

**§ 155.1026**

**33 CFR Ch. I (7-1-04 Edition)**

(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 §§ 155.1050, 155.1052, 155.1230, or 155.2230, as appropriate, to a worst case discharge or substantial threat of discharge from the vessel in the applicable COTP zone.

**§ 155.1026 Qualified individual and alternate qualified individual.**

(a) The response plan must identify a qualified individual and at least one alternate who meet the requirements of this section. The qualified individual or alternate qualified individual must be available on a 24-hour basis.

(b) The qualified individual and alternate must—

- (1) Speak fluent English;
- (2) Except as set out in paragraph (c) of this section, be located in the United States;
- (3) Be familiar with the implementation of the vessel response plan; and
- (4) Be trained in the responsibilities of the qualified individual under the response plan.

(c) For Canadian flag vessels while operating on the Great Lakes or the Strait of Juan de Fuca and Puget Sound, WA, the qualified individual may be located in Canada if he or she meets all other requirements in paragraph (b) of this section.

(d) The owner operator shall provide each qualified individual and alternate qualified individual identified in the plan with a document designating them as a qualified individual and specifying their full authority to—

- (1) Activate and engage in contracting with oil spill removal organization(s) and other response related resources identified in the plan;
- (2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OCS); and
- (3) Obligate funds required to carry out response activities.

(e) The owner or operator of a vessel may designate an organization to fulfill the role of the qualified individual and alternate qualified individual. The organization must then identify a qualified individual and at least one al-

ternate qualified individual who meet the requirements of this section. The vessel owner or operator is required to list in the response plan the organization, the person identified as the qualified individual, and the person or persons identified as the alternate qualified individual(s).

(f) The qualified individual is not responsible for—

- (1) The adequacy of response plans prepared by the owner or operator; or
- (2) Contracting or obligating funds for response resources beyond the full authority contained in their designation from the owner or operator of the vessel.

(g) The liability of a qualified individual is considered to be in accordance with the provisions of 33 U.S.C. 1321(c)(4).

**§ 155.1030 General response plan requirements.**

(a) The plan must cover all geographic areas of the United States in which the vessel intends to handle, store, or transport oil, including port areas and offshore transit areas.

(b) The plan must be written in English and, if applicable, in a language that is understood by the crew members with responsibilities under the plan.

(c) A vessel response plan must be divided into the following sections:

- (1) General information and introduction.
- (2) Notification procedures.
- (3) Shipboard spill mitigation procedures.
- (4) Shore-based response activities.
- (5) List of contacts.
- (6) Training procedures.
- (7) Exercise procedures.
- (8) Plan review and update procedures.
- (9) On board notification checklist and emergency procedures (unmanned tank barges only).
- (10) Geographic-specific appendix for each COTP zone in which the vessel or vessels operate.

(11) An appendix for vessel-specific information for the vessel or vessels covered by the plan.

(d) A vessel owner or operator with multiple vessels may submit one plan for each class of vessel (i.e., manned