Form Number: SB–60 and SB–60A
Type of Review: Extension
Title: Payroll Savings Report
Description: The total number of payroll savers is determined from Reports SB–60 and SB–60A completed by companies that offer the sale of Savings Bonds through payroll savings plans. Total number of savers is used in budget formulation and measures of program effectiveness.
Respondents: Businesses or other for-profit
Estimated Number of Respondents: 12,955
Estimated Burden Hours Per Respondent: 41 minutes
Frequency of Response: Semi-annually
Estimated Total Reporting Burden: 17,871 hours
Clearance Officer: Richard J. Schneebeli, (202) 377–7704, U.S. Savings Bonds Division, Room 8035, 800 K Street, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–2743 Filed 2–4–93; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

February 1, 1993.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and firearms

OMB Number: 1512–0178
Form Number: ATF F 4483 (5300.5)
Type of Review: Extension
Title: Report of Firearms Transactions
Description: This form is used to evaluate Firearms transactions by licensees when the Regional Director (Compliance) determines the need to do so. It is prepared from existing records and submitted to the official.
Respondents: Businesses or other for-profit, Small business or other organizations
Estimated Number of Respondents: 250
Estimated Burden Hours Per Respondent: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 250 hours

OMB Number: 1512–0369
Form Number: ATF REC 5300/1
Type of Review: Extension
Title: Licensed Firearms Manufacturers Records of Production, Disposition and Supporting Data
Description: Firearms manufacturers record in a permanent record all firearms manufactured and record their disposition. These records are vital to support ATF mission to inquire into the disposition of any firearm in the course of a criminal investigation.
Respondents: Businesses or other for-profit
Estimated Number of Recordkeepers: 1,380
Estimated Burden Hours Per Recordkeeper: 52 hours, 12 minutes
Frequency of Response: Other
Estimated Total Recordkeeping Burden: 72,023 hours
Clearance Officer: Robert N. Hogarth, (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 93–2745 Filed 2–4–93; 8:45 am]

BILLING CODE 4810–31–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 23
Friday, February 5, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., February 10, 1993.

PLACE: Main Hearing Room, 800 North Capitol Street, NW., Washington, DC 20573–0001.

STATUS: Part of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTER(S) TO BE CONSIDERED: Portion open to the public:

1. Petition No. P7–92—Motor Vehicle Manufacturers Association of the United States, Inc. and Wallenius Lines, N.A.—Joint Application for Exemption from Certain Requirements of the Shipping Act of 1984 for Certain Limited Shipments of Passenger Vehicles.
2. Docket No. 92–31—Service Contracts—Consideration of Comments on Proposed Rule.

Portion closed to the public:

1. Trans-Atlantic Agreement Rate Activity.
2. Docket No. 90–13—Memphis Forwarding Company, Inc.—Possible Violations of Section 19(d)(4) of the Shipping Act of 1984—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Ronald D. Murphy,
Assistant Secretary.

[FR Doc. 93–2874 Filed 2–3–93; 10:23 am]
BILLING CODE 6730–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, February 10, 1993.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 3, 1993.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 93–2889 Filed 2–3–93; 10:24 am]
BILLING CODE 6210–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 9:00 a.m., February 16, 1993.

PLACE: 4th Floor, Conference Room, 1250 H Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: .

1. Approval of the minutes of the January 19, 1993, Board meeting.
2. Labor Department briefing.
3. Review of Peat Marwick audit report entitled "Pension and Welfare Benefits Administration Review of the Policies and Procedures of the Federal Retirement Thrift Investment Board Administrative Staff."
4. Thrift Savings Plan activity report by the Executive Director.
5. Quarterly review of investment policy.

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 942–1640.

Dated: February 2, 1993.

Francis X. Cavanaugh,
Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 93–2968 Filed 2–3–93; 2:18 pm]
BILLING CODE 6760–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Tuesday, February 9, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, February 9

4:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Final Amendments to 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste" (Tentative)
b. Clarification of Physical Protection Requirements at Fixed Sites

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: February 2, 1993.

William M. Hill, Jr.,
SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–2874 Filed 2–3–93; 10:25 am]
BILLING CODE 6730–01–M

Corrections

Federal Register
Vol. 58, No. 23
Friday, February 5, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-91-329]

United States Standards for Grades of Frozen Cauliflower

Correction

In proposed rule document 93-521 beginning on page 3816 in the issue of Monday, January 11, 1993, make the following correction:

Subpart—United States Standards for Grades of Frozen Cauliflower [Corrected]

On page 3817, in the table of contents, in the third column, the entry for Sec. 52.729 should read "Acceptance criteria."

