

**Nontank Vessel Response Plans (NTVRP) – Frequently Asked Questions
December 2, 2013 (Updated January 27, 2014)**

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

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

ANNUAL REVIEW OF NONTANK VESSEL RESPONSE PLANS

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

Nontank vessel owners or operators are required to complete an oil spill response plan review annually, but it does not need to be reported to the Coast Guard. [33 CFR.155.5070(a)] Plans must be revised and amended in accordance with 33 CFR 155.1070.

(January 27, 2014)

APPLICABILITY OF NONTANK VESSEL RESPONSE PLAN REGULATIONS

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

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

(December 2, 2013)

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

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

(December 2, 2013)

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

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

(December 2, 2013)

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

The convention (international) measurement system takes precedence. The regulatory (domestic) measurement system is only to be used if the vessel is NOT measured under the convention system. [33 CFR 155.5015(a)(4)]
(December 2, 2013)

AREA CONTINGENCY PLANS

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

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

(December 2, 2013)

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

(January 27, 2014)

CANCELLATION OF NVIC 01-05, CH-1

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

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

(December 2, 2013)

2. Will NTVRPs filed according to NVIC 01-05, CH-1 be deactivated?

Yes, old NTVRPs filed according to NVIC 01-05, CH-1 will be deactivated on January 31, 2014. The regulations of 33 CFR 155 Subpart J, Nontank Vessel

Response Plans (NTVRPs), supersede the interim NTVRP guidance of Navigation and Inspection Circular (NVIC) 01-05 CH-1. Subpart J regulations go into effect on 30 January 2014.

THEREFORE, on 31 January 2014, the USCG Vessel Response Plan Program will deactivate all NTVRPs created under the interim provisions of NVIC 01-05 CH-1, except for those NTVRPs that have been updated, reviewed, and either found to be in full compliance with Subpart J and approved for five years, or issued a new six-month interim operating authorization (IOA) to allow time for review and correction of deficiencies.

Marine Safety Information Bulletin (MSIB) 42-13, issued on December 20, 2013, identifies the minimum NTVRP requirements necessary for issuance of new six-month IOAs. Visit <http://homeport.uscg.mil> and use the following path to find MSIB 42-13: Missions > Environmental > Vessel Response Plan Program > Nontank Vessel Response Plans > Important NTVRP Documents.
(January 27, 2014)

3. What is required for a nontank vessel to trade in US waters after January 30, 2014?

A nontank vessel subject to the NTVRP requirements of 33 CFR 155 Subpart J (33 CFR 155.5015) will be allowed to trade in U.S. waters when its NTVRP has been submitted to the Coast Guard's VRP Program and has been issued proof of Subpart J compliance, which may be either:

- An NTVRP with a Coast Guard 5-year approval letter in accordance with 33 CFR 155.5065, or
- An NTVRP with a Coast Guard Interim Operating Authorization (IOA) letter in accordance with 33 CFR 155.5023.

A nontank vessel's compliance with these requirements is verifiable using the Coast Guard's VRP Express database, <http://homeport.uscg.mil/vrpexpress>.

Additionally, under the provision of 33 CFR 155.5025, a nontank vessel with only a SOPEP issued in accordance with MARPOL 73/78, Annex I, Regulation 37 has the more limiting option of applying for a One-Time Waiver to the applicable Captain of the Port of the geographic-specific area for which the vessel wishes to enter.
(January 27, 2014)

CERTIFICATION STATEMENTS

1. What is a certification statement?

When the vessel owner or operator submits a vessel response plan to the Coast Guard for review, the owner or operator shall include a statement certifying that the plan

meets the applicable requirements of Title 33, Code of Federal Regulations, Part 155, Subparts D, E, F, G, and J. [33 CFR 155.1065(b); 33 CFR 155.5065(b)] (December 2, 2013)

The vessel owner or operator must also include a statement certifying that the vessel owner or operator has ensured the availability of, through contract or other approved means, the necessary private response resources to respond to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from their vessel as required under this subpart. [33 CFR 155.1025(c)(2); 33 CFR 155.5065(b)] (January 27, 2014)

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

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

Form CG-6083 is located at: http://www.uscg.mil/forms/CG/CG_6083.pdf or on the VRP Program's Homeport site. (December 2, 2013)

3. We plan on using form CG-6083 with our submissions. Do we need to fill in the "VRP Control Number" box or can we leave it empty? Many of our clients do have existing control numbers, but since this is going to be an Original or New Plan Submission, should we leave that box blank?

