

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) A change in the qualified individual;

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 155.1110 Purpose and applicability.**

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

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

#### **§ 155.1115 Definitions.**

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

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

#### **§ 155.1120 Operating restrictions and interim operating authorization.**

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