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 275 and 283

[Amdt. No. 348]

Food Stamp Program; Hunger Prevention Act of 1988; Rules of Practice; Administrative Law Judges

Correction

In proposed rule document 93-1176 beginning on page 5188 in the issue of Tuesday, January 19, 1993, make the following corrections:

1. On page 5190, in the second column, in the last paragraph, in the first line, "Food Stamp" should read "Food Stamp Act".

2. On page 5194, in the first column, in the last paragraph, in the first line, "part" should read "party".

3. On page 5196, in the second column, in the first line, "§ 283.24" should read "§ 283.4".

4. On the same page, in the 3d column, in the 2d complete paragraph, in the 15th line, delete "The parties would be limited to 15 pages, excluding exhibits."

§ 283.3 [Corrected]

5. On page 5197, in the 3d column, in § 283.3, in the 10th paragraph, "*OC claim*" should read "*QC claim*".

§ 283.5 [Corrected]

6. On page 5198, in the 3d column, in § 283.5(c), in the 12th line, "§ 283.179(d)" should read "§ 283.17(d)".

§ 283.12 [Corrected]

7. On page 5201, in the third column, in § 283.12(b)(8)(iii), in the second line, "required" should read "inquired".

§ 283.15 [Corrected]

8. On page 5202, in the second column, in § 283.15(d)(1), in the fifth line, "guilty or" should read "guilty of".

§ 283.18 [Corrected]

9. On page 5204, in the first column, in § 283.18(a), in the third line, "several" should read "served"; in the fourth line, "part," should read "party,".

§ 283.21 [Corrected]

10. On page 5205, in the second column, in § 283.21(d), in the eighth line, "cause" should read "causes".

§ 283.30 [Corrected]

11. On page 5207, in the second column, in § 283.30, in the next to the last line, "2 days" should read "20 days".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8457]

RIN 1545-AP74

Taxation of Fringe Benefits and Exclusions From Gross Income of Certain Fringe Benefits

Correction

In rule document 92-30941 beginning on page 62192 in the issue of Wednesday, December 30, 1992, make the following corrections:

§ 1.132-1 [Corrected]

1. On page 62196, in the second column, in § 1.132-1(g), in the sixth line, delete "on".

§ 1.132-5 [Corrected]

2. On page 62198, in the first column, in § 1.132-5(r)(4), in the first line, "for" should read "from".

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AE61

Regional Office Committees on Waivers and Compromises

Correction

In rule document 93-561 beginning on page 3840 in the issue of Tuesday, January 12, 1993, make the following correction:

§ 1.965 [Corrected]

1. On page 3841, in the 1st column, in § 1.965(b)(2), in the 10th line, "if undertaken" should read "is undertaken".

BILLING CODE 1505-01-D

federal register

Friday
February 5, 1993

Part II

Environmental Protection Agency

Federal Agency Hazardous Waste Compliance Docket; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4552–3]

Federal Agency Hazardous Waste Compliance Docket

AGENCY: Environmental Protection Agency.

ACTION: Notice of Seventh Update of the Federal Agency Hazardous Waste Compliance Docket Pursuant to CERCLA Section 120(c).

SUMMARY: Section 120(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the Environmental Protection Agency (EPA) to establish a Federal Agency Hazardous Waste Compliance Docket that contains certain information regarding Federal facilities that manage hazardous waste or from which hazardous substances may be or have been released. (As defined by CERCLA 101(22), a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.) CERCLA requires that the docket be updated every 6 months as new facilities are reported to EPA by Federal agencies. The following list identifies the Federal facilities to be included in the sixth update of the docket (that is, facilities not previously listed on the docket and reported to EPA since the last update to the docket, 57 FR 31758, July 17, 1992, which was current as of March 1, 1992). EPA policy specifies that for each Federal facility that is included on the docket during an update, the responsible Federal agency must complete a preliminary assessment (PA) and, if warranted, a site inspection (SI), within 18 months of publication of this notice. Such remedial site evaluation activities will help determine whether the facility should be included on the National Priorities List (NPL) and will provide EPA and the public with valuable information about the facility. In addition to the docket additions list, this notice includes a section comprising revisions (that is, corrections and deletions) to the previous docket list and a new list of the facilities on the docket that have been evaluated and determined not to be appropriate for NPL listing at this time (the Site Evaluation Accomplished (SEA) list). At the time of publication of this notice, the new total number of Federal facilities listed on the docket is 1,930.