Please fill your existing VRP control number in the box provided on form CG-6083. Control numbers will not be changed for VRPs submitted to meet the 33 CFR 155 Subpart J regulations. (January 27, 2014)

4. Marine Safety Information Bulletin (MSIB) 42-13 listed minimum requirements for issuance of an NTVRP interim operating authorization (IOA), and requires the vessel owner / operator to list incomplete plan elements in their signed certification statement. Where should this list appear?

One element necessary in order to obtain authorization for interim operations is submission of a vessel owner/operator-signed certification statement as required by 33 CFR 155.5023(b). The certification statement attests that the NTVRP meets all regulatory requirements, whether submitted in the form a Certification Letter from the Owner / Operator, or by submitting USCG Form CG-6083. However, if the plan is not fully compliant with other Subpart J requirements that are not essential for the

issuance of an IOA, such as a pre-fire plan, or vessel specific information is lacking, the certification statement should identify those plan elements that are incomplete.

The vessel owner / operator has several options for listing known deficiencies when submitting the certification statement for IOA processing. The bottom line is that a listing of missing or deficient elements is required, along with the signed certification statements and the NTVRP.

(January 27, 2014)

DIFFERENCES BETWEEN THE NTVRP PROPOSED AND FINAL RULES

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

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

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

18. Allows vessel owners or operators to submit one plan to represent multiple vessels.
 19. Vessels need only carry those VRP sections onboard their vessels the Coast Guard deemed necessary to initiate notifications and crew response.
 20. Clarifies the new Alternative Training and Exercise Program.
 21. Updates the Coast Guard Headquarters' mailing address.
- (December 2, 2013)

CONTRACTS

1. Is the Coast Guard withholding approval of the post-dated contracts until the date they are effective?

The VRP Program has been withholding approval of NTVRPs submitted with post-dated contracts and will process approvals nearer the effective date of the contracts. (January 27, 2014)

2. When the vessel owner / operator's resource contracts are completed and the NTVRP has been submitted to the Coast Guard, but the Approval or Interim Operating Authorization has not been issued, will the vessel be held out of port?

Because of the high volume of NTVRP submissions shortly before the January 30, 2014 compliance date, a nontank vessel may be delayed or denied entry when an NTVRP has been submitted but not yet reviewed. To reduce this possibility, Coast Guard arrival screeners will check vessel's status on VRP Express when the Advanced Notice of Arrival (ANOA) is received, 96 hours ahead of the scheduled arrival.

When the screened vessel does not have an Approved NTVRP or an Interim Operating Authorization under the new regulation, Coast Guard screeners will contact the VRP Program. When it is found that documents were submitted but have not yet been reviewed, the VRP staff will prioritize reviews and work with the NTVRP submitter to ensure plan processing, possibly within the 96 hour window in time for the vessel's scheduled arrival.

The vessel owner / operator or plan submitter can call or email the VRP Program for support in urgent situations. Phone calls should be directed to 202-372-1005. After hours assistance will be provided at this number for a temporary period from January 30 through February 13, 2014, however plan review will not be done after hours. (January 27, 2014)

3. When the vessel owner / operator's resource contracts are in process with the resource provider, but the enrollment process has not yet been completed at the time the ship submits its advanced notice of arrival (ANOA), is there a process in place that will allow the vessel to enter port?

The vessel owner or operator wishing for their ship to meet its operations schedule should expedite resource contract completion and submit appropriate contract documentation and the NTVRP to the VRP Program for expedited review. Completion of resource contracts is required for port entry under an Approval, an Interim Operating Authorization, or a One-Time Waiver. (January 27, 2014)

4. What are the requirements for the issuance of a One-Time Port Waiver?

According to 33 CFR 155.5025, Captains of the Port MAY authorize a one-time port waiver for transit in the respective geographic-specific area not covered by the VRP. This option may be exercised by the COTP if the vessel has a valid SOPEP, but does not have an NTVRP approval letter or IOA, provided the following criteria are met:

1. Owner has a valid VRP or SOPEP
2. The plan is onboard the vessel
3. A qualified individual has been identified to the master of the vessel, and
4. The vessel owner or operator has identified and ensured the availability of, through contract or other approved means, the private response resources necessary to respond to the maximum extent practicable under the criteria in 33 CFR 155.5050, to a worst case discharge or substantial threat of discharge from the vessel.

