

**Subpart D—Response Plans**

SOURCE: CGD 91-034, 61 FR 1081, Jan. 12, 1996, unless otherwise noted.

**§ 155.1010 Purpose.**

The purpose of this subpart is to establish requirements for oil spill response plans for certain vessels. The planning criteria in this subpart are intended for use in response plan development and the identification of resources necessary to respond to the oil spill scenarios prescribed during the planning process. The development of a response plan prepares the vessel owner or operator and the vessel's crew to respond to an oil spill. The specific criteria for response resources and their arrival times are not performance standards. They are planning criteria based on a set of assumptions that may not exist during an actual oil spill incident.

**§ 155.1015 Applicability.**

(a) Except as provided in paragraph (c) of this section, this subpart applies to each vessel that is constructed or adapted to carry, or that carries, oil in bulk as cargo or oil cargo residue, and that—

- (1) Is a vessel of the United States;
- (2) Operates on the navigable waters of the United States; or
- (3) Transfers oil in a port or place subject to the jurisdiction of the United States.

(b) This subpart also applies to vessels which engage in oil lightering operations in the marine environment beyond the baseline from which the territorial sea is measured, when the cargo lightered is destined for a port or place subject to the jurisdiction of the United States.

(c) This subpart does not apply to the following types of vessels:

- (1) Public vessels and vessels deemed public vessels under 14 U.S.C. 827.
- (2) Vessels that, although constructed or adapted to carry oil in bulk as cargo or oil cargo residue, are not storing or carrying oil in bulk as cargo or oil cargo residue.
- (3) Dedicated response vessels when conducting response operations.

(4) Vessels of opportunity when conducting response operations in a response area.

(5) Offshore supply vessels as defined in 46 U.S.C. 2101.

(6) Fishing or fishing tender vessels as defined in 46 U.S.C. 2101 of not more than 750 gross tons when engaged only in the fishing industry.

(7) Foreign flag vessels engaged in innocent passage.

(d) Vessels covered by this subpart that are not operating within the navigable waters or the exclusive economic zone of the United States must meet all requirements of this subpart except for—

(1) Identifying and ensuring, through contract or other approved means, the availability of response resources including the shore-based spill management team;

(2) Providing the geographic-specific appendices required in §155.1035, 155.1040, or 155.1045, as appropriate; and

(3) Identifying and designating a qualified individual and alternate qualified individual required in §155.1026.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2000-7641, 66 FR 55572, Nov. 2, 2001]

**§ 155.1020 Definitions.**

Except as otherwise defined in this section, the definitions in §155.110 apply to this subpart and subparts F and G of this part. For the purposes of this subpart only, the term:

*Adverse weather* means the weather conditions that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include, but are not limited to, significant wave height, ice, temperature, weather-related visibility, and currents within the Captain of the Port (COTP) zone in which the systems or equipment are intended to function.

*Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

*Average most probable discharge* means a discharge of the lesser of 50 barrels of oil or 1 percent of the cargo from the