DATES: This list is current as of December 7, 1992.

FOR FURTHER INFORMATION CONTACT: Federal Facilities Docket Hotline. Telephone: (800) 548–1016 toll free, or (703) 883–8577.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Revisions to the Previous Docket
III. Process for Compiling the Updated Docket
IV. Facilities Not Included
V. Information Contained on Docket Listing
VI. Facility Status Reporting

I. Introduction

The Federal Agency Hazardous Waste Compliance Docket ("docket") was required to be established under section 120(c) of CERCLA, 42 U.S.C. 9620(c), as amended by SARA. The docket contains information on Federal facilities that is submitted by Federal agencies to the U.S. Environmental Protection Agency ("EPA" or "the Agency") under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937, and under section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA Section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA Section 3010 requires waste generators, transporters, and TSD facilities to notify EPA of their hazardous waste activities; and RCRA Section 3016 requires Federal agencies to submit biennially to EPA an inventory of hazardous waste sites that the Federal agencies own or operate. CERCLA Section 103(a) requires notification to the National Response Center (NRC) of a release; CERCLA Section 103(c) requires reporting to EPA the existence of a facility at which hazardous substances are or have been stored, treated or disposed and the existence of known or suspected releases of hazardous substances at such facilities.

The docket serves, among others, three major purposes: (1) To identify the universe of Federal facilities that must be evaluated to determine whether they pose a risk to human health and the environment sufficient to warrant inclusion on the NPL; (2) to compile and maintain the information submitted to EPA on these facilities under the provisions listed in Section 120(c) of CERCLA; and (3) to provide a mechanism to make this information available to the public.

The initial list of Federal facilities to be included in the docket was published on February 12, 1988 (53 FR 4280). Updates to the docket have been published on November 16, 1988 (53 FR 47364); December 15, 1989 (54 FR 51472); August 22, 1990 (55 FR 34492); September 27, 1991 (56 FR 49328); and December 12, 1991 (56 FR 64898); and July 17, 1992 (57 FR 31758). This notice constitutes the seventh update of the docket.

Today's notice is divided into four major sections: (1) Corrections, (2) Deletions, (3) Additions, and (4) the SEA list. The docket corrections section lists changes to information on facilities already listed on the docket. The deletions section lists facilities that EPA is deleting from the docket. The additions section lists newly identified facilities that have been reported to EPA since the last update and are now being included on the docket. The SEA list is the list of all docket facilities to which EPA has assigned a status of Site Evaluation Accomplished.

The information submitted to EPA on each Federal facility is contained in the docket repository located in the EPA Regional Office of the region where the facility is found. (See 53 FR 4280 (February 12, 1988) for a description of the information required under these provisions.) Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each facility. A complete national index of the information found in the Regional docket repositories is maintained at EPA Headquarters in Washington, DC, and made available to the public. The index for each Region is available for public review at each Regional repository. Contact the Federal Facilities Docket Hotline (800–548–1016) for information on repository locations and arrangements for reviewing and copying specific documents.

II. Revisions to the Previous Docket

1. Corrections

Changes necessary to correct the previous docket were identified by both EPA and Federal agencies. These changes vary from simple address and spelling changes to facility name and ownership corrections. In addition, some facility name changes were made to make the nomenclature consistent on the docket. Many are simply typographical errors. For each facility with a correction, the original entry as it appeared in the February 12, 1988, notice; or subsequent updates, is shown directly above the corrected entry for easy comparison.

2. Deletions

Today, 59 facilities are being deleted from the docket for various reasons, such as incorrect reporting of hazardous waste activity, change in Federal ownership, and exemption as a small quantity generator (SQG) under RCRA (40 CFR 262.44). Facilities being deleted will no longer be subject to the requirements of CERCLA Section 120(d).

3. Additions

Today, 263 facilities are being added to the docket primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA Sections 3005, 3010, or 3016 or CERCLA Section 103). For all facilities being added in this section, it is EPA's policy that the responsible agency must complete the required PA, and, if warranted, an SI, within 18 months from the date of this publication.

