the operating area of all vessels that are listed in the COTP Zone is never more than 40 feet deep, state in the geographical specific appendix (GSA) that subsurface product removal capability is not required for that reason. The Army Corps of Engineers maintains inland waterway navigational charts which may be found through their website: http://www.agc.army.mil/echarts/inlandnav/.

(2) *Waivers and resource availability.*
There is a provision for obtaining a temporary waiver of a specific time requirement if the vessel owner or operator is unable to identify a resource provider who can meet the response timeframe. Emergency lightering is not subject to the temporary waiver provisions of this rule. Table 155.4055(g) gives the maximum waiver time periods, in years, for each of the SMFF services.

The information required in a temporary waiver submission includes: COTP Zone; operating environment; salvage or marine firefighting service; response time; reason for inability to meet the time requirements; proposed solution to correct shortfall; time needed to put proposed solution in place; and interim arrangements made to provide the required resources and estimated response times.

COTPs will be the first to evaluate temporary waiver requests from industry when industry indicates that there are insufficient resources, or that available resources are unable to meet the response timeframes for a geographic area.

COTP comments will be sent via the Area and District to Coast Guard Headquarters for final temporary waiver approval or denial. Section 8.d. provides guidance on submission of temporary waiver requests.

Approved temporary waivers from specific SMFF response timeframes should be attached to the GSA. They may be attached by including a copy in the GSA, or by uploading the approval into the electronic VRP submission. There is no provision for automatic renewals of these one-time waivers after the expiration date.

(3) *Alternative planning criteria.*
33 CFR 155.1065(f) allows vessel owners and operators to submit an APC proposal when they believe the national planning criteria contained in Part 155 is inappropriate for the operating area of their vessels. Attachment 4 is a job aid that outlines procedures vessel owners or operators may follow to request acceptance of APC.

Approved APC should be attached to the GSA by including a copy in the GSA, or by reference to the Area Contingency Plan when the APC is applicable to multiple vessels in the COTP zone and made available through that document. Section 9.e. of this NVIC provides additional APC information.

e. Drills and Exercises.
Section 155.4052 describes required SMFF drills and exercises. It is expected that reference (d) will be updated with full descriptions of the SMFF exercise requirements prior to the compliance date for this rule. Compliance with PREP satisfies the drills and exercises component of this rule.

11. RESPONSE TIMEFRAME REQUIREMENTS.
Reference (a) establishes how quickly planned SMFF resources should be capable of arriving on scene. Acceptable resource providers are capable of responding in the response timeframes established in Table 155.4030(b) or contained in approved temporary waivers.

a. Response Timeframes provide Planning Standards.
Appropriate SMFF resources for each of the required SMFF services listed in Table 155.4030(b) should not only be identified, but positioned for timely response to incidents up to and including the worst case discharge. When a contract is in place with a vessel owner or operator, resource providers agree that they are capable of and intend to commit to meeting the planning requirement, including the associated response timeframes. The response timeframes listed in reference (a) are planning criteria, not performance standards. *(33 CFR 155.4010)*

b. Response Timeframes Vary with Operating Areas.
Reference (a) provides response timeframes for applicable continental United States (CONUS) and outside continental United States (OCONUS) operating areas in Table 155.4030(b).

c. CONUS Operating Areas.
The CONUS nearshore category encompasses *Great Lakes*, the *inland area* and the *nearshore area*, as defined in 33 CFR 155.4025. The CONUS offshore category encompasses the *offshore area* as defined in 33 CFR 155.4025. The regulation definitions of *Great Lakes*, *inland area*, *nearshore area* and *offshore area* operating areas can be found in the Glossary attached to this NVIC. These operating areas apply to both salvage services and marine firefighting services for resource planning purposes.

The *pier* operating area is unique to the SMFF regulation and applies only to MFF services. A discussion of the *pier* operating area is found in Section 10.e, below.

The *open ocean* operating area used in the OSRO classification system (reference (e)) is the area extending from 50 miles to 200 miles offshore. This rule does not establish response timeframe requirements for the *open ocean* operating areas.

d. OCONUS COTP City Operating Areas.
The inner operating area for OCONUS COTP Cities extends from a point in the harbor to 12 miles. The outer operating area for OCONUS COTP Cities extends from 12 miles to 50 miles from the same point in the harbor.

COTP City	COTP Zone
JUNEAU	Southeast Alaska Lat/Long 58.3 N, 134.4 W
VALDEZ	Prince William Sound Lat/Long 61.1 N, 146.37 W
ANCHORAGE	Western Alaska Lat/Long 61-14.30 N, 149-53.40 W
HONOLULU	Hawaii Lat/Long 21-18.4 N, 157-52.4 W
PITI GUAM	Commonwealth of the Northern Marianas Lat/Long 13-25.21 N, 144-39.48 W
SAN JUAN	Commonwealth of Puerto Rico AND United States Virgin Islands Lat/Long 18-27.35 N, 066-07.00 W

Stakeholders should refer to the applicable ACP for specific OCONUS COTP City operating area information. The ACP may define how the 12 and 50 miles are measured for the COTP Zone: either radiating from the identified point or via a specified track from point to point, which might be more practical when there is a convoluted river within the range.

e. CONUS and OCONUS *Pier* Operating Areas.
The *pier* response operating area is only pertinent for planning MFF response, and not for planning salvage response. The location of the *pier* operating area is the dock, or pier, where the vessel is berthed. For vessels calling at any CONUS pier, or an OCONUS pier within 50 miles of a COTP city, the planholder must list the pier location by facility name or city in the corresponding GSA in accordance with 33 CFR 4040(d)(2).

It is acceptable to plan for MFF resources which can provide timely response to identified shoreline segments instead of specific piers. A 10-mile segment length is recommended. The MFF resources contracted for each segment must be able to meet the response timeframes for *pier* firefighting response for every pier in the defined segment. This resource planning method is intended to facilitate adding additional piers to the VRP.

When a new pier within an approved segment is added as a vessel's port of call, the vessel owner or operator may batch the additional pier identification into a periodic VRP revision, without a requirement to add each new pier to the VRP separately, since appropriate MFF resources have already been identified for the shoreline segment containing the pier.

12. RESOURCE PROVIDER ADEQUACY.
In addition to availability to respond in a timely manner, reference (a) provides criteria for determining the adequacy of SMFF resources. The attachments to this NVIC, including Attachments 3, Frequently Asked Questions, and 5, Evaluation of Salvage & Marine Firefighting Services are intended to aid the vessel owner or operator select adequate resource providers to mitigate the risks associated with their vessel(s).

a. Resource Provider Adequacy Determination.
The vessel owner or operator must determine whether or not a resource provider can adequately provide the needed capabilities. This should include detailed dialogue and investigation by the vessel owner or operator.

b. SMFF Resource Selection Criteria.
The regulation provides 15 primary resource provider selection criteria in 155.4050(b). The vessel owner or operator is responsible to determine and certify the adequacy of the SMFF resource providers cited in their plan based on their

meeting these criteria to the maximum extent possible. See section 12 of this NVIC.

Information about SMFF services found in the ACP or other area and regional plans may provide a link to resource providers' information or documentation with respect to the 15 selection criteria.

13. CONTRACTS WITH FUNDING AGREEMENTS, AND OTHER CERTIFICATIONS.

a. Submission of Contracts and Funding Agreements.
Contracts and funding agreements between vessel owners or operators and resource providers must be submitted along with the VRP, but need not be included as part of the VRP. Contracts and funding agreements may be submitted electronically if the VRP is submitted electronically. Contracts and funding agreements must be signed by both parties at the time of submission.

Contracts and funding agreements between primary resource providers and their subcontractors need not be submitted, but the Coast Guard reserves the right to view them at any time.

b. Contracts or Other Approved Means.
Contracts or other approved means must be any one of the following: a written agreement between a vessel owner or operator and a resource provider stating the resource provider is capable of and intends to commit to meeting the plan requirements; written certification that the required personnel, equipment and capabilities are available and under the vessel owner or operator's direct control, in which case they do not need to contract with a resource provider, or; an alternative approved by the Coast Guard Commandant, Director of Prevention Policy (CG-54) and submitted in accordance with 33 CFR 155.1065(f).

c. Funding agreements.
A funding agreement is an agreement between a resource provider and a planholder that identifies agreed upon rates for specific equipment and services to be made available by the resource provider under the funding agreement. The funding agreement must be signed by both parties at the time it is submitted for approval. The funding agreement must include a statement of how long it remains in effect, and must be provided to the Coast Guard for approval with the VRP. In addition any written funding agreement with a public resource provider must be included in the vessel owner or operator's VRP.

The funding agreement is a component part of the contract or other approved means. It is not synonymous for or a replacement of the contract or other approved means. This funding agreement is to ensure that SMFF responses are not delayed due to funding negotiations.

d. Lloyd's Open Form.
Lloyd's Standard Form of Salvage Agreement (LOF) alone does not meet the funding agreement definition in 33 CFR 155.4025 because it does not contain agreed upon rates for specific equipment and services. The regulatory intent is to prevent any delay in response due to price or other contractual negotiations.

However, the Coast Guard is willing to consider the LOF in lieu of a funding agreement under the following conditions:

(1) The LOF is submitted with and identified in the entire contract or other approved means between the primary resource provider and the vessel owner or operator; and

(2) The LOF is signed by both the primary resource provider and the vessel owner or operator at the time it is submitted with the contract or other approved means to the Coast Guard.

If the LOF is submitted as outlined above, the Coast Guard believes that the regulatory intent of preventing any delay in response due to contractual negotiations will be met and we should consider the submission as an acceptable alternative under the contract or other approved means definition contained in 33 CFR 155.4025.

e. Other Standard Salvage Contracting Forms.
The Coast Guard may consider other types of standard salvage contracting forms as an acceptable alternative under the contract or other approved means definition in lieu of a funding agreement if such forms are submitted in a manner similar to that which is described above for the LOF.

f. Other Agreements and Certifications.

(1) *Resource Provider's Written Consent to be Listed in the VRP.*
Vessel owners or operators must obtain written consent from the resource provider agreeing to be listed in the VRP. Resource provider consent agreements may be included in the contract or other approved means, or as a separate document. Public marine firefighters may only be listed to the extent of their jurisdiction unless other agreements are in place. See section 9.d.(1)(b) of this NVIC.

(2) *Marine Firefighter Pre-Fire Plan Certification Statements.*
Marine firefighters identified in the VRP must not only be given a copy of the MFF pre-fire plan, but they must certify to the vessel owner or operator in writing that they find the MFF pre-fire plan acceptable and agree to implement it to mitigate a potential or actual fire. The vessel owner or operator must obtain this certification from the MFF resource provider in writing. The certification does not need to be submitted with the VRP, but it should be

available for inspection by the COTP. The planholder may confirm the certification in the VSA.

Plan reviewers, inspectors, exercise evaluators, or incident follow-up teams may elect to verify the distribution of appropriate MFF pre-fire plans to SMFF resource providers as required by the SMFF regulation.

(3) *Vessel Owner/Operator's Certification of Resource Provider Adequacy.* The vessel owner or operator certifies that the primary resource providers were selected in accordance with reference (a) and found to be adequate for response in the geographical areas for which they are cited in the VRP on the basis of meeting the requirements of 33 CFR 155.4050 to the maximum extent possible.

The vessel owner or operator's certification of SMFF resource provider adequacy may be provided in the form of a letter on the vessel owner or operator's stationery, or through an electronic signature if the VRP is submitted using the Coast Guard electronic VRP submission tool. The GSA should state the location of resource provider adequacy certification statements. Background documentation showing due diligence may be requested by the Coast Guard in the event of an incident or during an inspection. Section 12 provides more guidance on determining resource provider adequacy.

14. DEVIATION FROM THE VRP DURING RESPONSE.

a. Actions in Accordance with the National Contingency Plan.
Section 1144 of the Coast Guard Authorization Act of 1996, otherwise known as the "Chaffee Amendment," amended the Federal Water Pollution Control Act (FWPCA) regarding the use of spill response plans. Under 33 U.S.C. § 1321(c)(3)(B) the "owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects." The Coast Guard interprets this statutory language as applicable to the use of noncontracted resources, and other significant deviations from the plan. The Coast Guard intends to give precedence to the Incident Action Plan as developed by a Unified Command during an actual response over the provisions of the VRP.

b. Federal On-Scene Coordinator Authority.
Federal On-Scene Coordinators (FOSCs) may authorize a deviation from the VRP at their discretion. The FOSC will consider requests to deviate during a response where it would lead to a more expeditious or effective response to the spill or mitigation of its environmental effects. Only under exceptional circumstances will the FOSC authorize deviation from the resource provider listed in the approved VRP.

15. FORMS/REPORTS. The forms referenced in this Instruction are available in USCG Electronic Forms on the Standard Workstation or on the Internet: http://www.uscg.mil/forms/; CG Central at http://cgweb.comdt.uscg.mil/CGForms.

KEVIN S. COOK
Rear Admiral, U. S. Coast Guard
Director of Prevention Policy

Enclosures:
(1) Acronyms
(2) Glossary
(3) Frequently Asked Questions
(4) Job Aid – Alternative Planning Criteria
(5) Job Aid – Evaluation of Salvage and Marine Firefighting Services

THIS PAGE LEFT INTENTIONALLY BLANK

Acronyms
If there is a discrepancy between this document and References (a) through (e), the regulations control.

ACP	Area Contingency Plan
APC	Alternative Planning Criteria
AMSP	Area Maritime Security Plan
CFR	Code of Federal Regulations
CONUS	Continental United States
COTP	Captain of the Port
EEZ	Exclusive Economic Zone
FOSC	Federal On-Scene Coordinator
FWPCA	Federal Water Pollution Control Act
GSA	Geographic Specific Appendix
HAZWOPER	Hazardous Waste Operations and Emergency Response
IC	Incident Commander
ICS	Incident Command System
IOA	Interim Operating Authorization
LOF	Lloyd's Open Form
MFF	Marine Firefighting
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NFPA	National Fire Protection Association
NVIC	Navigation and Vessel Inspection Circular
OCONUS	Outside Continental United States
OMB	Office of Management and Budget
OPA 90	Oil Pollution Act of 1990

OSRO	Oil Spill Removal Organization
PREP	National Preparedness for Response Exercise Program
QI	Qualified Individual
RP	Responsible Party
RRI	Response Resource Inventory
SMFF	Salvage and Marine Firefighting
SOLAS	International Convention for the Safety of Life at Sea, 1974
SRP	Salvage Response Plan
SSI	Sensitive Security Information
UC	Unified Command
USC	United States Code
VRP	Vessel Response Plan
VSA	Vessel Specific Appendix

Glossary

If there is a discrepancy between this document and References (a) through (e), the regulations control.

