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MARINE SAFETY INFORMATION BULLETIN 03-14

April 28, 2014

Nontank Vessel Alternative Planning Criteria (APC) Requirements for Western Alaska

Ref: (a) Title 33 Code of Federal Regulations (CFR) Part 155, Subpart J
(b) COMDT (CG-543) letter 16711 of 12 Aug 09/CG-543 Policy Letter 09-02

This bulletin provides information on requirements for nontank vessels 400 gross tons (ITC) and above operating within and transiting through the Western Alaska Captain of The Port (COTP) Zone. Any nontank vessel to which reference (a) applies and that operates within or transits to or from a port of the United States is required to hold a valid Nontank Vessel Response Plan (NTVRP) and a valid Geographic Specific Appendix (GSA) for the Western Alaska COTP Zone. The Western Alaska COTP zone is defined in 33 CFR § 3.85-15 and extends to the outermost extent of the U.S. Exclusive Economic Zone (EEZ), up to 200 miles beyond the territorial sea baseline. The regulations in reference (a) became effective October 30, 2013.

Currently Oil Spill Removal Organizations (OSRO) in Western Alaska are not capable of meeting the Worse Case Discharge Tier 1 (WCD1) planning standards required by reference (a), therefore participation with a Coast Guard approved APC is required to obtain a valid GSA for the Western Alaska COTP Zone. APC approval can be obtained by following the submission process in accordance with references (a) and (b) in addition to the requirements below.

APC Submittal Process

1. References (a) and (b) state that APC requests must be submitted 90 days before the vessel intends to operate under the proposed alternative; however, submission 90 days in advance is a minimum requirement and does not guarantee approval, as the request must first be reviewed and endorsed by the COTP. Due to the unique operating environment within Western Alaska, it is recommended that owners and operators allow at least 180 days for review of an APC so that any concerns may be addressed in advance of the 90 day requirement. Any nontank vessel APC submission must comply with all federal submission requirements in 33 CFR § 155.5067 and the specific COTP expectations listed in this bulletin.

APC Response Resource Recommendations

1. Identify maximum available resources in-region by contract or other approved means. This includes the utilization of the most capable and available Coast Guard classified OSRO in the covered region or an equivalent level of in-region resources and capability.

2. Utilization of any unclassified OSRO or resources requires that an APC administrator identify trained personnel, and services necessary to operate the required response resources in the COTP zone or specific geographic area. Additionally, the APC administrator must identify tests, inspections, and exercises that would be available to the

Coast Guard to verify availability & readiness. It is recommended that the Coast Guard's Guidelines for OSRO Classification be utilized in establishing criteria for these measures.

3. The APC administrator should detail all the planning requirements that cannot be met, typically amount of response resources and response time, and then provide a gap analysis. The gaps in response resources should be addressed by providing a reasonable cascade plan with the understanding there will still be gaps in planning criteria for response times.

Prevention Measures/Risk Reduction Recommendations

1. APC proposals should identify acceptable prevention measures that mitigate the risk of a spill proportionate to the limited maximum available response resources in remote areas of operation.

2. APCs serving any region other than inland, should establish vessel routing measures that mitigate the risk of a spill proportionate to the available response resources provided in remote areas of operation.

3. APC administrators should have a means to actively monitor and verify compliance with proposed operating procedures, including procedures for communicating with participating vessels and the Coast Guard. This plan must be provided in the APC submittal. In most cases, the COTP expectation is that the APC administrator will have a 24/7 monitoring capability to verify compliance with procedures and intervene when necessary.

APC Administration & Response Resource Expansion Recommendations

1. The Coast Guard specifies in the Final Rule (78 FR 60100) that the intended purpose of an APC is to gradually build-up response capability in remote areas. APCs should address how this will occur. It is recommended that any build-up of response resources be coordinated with regional planning groups such as the Regional Response Team (RRT) and subarea planning committees.

2. APC submittals should provide examples of participation agreements or certificates, and outline the procedure for the vessel to verify compliance in order to obtain an approved Western Alaska GSA from the VRP Program at Coast Guard Headquarters.

3. All APCs are subject to relevant stakeholder review and Endangered Species Act (ESA) consultation prior to IOAs being permitted. APCs will not undergo ESA consultation until the APC is considered acceptable to the COTP.

Compliance with NTVRP regulations is critical to ensuring the adequate protection of the remote and environmentally sensitive waters of Western Alaska. Failure to obtain a valid GSA before transiting the Western Alaska COTP Zone when transiting to or from a port or place subject to the jurisdiction of the United States is a violation of 33 CFR § 155.5030 and may result in administrative, civil and /or criminal penalties against the tank vessel owner or operator. Failure

to adhere to the operating procedures specified within an approved APC is a violation of 33 CFR § 155.5021 and may also result in administrative, civil and/or criminal penalties.

Please contact Sector Anchorage Inspections Division at Anchorage.Inspections@uscg.mil or (907) 428-4173 with any questions or concerns.

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