Of the 263 facilities being added to the docket, 30 are facilities that have reported the release of a reportable quantity (RQ) of a hazardous substance to the NRC. Under Section 103(a) of CERCLA, a facility is required to report to the NRC the release of a hazardous substance in a quantity that equals or exceeds the established RQ. Release reports received by the NRC, the U.S. Coast Guard, and EPA are electronically transmitted to the Transportation Systems Center at the U.S. Department of Transportation (DOT), where they become part of the Emergency Response Notification System (ERNS) database. ERNS is a national computer database and retrieval system that stores information on releases of oil and hazardous substances. Facilities being added to the docket and facilities already listed on the docket that have an ERNS report have the notation of "103(a)" in the "Reporting Mechanism" column.

It is EPA's policy generally not to list on the docket facilities that are SQGs and have never generated more than 1,000 kg of hazardous waste in any month. If a facility has ever generated more than 1,000 kg of hazardous waste in any month (that is, is an episodic generator), it will be added to the docket. In addition, facilities that are SQGs but have reported releases under CERCLA Section 103, or hazardous waste activities pursuant to another reporting mechanism, will be listed on the docket, and will undergo remedial site evaluation activities, such as a PA and, where appropriate, an SI. All such facilities will be listed on the docket regardless of whether they are SQGs pursuant to RCRA. As a result, some of the facilities that EPA is today adding to the docket are SQGs that had not been previously listed on the docket but have reported releases or hazardous waste activities to EPA under another reporting provision.

In the process of compiling the documents for the Regional repositories, EPA identified a number of facilities that had previously submitted a PA report, an SI report, a Department of Defense Installation Restoration Program report, or another Federal agency environmental restoration program report, but had not submitted a CERCLA Section 103 notification form. Section 120(c)(3) of CERCLA requires that EPA include information submitted under section 103 in the docket. In general, section 103 requires certain persons to provide notice of certain releases of hazardous substances. The aforementioned Federal agency environmental restoration program reports contain information similar to information provided pursuant to CERCLA Section 103 and are considered equivalent forms of notification for purposes of the docket. Thus, the Agency believes that facilities that have provided information equivalent to a CERCLA Section 103 notification, such as a Federal agency environmental restoration program report, should be included on the docket regardless of the absence of formal section 103 notification. Therefore, some of the facilities that EPA is adding today are being placed on the docket because of the above-mentioned reports.

EPA now includes privately owned, government-operated facilities (POGOs) on the docket. CERCLA section 120(c) requires that the docket contain information submitted under RCRA sections 3005, 3010, and 3016, and CERCLA section 103, which all impose duties on operators as well as owners of facilities. In addition, other subsections of CERCLA section 120 refer to facilities "owned or operated" by an agency or other instrumentality of the Federal Government. This terminology clearly includes facilities that are operated by the Federal Government even if they are not owned by it. Specifically, CERCLA section 120(e), which sets forth the duties of the Federal agencies after a facility is listed on the NPL, refers to the agency that "owns or operates" the facility. In addition, the primary basis for assigning responsibility for conducting PAs and SIs, as required by docket listing, is Executive Order 12580, which assigns this responsibility to the agency with "jurisdiction, custody, or control" over a facility. An operator may be deemed to have jurisdiction, custody or control over a facility.

III. Process for Compiling the Updated Docket

In compiling the newly reported facilities for the update being published today, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—ERNS, Biennial Inventory of Federal Agency Hazardous Waste Activities, Resource Conservation and Recovery Information System (RCRIS), and Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)—that contain Federal facility information submitted under the four provisions listed in CERCLA Section 120(c).

Extensive computer checks compared the current docket list with the information obtained from the above databases to determine which facilities were, in fact, newly reported and qualified for inclusion on the update. In spite of the quality assurance efforts EPA has undertaken, it is possible that State-owned or privately owned facilities, that are not operated by the Federal government, may have been included. These problems are the result of historical procedures used to report and track Federal facility data; the Agency is working to resolve them. Federal agencies are requested to write to EPA's Docket Coordinator at the following address if revisions to this update information are necessary: Federal Facilities Docket Coordinator, Office of Federal Facilities Enforcement (OE–2261), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

IV. Facilities Not Included

As explained in the original docket preamble (53 FR 4280), the docket does not include the following categories of facilities (note, however, that any of these types of facilities may, where appropriate, be listed on the NPL):

1. Facilities formerly owned by a Federal agency and now privately owned. However, facilities that are now owned by another Federal agency will remain on the docket, with responsibility for conducting PAs and SIs resting with the current owner.