Area Contingency Plan	The plan prepared by an Area Committee in part to address removal of a worst case discharge and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President of the United States. *(Ref. (e))*
Assessment of structural stability	Completion of a vessel's stability and structural integrity assessment through the use of a salvage software program. The data used for these calculations includes information collected by the on-scene salvage professional. The assessment is intended to allow sound decisions to be made for subsequent salvage efforts. In addition, the assessment must be consistent with the conditions set forth in 33 CFR 155.240 and 155.245, as applicable. *(Ref. (a))*
Boundary lines	Lines drawn following the general trend of the seaward, highwater shorelines and lines continuing the general trend of the seaward, highwater shorelines across entrances to small bays, inlets and rivers as defined in 46 CFR 7.5(c). *(Ref. (a))*
Captain of the Port (COTP) city	The city which is the geographical location of the COTP office. COTP city locations are listed in 33 CFR Part 3. *(Ref. (a))*
Captain of the Port (COTP) Zone	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). *(Ref. (b))*
Chaffee Amendment	The Coast Guard Act of 1996: Chaffee Amendment. Section 311(c)(3)(B) of the Federal Water Pollution Control Act (33 USC 1321(c)(3)(B)) was amended by striking "or as directed by the President" and inserting "except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects."
Continental United States (CONUS)	The contiguous 48 States and the District of Columbia. *(Ref. (a))*
Contract or other approved means	Any one of the following: 1) A written contractual agreement between a vessel owner or operator and resource provider. This agreement must expressly provide that the resource provider is capable of, and intends to commit to, meeting the plan requirements.

2) A written certification that the personnel, equipment and capabilities required by the SMFF regulation are available and under the vessel owner or operator's direct control. If the planholder has personnel, equipment and capabilities under their direct control, they need not contract those items with a resource provider.
3) An alternative approved by the Coast Guard (Commandant, Director of Prevention Policy (CG-54)) and submitted in accordance with 33 CFR 155.1065(f).

As part of the contract or other approved means you must develop and sign, with your resource provider, a written funding agreement. This funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. The funding agreement must include a statement of how long the agreement remains in effect, and must be provided to the Coast Guard for VRP approval. In addition any written agreement with a public resource provider must be included in the planholder's Vessel Response Plan. *(Ref. (a))*

Diving services support

Divers and their equipment to support salvage operations. This support may include, but not be limited to, underwater repairs, welding, placing lifting slings, or performing damage assessments. *(Ref. (a))*

Emergency lightering

The process of transferring oil between two ships or other floating or land-based receptacles in an emergency situation and may require pumping equipment, transfer hoses, fenders, portable barges, shore-based portable tanks, or other equipment that circumstances may dictate. *(Ref. (a))*

Emergency towing

Also referred to as rescue towing, emergency towing means the use of towing vessels that can pull, push or make-up alongside a vessel. This is to ensure that a vessel can be stabilized, controlled or removed from a grounded position. Towing vessels must have the proper horsepower or bollard pull compatible with the size and tonnage of the vessel to be assisted. *(Ref. (a))*

Exclusive Economic Zone (EEZ)

The zone contiguous to the territorial seas of the United States, extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial seas is measured. *(Ref. (e))*

External emergency transfer operations

The use of external pumping equipment placed onboard a vessel to move oil from one tank to another, when the vessel's own transfer equipment is not working. *(Ref. (a))*

External Firefighting teams	Trained firefighting personnel, aside from the crew, with the capability of boarding and combating a fire on a vessel. *(Ref. (a))*
External vessel firefighting systems	Firefighting resources (personnel and equipment) that are capable of combating a fire from other than onboard the vessel. These resources include, but are not limited to, fire tugs, fire OSVs, portable fire pumps, airplanes, helicopters, or shore-side fire trucks. *(Ref. (a))*
Funding agreement	A written agreement between a resource provider and a planholder that identifies agreed-upon rates for specific equipment and services to be made available by the resource provider under the agreement. The funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. This agreement must be part of the contract or other approved means and must be submitted for review along with the VRP. *(Ref. (a))*
Great Lakes	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. *(Ref. (a))*
Hazardous condition	A hazardous condition is defined as any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the U.S. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage. *(33 CFR 160.204)*
Heavy lift	The use of a salvage crane, A-frames, hydraulic jacks, winches, or other equipment for lifting, righting, or stabilizing a vessel. *(Ref. (a))*
Inland area	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 33 CFR 80.740 - 80.850 . The inland area does not include the Great Lakes. *(Ref. (a))*
Making temporary repairs	Action to temporarily repair a vessel to enable it to safely move to a shipyard or other location for permanent repairs. These services include, but are not limited to, shoring, patching, drill stopping, or structural reinforcement. *(Ref. (a))*

Marine firefighting Any firefighting related act undertaken to assist a vessel with a potential or actual fire, to prevent loss of life, damage or destruction of the vessel, or damage to the marine environment. *(Ref. (a))*

Marine firefighting pre-fire plan A plan that outlines responsibilities and actions during a marine fire incident. The principle purpose is to explain the resource provider's role, and the support which can be provided, during marine firefighting incidents. Policies, responsibilities and procedures for coordination of on-scene forces are provided in the plan. It should be designed for use in conjunction with other state, regional, and local contingency and resource mobilization plans. *(Ref. (a))*

A vessel fire plan written accordance with National Fire Protection Association (NFPA) 1405, Guide for Land-Based Firefighters Who Respond to Marine Vessel Fires, Chapter 9, or one that meets another regulation, such as SOLAS Chapter II-2, Regulation 15, or international standard. *(FR 75 Page 36285 dated June 25, 2010.)*

Nearshore area 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 33 CFR 80.740- 80.850. *(Ref. (a))*

Non-Persistent or Group I Oil A petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions -
-- At least 50 percent of which by volume distills at a temperature of 340°C (645°F); and
-- At least 95 percent of which by volume distills at a temperature of 370°C (700°F). *(Ref. (b))*

Ocean The open ocean, offshore area, and nearshore area as defined in 33 CFR 155.1020. *(Ref. (b))*

Offshore area The area up to 38 nautical miles seaward of the outer boundary of the nearshore area. *(Ref. (a))*

Oil Spill Removal Organization (OSRO) Any person or persons who own or otherwise control oil spill removal resources that are designed for, or are capable of, removing oil from the water or shoreline. Control of such resources through means other than ownership includes leasing or subcontracting of equipment or, in the case of trained personnel, by having contracts, evidence of employment, or consulting agreements. OSROs provide response equipment and services, individually or in combination with subcontractors or associated contractors, under contract or other means approved by the President, directly to an

owner or operator of a facility or tank vessel required to have a response plan under 33 USC 1321(j)(5). OSROs must be able to mobilize and deploy equipment or trained personnel and remove, store, and transfer recovered oil. Persons such as sales and marketing organizations (e.g., distributorships and manufacturer's representatives) that warehouse or store equipment for sale are not OSROs. *(Ref. (e))*

On-site fire assessment — A marine firefighting professional is on-scene at a safe distance from the vessel or on the vessel, who can determine the steps needed to control and extinguish a marine fire in accordance with a vessel's stability and structural integrity assessment, if necessary. *(Ref. (a))*

On-site salvage assessment — A salvage professional is on-scene at a safe distance from the vessel or on the vessel, who has the ability to assess the vessel's stability and structural integrity. The data collected during this assessment will be used in the salvage software calculations and to determine the necessary steps to salve the vessel. *(Ref. (a))*

Open Ocean — The operating area seaward of the outer boundary of the offshore operating area to the seaward boundary of the EEZ (50-200 miles). *(Ref. (e))*

Operating Area — Rivers or canals, Great Lakes, inland, nearshore, offshore, or open ocean. These terms are used to define the geographic location(s) in which a facility or vessel is handling, storing or transporting oil. *(Ref. (e))*

Operating Environment — Rivers or canals, Great Lakes, inland, or ocean. These terms are used to define the conditions in which response equipment is designed to function. *(Ref. (e))*

Other refloating methods — Those techniques for refloating a vessel aside from using pumps. These services include, but are not limited to, the use of pontoons, air bags, or compressed air. *(Ref. (a))*

Outside continental United States (OCONUS) — Alaska, Hawaii, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession of the United States. *(Ref. (a))*

Persistent Oil	Petroleum-based oil that does not meet the distillation criteria for non-persistent oil. For the purposes of these guidelines, persistent oils are further classified based on specific gravity as follows: -- Group II: specific gravity less than 0.85 -- Group III: specific gravity between 0.85 and 0.95 -- Group IV: specific gravity 0.95 to 1.0 -- Group V: specific gravity greater than 1.0 *(Ref. (e))*
Pre-fire plan	See **Marine firefighting pre-fire plan**
Primary resource provider	A resource provider listed in the Vessel Response Plan as the principal entity contracted for providing specific salvage and/or marine firefighting services and resources, when multiple resource providers are listed for that service, for each of the COTP Zones in which a vessel operates. The primary resource provider will be the point of contact for the planholder, the Federal On-Scene Coordinator (FOSC), and the Unified Command in matters related to specific resources and services as required in 33 CFR 155.4030(a). *(Ref. (a))*
Remote assessment and consultation	Contacting the salvage and/or marine firefighting resource providers, by phone or other means of communications, to discuss and assess the situation. The person contacted must be competent to consult on a determination of the appropriate course of action and initiation of a response plan. *(Ref. (a))*
Rescue towing	See **Emergency towing.**
Resource provider	An entity that provides personnel, equipment, supplies, and other capabilities necessary to perform salvage and/or marine firefighting services identified in the VRP, and has been arranged by contract or other approved means. The resource provider must be selected in accordance with 33 CFR 155.4050. For marine firefighting services, resource providers can include public firefighting resources as long as they are able, in accordance with the requirements of 33 CFR 155.4045(d), and willing to provide the services needed. *(Ref. (a))*
Response Resource Inventory (RRI)	The database of oil spill response resources developed by the Coast Guard to meet requirements of OPA 90. *(Ref. (e))*
Response Resources	The personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan. *(Ref. (a))*

Rivers/canals	Operating area that includes 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. *(Ref. (e))*
Salvage	Any act undertaken to assist a vessel in potential or actual danger, to prevent loss of life, damage or destruction of the vessel and release of its contents into the maritime environment. *(Ref. (a))*
Salvage plan	A plan developed to guide salvage operations except those identified as specialized salvage operations. *(Ref. (a))*
Special salvage operations plan	A salvage plan developed to carry out a specialized salvage operation that includes heavy lift and/or subsurface product removal. *(Ref. (a))*
Subsurface product removal	The safe removal of oil from a vessel that has sunk or is partially submerged underwater. These actions can include pumping or other means to transfer the oil to a storage device. *(Ref. (a))*
Underwater vessel and bottom survey	Salvage resources on scene that can perform examination and analysis of the vessel's hull and equipment below the water surface. These resources also include the ability to determine the bottom configuration and type for the body of water. Can be accomplished through the use of equipment such as sonar, magnetometers, remotely operated vehicles, or divers. When divers are used to perform these services, the time requirements for this service apply and not those of diving services support. *(Ref. (a))*

THIS PAGE LEFT INTENTIONALLY BLANK

Frequently Asked Questions
Updated: September 16, 2010

If there is a discrepancy between this document and References (a) through (e), the regulations control.

CONTENTS:

PLAN SUBMISSION 2
NOTIFICATIONS 3
RESOURCE ACTIVATION 4
SALVAGE & MARINE FIREFIGHTING SERVICES 6
PUBLIC RESOURCES 11
EMERGENCY TOWING. 12
SUBSURFACE PRODUCT RENEWAL 14
ADEQUACY OF RESOURCE PROVIDERS 14
VESSEL SPECIFIC PRE-FIRE PLANS 16
TIMEFRAMES – CONUS & OCONUS OPERATING ENVIRONMENTS 20
GEOGRAPHIC SPECIFIC APPENDICES 23
CONTRACTS AND FUNDING AGREEMENTS 24
AREA CONTINGENCY PLANS 27
WAIVERS 29
DRILLS AND EXERCISES. 30
DEVIATION FROM THE PLAN DURING RESPONSE. 32

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. Look for "Frequently Asked Questions", "General", "Salvage . . ." Relevant documents are available for review or download.

PLAN SUBMISSION

1. When do we need to submit our Salvage & Marine Firefighting (SMFF) Vessel Response Plan VRP updates?

   SMFF VRP updates for existing VRPs must be submitted by the regulatory compliance date, February 22, 2011. *(33 CFR Parts 154 and 155 Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions; Final Rule, August 31, 2009)*

   VRPs requiring 5-year revisions by the compliance date or afterwards, should be submitted six months in advance of the plan approval anniversary date and include SMFF revisions. *(33 CFR 155.1070(b))*

   VRPs with SMFF updates may be submitted to the Coast Guard beginning on September 1, 2010.

2. When do we need to submit a request for a temporary waiver from a particular response timeframe requirement?

   When you are unable to identify a resource provider who can meet the response timeframes in a Captain of the Port (COTP) zone, you must submit a request for a temporary waiver from a specific SMFF response time requirement. SMFF waiver requests must be submitted through the local COTP at least 30 days prior to any plan submission deadlines identified any subpart of 33 CFR Part 155 in order for your vessel to continue oil transport or transfer operations. *(33 CFR 155.4055(h))*

   In addition to the February 22, 2011, compliance date for the SMFF Final Rule, and the timeframe for 5-year revisions (six months. 33 CFR 155.1070(b)), "any plan submission deadlines identified in any subpart of 33 CFR Part 155" would include the timeframes for a first time plan submission (60 days 33 CFR 1065(a)), or adding a vessel to an existing approved plan (30 days 33 CFR 1070(d)).

   Waiver requests are submitted to the local COTP, and are routed via the Areas and District, to the Commandant, Director of Prevention Policy (CG-54) for final approval. When approved, waiver requests should be submitted with the VRP. 33 CFR 155.4055 *(Updated June 4, 2010)*

3. If the waiver request is filed in a timely way and the vessel owner / operator does not receive a response from the Coast Guard before the vessel is due in the COTP Zone, will the vessel be able to operate as proposed in the waiver request?

   If you are submitting a waiver request and your vessel is due to call prior to the thirty day submission window closing, it would be prudent to request interim operating authorization (IOA) for the VRP. The VRP Program will issue an IOA for a temporary period of time, as long as the vessel owner / operator has submitted a

request for a waiver from a particular response timeframe to the applicable COTP. *(Updated August 24, 2010)*

4. What will the USCG provide the vessel owner / operator to indicate that the plan revision identifying the contracted SMFF resources is approved?

