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described in the definition of “contract or other approved means” at §155.1020.

§ 155.1065 Procedures for plan submission, approval, requests for acceptance of alternative planning criteria, and appeal.

(a) An owner or operator of a vessel to which this subpart applies shall submit one complete English language copy of a vessel response plan to Commandant electronically by using the Vessel Response Plan Electronic Submission Tool available at <http://evrp.uscg.mil> or by mail to Commandant (CG-5431), Coast Guard, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581 or vrp@uscg.mil. The plan must be submitted at least 60 days before the vessel intends to handle, store, transport, transfer, or lighter oil in areas subject to the jurisdiction of the United States.

(b) The owner or operator shall include a statement certifying that the plan meets the applicable requirements of subparts D, E, F, G, and J of this part and shall include a statement indicating whether the vessel(s) covered by the plan are manned vessels carrying oil as a primary cargo, unmanned vessels carrying oil as a primary cargo, or vessels carrying oil as a secondary cargo. For plans submitted in paper format, CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf meets the requirement for a vessel response plan certification statement as required by this paragraph.

(c) If the Coast Guard determines that the plan meets all requirements of this subpart, the Coast Guard will notify the vessel owner or operator with an approval letter. The plan will be valid for a period of up to 5 years from the date of approval.

(d) If the Coast Guard reviews the plan and determines that it does not meet all of the requirements, the Coast Guard will notify the vessel owner or operator of the response plan’s deficiencies. The vessel owner or operator must then resubmit the revised plan, or corrected portions of the plan, within the time period specified in the writ-

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ten notice provided by the Coast Guard.

(e) For those vessels temporarily authorized under §155.1025 to operate without an approved plan pending formal Coast Guard approval, the deficiency provisions of §155.1070(c), (d), and (e) will also apply.

(f) When the owner or operator of a vessel believes that national planning criteria contained elsewhere in this part are inappropriate to the vessel for the areas in which it is intended to operate, the owner or operator may request acceptance of alternative planning criteria by the Coast Guard. Submission of a request must be made 90 days before the vessel intends to operate under the proposed alternative and must be forwarded to the COTP for the geographic area(s) affected.

(g) An owner or operator of a United States flag vessel may meet the response plan requirements of Regulation 37 of MARPOL 73/78 and subparts D, E, F, and G of this part by stating in writing, according to the provisions of §155.1030(j), that the plan submitted is intended to address the requirements of both Regulation 37 of MARPOL 73/78 and the requirements of subparts D, E, F, and G of this part.

(h) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Prevention Policy Directorate for Marine Safety, Security, and Stewardship (CG-54). This appeal must be submitted in writing to Commandant (CG-54), Coast Guard, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581.

[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; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60123, Sept. 30, 2013]

§ 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. Although plans should be submitted electronically, for plans submitted in paper format, CG Form “Application for Approval/Revision of Vessel Pollution Response Plans” (CG-6083) located at: http://www.uscg.mil/forms/CG/CG_6083.pdf should be used in lieu of a cover letter to request the required re-submission, plan amendment, or revision and to document the annual review required by this paragraph (a).

(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 vessel owner or operator subject to subparts D, E, F, G, or J of this part must 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) or § 155.5065(c); and

(2) Whenever there is a change in the vessel owner or operator, if the previous vessel owner or operator provided the certifying statement required by § 155.1065(b) or § 155.5065(b), then the new vessel owner or operator must submit a new statement certifying that the plan continues to meet the applicable requirements of subparts D, E, F, G, or J of this part.

(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 vessel owner or operator, if that vessel owner or operator is not the one who provided the certifying statement required by § 155.1065(b) or § 155.5065(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)(2) or § 155.5023(b) 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 carried onboard (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, § 155.2230, § 155.5050, or § 155.5052 as appropriate, except an oil spill removal organization required by § 155.1050(d) or § 155.5050(d) that 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 to be 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 vessel owner or operator's certification required in § 155.1025(c) or § 155.5023(b); or

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

(d) Thirty days in advance of operation, the vessel owner or operator must submit any revision or amendments identified in paragraph (c) of this section. The certification required in § 155.1065(b) or § 155.5065(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

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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 Office of Commercial Vessel Compliance (CG-CVC), Coast Guard Headquarters, 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581 or *vrp@uscg.mil* 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) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Director of Inspections and Compliance (CG-5PC). This appeal must be submitted in writing to Commandant (CG-5PC), Director of Inspections and Compliance, U.S. Coast Guard, 2100 2nd St. SW Stop 7581, Washington, DC 20593-7581.

(h) 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.

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(i) 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; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2001-8661, 74 FR 45029, Aug. 31, 2009; USCG-2010-0351, 75 FR 36285, June 25, 2010; USCG-2008-1070, 78 FR 60123, Sept. 30, 2013]

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.