2. SQGs that have never produced more than 1,000 kg in any month and have not reported releases under CERCLA Section 103 or other hazardous waste activities under RCRA Section 3016.

3. Facilities that are solely transporters as reported under RCRA Section 3010.

V. Information Contained on Docket Listing

As discussed above, the update information below is divided into three separate sections. The first section is a list of new facilities that are being added to the docket. The second section is a list of facilities being deleted from the docket. The third section comprises corrections to the docket. Each facility listed as part of the update has been assigned a code that indicates a more specific reasons(s) for the addition, deletion, or correction. The code key precedes the lists.

It is EPA's policy that all facilities on the additions list to this seventh docket update must submit a PA, and, if warranted, an SI, to EPA within 18 months of the date of this publication. A PA must include existing information about a site and its surrounding environment, including a thorough examination of the human, food-chain, and environmental targets, the potential waste sources, and migration pathways. Based upon information in the PA, or other information coming to EPA's attention, EPA will determine whether a followup SI is required. An SI augments the data collected in a PA. An SI may reflect sampling and other field data that is used to determine if further action or investigation is appropriate. This policy includes any facility changing responsible agencies. These reports should be submitted to the Federal Facilities Coordinator in the appropriate EPA Regional Office.

The facilities listed in each section are organized by State and then grouped alphabetically within each State by Federal agency responsible for the facility. Under each State heading is listed the facility name and address, the statutory provision(s) under which the facility was reported to EPA, the EPA Region where the facility is located, and the correction codes.

The statutory provision(s) under which a facility reported are listed in a column titled "Reporting Mechanisms." Each Facility has its applicable mechanisms listed; for example: 3010,3016,103(c).

The complete list of Federal facilities that now makes up the docket is not being published today. However, the list is available to interested parties and can be obtained by calling the Federal Facilities Docket Hotline (800–548–1016 or 703–883–8577). As of today, the total number of Federal facilities that appear on the docket is 1,930.

VI. Facility Status Reporting

In response to numerous Federal agency requests, EPA has expanded the docket database to include information on the status of docket facilities. A prevalent concern has been the inability to identify facilities that, after submitting all necessary site assessment information, were found to warrant no further EPA involvement at this time. Accordingly, EPA has expanded the docket database to include a column indicating the facility's status. The status codes are as follows:

U=Undetermined
N=Site Evaluation Accomplished (SEA)
P=Currently Proposed for the NPL
F=Currently Final on the NPL
R=Removed from the Proposed NPL and No Longer Considered for the Final NPL
D=Deleted from the Final NPL

EPA has changed the site assessment recommendation No Further Remedial Action Planned (NFRAP) to SEA to denote a more positive attitude and to emphasize that the determination involves an affirmative effort on EPA's part toward evaluating sites.

SEA is a term used in the Superfund site assessment program to identify facilities where EPA has found that, based on currently available information, listing on the NPL is not likely and further assessment is not appropriate at this time. SEA status does not represent an EPA determination that there are no environmental threats present at the facility or that no further environmental response action of any kind is necessary. As stated, SEA status is intended to mean only that the facility does not appear to warrant NPL listing based on the information available to EPA at this time, and that therefore no further involvement by EPA in site assessment or cleanup at the facility is anticipated. However, additional CERCLA response actions by the agency that owns or operates the facility, whether remedial or removal actions, may be necessary at a facility with SEA status.

The status information contained in the docket is the result of regional evaluation of information taken directly from CERCLIS. (CERCLIS is a database that helps EPA Headquarters and Regional personnel with site, program, and project management. It contains the official inventory of all CERCLA [NPL and non-NPL] sites and supports all site planning and tracking functions. It also integrates financial data from preremedial, remedial, removal, and enforcement programs.) The status information was taken from CERCLIS and sent to the Regional Docket Coordinators for review. The results of their reviews were incorporated into the status field in the docket. Subsequently, a list of all facilities with an SEA status (containing an "N" in the status field) was generated; this list is being published today.

Important limitations apply to this SEA status list. First, the information is accurate only as of December 7, 1992. Second, a facility's status may be subject to change at any time due to any number of factors, including new site information or changing EPA policies. Finally, the SEA status list is based on regional review of CERCLIS data, is provided for information purposes only, and should not be considered binding upon either the agency responsible for the facility or EPA.

The status information in the docket will be reviewed and a new list of SEA facilities will be published at each docket update.