   The Coast Guard will issue a letter stating that the plan has been reviewed and approved to the most current applicable regulations. *(33 CFR 155.1065)*

5. Will a new certification be required from the vessel owner / operator when amending the plans to include the SMFF information?

   A new certification statement is required when amending plans to include the SMFF information. *(33 CFR 155.1065(b))*

   The Coast Guard intends to provide an updated VRP application form for these submissions. We recommend that vessel owners/operators use the submission form CG-6083 when submitting requests for new VRP approvals, reviews, and updates. The form is available at <www.uscg.mil/forms/CG/CG_6083.pdf >.

6. We understand that there is a new electronic planning capability being developed by the Coast Guard that will speed up review times; will we be able to submit our SMFF updates using this system?

   When the new electronic VRP system is released, it will include the required SMFF revisions. The Coast Guard's Homeport website describes the system and provides periodic status reports on its development. You may register in advance of its release by accessing the VRP section of Homeport located on the web at <https://homeport.uscg.mil>. Follow this pathway once on the website: Missions>Environmental>Vessel Response Plan Program.

NOTIFICATIONS

1. When do we contact the Coast Guard if the SMFF response is not a pollution case?

   While the SMFF final rule does not have a specific notification requirement, most SMFF responses that occur present at least a threat of pollution, thereby causing activation of the VRP.

   For those SMFF responses that do not include the threat of an oil or hazardous substances spill, 33 CFR 160.215 requires immediate notification to the Coast Guard (nearest Sector) of a hazardous condition. A hazardous condition is defined as any condition that may adversely affect the safety of any vessel, bridge, structure or shore area or the environmental quality of any port, harbor, or navigable waterway of the U.S. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

Notification to the Coast Guard of a hazardous condition will not necessarily trigger the activation of the VRP. It will ensure that the nearest Coast Guard Sector is aware of any event or potential event that may require its use. *(33 CFR 153.203 & 33 CFR 160.204)*

2. What triggers activation of the response resources identified in the VRP? The preamble states that ". . . the response plan is activated once the Master of the vessel has determined that the resources and personnel available onboard cannot meet the needs of an actual or potential incident."

   The VRP must be activated for an oil spill or threat of an oil spill, but any of the following events could trigger a SMFF response, whether or not the VRP is required to be activated:

   a. 33 CFR 160.215 requires the master to immediately notify the nearest Coast Guard unit of a hazardous condition.

   b. 33 CFR 153.203 requires the Master to immediately notify the National Response Center as soon as they have any knowledge of any discharge of oil or a hazardous substance from a vessel.

   c. 33 CFR 155.1030, 1035, 1040, 1045 and 1050 give response plan requirements as applicable to the type of vessel, including notifications of discharge or substantial threat of discharge of oil.

3. Please provide specific situations that should or should not trigger activation of the response resources that are planned for in the VRP?

   The response resources planned for in the VRP are activated when there is an oil spill. Establishing whether or not the threat of an oil spill exists is a more difficult task. There are many factors to consider. External factors and a reasonable discussion between the Vessel Master or QI and the Coast Guard FOSC covering vessel may lead to a determination as to whether or not the VRP's resources will be activated.

   It is not possible to describe specific situations that should or should not trigger VRP activation because there are so many factors to consider. Local Coast Guard COTP may elevate the situation at their discretion depending on the situation. *(Updated August 24, 2010)*

RESOURCE ACTIVATION

1. What is the role of the QI in an SMFF response?

   To clarify the role of the QI in a salvage situation you should look at 33 CFR 155.1026, and also at the document in which the vessel owner / operator designates

the QI and defines his 'full authority' to act on the owner's behalf. 'Contract or other approved means' and 'funding agreement' definitions in 33CFR 155.4025 should be understood as well.

When salvors and marine firefighters are concerned about the role of the QI in a salvage situation, they should review the QI designation document in the VRP which governs the QI / vessel owner / operator relationship. The vessel owner / operator provides the QI with a document that not only designates the individual or organization as QI, but also specifies the full authority of the QI to activate and engage in contracting with 'other response related resources', such as SMFF resources, identified in the plan. The QI is not responsible for "contracting or obligating funds for response resources beyond the full authority contained in their designation from the owner or operator of the vessel." *(33 CFR 155.1026)*

That said, the QI does not negotiate the SMFF contract with the salvor when the incident occurs. The intent of the SMFF final rule is that the vessel owner / operator submit pre-negotiated SMFF contracts and funding agreements with their updated VRP by February 22, 2011. Then, should an incident occur, the vessel owner / operator and the salvor will already have identified the services and agreed upon fees that will be charged, and the duration of the agreement for services and fees. The Final Rule clearly states, "This funding agreement is to ensure that SMFF responses are not delayed due to funding negotiations."

While it is a regulatory requirement that the incident begin with a pre-negotiated contract, it is possible under the Chaffee Amendment, to change the form of contract as the response operation continues. The golden rule for the FOSC who will make the determination about allowing contractual substitution or other change is that such change should provide a more expeditious or effective response to the spill or mitigation of its environmental effects. *(Updated August 31, 2010)*

The Coast Guard Authorization Act of 1996 (Pub.L. 104-324): Chaffee Amendment. Section 311(c)(3)(B) of the Federal Water Pollution Control Act (33 USC 1321(c)(3)(B)) was amended by striking "or as directed by the President" and inserting "except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects."

2. <u>Is the QI expected to activate in-place SMFF contracts?</u>

The QI activates the in-place contracts listed in the VRP following notification of a spill or threat of a spill, as appropriate for the reported spill situation. When there is an SMFF situation, the QI is expected to notify the listed primary SMFF resource provider(s). *(33 CFR 155.4030 (a))*

The provisions of the Chaffee Amendment, which allow deviation from the VRP at the discretion of the Federal On-Scene Coordinator (FOSC), establish a means to deviate from the VRP based on FOSC approval. A QI may work with the FOSC to make alternate arrangements when the named resources are not available to respond or should conditions dictate, at the discretion of the FOSC. An FOSC-approved deviation under the Chaffee Amendment does not excuse or exempt a vessel owner / operator from compliance with the SMFF regulations (i.e., a vessel owner / operator is responsible for determining the adequacy of SMFF resource providers under 33 CFR 155.4050).

SALVAGE AND MARINE FIREFIGHTING SERVICES

1. <u>What is the Coast Guard's expectation concerning the equipment list?</u>

   USCG expects the funding agreement submitted with the VRP will identify agreed upon rates for specific equipment and services to be made available by the resource provider under the agreement. *(33 CFR 155.4025; 33 CFR Table 155.4030(b))*

   The Coast Guard also expects that VRP will name the contracted primary resource provider(s) for all of the SMFF services identified in Table 155.4030(b) and provide means to contact them. *(Updated July 9, 2010)*

2. <u>What resource information must be listed in the Geographic Specific Appendices (GSAs)?</u>

   SERVICES:

   The 19 SMFF services identified in Table 155.4030(b) must be listed in the GSAs, with primary resource provider and contact information:

   SALVAGE:
   1. Remote assessment and consultation
   2. Begin assessment of structural stability
   3. On-site salvage assessment
   4. Assessment of structural stability
   5. Hull and bottom survey
   6. Emergency towing
   7. Salvage plan
   8. External emergency transfer operations
   9. Emergency lightering
   10. Other refloating methods
   11. Making temporary repairs
   12. Diving services support
   13. Special salvage operations plan
   14. Subsurface product removal
   15. Heavy lift

MARINE FIREFIGHTING:
16. Remote assessment and consultation
17. On-site fire assessment
18. External firefighting teams
19. External vessel firefighting systems.

EQUIPMENT:

Defined equipment verified by vessel owner / operator determination of adequacy:

The service definitions in 33 CFR 155.4025 provide a description of the types of equipment that are typically used to perform each service. The Coast Guard expects the vessel owner / operator to have ensured to his/her satisfaction that listed service providers are adequate to perform the service as defined, including appropriate resources, both personnel and equipment. The Coast Guard's Homeport website provides a hyper linked version of the job aid for evaluating SMFF services.

At a minimum, the vessel owner / operator must choose a resource provider that meets, to the maximum extent practicable, the selection criteria in 33 CFR 155.4050(b). Section 155.4050 provides a 15 item list of selection criteria. For example, the third item says the resource provider owns or has contracts for equipment needed to perform response services. The fourth item says the resource provider has personnel with documented training certification and degree experience. The fifth says that the resource provider has 24-hour availability of personnel and equipment and history of response times compatible with the time requirements in the regulation. The vessel owner / operator must certify that these (and the other 12 criteria) were considered in selecting their resource provider. The Coast Guard expects that the vessel owner / operator's due diligence efforts will be considered during exercises and pollution incidents.

Specific equipment listing requirements from 33 CFR 155.4030 (e) through (h):

(e) Emergency towing vessels must be identified (named) in each GSA based on the emergency towing-related characteristics from the Vessel Specific Appendices (VSAs) of the vessels in the VRP using that particular COTP Zone;

(f) Transfer and lightering pumps must be ensured based on the capacity of the vessel's largest tank. Therefore, each VSA should list the largest tank for that vessel, and each GSA should ensure external pumping resources are adequate to meet the requirements of the (listed) largest tank of all the vessels from the VRP that are calling that COTP Zone;

(g) Vessel specific firefighting requirements include listing appropriate extinguishing agent types and quantities calculated for each vessel, when the extinguishing agent is foam, and ensuring that appropriate quantities are available in the COTP Zones (listed

in the GSAs) where the vessels trade. Adequate external pumping capacity must also be provided to deliver form or water when they are the appropriate extinguishing agent for the vessel(s);

(h) Subsurface product removal capability must be available where the vessel transits at water depths of 40 to 150 feet.

The VRP must be consistent with the information contained in applicable Area Contingency Plans (ACPs) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). These plans contain information about the SMFF services and equipment located in a COTP Zone. These resources should correlate with equipment and services listed in your funding agreement and services listed in your plan. Vessel and resource provider interests are encouraged to work with COTPs and Area Committees as they update ACP SMFF appendices.

The responsibility for ensuring adequate resources are contracted for, as spelled out in the rule, lies with the vessel owner / operator. *(33 CFR 155.4010) (Updated August 31, 2010)*

3. <u>What do you mean by the term structural stability in the definition of "assessment of structural stability"?</u>

   The term 'assessment of structural stability' in this rule refers to assessment of the damaged vessel's stability and structural condition, not of the tendency of a structure to return to its original geometry when disturbed from its initial condition. *(Updated September 2, 2010)*

4. <u>Is information referenced in 33 CFR 155.4030 (h) (ensuring the proper subsurface product removal) and in 33 CFR.4032(b) (worker health and safety) required to be referenced in the plan or is this to be assumed based on the contractual agreement between the planholder and salvage resource?</u>

   Subsurface product removal is to be listed in the applicable GSAs along with primary resource provider information, as for all of the other services listed in Table 155.4030(b).

   The vessel owner / operator must ensure that their resource providers have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing SMFF services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). Worker health and safety measures are inseparable from the provision of each of the 19 services and must be required of resource providers for all services. Adequacy criterion number 4 requires vessel owners or operators to consider training and education, and number 6 requires vessel owners or operators to consider an on-going continuous training program. The responsibility for ensuring adequate resources are contracted for, as

spelled out in the rule, lies with the vessel owner / operator. *(33 CFR 155.4032; 155.4050) (Updated July 9, 2010)*

5. What is the expectation when listing the extinguishing agent?

   SMFF changes to the VRP are to ensure that the vessel owner / operator identifies and plans for the risks associated with his/her vessel. *(155.4030(g) Ensuring firefighting equipment is compatible with your vessel.)*

   The Coast Guard's expectation is that the extinguishing agent(s) indicated in the VRP or VSA will fit the requirements of the vessel. Appropriate extinguishing agent(s) should be determined based on the vessel's cargo, other contents and superstructure. Additionally, the quantity of foam must be calculated for the individual vessel, if foam is the extinguishing agent. The Coast Guard expects the vessel owner / operator to plan the proper extinguishing agent(s) and quantities for each vessel, and list that information in the VSA. This provides a point of information for responders in emergency situations, and is verifiable during VRP review.

   The identified extinguishing agents must be made available in appropriate quantities in the COTP Zones where the corresponding vessels trade. The VRP should list the types and quantities of extinguishing agents required for each COTP Zone in the corresponding GSA. *(33 CFR 155.4030) (Updated August 31, 2010)*

6. What is the correct pumping rate factor to use for calculation extinguishing agent requirements?

   The Coast Guard made a typographical error in 33 CFR 155.4030(g). A technical amendment corrected the pumping rate factor from 0.16 gallons per minute per square foot (gpm/ft2) to 0.016 gpm/ft2. *(Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Final Rule, June 25, 2010) (Updated August 31, 2010)*

7. If the extinguishing agent type and amount is listed in the pre-fire plan, is that acceptable to meet the requirement?

   No. The vessel-specific extinguishing agent type and amount must be listed in the VRP, and the required amounts must be identified in the applicable GSAs. It may also be included in the pre-fire plan. *(Updated August 31, 2010)*

8. What constitutes a "marine firefighting professional" or "salvage professional" for an inland tank barge?

   There is no Coast Guard classification system for SMFF resource providers. For an inland tank barge, indeed any vessel, the SMFF professionals selected are those who meet the vessel owner / operator's standards for selection pursuant to the SMFF Final Rule. The vessel owner / operator must determine the adequacy of SMFF resource

providers listed in the VRP based on their assessment of SMFF resources providers' ability to meet the 15 selection criteria found in the SMFF final rule. The selection criteria include consideration of the experience, education and training of personnel selected. The vessel owner / operator must select resource providers on the basis of their meeting these criteria to the maximum extent possible. *(33 CFR 155.4050(b))*

9. What is the definition of *Assessment of Structural Stability* with regard to inland tank barges?

   Assessment of Structural Stability, as defined in 33 CFR 155.4025, 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 should include information collected by the on-scene salvage professional. The assessment is intended to allow sound decisions to be made for subsequent salvage efforts. In addition, the assessment must be consistent with the conditions set forth in 33 CFR 155.240 and 155.245, as applicable.

   This question highlights the difference in treatment of tank vessels and offshore barges in 33 CFR 155.240, and inland barges in 33 CFR 155.245, with regard to the assessment of stability and structural integrity. For tank vessels and offshore barges, 33 CFR 155.240 applies, requiring the use of a salvage software program.

   33 CFR 155.245 requires inland barge owners or operators to ensure that the vessel plans necessary to perform salvage stability and residual hull strength assessments are maintained at a shore based location and are accessible 24 hours a day.

