

Regulation 26 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78) which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161;

(2) The approved response plan or the required plan section(s) is aboard the vessel;

(3) The vessel owner or operator has identified and informed the vessel master and the COTP of the designated qualified individual prior to the vessel's entry into the COTP zone; 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 §§ 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 alternate 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.

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- (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 vessels carrying oil as primary cargo, unmanned vessels carrying oil as primary cargo, and vessels carrying oil as secondary cargo) with a separate vessel-specific appendix for each vessel covered by the plan and a separate geographic-specific appendix for each COTP zone in which the vessel(s) will operate.
- (e) The required contents for each section of the plan are contained in §§ 155.1035, 155.1040, and 155.1045, as applicable to the type or service of the vessel.
- (f) The response plan for a barge carrying nonhazardous oil field waste may follow the same format as that for a vessel carrying oil as a secondary cargo under § 155.1045 in lieu of the plan required under § 155.1035 or § 155.1040.
- (g) A response plan must be divided into the sections described in paragraph (c) of this section unless the plan is supplemented with a cross-reference table to identify the location of the information required by this subpart.
- (h) The information contained in a response plan must be consistent with the—
 - (1) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area Contingency Plan(s) (ACP) in effect on the date 6 months prior to the submission date of the response plan; or
 - (2) More recent NCP and ACP(s).
- (i) Copies of the submitted and approved response plan must be available as follows:
 - (1) The owner or operator of all vessels, except for unmanned tank barges, shall ensure that one English language

copy of the plan sections listed in paragraph (c) (1), (2), (3), (5), (10) and (11) of this section and the Coast Guard approval letter or notarized copy of the approval letter are maintained aboard the vessel. If applicable, additional copies of the required plan sections must be in the language understood by crew members with responsibilities under the plan and maintained aboard the vessel.

(2) The owner or operator of all unmanned tank barges shall ensure that one English language copy of the plan section listed in paragraph (c)(9) of this section and the Coast Guard approval letter or notarized copy of the approval letter are maintained aboard the barge.

(3) The vessel owner or operator shall maintain a current copy of the entire plan, and ensure that each person identified as a qualified individual and alternate qualified individual in the plan has a current copy of the entire plan.

(j) If an owner or operator of a United States flag vessel informs the Coast Guard in writing at the time of the plan submission according to the procedures of § 155.1065, the owner or operator may address the provisions of Regulation 26 of MARPOL 73/78 if the owner or operator—

(1) Develops a vessel response plan under § 155.1030 and §§ 155.1035, 155.1040, or 155.1045, as applicable;

(2) Expands the plan to cover discharges of all oils defined under MARPOL, including fuel oil (bunker) carried on board. The owner or operator is not required to include these additional oils in calculating the planning volumes that are used to determine the quantity of response resources that the owner or operator must ensure through contract or other approved means;

(3) Provides the information on authorities or persons to be contacted in the event of an oil pollution incident as required by Regulation 26 of MARPOL 73/78. This information must include—

(i) An appendix containing coastal State contacts for those coastal States the exclusive economic zone of which the vessel regularly transits. The appendix should list those agencies or officials of administrations responsible for receiving and processing pollution incident reports; and

(ii) An appendix of port contacts for those ports at which the vessel regularly calls; and

(4) Expands the plan to include the procedures and point of contact on the ship for coordinating shipboard activities with national and local authorities in combating an oil spill incident. The plan should address the need to contact the coastal State to advise them of action(s) being implemented and determine what authorization(s), if any, are needed.

(5) Provides a cross reference section to identify the location of the information required by § 155.1030(j).

(k) A vessel carrying oil as a secondary cargo may comply with the requirements of § 155.1045 by having a response plan approved under Regulation 26 of MARPOL 73/78 with the addition of the following—

(1) Identification of the qualified individual and alternate that meets the requirements of § 155.1026;

(2) A geographic specific appendix meeting the requirements of § 155.1045(i), including the identification of a contracted oil spill removal organization;

(3) Identification of a spill management team;

(4) An appendix containing the training procedures required by 155.1045(f); and

(5) An appendix containing the exercise procedures required by 155.1045(g).

(l) For plans submitted prior to the effective date of this final rule, the owner or operator of each vessel may elect to comply with any or all of the provisions of this final rule by amending or revising the appropriate section of the previously submitted plan.

§ 155.1035 Response plan requirements for manned vessels carrying oil as a primary cargo.

(a) *General information and introduction.* This section of the response plan must include—

(1) The vessel's name, country of registry, call sign, official number, and International Maritime Organization (IMO) international number (if applicable). If the plan covers multiple vessels, this information must be provided for each vessel;

(2) The name, address, and procedures for contacting the vessel's owner or operator on a 24-hour basis;

(3) A list of the COTP zones in which the vessel intends to handle, store, or transport oil;

(4) A table of contents or index of sufficient detail to permit personnel with responsibilities under the response plan to locate the specific sections of the plan; and

(5) A record of change(s) page to record information on plan reviews, updates or revisions.

(b) *Notification procedures.* This section of the response plan must include the following notification information:

(1) A checklist with all notifications, including telephone or other contact numbers, in order of priority to be made by shipboard or shore-based personnel and the information required for those notifications. Notifications must include those required by—

(i) MARPOL 73/78 and 33 CFR part 153; and

(ii) Any applicable State.

(2) Identification of the person(s) to be notified of a discharge or substantial threat of a discharge of oil. If the notifications vary due to vessel location, the persons to be notified also must be identified in a geographic-specific appendix. This section must separately identify—

(i) The individual(s) or organization(s) to be notified by shipboard personnel; and

(ii) The individual(s) or organization(s) to be notified by shore-based personnel.

(3) The procedures for notifying the qualified individual(s) designated by the vessel's owner or operator.

(4) Descriptions of the primary and, if available, secondary communications methods by which the notifications will be made that should be consistent with the regulations in § 155.1035(b)(1).

(5) The information that is to be provided in the initial and any follow up notifications required by paragraph (b)(1) of this section.

(i) The initial notification may be submitted in accordance with IMO Resolution A648(16) "General Principles for Ship Reporting Systems and Ship Reporting Requirements" which is available through COMDT G-MSO-4, U.S.