Dated: January 5, 1993.

Herbert H. Tate, Jr.,

Assistant Administrator for Enforcement.

I. Docket Revisions

Categories of Revisions for Docket Update by Correction Code

*Categories for Facility Deletion**

(1) Small Quantity Generator
(2) Not Federally Owned
(3) Formerly Federally Owned
(4) No Hazardous Waste Generated
(5) (This correction code is no longer used)
(6) Redundant Listing/Site on Facility
(7) Combining Sites Into One Facility/Entries Combined
(8) Does Not Fit Facility Definition (All Are Vessels)
(9) No Hazardous Waste (Responsible Agency Changed)
(10) Small Quantity Generator (Responsible Agency Changed)
(11) No Hazardous Waste (Temporary Storage Only)
(12) Not Federally Owned (Small Quantity Generator)
(13) Redundant Listing/Site on Facility (Agencies Will Coordinate)
(14) Small Quantity Generator (Never Actually Built)

Categories for Facility Addition

(15) Small Quantity Generator with Either a RCRA 3016 or CERCLA 103
(16) One Entry Being Split into Two/Agency Responsibility Being Split
(17) New Information Obtained Showing That Facility Should be Included
(18) Facility Was a Site on a Facility That Was Disbanded, Now a Separate Facility
(19) Sites Were Combined into One Facility
(19A) New Facility

Categories for Corrections to Facility Information

(20) Reporting Provisions Change
(20A) Typo Correction/Name Change/Address Change
(21) Changing Responsible Agencies (New Responsible Agency Has 18 Months to Submit PA)

*Further information on category definitions can be obtained by calling the Docket Hotline.

(22) Changing Responsible Agencies and Title (New Responsible Agency Has 18 Months to Submit PA)

(23) New Reporting Mechanism Added to Update

(24) Reporting Mechanism Determined to be Not Applicable after Regional File Review

FEDERAL FACILITIES DOCKET

[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Canyon Creek RRS	T 7 S, R 6 E, Sec 15.	Big Delta	AK	99737		3016	19A
DERA-Kodiak Tracking Station.	Cape Chiniak Rd, end of.	Kodiak	AK			103c	19A
M–I Drilling Fluids Company-Anchorage.	721 W 1st Ave	Anchorage	AK	99501		3010	19A
Tongass National Forest: Thorne Bay Dump.		Thorne Bay	AK	99919	Agriculture	103c	19A
NOAA-St. Paul Island.	171° 30' 30" Long W and 57° 5'.	St. Paul Village	AK		Commerce	103c	19A
Anchorage Defense Fuel Support Point.	1217 Anchorage Port Road.	Anchorage	AK	99501	Defense	3016	19A
Fairbanks Defense Fuel Support Point.	Canol Service Road	Ft. Wainwright	AK	99703	Defense	3016	19A
PHS-Kanakanak Hospital.	2.5 MI SW of village	Dillingham	AK	99576	Health and Human Services.	103a	19A
FWS–Skilak Guard Station.		Soldotna	AK		Interior	103c 3016	19A
North East Cape St. Lawrence Island.	St. Lawrence Island 70 MI E of Savoonea.	Northeast Cape	AK	99769	Navy	103c	19A
St. Lawrence Island-Cargo Beach Site.	Cargo Beach	Northeast Cape	AK		Navy	103c	19A
Wales Naval Field Station.		Wales	AK	99783	Navy	103c	19A
FAA-Cape Yakataga Facility.	Cape Yakataga	Cape Yakataga	AK	99574	Transportation	3010 3016	19A
FAA–Skwentna Facility.	Skwentna Arpri Area.	Skwentna	AK	99667	Transportation	3010	19A
Summit Air Navigation Site.	Cantwell Pks Hwy 5 MI S Nav Aids.	Summit	AK	99729	Transportation	3016	19A
Percy Roy Farm	County Rd. 40	Pine Level	AL	36065		3016	19A
Martin-Gasden Air National Guard Station.	Gadsden Municipal Airport.	Gadsden	AL		Air Force	103c 3010	19A
Coosa River Storage Annex.		Talledega	AL	35160	Army	103c	19A
Rogersville Corp of Engineers.	Route 4 Box 305	Rogersville	AL	35652	Army	3010	19A
Trinity 500–KV Substation.	Woodall Road at Ipeco Road.	Decatur	AL	35601	Tennessee Valley Authority.	3010	19A
American Samoa Power.	American Samoa	American Samoa	AS			103c	19A
Casa Grande Valley Newspapers.	1104 N Pinal Ave	Casa Grande	AZ	85222		3010	19A
Casa Grande Valley Newspapers.	200 W Second St	Casa Grande	AZ	85222		3010	19A
Lockheed Aeromod Center Inc.	1555 E Aero Park Blvd.	Tucson	AZ	85706		3010	19A
Maricopa County Parks & Recreation Maintenance Yd.	41000 North 99th Avenue.	Phoenix	AZ	85027		3016	19A
Maricopa Water District Lands.	41000 North 99th Avenue.	Phoenix	AZ	85027		3016	19A
Triumph Air Repair Inc.	4010 S 43rd Pl	Phoenix	AZ	85040		3010	19A
Yuma Mesa Irrigation and Drainage District.	14329 S. Fourth Avenue.	Yuma	AZ	85365		3016	19A
Barry M. Goldwater Air Force Range.		Phoenix	AZ	85309	Air Force	103c	19A
Luke-El Mirage Road Landfill.	7011 N. El Mirage Road.	Glendale	AZ	85307	Air Force	3016	19A
BLM-Peoria Auto Fluff Site.	3707 N. 7th St., P.O. Box 16563—Phoenix.	Peoria	AZ		Interior	103c	19A