10. What is the difference between "external firefighting team" and "external vessel firefighting system"?

    External firefighting team means trained firefighting personnel, aside from the crew, with the capability of boarding and combating a fire aboard a vessel, while external firefighting systems mean firefighting resources that are capable of combating a fire from a location off the vessel. External systems may include fire tugs, fire OSVs, portable fire pumps, aviation assets, or shore side fire trucks, for example. *(33 CFR 155.4025)*

11. How does the equipment for the external firefighting team differ from the equipment for the external firefighting system?

    Referencing the definitions provided in 33 CFR 155.4025:

    The external firefighting team uses the vessel's equipment, although they may bring their personal fire safety gear with them when they board a vessel; and

    The external firefighting system includes personnel and equipment that is brought in to fight the fire, from another location than the vessel on fire.

12. Worker health and safety. Are these items required to be referenced in the plan or is this to be assumed based on the contractual agreement between the planholder and salvage resource?

    'Safety is job one.' It is advisable to specify that worker safety and health provisions of 33 CFR 155.1055(c) and 29 CFR 1910.120(q) are met. *(Updated June 4, 2010)*

PUBLIC RESOURCES

1. With regard to the use of public firefighting resources, please confirm that if a public marine firefighting resource meets the necessary criteria (training, experience, etc.) and offers its consent to be listed, it may be so listed in the VRP without the further requirement that it may only be listed if a commercial source is not available.

   The regulations generally require a commercial firefighting response, but they do not preclude a public marine firefighter (public service department) being listed in the VRP when that department consents to such listing. *(33 CFR 155.4045)*

   While OPA 90 emphasizes the use of private over public response resources, it is up to the vessel owner / operator to find an adequate resource provider who can respond on the vessel owner / operator's behalf. *(33 CFR 155.4050)*

   To rely upon public firefighting capability, a vessel owner / operator must have a consent agreement with the public marine firefighters concerned the public marine firefighters' consent to be listed in the VRP, they agree to provide the relevant firefighting services listed in 33 CFR 155.4045, and that these services are capable of arriving within the response times listed in Table 155.4030(b) The consent agreement must be signed by the public marine firefighters and is required to be in writing and available. The consent agreement should also identify available local resources. *(33 CFR 155.4045)*

   In approving plans that rely, in whole or in part, on public marine firefighting resources, the Coast Guard will examine the geographical area covered by those resources. To the extent that a vessel transits an area beyond the jurisdiction of public resources and the public marine firefighters do not consent to respond beyond their jurisdictional limits, response planners must rely exclusively upon private resources that are identified in the VRP. *(33 CFR 155.4045) (Updates August 31, 2010)*

2. Very few public firefighters have consented to be listed in VRPs. This means that private resources must be contracted for firefighting response. We are concerned that this will create conflict between public and private firefighters in a response situation. How can we address this situation before an incident occurs?

   ACPs address harmonization of response organizations using the Incident Command System (ICS) and Unified Command (UC). Professional marine firefighters are

technical experts in marine firefighting who have vessel specific fire plans at their fingertips, are familiar with ACPs, and are trained in ICS / UC. Public firefighters have a duty to respond, may or may not have marine firefighting training, and are trained in ICS / UC. COTPs should encourage Area Committee participation by both groups. Both groups should participate in training and exercises that include marine firefighting response in order to practice marine firefighting response coordination. *(Updated July 9, 2010)*

EMERGENCY TOWING

1. Will the Coast Guard enforce the SMFF requirement to provide emergency towing vessels capable of operating in winds of up to 40 knots with the proper characteristics (horsepower and bollard pull) to tow the vessels covered by the VRP?

   Vessel owners or operators must identify in their vessel response plans and contract for emergency towing vessels, as described in 33 CFR 155.4025 and §§155.4030(e).

2. The definition of emergency towing leaves several questions unanswered. Would you elaborate?

   The definition of emergency towing attempts to capture several concepts in a very few words: "Emergency towing, also referred to as rescue towing, means the use of towing vessels that can pull, push or make-up alongside a vessel. This is to ensure that a vessel can be stabilized, controlled or removed from a grounded position. Towing vessels must have the proper horsepower or bollard pull compatible with the size and tonnage of the vessel to be assisted."

   There may be confusion about the concept of *stabilizing* a vessel. This term is used to convey provision of assistance that may prevent a situation from deteriorating further. Sometimes there is very little a towing vessel can do to ensure a vessel remains upright.

   The word *ensure* is not meant to mean guarantee, but to convey the ready availability of assets to support operations. Emergency towing vessels do not guarantee that a ship will be removed from a grounded position, but are pre-position assets that are likely to be available for deployment to assist in vessel refloating operations.

   Displacement is a more accurate term than tonnage in the context of the amount of bollard pull required in order to tow a vessel. The bollard pull required in order to tow a ship is generally much less than the pull required to refloat a grounded ship. A variety of factors affect the amount of bollard pull necessary to remove a vessel from a grounded position.

   An acceptable tug asset must be able to tow the vessel in a 40 knot wind in any condition of loading. *(Updated September 1, 2010)*

3. Is it necessary to list emergency towing vessels in the VRP by name?

   Contracted emergency towing vessels must be identified by name in the VRP. *(33 CFR 155.4030(e) and 73 FR 80649, Final Rule Discussion of Comments and Changes, Section K. Required services, Paragraph 3. Other)*

   Emergency towing vessels with the proper characteristics must be identified in the GSAs by name, horsepower, bollard pull, and the ability to work in up to 40-knot winds in any loaded condition. Multiple vessels may be listed for each COTP zone, but a contract or other approved means and funding agreement must be in place for the vessels, indicating that the resource provider is capable and intends to commit to meeting the plan requirements. *(33 CFR 155.4010, 4025, and 4030(e))*

   33 CFR 155.4045 requires that the resource providers listed in your plan have been arranged by contract or other approved means, and that you have obtained their written consent to list them in your plan.

4. The SMFF final rule says that the timeframes are planning, not performance standards. What is the consequence when a towing vessel cannot respond within the response timeframe?

   The definition of contract or other approved means says that the agreement between the vessel owner / operator and the resource provider must expressly provide that "the resource provider is capable of, and intends to commit to, meeting the plan requirements." *(33 CFR 155.4025)*

   The enforcement consequence of failing, in an emergency, to provide adequate towing resources within the resource response timeframe will depend on whether or not the resource provider is capable of and intends to commit to meeting the planning standard. *(33 USC 1228, 33 USC 1321)*

5. Those towing vessels of suitable bollard pull and ability to work in conditions of up to 40 knot winds are not likely to be free to respond because they are commercially engaged most of the time. They may not be able to respond within the 12 hour nearshore and 18 hour offshore timeframe. How do we comply with this rule?

   Multiple vessels may be listed for each COTP zone to provide a range of response options, and a contract or other approved means and funding agreement must be in place for the vessels listed, indicating that the resource provider is capable and intends to commit to meeting the plan requirements. *(33 CFR 155.4010, 4025, and 4030(e))*

   There is a provision for a 3 year temporary waiver for salvage stabilization services when available resources cannot meet the response timeframe in a COTP Zone. If you are unable to find an emergency towing vessel resource provider who is able

meet the 12 and 18 hour timeframes for emergency towing vessels in a particular zone, you may apply for the 3 year temporary waiver. Among other things, your request must include how you intend to correct the shortfall, the time it will take to do so, and what arrangements have been made to provide the required response resources and their estimated response times. *(33 CFR 155.4055)*

6. With regard to emergency towing, barges are not self propelled, and are always under the control of a towboat. What does emergency towing constitute for an inland barge, recognizing that there are numerous towboats normally available on short notice on the inland waterways?

   Your VRP must identify emergency towing vessels with sufficient capability to be effective in emergency situations. Inland operators may comply by contracting emergency towing vessels according to the established requirements, or submit alternate planning criteria for approval in accordance with 33 CFR 155.1065(f). *(33 CFR 155.4030(e))*

   Owners of inland or coastal barges may, for example, identify emergency towing vessels owned by the vessel owner / operator, or establish reciprocal agreements with other towing companies to make emergency towing vessels available. Such reciprocal arrangements should be formalized by using Alternative Planning Criteria arrangements. *(33 CFR 155.1065(f))*

SUBSURFACE PRODUCT REMOVAL

1. Do inland tank barges need to contract for subsurface product removal?

   33 CFR 155.4030(h) requires contracted subsurface product removal capability if your vessel operates in waters of 40 feet or more, and you must be capable of removing cargo and fuel from your sunken vessel to the maximum depth where your vessel operates, up to 150 feet deep. You should plan for the capability to remove oil from sunken vessels in order to prevent pollution from occurring.

   Vessels operating only in waters less than 40 feet deep are not required to contract for subsurface product removal. *(Updated July 9, 2010)*

ADEQUACY OF RESOURCE PROVIDERS

1. Who is responsible to certify that responders are qualified?

   The vessel owner / operator is responsible to certify that responders are qualified to the maximum extent possible. 33 CFR 155.4050 provides 15 criteria on which to base this certification of responder adequacy.

2. Will the Coast Guard verify the adequacy of SMFF resources in the VRP?

   The vessel owner / operator bears the burden of vetting the qualifications of a salvage and marine firefighting resource provider and certifies to the Coast Guard that the resource providers are adequate based on the 15 selection criteria identified in the SMFF final rule to the maximum extent possible. The Coast Guard may choose to verify the vessel owner / operator's certification statement in order to confirm that they have vetted the resources listed in the VRP. *(33 CFR 155.4050)*

3. Will the Coast Guard issue a Salvage and Marine Firefighting classification system like the one in place for Oil Spill Removal Organizations?

   There is a fundamental difference between SMFF and OSRO resource identification requirements in that there will be no Coast Guard classification of SMFF resources. The onus is on the vessel owner / operator to certify that the SMFF resource provider meets the 15 selection criteria to the maximum extent possible, as contained in 33 CFR 155.4050.

   The vessel owner / operators' certification of the adequacy of SMFF resource providers may be provided in the form of a letter on the vessel owner / operator's stationery, or electronically when using the Coast Guard electronic planning system. The vessel owner / operator may be requested by the Coast Guard to verify how they determined the adequacy of their resource providers in the event of an incident or during an inspection.

   Certification statements should not be taken lightly. Within the SMFF Final Rule, the Coast Guard has gone to great lengths to convey that this regulation promulgates a planning standard, not a performance standard. Compliance with the regulations is based upon whether or not a covered response plan ensures that adequate response resources are available.

   The vessel owner / operator must do the necessary due diligence to enable him or her to certify that the selection criteria were considered when they choose their resource provider, and that the resource provider is adequate to fill the planning requirement. *(33 CFR 155.4050)*

4. Will each resource provider be subjected to a vessel owner / operator's due diligence inspection, each with their own unique inspection criteria?

   The vessel owner / operator must certify in the plan that the 15 factors were considered in choosing resource providers who meet these criteria to the maximum extent possible. The level of due diligence research conducted may vary from one vessel owner / operator to another. Resource providers may expect to receive many requests for information and be subject to various due diligence inspections as vessel owners or operators verify their resource provider selections. *(33 CFR 155.4050)*

5. Will a vessel owner / operator assume any liability if its choice of resource provider turns out not to have the proper amount of insurance?

   It is the vessel owner / operator's responsibility to determine the adequacy of the responders cited in their plans. *(33 CFR 155.4050)*

6. It is stated that the plan holder may be asked to prove vetting of salvage resources. We would like to let a certificate of coverage fulfill this requirement which will be available upon request.

   The vessel owner / operator must indeed certify in the VRP that the factors listed in 33 CFR 155.4050 were considered in choosing resource providers. Resource providers selected "must be selected on the basis of meeting the criteria to the maximum extent possible."

   A prudent vessel owner / operator will perform due diligence research to aid in making his or her resource provider selection(s). It is not acceptable for a VRP to list an inadequate tug in a COTP Zone where an adequate tug exists, for example. Due diligence research would aid in finding appropriate resources for the particular vessels in the VRP. The adequacy criteria provide 15 ways to look at SMFF resource providers. Using these criteria to vet SMFF providers should help to verify whether or not the provider(s) selected have the proper capability to respond to the risks posed by the vessel owner / operator's assets in the places where they trade.

   The vessel owner / operator should ensure that the provider meets the criteria as fully as possible. Given the same information, there will be subjective differences in the way vessel owners or operators make their final selection, but that selection should be a considered one. *(Updated July 9, 2010)*

7. How does the Coast Guard verify that a resource provider can respond in multiple zones?

   The Coast Guard may choose to verify a resource provider's capability of and intention to meet plan requirements by post-incident investigations, exercises, inspections, audits, and the waiver request approval process. *(Updated August 31, 2010)*

VESSEL SPECIFIC PRE-FIRE PLANS

1. The preamble to the Final Rule says that either a pre-fire plan written according to NFPA 1405 OR a SOLAS fire plan may be used to meet the pre-fire plan requirement, while 33 CFR 155.4035(b)(1) specifies that both must be submitted where the vessel has a SOLAS fire plan. Which is correct?

   The SOLAS fire plan, including the SOLAS fire control plan, may be submitted in lieu of a pre-fire plan developed according to NFPA 1405.

In the preamble to the Salvage and Marine Firefighting Final Rule, the Coast Guard said, "We added wording to allow SOLAS vessels to use their SOLAS fire plans in lieu of a fire plan developed under NFPA 1405 to § 155.4035(b)(1)" [see 73 FR 80624, first column, first full paragraph]. However, this was inadvertently not added to § 155.4035(b)(1) in the final rule. We have corrected this omission, and at the same time clarified the term "SOLAS fire plan", as there is no document with that name under the SOLAS regulations. The last sentence of § 155.4035(b)(1) has been changed to read:

"You must prepare a vessel pre-fire plan in accordance with NFPA 1405, Guide for Land-Based Firefighters Who Respond to Marine Vessel Fires, Chapter 9 (Incorporation by reference, see § 155.140). If the planholder's vessel pre-fire plan is one that meets another regulation, such as SOLAS Chapter II– 2, Regulation 15, or international standard, a copy of that specific fire plan must also be given to the resource provider(s) instead of the NFPA 1405 pre-fire plan, and be attached to the VRP."

(Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Final Rule, June 25, 2010)(Updated July 9, 2010)

2. <u>What constitutes a pre-fire plan that will be submitted to marine firefighters?</u>

   It is the intention of the Coast Guard to accept a pre-fire plan written according to the National Fire Protection Agency (NFPA) 1405 Guide for Land-Based Firefighters Who Respond to Marine Vessel Fires, Chapter 9, or a SOLAS fire control plan, including supporting documents, as described in SOLAS Chapter II-2, Regulation 15, or an international standard. A copy of the specific plan must also be given to the resource provider(s) instead of the NFPA 1405 pre-fire plan, and be attached to the VRP.