Written consent is an appropriate “other approved means” for the purposes of identifying the oil spill removal organization and salvage and marine firefighting resource providers and ensuring their availability for response. (33 CFR 155 5020 *Contract or Other Approved Means* (5))

A vessel will not be issued a second one-time waiver in a given Captain of the Port zone. Because the requirements necessary to obtain a one-time waiver are very similar to the essential requirements to obtain an IOA we strongly encourage the vessel and plan preparer to pursue this option as a last resort. (January 27, 2014)

CONTRACTS FOR OSRO COVERAGE

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

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

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

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

(CERTIFY – NO SUBMISSION REQUIRED)

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

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

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

(CERTIFY – NO SUBMISSION REQUIRED)

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

Written Consent per 33 CFR 155.5020, “Contract or other approved means,” (5)
(SUBMISSION REQUIRED)

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

C. NONTANK VESSELS WITH LESS THAN 250 BARRELS CAPACITY:

Written Consent per 33 CFR 155.5020, “Contract or other approved means,” (5)
(SUBMISSION REQUIRED)

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

(January 27, 2014)

2. In Honolulu, vessels arriving after January 30th must have a contract / membership agreement with Clean Islands Council to cover dispersant requirements. Will vessels calling Honolulu before January 30th be allowed to enter without contracting with Clean Islands Council?"

Sector Honolulu confirms that they are NOT requiring nontank vessels to enter a Clean Islands Council contract to meet dispersant requirements until after January 30, 2014.

(January 27, 2014)

CONTRACTS FOR SMFF COVERAGE

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

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

(December 2, 2013)

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

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

(December 2, 2013)

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

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

- It is a written contractual agreement and funding agreement between a vessel owner or operator and resource provider and signed by both.
- The funding agreement identifies agreed upon rates for specific equipment and services to be made available by the resource provider under the agreement.
- Expressly provides that the resource provider "is capable of, and intends to commit to, meeting the plan requirements".
- States how long the agreement remains in effect.
- Contract and funding agreement ensure that salvage and marine firefighting are in place.
- Assures that responses are not delayed due to funding negotiations.
- Must be provided to the Coast Guard by the vessel owner / operator with the VRP for approval.

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

(December 2, 2013)

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

Navigation and Vessel Inspection Circular 2-10 covers salvage and marine firefighting contracts in detail. NVIC 2-10 may be downloaded from the Coast Guard's Homeport website: <http://homeport.uscg.mil> >Missions > Environmental > Vessel Response Plan Program > Salvage and Marine Firefighting > Salvage and Marine Firefighting NVIC > NVIC 2-10.
(December 2, 2013)

CONTRACTS - WRITTEN CONSENT REQUIREMENTS

1. What is "written consent"?

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

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

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

(December 2, 2013)

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

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

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

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

(December 2, 2013)

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

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

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

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

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

(December 2, 2013)

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

33 CFR155.5050(p) requires nontank vessels with an oil capacity less than 2,500 barrels to only identify and plan for response resources, but does not require availability by contract. While the Coast Guard does not require contracts for these vessels, we believe that requiring these vessels to plan for and comply with all of the other requirements of Subpart I is sufficient.

(December 2, 2013)

CONTRACT SIGNATURES

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

Yes, the Coast Guard will accept contracts signed on behalf of a vessel owner or operator by an authorized agent or power of attorney. The contract must still be

between the vessel owner or operator and the resource provider rather than with a third party.

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

(December 2, 2013)

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

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

(December 2, 2013)

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

Yes, use of authorized electronic signatures will be accepted.

(December 2, 2013)

INTERIM OPERATING AUTHORIZATION

1. The compliance period is too short for me to complete my pre-fire plans for all of my vessels. Is it possible to get an Interim Operating Authorization?

Recognizing that time may be limited for plan holders and preparers to complete all elements of their NTVRPs before the January 30th deadline, the Coast Guard will issue 6-month IOA letters, as necessary, pursuant to 33 CFR 155.5023.