FEDERAL FACILITIES DOCKET—Continued

[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Standford #1	NR Ave I & County Highway.	Yuma	AZ	85365	Interior	103c	19A
Standford #2	Yavapai County	Yuma	AZ	86322	Interior	103c	19A
DEA-Ashfork	12 M. SE of Ashfork	Ashfork	AZ		Justice	103a	19A
DEA-Mesa	1764 North Mesa Drive.	Mesa	AZ		Justice	103a	19A
DEA-Phoenix	10809 N. 40th Street.	Phoenix	AZ		Justice	103a	19A
DEA-Sierra Vista	1031 East Acacia	Sierra Vista	AZ		Justice	103a	19A
Action Battery Manufacturing Company.	4700–02 W Rosecrans.	Hawthorne	CA	90250		3010	19A
BLM–ORYX Energy Company—Fellows.	Band Govt Lease Kern County.	Fellows	CA	93224		3010	19A
BLM–ORYX Energy Company—McKittrick.	Cal Federal "A" Lease Kern Co..	McKittrick	CA	93251		3010	19A
Express Cleaners	1170 Arnold Dr #140.	Martinez	CA	94553		3010	19A
Garage, State of California.	570 Ellis	San Francisco	CA	94109		3010	19A
General Chemical Company.	5568 Schaefer Ave .	Chino	CA	91710		3010	19A
LAAFB-Fort MacArthur Annex.	2400 Pacific Avenue	San Pedro	CA	90731		3016	19A
Laxfuel Corporation .		Los Angeles	CA	90045		103c	19A
Lemon Grove Camera.	7848 Broadway	Lemon Grove	CA	92045		3010	19A
Lester Miller Farm	Miller Rd North of Hahn Road.	Arbuckle	CA	95912		3016	19A
Los Angeles County of, Mechanical Dept.	1100 N Eastern Ave	Los Angeles	CA	90063		3010	19A
ORYX Henry	OCSP0240 Plat. Henry Cont. Shelf.	Santa Barbara Channel.	CA	93013		3010	19A
Performance West Petroleum.	2065 Martin Ave #106.	Santa Clara	CA	95050		3010	19A
Prototype Concepts Inc.	1945 Placentia Ave	Costa Mesa	CA	92627		3010	19A
Radionics Inc	1800 Abbott	Salinas	CA	93901		3010	19A
San Gabriel Area 1 4 NPL Site.	San Gabriel Valley ..	Los Angeles	CA	90001		3010	19A
Santa Barbara County Roadyard.	4415 Cathedral — Oaksroad.	Santa Barbara	CA	93110		3010	19A
Angeles Nat'l Forest: Dillon Divide Midnight Dump.	Dillon Divide Off Little Tujunga Road.	San Fernando	CA		Agriculture	103a	19A
Port Hueneme Civil Engineering Laboratory.	Building 560	Port Hueneme	CA	93043	Corps Of Engineers, Civil.	103a	19A
Laboratory for Energy-Health Research (LEHR).	Old Davis Road	Davis	CA	95616	Energy	3016	19A
Geological Survey	345 Middlefield Road.	San Mateo	CA	94025	General Services Administration.	103c 3010	19A
FDA-Los Angeles	1521 W. Pico Blvd ..	Los Angeles	CA	90015	Health and Human Services.	3010	19A
Oakland City Housing.	1180 25th Avenue ..	Oakland	CA	94601	Housing and Urban Development.	3010	19A
BLM–A&W Smelter .		Rosamund	CA		Interior	103c	19A
BLM-Coachella Landfill.		Indio	CA		Interior	103c	19A
BLM-Raintree Pesticide Dump.	S1 R10E T12N	Georgetown	CA		Interior	103a	19A
Herlong Munitions			CA		Interior	3016	19A
Carlsbad Narcotics Task Force.	2461 Impala	Carlsbad	CA	92008	Justice	103a	19A
Alameda Annex Naval Supply Center.		Alameda	CA	94501	Navy	103c	19A
Point Mugu Naval Air Station.	Naval Air Weapons Station.	Point Mugu	CA	93042	Navy	3016	19A
Pomona Industrial Reserve Ordnance Plant.	Pomona/Mission Boulevard.	Pomona	CA	91766	Navy	103c	19A
Port Hueneme Construction Batallion Center.	Building 1360 Neesa.	Port Hueneme	CA	93043	Navy	103a	19A