   Safety of firefighting personnel is paramount. The marine firefighting resource provider can request supporting documents from the vessel owner / operator to provide any missing information that would make the plan acceptable to them prior to providing written certification. A prudent firefighting response provider may request information on the vessel's cargo and other pertinent information that SOLAS does not require but NFPA does. *(Updated July 9, 2010)*

3. <u>What sections of the SOLAS standard are a vessel owner / operator required to adhere to in submitting a pre-fire plan to a firefighting resource provider?</u>

   A SOLAS fire control plan is only one part of an acceptable pre-fire plan submission submitted to the Coast Guard. The supporting documents discussed in SOLAS Chapter II-2, Regulation 15 must also be submitted if a vessel owner / operator chooses this pre-fire plan submission option. Supporting documents include: training manual(s) which may comprise several volumes; fire alarms; operation and use of

firefighting systems and appliances; the operation and use of fire doors; the operation and use of fire and smoke dampers; and the escape system and appliances. The supporting documentation also provides the crew assignments, fire parties, onboard training and drills and additional requirements for passenger vessels. *(Updated June 4, 2010)*

4. SOLAS fire control plans and their supporting documents may be written in another language. Will this be acceptable for the purposes of the SMFF regulation?

   When a SOLAS fire control plan and its supporting documents are used to meet the requirements of this regulation, it is prudent to make the documents available to marine firefighting resources in the English language. *(Updated August 31, 2010)*

5. The SOLAS fire control plan provides no mechanism for advanced calculation to deal with cargo and tank fires, which we think should be included in the pre-fire plan.

   VRP updates required by 33 CFR Part 155 require that a tank vessel owner / operator contract for assessment and survey services that include salvage and damage stability calculations, including those needed as a result of any firefighting activities that may take place on the vessel. *(33 CFR 155.4025 Assessment of structural stability)(33 CFR 155.4030(b))(Updated August 31, 2010)*

6. The NFPA 1405 guidelines for a pre-fire plan are oriented toward ocean-going, self-propelled vessels. What are the requirements of a barge pre-fire plan written to NFPA 1405 specifications?

   A barge pre-fire plan written to NFPA 1405 specifications may include only those sections of NFPA 1405, Chapter 9 (Planning), that are applicable to barges.

   The Coast Guard may accept a pre-fire plan that meets another regulation or an alternative standard for barges that includes a specific fire control plan and supporting documents in lieu of the NFPA 1405 pre-fire plan.

7. SOLAS is an international requirement not applicable to vessels trading solely in the US, such as tank barges. The NFPA 1405 standard is written for application to blue water vessels, not barges. Will the Coast Guard accept a pre-fire plan that is written for barges, but not to NFPA 1405 or SOLAS standards?

   The Coast Guard may accept a pre-fire plan that meets another regulation or an international standard that includes a specific fire control plan and supporting documents in lieu of the SOLAS or NFPA 1405 pre-fire plan. *(Updated July 9, 2010)*

8. Will a single marine firefighting pre-plan suffice for a fleet?

   If fleet vessels are all sister vessels and substantially the same, a single marine firefighting pre-plan should be sufficient. If the vessels are not sister vessels, or are

sister vessels with substantial differences such as type or location of fire suppression systems, distinct marine firefighting pre-fire plans must be created for each vessel. Safety of firefighting personnel is the bottom line. We do not want a firefighter to be following a plan that does not match the vessel's characteristics. *(33 CFR 155.4035) (Updated July 9, 2010)*

9. What geographic specific information must be provided in a marine firefighting pre-fire plan?

   None. This is a vessel specific pre-fire plan. *(33 CFR 155.4035)*

10. Is it permissible to incorporate marine firefighting pre-fire plans into the VRP by reference, or does each VRP need to contain that vessel's firefighting plan within it?

    The vessel owner / operator must attach vessel pre-fire plans to the VRP in accordance with 33 CFR 4035(b). If the VRP is submitted electronically through the Coast Guard's electronic plan submission system (currently under development), pre-fire plans may be uploaded electronically into the corresponding vessel specific appendices. This will allow access by plan reviewers to conduct pre-fire plan verifications. When the VRP is submitted in paper format, pre-fire plans may be included in the vessel specific appendices in paper format or attached to the plan in the form of a DVD submitted with the plan.

11. Can we provide marine firefighting pre-fire plans to our marine firefighting resources electronically?

    It is permissible to transmit marine firefighting pre-fire plans electronically to marine firefighting resource providers.

12. With regard to the certification of pre-fire plans are required in 33 CFR 155.4035(b)(2), what is acceptable for a marine firefighter to certify?

    The marine firefighting resource provider must certify in writing to the vessel owner / operator that they find the plan acceptable and agree to implement it to mitigate a potential or actual fire. *(33 CFR 155.4035(b)(2))*

    The purpose of the pre-fire plan acceptance by the marine firefighter is to ensure a coordinated and safe response in the event of a fire incident, not a verification of compliance with the SOLAS standards or any other standard.

    When the pre-fire plan does not provide a sufficient level of confidence for the marine firefighting resource provider, it should not be accepted and the marine firefighting resource provider should request any additional information from the vessel owner /operator to make the plan acceptable to them. Only when the marine firefighting resource provider feels that sufficient information is obtained to make the plan acceptable should he or she certify it as acceptable. *(Updated July 9, 2010)*

13. Commercial firefighting companies may have different standards for certifying pre-fire plans. What is the Coast Guard's stance on that issue?

    The purpose of the pre-fire plan acceptance by the marine firefighter is to ensure a coordinated and safe response in the event of a fire incident. The firefighting resource providers should review the pre-fire plan for acceptability (this may be a subjective review that varies from firefighter to firefighter), and seriously consider using the plan well before any incident occurs. The SMFF Final Rule makes certain that plans are given to the firefighting resource providers, and that they review them is evidenced by their written certification statements. *(Updated July 9, 2010)*

14. Can we maintain the marine firefighting resource providers' certification statements regarding the pre-fire plan electronically as long as we provide them to the USCG upon request?

    Yes, you can maintain the firefighting resource providers' certification statements electronically, as long as you provide them to the USCG upon request. The certification must state that the marine firefighting resource provider finds the pre-fire plan acceptable and that they agree to implement it to mitigate a potential or actual fire. *(33 CFR 155.4035(b)(2))*

15. Each subcontracted marine firefighting organization must also receive a copy of the pre-fire plan according to 155.4035(b)(3). Are marine firefighting subcontractors required to certify that they find the plan acceptable and agree to implement it to mitigate a potential or actual fire just like the primary marine firefighting resource providers are required to do??

    Subcontracted marine firefighting organizations are not required to submit certification statements regarding acceptability and implementation of pre-fire plans. The primary contractor provides certifications and manages subcontractors' activities including implementing the pre-fire plan to mitigate a potential or actual fire.

TIMEFRAMES - CONUS & OCONUS OPERATING ENVIRONMENTS

1. What are the operating environment boundaries to use when planning for SMFF resources capable of responding within response timeframes?

   Operating environments are listed in Table 155.4030(b).

   a. The 'Pier' operating environment, applicable to marine firefighting services only, refers to the pier where the vessel is berthed. Many 'piers' are located in very close proximity to each other. To avoid adding unnecessary complexity to the VRP, a vessel owner / operator may group all 'piers' or locations within a 10-mile radius or segment of waterfront, provided that the listed response resource providers for all locations are the same. *(Updated July 9, 2010)*

b. For vessels calling any CONUS pier or an OCONUS pier within 50 miles of an OCONUS COTP City, the vessel owner / operator must list the pier location by facility name or city in the corresponding GSA. When a vessel owner / operator batches piers into response segments or radii as described above, s/he may batch new pier identifying information into periodic updates, since appropriate marine firefighting resources have already been identified for the pier locations in question. *(Updated July 9, 2010)*

c. The CONUS salvage and marine firefighting 'nearshore' operating environment boundaries are described in the table using the definitions of 'nearshore area', 'inland area', and 'Great Lakes' as they appear in 33 CFR 155.4025. *(Updated May 5, 2010)*

d. The CONUS salvage and marine firefighting 'offshore' operating environment boundaries are described in the table using the definition of 'offshore area' as it appears in 33 CFR 155.4025. *(Updated May 5, 2010)*

e. There is no SMFF operating environment that is equivalent to the 'open ocean' area defined in *33 CFR 155.1020*. While there is no prescribed timeframe for locations in the open ocean operating environment, the plan must indicate the expected timeframe for response elements to reach the locations where the vessels trade or transit from the place(s) where the response resources are normally located.

f. The OCONUS 'inner' operating environment boundary extends to a12 mile radius from a point in the harbor of the COTP City, unless this operating area is further refined in the applicable Area Contingency Plan. For example, a meandering river or shipping lane within the 12 mile radius may be measured by distance traveled on water rather than by a simple radius from a point in the harbor if it is so specified in the Area Contingency Plan.

g. The OCONUS 'outer' operating environment boundary extends from the 12 mile to the 50 mile radius from a point in the harbor of the COTP City, unless this operating area is further refined in the applicable Area Contingency Plan.

2. <u>Does the regulatory provision for COTP City operating environments, with its 12 and 50 mile limits, apply to both CONUS and OCONUS, or to just OCONUS COTP Zones?</u>

The regulatory provision for COTP City operating environments applies just to OCONUS COTP zones. Response planning within the OCONUS 'inner' and 'outer' operating environments is subject to time requirements imposed by the rule. *(33 CFR 155.4030(b))*

There is no prescribed timeframe for OCONUS locations outside of the defined OCONUS inner and outer operating environments, but the plan must indicate the expected timeframe for response elements to reach the locations where the vessels trade or transit from the place(s) where the response resources are normally held. *(33 CFR 155.4040(d)(6))*

3. Has the Coast Guard determined the OCONUS COTP City latitudes /longitude locations used to identify the 12 and 50 mile operating environments?

   The following points have been identified.

COTP City	COTP Zone
JUNEAU	Southeast Alaska Lat/Long 58.3 N, 134.4 W
VALDEZ	Prince William Sound Lat/Long 61.1 N, 146.37 W
ANCHORAGE	Western Alaska Lat/Long 61-14.30 N, 149-53.40 W
HONOLULU	Hawaii Lat/Long 21-18.4 N, 157-52.4 W
PITI GUAM	Commonwealth of the Northern Marianas Lat/Long 13-25.21 N, 144-39.48 W
SAN JUAN	Commonwealth of Puerto Rico AND United States Virgin Islands Lat/Long 18-27.35 N, 066-07.00 W

   (Updated August 24, 2010)

4. There is no mention of salvage timeframes, only marine firefighting timeframes, in 155.4040(d)(2). This paragraph requires that only the marine firefighting resource can reach the location in the timeframe required. Does this also apply to a salvage resource provider, or was the salvage provider deliberately left off?

   As the language of the regulation states, the 'Pier' operating environment response time requirement for assessment and fire suppression services applies only to firefighting services. 'Pier' timeframe requirements do not apply to salvage services.

5. Table 155.4040(c) provides specific timeframe endpoints which may be impacted by safety or other practical considerations, as for example on-site salvage assessment, which ends "when the salvor is on board the vessel", or emergency lightering, which

ends when the "equipment is on scene and alongside". We need further clarification of the timeframe ending requirement.

Timeframes are to be used for planning purposes in order to be sure that the contracted resources are capable of a timely response. The Coast Guard recognizes that there are many factors, including safety considerations, which may delay resource arrival within the timeframe endpoint during response. Be reminded that timeframe endpoints are planning standards and that compliance with these regulations is based upon whether a covered response plan ensures that adequate response resources are available, not on whether the actual performance of those response resources after an incident meets specified arrival times or other criteria. *(Updated July, 2010)*

6. Is it correct that "nearshore" and "offshore" mean 12 and 50 miles from any point along the CONUS coasts, respectively? For a good length of each coast, this would define a long transit "as the crow flies" from the nearest port, making the timeframe unrealistic. We realize that the timeframes are planning criteria not performance measures, but a clarification might be helpful to the consideration of the need to request a waiver.

   Yes, you are correct that "nearshore" and "offshore" mean 12 and 50 miles from any point along the CONUS coasts, respectively. As you recognize, these are planning criteria, not performance standards. Requesting waivers where these timeframes are not attainable will help manage FOSC expectations as to what is realistically available for response. *(Updated July 9, 2010)*

GEOGRAPHIC SPECIFIC APPENDICES

1. Plan writers hope to cite SMFF services geographically by reference. Will there be a Coast Guard or other publicly accessible library site where resource providers can state or certify to their capabilities regarding Table 155.4030(b) -- Salvage and Marine Firefighting Services, in various specific port areas?

   The vessel owner / operator is responsible for determining the adequacy of the resource providers included in their VRPs. ACPs list salvage resources, and Marine Firefighting Plans list MFF resources. The Coast Guard intends to improve resource lists in these plans to assist vessel owners / operators in meeting the requirements of the final SMFF regulations. SMFF resource providers are encouraged to provide their information for services and equipment to Area Committees for use in these plans, and include an internet link to a site where equipment and selection criteria information may be provided to customers and potential customers for the resource provider's services.

   The Response Resource Inventory (RRI) (currently under development) is a voluntary database where SMFF resource providers may list equipment. The Coast Guard encourages its use by SMFF resource providers. Use of this inventory will expedite

the plan review process and the temporary waiver approval process. For more information on the RRI please visit the following website: <http://www.uscg.mil/hq/nsfweb/nsfcc/ops/ResponseSupport/RRIB/rri.asp> *(Updated August 31, 2010)*

2. Which salvage and marine firefighting equipment requirements are related to vessel specifications rather than geographical operating environment?

   Emergency towing vessels, cargo transfer equipment, type and quantity of fire extinguishing agent, and external pumps for extinguishing agent(s) are all resources that must be selected to accommodate vessel specifications. The type of equipment required to remove oil from a submerged vessel is related to the operating area of a vessel. *(33 CFR 155.4030)*

3. Is it the Coast Guard's intent that the first named resource provider in a VRP is the primary resource provider, or that any one of the named resource providers, no matter the order listed, may be designated as the primary resource provider?

   Resource providers do not have to be listed in any particular order, but the primary resource provider must be identified as such. *(33 CFR 155.4030(a))* One GSA may name a single primary resource provider for all SMFF services in that GSA, or different primary service providers for select services, some of which providers may be private firefighting entities and not salvors at all. *(33 CFR 155.4030(a))* The vessel owner / operator will select adequate resource providers based on meeting the selection criteria to the maximum extent possible. *(33 CFR 155.4050)*

4. Is the intent that the primary resource provider be the primary provider for each specific service listed in Table 155.4030(b)? Could the intent be that the primary resource provider be the primary provider for a variety of specific services, or perhaps all of the specific services in the table?