To meet the requirements of 33 CFR 155.5023(a) and receive an IOA letter, vessels must submit a plan containing the minimum following information

:

- (1) identification of a qualified individual (QI) and alternate QI;
- (2) identification of an OSRO by contract or written consent as appropriate;

- (3) identification of a salvage and marine firefighting provider and submission of a salvage contract and funding agreement, or written consent agreement, as appropriate; and,
- (4) signed certification statement as required by 33 CFR 155.5023(b).

Please note, if the plan is not fully compliant with other Subpart J requirements besides those listed, i.e., pre-fire plan or vessel specific information is lacking, and the certification statement should identify those plan elements that are incomplete.

Early submission of NTVRPs is highly recommended, even if the certification statement identifies NTVRP elements that are incomplete, in order to receive an IOA letter. See MSIB 42-13, available on the Coast Guard's Homeport website. (January 27, 2014)

DAMAGE STABILITY AND ASSESSMENT OF STRUCTURAL STABILITY

1. What do damage stability services typically encompass?

Damage stability services typically encompass the following:

- a. A database of pertinent aspects of the vessel's structure, materials, machinery and equipment
- b. A computer model of the vessel that will allow for damage stability and residual strength analysis
- c. Evaluation of salvor's or operator's plans for off-loading, ballasting or cargo transfer sequences to improve residual stability and reduce hull girder stresses and ground force reaction
- d. Extensive calculation routines, which include:
 - bending and shear stresses caused by pinnacle loads from grounding or stranding
 - residual hull girder strength based on the reported extent of damage
 - residual stability when the vessel's compartments are breached
 - hull girder strength in damaged condition with wave loading
 - hull girder ultimate strength
 - local strength in the damaged area
 - local buckling and ultimate strength

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

It seems clear that an external provider capable of providing damage stability services is necessary for the assessment of a vessel's structural stability. Few, if any, operators could provide such a service in-house, since a typical vessel's stability-calculating equipment is designed to calculate static intact stability data (while fully afloat, with a watertight hull). Such equipment would be incapable of calculating the

vessel's dynamic stability which is necessary after an incident involving loss of watertight integrity and/or a ground reaction.
(December 2, 2013)

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

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

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

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

The decision whether or not adequate planning for “assessment of structural stability” includes arranging to pre-load a computer model with relevant vessel-specific data prior to an incident is the responsibility of the vessel owner or operator. The vessel owner or operator is responsible for determining the adequacy of the resource providers included in their plan. [33 CFR 155.4050]
(December 2, 2013)

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

No. “Damage Stability Services” are not defined in Subpart I. Nontank vessels are required to contract for “assessment of structural stability” services, as defined in 33 CFR 155.4025.
(December 2, 2013)

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

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

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

(December 2, 2013)

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

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

(December 2, 2013)

DATES FOR NONTANK VESSEL COMPLIANCE

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

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

(December 2, 2013)

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

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

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

Therefore, until an entry field is added to the eNOA submission form for tank vessels, the Coast Guard advises tank vessel owner or operators to list their tank VRP Control Numbers in the eNOA comments field.

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

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

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

Nontank vessels with existing IOAs must resubmit their plan, with required revisions, for approval before the January 30, 2014, compliance date in order to receive a Subpart J compliant approval letter or new IOA.
(December 2, 2013)

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

The VRP Program will issue plan approval letters after a comprehensive VRP review for compliance with the Nontank Vessel Final Rule is completed. Given the short four month compliance date, and in anticipation of the high volume of expected plan submissions that may make it difficult to complete comprehensive VRP reviews in a timely manner, abbreviated VRP reviews may be conducted. In this case, new IOA letters will be issued for those nontank vessel response plans that meet minimum certification requirements. These new IOA letters will specifically reference “Title 33, Code of Federal Regulations, Part 155, Subpart J” and be valid for up to 2 years or until replaced by a plan approval letter issued by the VRP Program.
(December 2, 2013)

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

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

(December 2, 2013)

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

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

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

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

(December 2, 2013)

PREFIRE PLANS

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

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

(December 2, 2013)

SALVAGE AND MARINE FIREFIGHTING (SMFF) REQUIREMENTS

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

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

(December 2, 2013)

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

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

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

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

(December 2, 2013)