

of this additional equipment. No contract is required.

(p) The Coast Guard will initiate a review of cap increases and other requirements contained within this subpart that are scheduled to be phased-in over time. Any changes in the requirements of this section will occur through a public notice and comment process.

(1) During this review, the Coast Guard will determine if the scheduled increase remains practicable, and will also establish a specific cap for 2003. The review will include—

- (i) Increases in skimming efficiencies and design technology;
- (ii) Oil tracking technology;
- (iii) High rate response techniques;
- (iv) Other applicable response technologies; and
- (v) Increases in the availability of private response resources.

(2) All scheduled future requirements will take effect unless the Coast Guard determines that they are not practicable. Scheduled changes will be effective on February 18, 1998 and 2003 unless the review of the additional requirements have not been completed by the Coast Guard. If this occurs, the changes will not be effective until 90 days after publication of a FEDERAL REGISTER notice with the results of the review.

[CGD 91-034, 61 FR 1081, Jan. 12, 1996, as amended by USCG-2008-0179, 73 FR 35015, June 19, 2008]

EFFECTIVE DATE NOTE: By USCG-98-3417, 63 FR 7071, Feb. 12, 1998, §155.1050, paragraph (k)(3), was suspended from Feb. 12, 1998 until Feb. 12, 2001. At 66 FR 3878, Jan. 17, 2001, paragraph (k)(3) was suspended from Feb. 12, 2001 until Feb. 12, 2004. At 69 FR 3237, Jan. 23, 2004, paragraph (k)(3) was suspended from Feb. 12, 2004 until Feb. 12, 2007. At 72 FR 6170, Feb. 9, 2007, effective Feb. 12, 2007, paragraph (k)(3) was suspended until Feb. 12, 2009.

**§ 155.1052 Response plan development and evaluation criteria for vessels carrying group V petroleum oil as a primary cargo.**

(a) Owners and operators of vessels that carry group V petroleum oil as a primary cargo must provide information in their plan that identifies—

(1) Procedures and strategies for responding to discharges up to a worst case discharge of group V petroleum

oils to the maximum extent practicable; and

(2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) Using the criteria in Table 1 of Appendix B of this part, an owner or operator of a vessel carrying group V petroleum oil as a primary cargo must ensure that any equipment identified in a response plan is capable of operating in the conditions expected in the geographic area(s) in which the vessel operates. When evaluating the operability of equipment, the vessel owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

- (1) Ice conditions;
- (2) Debris;
- (3) Temperature ranges; and
- (4) Weather-related visibility.

(c) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo must identify in the response plan and ensure, through contract or other approved means, the availability of required equipment, including—

(1) Sonar, sampling equipment, or other methods for locating the oil on the bottom or suspended in the water column;

(2) Containment boom, sorbent boom, silt curtains, or other methods for containing oil that may remain floating on the surface or to reduce spreading on the bottom;

(3) Dredges, pumps, or other equipment necessary to recover oil from the bottom and shoreline; and

(4) Other appropriate equipment necessary to respond to a discharge involving the type of oil carried.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of being deployed within 24 hours of discovery of a discharge to the port nearest the area where the vessel is operating. An oil spill removal organization may not be listed in the plan unless the oil spill removal organization has provided written consent to be listed in the plan as an available resource.

(e) The owner or operator of a vessel carrying group V petroleum oil as a

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primary cargo shall identify in the response plan and ensure the availability of the following resources through contract or other approved means—

(1) A salvage company with appropriate expertise and equipment; and

(2) A company with vessel fire-fighting capability that will respond to casualties in the area(s) in which the vessel is operating.

(f) Vessel owners or operators must identify intended sources of the resources required under paragraph (e) of this section capable of being deployed to the areas in which the vessel will operate. A company may not be listed in the plan unless the company has provided written consent to be listed in the plan as an available resource. To meet this requirement in a response plan submitted for approval or re-approval on or after February 18, 1998, the vessel owner or operator must identify both the intended sources of this capability and demonstrate that the resources are capable of being deployed to the port nearest to the area where the vessel operates within 24 hours of discovery of a discharge.

(g) The owner or operator of a vessel carrying group V petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of certain resources required by §§ 155.1035(c)(5)(ii) and 155.1040(c)(5)(i), as applicable, through contract or other approved means.

(1) Resources must include—

(i) Fendering equipment;

(ii) Transfer hoses and connection equipment; and

(iii) Portable pumps and ancillary equipment necessary to offload the vessel's largest cargo tank in 24 hours of continuous operation.

(2) Resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:

(i) Inland, nearshore, and Great Lakes waters—12 hours.

(ii) Offshore waters and rivers and canals—18 hours.

(iii) Open ocean waters—36 hours.

(3) For barges operating in rivers and canals as defined in this subpart, the requirements of this paragraph (g)(3) may be met by listing resources capable of being deployed in an area within

the response times in paragraph (g)(2) of this section. A vessel owner or operator may not identify such resources in a plan unless the response organization has provided written consent to be identified in a plan as an available resource.

EFFECTIVE DATE NOTE: By USCG-98-3417, 63 FR 7071, Feb. 12, 1998, § 155.1052, the last sentence in paragraph (f) was suspended from Feb. 12, 1998 until Feb. 12, 2001. At 66 FR 3878, Jan. 17, 2001, the last sentence in paragraph (f) was suspended from Feb. 12, 2001 until Feb. 12, 2004. At 69 FR 3237, Jan. 23, 2004, the last sentence in paragraph (f) was suspended from Feb. 12, 2004 until Feb. 12, 2007. At 72 FR 6170, Feb. 9, 2007, effective Feb. 12, 2007, the last sentence in paragraph (f) was suspended until Feb. 12, 2009.

**§ 155.1055 Training.**

(a) A response plan submitted to meet the requirements of § 155.1035 must identify the training to be provided to persons having responsibilities under the plan, including members of the vessel crew, the qualified individual, and the spill management team. A response plan submitted to meet the requirements of § 155.1040 must identify the training to be provided to the spill management team, the qualified individual, and other personnel in § 155.1040 with specific responsibilities under the plan including tankermen and members of the towing vessel crew. The training program must differentiate between that training provided to vessel personnel and that training provided to shore-based personnel. Appendix C of this part provides additional guidance regarding training.

(b) A vessel owner or operator shall ensure the maintenance of records sufficient to document this training and make them available for inspection upon request by the Coast Guard. Records must be maintained for 3 years following completion of training. The response plan must identify the location of training records, which must be—

(1) On board the vessel;

(2) With the qualified individual; or

(3) At a U.S. location of the spill management team.

(c) A vessel owner or operator may identify equivalent work experience