   Either alternative works. A VRP may list primary resource providers who are responsible for all, or a subset of, the services that are listed in Table 155.4030(b). The identification of the primary resource provider for every salvage and marine firefighting service must be clearly indicated in each GSA. *(33 CFR 155.4030(a))*

CONTRACTS AND FUNDING AGREEMENTS

1. What are CG expectations of the "contract or other approved means" requirement contained in 33 CFR 155.4025?

   The contract or agreement must expressly provide that the resource provider is capable of, and intends to commit to, meeting the plan requirements. *(33 CFR 155.4025)* While the vessel response plan regulations are considered planning standards, the "contract or other approved means" between a vessel owner / operator and a resource provider is the primary mechanism needed to establish the capability

necessary to meet the planning criteria. In addition, the funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. The "contract or other approved means" and funding agreement are necessary to ensure that resources are available and dispatched in a timely manner.

It is important to remember, as stated in the Final Rule Preamble, that this regulation requires that planholders have under contract or other approved means, resource providers capable of, and intending to commit to, meeting the VRP requirements whenever possible. *(33 CFR 155.4010)*

2. What is the consequence if a vessel owner does not have a contract or other approved means with a resource provider?

   The Coast Guard, under the authority afforded by section 155.4020(c) and 33 USC 1228, may stop a vessel from operating in the navigable waters of the US and conducting oil transport or transfer operations unless the requirements of this regulation are met. The Coast Guard may also assess penalties against the owner, operator, or person in charge of any vessel, including but not limited to administrative penalties under 33 USC 1321. *(Updated August 31, 2010)*

3. Specifically, what needs to be shown in an acceptable funding agreement?

   The definition says that a funding agreement must contain rates for specific equipment and services that are agreed upon:

   "A funding agreement is a written agreement between a resource provider and a planholder that identifies agreed upon rates for specific equipment and services to be made available by the resource provider under the agreement. The funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. This agreement must be part of the contract or other approved means, and it must be submitted for review along with the VRP." *(33CFR155.4025)*

   In addition, the definition provided for "contract or other approved means" states that, "As part of the contract or other approved means you must develop and sign, with your resource provider, a written funding agreement. This funding agreement is to ensure that salvage and marine firefighting responses are not delayed due to funding negotiations. The funding agreement must include a statement of how long the agreement remains in effect, and must be provided to the Coast Guard for VRP approval. In addition any written agreement with a public resource provider must be included in the planholder's Vessel Response Plan (VRP)." *(33CFR155.4025)*

   The Coast Guard does not evaluate the dollar value of the agreed rates included in funding agreements, only confirms that the rates for equipment and services to be provided are agreed upon by both parties, and that response will not be delayed due to negotiations. *(Updated July 9, 2010)*

4. Can we use a Lloyd's Open Form in lieu of a funding agreement?

   A Lloyd's Standard Form of Salvage Agreement (LOF) alone does not meet the funding agreement definition because it does not contain agreed upon rates for specific equipment and services. The regulatory intent is to prevent any delay in response due to price or other contractual negotiations. The Coast Guard is willing to consider the LOF in lieu of a funding agreement under the following conditions:

   a. The LOF is submitted with and identified in the entire agreement between the primary resource provider and the vessel owner / operator; and

   b. The LOF is signed by both the primary resource provider and the vessel owner / operator at the time it is submitted with the contract or other approved means to the Coast Guard.

   c. If the LOF is submitted as outlined above, the Coast Guard believes that the regulatory intent of preventing any delay in response due to contractual negotiations will be met and we should consider the submission as an acceptable alternative to a funding agreement under the contract or other approved means definition contained in 33 CFR 155.4025.

5. What about using other standard salvage contracting forms?

   The Coast Guard may consider other types of standard salvage contracting forms as an acceptable alternative under the contract or other approved means definition in lieu of a funding agreement if such forms are submitted in a manner similar to that which is described above for the LOF.

6. With regard to evidence of funding (for example, a salvor that has a diving company as its subcontractor), will the Coast Guard require the funding agreement between the salvor and diving company to be submitted, or will it suffice to simply certify in the funding agreement between salvor and vessel owner that the salvor has a funding agreement with the diving company?

   One funding agreement between the primary resource provider and vessel owner / operator is acceptable. *(33 CFR 155.4025) (Updated August 31, 2010)*

7. Do the contracts between the primary resource provider and all its subcontractors have to be included as part of the VRP submission for approval, or will it suffice to just include the contract between the primary resource provider and the vessel owner / operator?

   To include every subcontract for review creates an unnecessary burden for both the Coast Guard and industry. Only the contract or other approved means and funding agreement with the primary resource provider is required to be submitted to the Coast

Guard. The Coast Guard reserves the right to verify that the subcontracts are in place. The records should be readily accessible when requested by a Coast Guard official. *(33 CFR 155.4025)*

8. It is not clear whether or not a public sector fire responder will be required to enter into a contract with a planholder, including a funding agreement and consent to be listed, or if just the consent will be sufficient to meet the regulation.

   Public marine firefighters may only be listed in a VRP that have been arranged by contract or other approved means in accordance with 33 CFR 155.4045(a).

9. The resource provider is responsible for complying with OSHA regulations for emergency response. What responsibility does the vessel owner / operator have to ensure that resource providers comply with OSHA requirements before and during a response?

   A vessel owner / operator can make OSHA compliance a part of the due diligence investigation of potential resource providers. *(33 CFR 155.4050 (b))* A vessel owner / operator is responsible for ensuring that its resource providers can appropriately safeguard their workers when providing SMFF services as found in 33 CFR 155.1055(3) and 29 CFR 1910(q). *(33 CFR 155.4032(b))*

10. Local fire departments indicate that they will respond, but that they do not want to execute an agreement. As a result, private firefighters must be contracted. How does the transition from public to private firefighting resources take place during a response?

    The VRP, Area Contingency Plans, Area Maritime Security Plans, Regional Plans, and the National Oil and Hazardous Substances Pollution Contingency Plan all address coordination of the private sector and public agencies during response. *(33 CFR 155.4030(d))*

    Participation in exercises and training in the localities where private firefighting access and assumption of response duties is an issue, will allow response transition concerns to be resolved in a non-threatening situation. *(33 CFR 155.4052)*

AREA CONTINGENCY PLANS

1. How do Salvage and Marine Firefighting regulations tie in with the Area Maritime Security (AMSP) Salvage Response Plan (SRP) *(46 USC 70101 Safe Port Act)* and Marine Fire Fighting Contingency Plans (MFFCP) developed in each COTP zone or CG Sector? These plans are said to contain Security Sensitive Information (SSI) so the salvage industry has not seen their contents.

   The information in the VRP should align with information in the Area Contingency Plan (ACP) in order to support the National Response Organization. While the AMSP

is not a publically available document, some information in it may be of assistance in supporting the National Response Organization. The COTP can make the AMSP SRP and the MFFCP information available through the ACP. The plan preparer can request that these plans be made available to enable compliance with the requirement that the VRP be consistent with area plans. *(40 CFR Part 300 and 33 CFR 155.4030(d))*

2. What is the mechanism to get private firefighting resources into a response that has already started with public firefighters? Will the Coast Guard facilitate the movement of private marine firefighting resources into the response organization?

   SMFF resource providers must be integrated into the response organization described in the shore-based response activities section of the VRP. The VRP describes how SMFF resource providers will coordinate with other response resources, organizations, and OSROs, and how SMFF resource providers will coordinate with public organizations, including public firefighters. *(33 CFR 155.1035(d), 1040(d), 1045(d), and 4030(c))*

   The integration of SMFF resource providers into the response organization must be consistent with the information contained in the following: ACPs, Regional Response Plans, and the NCP. *(40 CFR Part 300 & 33 CFR 155.1030(h)(1))*

   Participation in area planning committees and response exercises will also help facilitate integrating public and private firefighting resources in the response process when an actual event occurs. *(33 CFR 155.4052) (Updated July 9, 2010)*

3. Does the resource provider have to report to the QI during a response? Can he report directly to the Responsible Party (RP) or Incident Commander (IC)?

   The VRP section, *Shorebased Response Activities*, defines the response structure, authorities, and roles for elements of the vessel owner / operator's response team. The SMFF resource provider is part of this response team. The VRP integrates the vessel owner / operator's response organization with the structures and roles identified in the ACPs, and National Oil and Hazardous Substances Pollution Contingency Plan. *(33 CFR 155.1035(d), 1040(d), 1045(d), and 4030(c))*

   All elements of the vessel owner / operator's response organization are included under the umbrella of ICS and are subject to the direction of the UC, including SMFF response activities.

   The Qualified Individual (QI) is not a position in ICS. The QI initiates a response on behalf of the vessel owner / operator. *(33 CFR 155.1026)* As the representative for the vessel owner / operator, the QI has the authority to proceed to activate and engage in contracting with resources identified in the VRP. The QI may be appointed to a position in the response organization. Ultimately, the VRP reporting structure

between the QI and the resource provider is best determined by the vessel owner / operator for the particular vessel.

WAIVERS

1. What if a vessel owner / operator cannot find adequate emergency towing vessels in a particular area?

   The SMFF temporary waiver provision allows for a 3 year suspension of the time requirement for salvage stabilization services. Emergency towing vessels are categorized as a part of salvage stabilization services in Table 155.4030(b). After the 3 year temporary waiver expires, vessels will not be authorized to trade in U.S. waters without meeting the requirement to have rescue towing resources able to meet the timeframe under contract. *(33 CFR 155.4020 and 155.4055(g))*

2. The temporary waiver categories in Table 155.4055(g) are ambiguous, what service waiver time periods apply to what SMFF services? *(Updated September 2, 2010)*

   For the sake of clarity, all 19 SMFF services are included in this table, with the applicable waiver period in years located to the right. Temporary waivers from timeframe requirements will not be granted for remote assessment and emergency lightering services. The vessel owner / operator estimates heavy lift services timing in each COTP zone based on contracted equipment location so no waiver is required.

SERVICE	Maximum Waiver Time Period (years)
SALVAGE:	
1. Remote assessment and consultation	0
2. Begin assessment of structural stability	1
3. On-site salvage assessment	1
4. Assessment of structural stability	1
5. Hull and bottom survey	2
6. Emergency towing	3
7. Salvage plan	3
8. External emergency transfer operations	3
9. Emergency lightering	0
10. Other refloating methods	3
11. Making temporary repairs	3
12. Diving services support	3
13. Special salvage operations plan	5
14. Subsurface product removal	5
15. Heavy lift	N/A

SERVICE (CONTINUED)	Maximum Waiver Time Period (years)
MARINE FIREFIGHTING:	
16. Remote assessment and consultation	0
17. On-site fire assessment	1
18. External firefighting teams	4
19. External vessel firefighting systems.	4

TABLE 155.4055(g), EXPANDED TO INCLUDE MAXIMUM WAIVER TIME PERIOD INFORMATION FOR ALL 19 SMFF SERVICES

3. What is included in a waiver request?

   The regulation has a provision that the vessel owner / operator may request a temporary waiver of one or more specified response time requirements. The waiver request must be specific. It must include the reason why the time requirement cannot be met, how the vessel owner / operator intends to correct the shortfall, the time it will take to do so, and what arrangements have been made to provide the required response resources in the interim, and their estimated response times. *(33 CFR 155.4055)*

4. What happens when the waiver period expires and resources are still not available or willing to enter into contracts for emergency towing?

   Using 33 CFR 155.4020(c) or 33 USC 1228 as authority, a COTP can prohibit a vessel from operating in the navigable waters of the US or conducting oil transport or transfer operations unless the requirements of this regulation are met. There is no provision for consideration of additional waivers, although alternative planning criteria measures can be proposed in accordance with 33 CFR 155.1065. *(Updated August 31, 2010)*

NOTE: See PLAN SUBMISSION, Question 2.
When do we need to submit a request for a temporary waiver from a particular timeframe requirement? *(Updated June 4, 2010)*

DRILLS AND EXERCISES

1. 33 CFR 155.4052(b)(7) states that compliance with the National Preparedness for Response Exercise Program (PREP) Guidelines that expand on drills and exercises for OSROs will satisfy VRP exercise requirements. The PREP Guidelines indicate that the primary purpose of an equipment deployment is to test the providers' ability to operate equipment as well as the suitability of equipment. The PREP Guidelines go on to note that, while planholders should validate plans in the geographic area where the drill is conducted, this is not mandatory. Will it suffice that planholders

and providers conduct equipment deployment exercises in a convenient location and by inviting planholders to witness the exercise for credit?

We expect that the PREP Guidelines will be updated to include the provisions of 33 CFR 155.4052. It is not necessary for vessel owners or operators to be present for the equipment to be exercised, although they may attend. Following the OSRO/PREP exercise model, exercise credit can also be claimed for a response if the objectives are met, the response is evaluated, and a proper record is generated. *(33 CFR 155.4052(b)(7))* Like OSROs, SMFF resource providers may provide planholders with an annual letter documenting their equipment deployment exercises throughout the year, for which the planholder may claim credit. Records should be retained for 3 years, in accordance with reference (f). *(33 CFR 155.1060(f)) (33 CFR 155.4052(b)(7)) (PREP Guidelines, August 2002.)*

2. 33 CFR 155.4052 requires that one of the quarterly emergency procedures drills and one of the equipment deployment exercises be unannounced. Since equipment deployment is an annual requirement, we assume this means that the annual equipment deployment must be unannounced.

   There must be one unannounced exercise each year, and that exercise may be either one of the quarterly emergency procedures exercises or the annual equipment deployment exercise. If there is a response during the year that requires equipment deployment, the unannounced exercise obligation may be credited if the objectives are met, the exercise is evaluated, and a proper record is generated. *(33 CFR 155.4052))*

3. May an exercise be held in the same COTP zone every year? Do subcontractors have to be exercised?

   You may choose to hold an exercise in a COTP zone every year; however you are required to exercise the entire vessel response plan in a three year period. This would include the COTP zones covered by the plan and the subcontractors included in the plan.

   According to PREP guidelines, documentation of incidents can take the place of exercises when the objectives are met, the event is evaluated, and a proper record is generated. Listed resource providers may document their exercise and response activities, and extend credit for those exercises where the objectives were met to their client vessel owners or operators by means of an annual letter. *(33 CFR 155.4052) (PREP Guidelines, August 2002.)*

4. Can exercises be piggy-backed on those exercises already conducted?

   Vessel owners or operators may take credit for exercises conducted in conjunction with other exercises if the objectives are met, the exercise is evaluated, and a proper record is generated. Credit should be taken for an actual spill response when the

objectives are met, the response is evaluated, and a proper record generated. *(33 CFR 155.4052) (PREP Guidelines, August 2002.)*

5. What constitutes a "remote assessment and consultation exercise"?

   The remote assessment and consultation exercise can be a phone call or some other communication to discuss and assess a situation to determine an appropriate course of action. *(33 CFR 155.4025, Table 155.4040(c), 33 CFR 155.4052(b)(1))* The exercise may be credited if the objectives are met, the exercise is evaluated, and a proper record is generated. *(33 CFR 155.4052)*

6. What constitutes an "emergency procedures exercise"?

   An emergency procedures exercise is the exercise of shipboard emergency procedures for the vessel crew as described in the *PREP Guidelines*, August 2002, pp 3-8 to 3-9. For unmanned barges, this is an exercise of the barge custodians' emergency procedures described on pages 3-10 to 3-11. The exercise may be credited if the objectives are met, the exercise is evaluated, and a proper record is generated. *(33 CFR 155.4052(b)(7))*

7. What constitutes an "exercise of the entire response plan"?

   To satisfy the requirement of the triennial exercise of the entire response plan, it is not necessary to exercise the entire plan all at one time. The plan may be exercised in segments over a period of 3 years, as long as each component of the plan is exercised at least once within the 3-year period. The required exercises should be developed to ensure that each component is addressed in the triennial cycle. *(PREP Guidelines, August 2002) (33 CFR 155.4052)*

8. Is it the Coast Guard's intent to see the salvor exercised in drills and exercises as much as the OSRO currently is? Or is the one salvage objective in NPREP the extent of what is expected?

   Compliance with the National PREP Guidelines will satisfy the VRP exercise requirements. Updates to the PREP Guidelines will reflect the content of 33 CFR 155.4052. Documentation of incidents according to PREP guidelines can take the place of exercise requirements if the objectives are met, the event is evaluated, and a proper record is generated. Listed resource providers may document their exercise and response activities, and extend credit for those exercises where the objectives were met to their client vessel owners or operators by means of an annual letter. *(33 CFR 155.4052) (PREP Guidelines, August 2002.)*

DEVIATION FROM THE PLAN DURING RESPONSE

1. What is the "exceptional circumstance" definition to be used by the FOSC as relates to these regulations?

The Federal On-Scene Coordinator (FOSC) determines what exceptional circumstance will lead to deviation from the response plan in order to provide for a more expeditious or effective response to the spill or mitigation of its environmental effects. It is up to the individual FOSC to make this determination from his understanding of the facts of the situation. *(33 USC 1321(c)(3)(B)), (33 CFR 153.103(n)) and (33 CFR 155.4032))*

2. When a major piece of equipment is out of service, is the identification of an alternate resource the Coast Guard's expectation? Salvage equipment is largely dual-purposed, and there is a high probability that this scenario would arise.

   It is up to the vessel owner / operator to ensure that the resources listed in their plan are available to respond. *(33 CFR 155.4010)*

   Vessel owners or operators may list more than one resource provider for the required SMFF services in order to plan adequate resources for responding to the risks associated with a vessel, but the primary resource provider must be designated in the GSA. *(33 CFR 155.4030)* Contracts and funding agreements are required to be in place for all resource providers listed in the plan, both primary and secondary. *(33 CFR 155.4045(a))*

   When an alternate solution is presented during a response, it is up to the discretion of the individual FOSC to determine whether or not to approve the requested deviation based on the FOSC's understanding of the facts of the situation and within the authority granted to the FOSC in accordance with 33 USC 1321(c)(3)(B). *(33 CFR 155.4032)*

3. With regard to stabilization of vessels and emergency towing, sometimes alternate stabilization strategies are called for during an emergency situation.

   The provisions of the Chaffee Amendment offer a means to respond using alternate stabilization strategies based on FOSC approval of a salvage plan developed by the attending salvage master. *(33 USC 1321(c)(3)(B))*

   The Coast Guard Act of 1996: Chaffee Amendment. Section 311(c)(3)(B) of the Federal Water Pollution Control Act (33 USC 1321(c)(3)(B)) was amended by striking "or as directed by the President" and inserting "except that the owner or operator may deviate from the applicable response plan if the President or the Federal On-Scene Coordinator determines that deviation from the response plan would provide for a more expeditious or effective response to the spill or mitigation of its environmental effects." *(Updated August 24, 2010)*

4. With regard to other resource providers not listed in the VRP, what services would require FOSC approval for using an unlisted resource, and what would require only notification?

Deviation from the use of planned SMFF resources requires FOSC approval under the terms of the Chaffee Amendment[1]. *(33 CFR 155.4032)* There is no provision for different treatment of select SMFF resources. Vessel owners or operators may list more than one resource provider for the required SMFF services in order to plan adequate resources for responding to the risks associated with a vessel, but the primary resource provider must be designated in the GSA. *(33 CFR 155.4030)*

Job Aid - Alternative Planning Criteria
If there is a discrepancy between this document and references (a) through (e), the regulations control.

This document provides guidance for submission, evaluation, and conditional approval, approval, or denial of Alternate Planning Criteria (APC) requests.

33 CFR 155.1065(f) allows vessel owners and operators to submit an APC proposal when they believe the national planning criteria contained in 33 CFR Part 155 is inappropriate for the operating area of their vessels.

33 CFR Part 155:

Title 33 is the portion of the Code of Federal Regulations that governs Navigation and Navigable Waters within the United States.

Part 155 relates to oil or hazardous material pollution prevention regulations for vessels:

Subpart D – Tank Vessel Response Plans for Oil
Subpart E – Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act
Subpart F – Vessels Carrying Animal Fats and Vegetable Oils as a Primary Cargo
Subpart G – Vessels Carrying Other Non-Petroleum Oils as a Primary Cargo
Subpart H – (Reserved)
Subpart I – Salvage and Marine Firefighting
Subpart J (pending) – Non-Tank Vessel Response Plans for Oil

33 CFR 155.1065 provides as follows:

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

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. Final approval of the APC is granted by Commandant, CG-543.

Guidance for submission of requests for acceptance of an APC proposal.

Your submission must include the following information:

1. Submitter's identifying information including VRP plan number and vessel name(s)

2. Title: Proposed Alternate Planning Criteria for (*SPECIFY REQUIREMENT).*

3. Location: COTP Zone

4. Date vessel intends to operate under the APC: No less than 90 days from Submission Date.

5. Gap Analysis: State the national planning criterion the submitter believes to be inappropriate to the vessel(s), and describe the compliance issue to be resolved.

6. Proposed Alternative: Description of alternate planning criteria.

7. Signature and APC submission date.

Your request may be submitted electronically or mailed to the COTP for the applicable COTP Zone(s).

Guidance for review of requests for acceptance of an Alternate Planning Criteria (APC) proposal.

The COTP should review the proposal and provide comments as to its suitability to purpose and local conditions in the COTP Zone. The APC submission and COTP comments should be forwarded with recommendation to the applicable Coast Guard District. The District should then review, comment and make recommendations prior to submission and forwarding to Commandant, (CG-543) for final determination.

Area Contingency Plans

As a means to enhance transparency and expedite plan review and approval, the COTP and Area Planning Committee may add recommended APC to the Area Contingency Plan. Area Contingency Plans or Regional Contingency Plans, where appropriate, can be used to establish recommended alternate planning criteria in accordance with 40 CFR 300.210, and 33 CFR 155.1030(h).

Job Aid - Evaluation of Salvage & Marine Firefighting Services

If there is a discrepancy between this document and References (a) through (e), the regulations control.

This enclosure is intended to provide a common focus for Vessel Response Plan preparers and evaluators. While the guidance contained in this document may assist industry, the public, the Coast Guard, and other Federal and State regulators in applying statutory and regulatory requirements, the guidance is not a substitute for applicable legal requirements, nor is it a regulation itself. Thus, it is not intended to, nor does it impose legally binding requirements on any party, including the Coast Guard, other agencies, or the regulated community.

Information about each required salvage and marine firefighting service is distilled from 33 CFR Part 155, Subpart I, Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil, Final Rule, and presented in these categories:

SERVICE CATEGORY

1. to 19. SPECIFIC SERVICE

a. DEFINITION
b. RESOURCES REQUIRED
c. TIMEFRAME
d. TIMEFRAME Beginning
e. TIMEFRAME End
f. MAXIMUM SERVICE WAIVER TIME PERIOD (YEARS)

Information summarized by service may be particularly helpful to vessel owner / operators for evaluating potential salvage and marine firefighting service providers, and in applying for temporary waivers of specific response time requirements when you are unable to identify a resource provider who can meet those requirements.

Table 155.4030(b) includes service category and timeframe requirements and is included in this document for easy reference. Resource Provider adequacy selection criteria and information about how and when to request temporary waivers from the timeframe requirements of this rule are also found within this document.

Job Aid - Evaluation of Salvage & Marine Firefighting Services

CONTENTS:

TABLE 155.4030(b)—SERVICES AND RESPONSE TIMEFRAMES..... 3
SELECTION CRITERIA 4
REQUESTS FOR TEMPORARY WAIVERS 6

SALVAGE ASSESSMENT AND SURVEY:
1. Remote assessment and consultation..... 7
2. Begin assessment of structural stability..... 8
3. On-site salvage assessment..... 9
4. Assessment of structural stability. 10
5. Hull and bottom survey..... 11

SALVAGE STABILIZATION SERVICES
6. Emergency Towing..... 12
7. Salvage Plan..... 13
8. External emergency transfer operations..... 14
9. Emergency lightering. 15
10. Other Refloating Methods..... 16
11. Making Temporary Repairs..... 17
12. Diving services support..... 18

SPECIALIZED SALVAGE OPERATIONS
13. Special salvage operations plan..... 19
14. Subsurface product removal. 20
15. Heavy Lift..... 21

MARINE FIREFIGHTING – ASSESSMENT AND PLANNING
16. Remote assessment and consultation..... 22
17. On-site fire assessment..... 23

MARINE FIREFIGHTING – FIRE SUPPRESSION
18. External firefighting teams..... 24
19. External vessel firefighting systems. 25

Service	Location of incident response activity timeframe		
(1) Salvage ***Assessment & Survey:***		**CONUS: Nearshore nearshore area; inland waters; Great Lakes; and OCONUS: < or = 12 miles from COTP city (hours)**	**CONUS Offshore: offshore area; and OCONUS: < or = 50 miles from COTP city (hours)**
1. Remote assessment and consultation		1	1
2. Begin assessment of structural stability		3	3
3. On-site salvage assessment		6	12
4. Assessment of structural stability		12	18
5. Hull and bottom survey		12	18
Stabilization:			
6. Emergency towing		12	18
7. Salvage plan		16	22
8. External emergency transfer operations		18	24
9. Emergency lightering		18	24
10. Other refloating methods		18	24
11. Making temporary repairs		18	24
12. Diving services support		18	24
Specialized Salvage Operations:			
13. Special salvage operations plan		18	24
14. Subsurface product removal		72	84
15. Heavy lift 1		Estimated	Estimated
(2) Marine firefighting ***Assessment & Planning:***	**At pier (hours)**	**CONUS: Nearshore nearshore area; inland waters; Great Lakes; and OCONUS: < or = 12 miles from COTP city (hours)**	**CONUS Offshore: offshore area; and OCONUS: < or = 50 miles from COTP city (hours)**
16. Remote assessment and consultation	1	1	1
17. On-site fire assessment	2	6	12
Fire Suppression:			
18. External firefighting teams	4	8	12
19. External vessel firefighting systems	4	12	18

1 Heavy lift services are not required to have definite hours for a response time. The planholder must still contract for heavy lift services, provide a description of the heavy lift response and an estimated response time when these services are required, however, none of the timeframes listed in the table in § 155.4030(b) will apply to these services.

TABLE 155.4030(b)—SALVAGE AND MARINE FIREFIGHTING SERVICES AND RESPONSE TIMEFRAMES

SELECTION CRITERIA

§ 155.4050 Ensuring that the salvors and marine firefighters are adequate.

(a) You (vessel owners or operators) are responsible for determining the adequacy of the resource providers you intend to include in your plan.

(b) When determining adequacy of the resource provider, you must select a resource provider that meets the following selection criteria (see list below) to the maximum extent possible.

(c) A *resource provider* need not meet all of the selection criteria in order for you to choose them as a provider. They must, however, be selected on the basis of meeting the criteria to the maximum extent possible.

(d) You must certify in your plan that these factors were considered when you chose your resource provider.

(1) *Resource provider* is currently working in response service needed.

(2) *Resource provider* has documented history of participation in successful salvage and/or marine firefighting operations, including equipment deployment.

(3) *Resource provider* owns or has contracts for equipment needed to perform response services.

(4) *Resource provider* has personnel with documented training certification and degree experience (Naval Architecture, Fire Science, etc.).

(5) *Resource provider* has 24-hour availability of personnel and equipment, and history of response times compatible with the time requirements in the regulation.

(6) *Resource provider* has on-going continuous training program. For marine firefighting providers, they meet the training guidelines in NFPA 1001, 1005, 1021, 1405, and 1561 (Incorporation by reference, see § 155.140), show equivalent training, or demonstrate qualification through experience.

(7) *Resource provider* has successful record of participation in drills and exercises.

(8) *Resource provider* has salvage or marine firefighting plans used and approved during real incidents.

(9) *Resource provider* has membership in relevant national and/or international organizations.

(10) *Resource provider* has insurance that covers the salvage and/or marine firefighting services which they intend to provide.

(11) *Resource provider* has sufficient up front capital to support an operation.

(12) *Resource provider* has equipment and experience to work in the specific regional geographic environment(s) that the vessel operates in (e.g., bottom type, water turbidity, water depth, sea state, and temperature extremes).

(13) *Resource provider* has the logistical and transportation support capability required to sustain operations for extended periods of time in arduous sea states and conditions.

(14) *Resource provider* has the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard the health and safety of their workers when providing salvage and marine firefighting services.

(15) *Resource provider* has familiarity with the salvage and marine firefighting protocol contained in the local ACPs for each COTP area for which they are contracted.

REQUESTS FOR TEMPORARY WAIVERS (33 CFR 155.4055)

If you are unable to identify a resource provider who can meet the response timeframe for a service, you must submit your waiver request to the Commandant, Director of Prevention Policy (CG–54), via the local COTP for final approval. Service waiver time periods are listed in Table 155.4055(g) (below), and are included for each service in the following pages.

SERVICE		Maximum Waiver Time Period (years)
(1)	Remote salvage assessment & consultation	0
(2)	Remote firefighting assessment & consultation	0
(3)	On-site salvage & firefighting assessment	1
(4)	Hull and bottom survey	2
(5)	Salvage stabilization services	3
(6)	Fire suppression services	4
(7)	Specialized salvage operations	5

TABLE 155.4055(g)—SERVICE WAIVER TIME PERIODS

Emergency lightering requirements set forth in § 155.4030(b) will not be subject to the waiver provisions of this subpart.

Your request for a temporary waiver from meeting the timeframes of this rule must be specific as to the COTP zone, the operating environment, the salvage and marine firefighting service, and the response time. You must state the reason why you are unable to meet the time requirements, how you intend to correct the shortfall, the time it will take to do so, and what arrangements have been made to provide the required response resources and their estimated response times.

The local COTP will evaluate and comment on the waiver before forwarding the waiver request, via the District to the Commandant (CG– 54) for final approval. Commandant, Director of Prevention Policy (CG–54), will only approve waiver requests up to a specified time period, depending on the service addressed in the waiver request, the operating environment, and other relevant factors.

You must submit your temporary waiver request 30 days prior to any plan submission deadlines identified in this or any other subpart of part 155 in order for your vessel to continue oil transport or transfer operations. Regulatory lead times for submission of plans are: Plan Revisions (all types) - 30 Days, Tank and Non-Tank New Plans – 60 Days, Non-Tank Plan Re-certifications and Tank Resubmissions – Six Months.

SALVAGE ASSESSMENT AND SURVEY:

1. Remote assessment and consultation.

a. DEFINITION:
Remote assessment and consultation means contacting the salvage (and/or marine firefighting) resource providers, by phone or other means of communications to discuss and assess the situation. The person contacted must be competent to consult on a determination of the appropriate course of action and initiation of a response plan. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Salvage resource provider.
Salvage and marine firefighting pre-incident information *(33 CFR 155.4035).*

c. TIMEFRAME (Table 155.4030(b)):
1 hour Nearshore/Inner. 1 hour Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
33 CFR 155.4040(b). The timeframe starts when anyone in your response organization receives notification of a potential or actual incident.

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the salvor is in voice contact with the Qualified Individual / Master / Operator. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, a response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 0 YEARS (Table 155.4055(g))

SALVAGE ASSESSMENT AND SURVEY:

2. Begin assessment of structural stability.

a. DEFINITION:
33 CFR 155.4025 defines *assessment of structural stability* as "the 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. In addition, the assessment must be consistent with the conditions set forth in 33 CFR 155.240 and 155.245 as applicable."

b. RESOURCES REQUIRED:
On -scene salvage professional.
Salvage and marine firefighting pre-incident information (33 CFR 155.4035).
Salvage software program and personnel.

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
3 hours Nearshore/Inner. 3 hours Offshore/Outer.

d. TIMEFRAME BEGINS WHEN:
33 CFR 155.4040(b). The timeframe starts when anyone in your response organization receives notification of a potential or actual incident.

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when a structural assessment of the vessel has been initiated. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, a response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 1 YEAR (Table 155.4055(g))

SALVAGE ASSESSMENT AND SURVEY:

3. On-site salvage assessment.

a. DEFINITION:
On-site salvage assessment means that a salvage professional is on scene, at a safe distance from the vessel or on the vessel, who has the ability to assess the vessel's stability and structural integrity. The data collected during this assessment will be used in the salvage software calculations and to determine necessary steps to salve the vessel. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
On-scene salvage professional.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
6 hours Nearshore/Inner. 12 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the salvor is on board the vessel. This table provides timeframe endpoint information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 1 YEAR (Table 155.4055(g))

SALVAGE ASSESSMENT AND SURVEY:

4. Assessment of structural stability.

a. DEFINITION:
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. In addition, the assessment must be consistent with the conditions set forth in 33 CFR 155.240 and 155.245, as applicable. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
On -scene salvage professional.
Salvage software program and personnel.
Salvage and marine firefighting pre-incident information (33 CFR 155.4035).

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
12 hours Nearshore/Inner. 18 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
33 CFR 155.4040(b). The timeframe starts when anyone in your response organization receives notification of a potential or actual incident.

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the initial analysis is completed. This is a continual process, but at the time specified an analysis needs to be completed. This table provides timeframe endpoint information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 1 YEAR (Table 155.4055(g))

SALVAGE ASSESSMENT AND SURVEY:

5. Hull and bottom survey.

a. DEFINITION:
Underwater vessel and bottom survey means having salvage resources on scene that can perform examination and analysis of the vessel's hull and equipment below the water surface. These resources also include the ability to determine the bottom configuration and type for the body of water. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
This service can be accomplished through the use of equipment such as sonar, magnetometers, remotely operated vehicles or divers. (33 CFR 155.4025)
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q) § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
12 hours Nearshore/Inner. 18 hours Offshore/Outer

When divers are used to perform these services, the time requirements for this service apply and not those of diving services support. (33 CFR 155.4025)

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the hull and bottom survey is complete. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 2 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

6. Emergency Towing.

a. DEFINITION:
Emergency towing, also referred to as rescue towing, means the use of towing vessels that can pull, push or make-up alongside a vessel. This is to ensure that a vessel can be stabilized, controlled or removed from a grounded position. Towing vessels must have the proper horsepower or bollard pull compatible with the size and tonnage of the vessel to be assisted. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Vessel characteristics, size and tonnage information from the VRP's Vessel Specific Appendix.
Towing vessels with the proper bollard pull or horsepower compatible with the size and tonnage of the vessel to be assisted and capable of responding in winds up to 40 knots. (33 CFR 155.4030(e))
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
12 hours Nearshore/Inner. 18 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the towing vessel is on-scene. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 3 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

7. Salvage Plan.

a. DEFINITION:
Salvage plan means a plan developed to guide salvage operations except those identified as specialized salvage operations. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Salvor and planning resources.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
16 hours Nearshore/Inner. 22 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the plan is completed and submitted to the Incident Commander / Unified Command. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. **MAXIMUM WAIVER:** 3 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

8. External emergency transfer operations.

a. DEFINITION:
External emergency transfer operations means the use of external pumping equipment placed on board a vessel to move oil from one tank to another, when the vessel's own transfer equipment is not working. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Information – capacity of largest oil tank (VRP – Vessel Specific Appendix)
External pumping equipment that is capable of offloading and transferring the oil from the vessel's largest oil tank in 24-hours of continuous operations. (33 CFR 155.4030(f))
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the external pumps are on board the vessel. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 3 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

9. Emergency lightering.

a. DEFINITION:
Emergency lightering is the process of transferring oil between two ships or other floating or land-based receptacles in an emergency situation and may require pumping equipment, transfer hoses, fenders, portable barges, shore based portable tanks, or other equipment that circumstances may dictate. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Information – capacity of largest oil tank (VRP – Vessel Specific Appendix)
External pumping equipment that is capable of offloading the vessel's largest oil tank in 24-hours of continuous operations. (33 CFR 155.4030(f))
Lightering vessel and external storage.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the lightering equipment is on scene and along side. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 0 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

10. Other Refloating Methods.

a. DEFINITION:
Other refloating methods are those techniques for refloating a vessel aside from using pumps. These services include, but are not limited to, the use of pontoons, air bags or compressed air. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Pontoons, air bags, compressed air or other refloating equipment as required. Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the salvage plan is approved and resources are on the vessel. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. **MAXIMUM WAIVER:** 3 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

11. Making Temporary Repairs.

a. DEFINITION:
Making temporary repairs means action to temporarily repair a vessel to enable it to safely move to a shipyard or other location for permanent repairs. These services include, but are not limited to, shoring, patching, drill stopping, or structural reinforcement. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Shoring, patching, drill stopping, structural reinforcement equipment and/or other equipment as required.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the repair equipment is on board the vessel. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 3 YEARS (Table 155.4055(g))

SALVAGE STABILIZATION SERVICES

12. Diving services support.

a. DEFINITION:
Diving services support means divers and their equipment to support salvage operations. This support may include, but not be limited to, underwater repairs, welding, placing lifting slings. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Divers and equipment to support underwater salvage operations such as underwater repairs, welding, placing lifting slings, etc. Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)
Ensure divers are qualified to work at depths in waters where your vessel(s) operate.

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the required support equipment and personnel are on the scene. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 3 YEARS (Table 155.4055(g))

SPECIALIZED SALVAGE OPERATIONS

13. Special salvage operations plan.

a. DEFINITION:
Special salvage operations plan means a salvage plan developed to carry out a specialized salvage operation, including heavy lift and/or subsurface product removal. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Salvor and planning resources.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
18 hours Nearshore/Inner. 24 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the plan is completed and submitted to the Incident Commander / Unified Command. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 5 YEARS (Table 155.4055(g))

SPECIALIZED SALVAGE OPERATIONS

14. Subsurface product removal.

a. DEFINITION:
Subsurface product removal means the safe removal of oil from a vessel that has sunk or is partially submerged underwater. These actions can include pumping or other means to transfer the oil to a storage device. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
You must have subsurface product removal capability if your vessel(s) operates in waters of 40 feet or more. Your resource provider must have the capability of removing cargo and fuel from your sunken vessel to a depth equal to the maximum your vessel operates in up to 150 feet. (33 CFR 155.4030(h))
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
72 hours Nearshore/Inner. 84 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this specific service when the resources are on scene. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 5 YEARS (Table 155.4055(g))

SPECIALIZED SALVAGE OPERATIONS

15. Heavy Lift.

a. DEFINITION:
Heavy lift means the use of a salvage crane, A-frames, hydraulic jacks, winches, or other equipment for lifting, righting, or stabilizing a vessel. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Salvage cranes, A-frames, hydraulic jacks, winches or other equipment.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
ESTIMATED Nearshore/Inner. ESTIMATED Offshore/Outer

Heavy lift services are not required to have definite hours for a response time. The planholder must still contract for heavy lift services, provide a description of the heavy lift response and an estimated response time when these services are required, however, none of the timeframes listed in the table in § 155.4030(b) will apply to these services.

d. ETA BEGINS WHEN:
Measurement of the estimated time of arrival starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. ETA ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe for this service is an estimated time of arrival. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

The estimated time of arrival for heavy lift equipment is when the service is projected to reach the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: NOT APPLICABLE. (Table 155.4055(g))

MARINE FIREFIGHTING – ASSESSMENT AND PLANNING

16. Remote assessment and consultation.

a. **DEFINITION:**
Remote assessment and consultation means contacting the (salvage and/or) marine firefighting resource providers, by phone or other means of communications to discuss and assess the situation. The person contacted must be competent to consult on a determination of the appropriate course of action and initiation of a response plan. (33 CFR 155.4025)

b. **RESOURCES REQUIRED:**
Marine firefighting resource provider.
Salvage and marine firefighting pre-incident information. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. **TIMEFRAME (Table 155.4030(b)):**
1 hour at Pier. 1 hour Nearshore/Inner. 1 hour Offshore/Outer

d. **TIMEFRAME BEGINS WHEN:**
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. **TIMEFRAME ENDS WHEN:**
Table 155.4040(c) indicates that the response timeframe ends for this service when the firefighter is in voice contact with the Qualified Individual / Master / Operator. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. **MAXIMUM WAIVER:** 0 YEARS (Table 155.4055(g))

MARINE FIREFIGHTING – ASSESSMENT AND PLANNING

17. On-site fire assessment.

a. DEFINITION:
On-site fire assessment means that a marine firefighting professional is on scene, at a safe distance from the vessel or on the vessel, who can determine the steps needed to control and extinguish a marine fire in accordance with a vessel's stability and structural integrity assessment if necessary. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
On-scene marine firefighting professional.
Salvage and marine firefighting pre-incident information including pre-fire plan. (33 CFR 155.4035)

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
2 hours at Pier. 6 hours Nearshore/Inner. 12 hours Offshore/Outer

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this service when the firefighter representative is on site. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 1 YEAR (Table 155.4055(g))

MARINE FIREFIGHTING – FIRE SUPPRESSION

18. External firefighting teams.

a. DEFINITION:
External firefighting team means trained firefighting personnel, aside from the crew, with the capability of boarding and combating a fire on a vessel. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
On board firefighting personnel, aside from the crew.
Salvage and marine firefighting pre-incident information including pre-fire plan (33 CFR 155.4035).

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
4 hours at Pier. 8 hours Nearshore/Inner. 12 hours Offshore/Outer.

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this service when the firefighting team and equipment are on site. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 4 YEARS (Table 155.4055(g))

MARINE FIREFIGHTING – FIRE SUPPRESSION

19. External vessel firefighting systems.

a. DEFINITION:
External vessel firefighting systems mean firefighting resources (personnel and equipment) that are capable of combating a fire from other than on board the vessel. These resources include, but are not limited to, fire tugs, portable fire pumps, airplanes, helicopters, or shore side fire trucks. (33 CFR 155.4025)

b. RESOURCES REQUIRED:
Salvage and marine firefighting pre-incident information including pre-fire plan (33 CFR 155.4035). External firefighting personnel, fire tugs, portable fire pumps, airplanes, helicopters, or shore side fire trucks. (33 CFR 155.4025)

Firefighting equipment must be compatible with the vessel. The VRP must list the proper type and amount of extinguishing agent needed to combat a fire involving the vessel's cargo, other contents, and superstructure. If the primary extinguishing agent is foam or water, the VRP must identify resources that are able to pump, for a minimum of 20 minutes, at least 0.016 gallons per minute per square foot of the deck area of your vessel, or an appropriate rate for spaces that this rate is not suitable for and if needed, an adequate source of foam. These resources described are to be supplied by the resource provider, external to the vessel's own firefighting system. (33 CFR 155.4030(g))

Worker health and safety. Your resource providers must have the capability to implement the necessary engineering, administrative, and personal protective equipment controls to safeguard their workers when providing salvage and marine firefighting services, as found in 33 CFR 155.1055(e) and 29 CFR 1910.120(q). § (33 CFR 155.4032)

c. TIMEFRAME (Table 155.4030(b)):
4 hours at Pier. 12 hours Nearshore/Inner. 18 hours Offshore/Outer.

d. TIMEFRAME BEGINS WHEN:
The timeframe starts when anyone in your response organization receives notification of a potential or actual incident. (33 CFR 155.4040(b))

e. TIMEFRAME ENDS WHEN:
Table 155.4040(c) indicates that the response timeframe ends for this service when the personnel and equipment are on scene. This table provides information for vessels transiting within the nearshore and offshore areas of CONUS or within 50 miles of an OCONUS COTP city. (33 CFR 155.4040(c))

In general, the response timeframe ends when the service reaches the ship, the outer limit of the nearshore area, the outer limit of the offshore area, the 12 (inner) or 50-mile (outer) point from the COTP city, or a point identified in your response plan for areas OCONUS. (33 CFR 155.4040(b))

f. MAXIMUM WAIVER: 4 YEARS (Table 155.4055(g))