FEDERAL FACILITIES DOCKET—Continued
[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Stanislaus Landfill		Patterson	CA		Navy	103a	19A
Rockwell International Flight OPS.	5385 W Imperial Highway.	Los Angeles	CA	90245	Transportation	3010	19A
Robert H. Freytag Property.	3102 North Overland Trail.	La Porte	CO	80535		3016	19A
Bonanza Mining District.		Bonanza	CO	81149	Agriculture	103c	19A
Delta Airlines-Denver.	Stapleton Airport	Denver	CO	80238	Commerce	3010 103c	19A
BR-Taylor Reservoir			CO		Interior	103a	19A
Idaho Springs Mercury.			CO		Interior	3016	19A
Bloomfield Naval Weapons Industrial Reserve Plant.	Old Windsor Avenue, P.O. Box 2.	Bloomfield	CT	06002	Navy	103c	19A
U.S. Government Printing Office.	N Capitol & H Sts NW.	Washington	DC	20401		3010	19A
Washington Headquarters.	401 M St SW	Washington	DC	20460	EPA	3010	19A
Washington Headquarters.	600 Independence Ave SW.	Washington	DC	20546	NASA	3010	19A
Synthesis Technologies Inc.	835 Dawson Drive	Newark	DE	19713		3010	19A
Busick Farm	State Road 360	Madison	FL	32340		3016	19A
Osceola National Forest Site 2.	North of Highway 100.	Lake City	FL	32055	Agriculture	103c 3016	16
Osceola National Forest Site 3.	Cortez Road, South of Highway 90.	Lake City	FL	32055	Agriculture	3016 103c	16
Osceola National Forest Site 4.	West of Dirt Road, off Route 772.	Lake City	FL	32055	Agriculture	3016 103c	16
Osceola National Forest Site 5.	Hwy 90 to Osceola Forest Office.	Lake City	FL	32055	Agriculture	103c 3016	16
Osceola National Forest Site 6.	South of Hwy 90 on Possum Trot Road.	Lake City	FL	32055	Agriculture	3016 103c	16
Tallahassee Federal Correction Institution.	501 N.E. Capital Circle.	Tallahassee	FL	32311	Justice	103a	19A
Key West Naval Air Station—Demolition Key.	Public Works Office, Naval Air Station.	Key West	FL	33040	Navy	3005	19A
Brunswick Facility	Route 11	Brunswick	GA	30365	EPA	103a	19A
Atlanta Penitentiary	615 McDonough Blvd.	Atlanta	GA	30315	Justice	3016 103c	19A
Federal Law Enforcement Training Center.	GA State Rd 303	Glynco	GA	31524	Treasury	3005 3010 3016	19A
Queen Emmalani Tower.	Queen & South Street.	Honolulu, Oahu	HI	96813		103c	19A
Sandia National Laboratories-Kauai Test Facility.	U.S. Navy Pacific Missile Range.	Kekaha	HI	96796		3016	19A
Kapalama Military Reservation.	Sand Island Access Road.	Oahu Island	HI	96898	Army	103c	19A
Kilauea Military Reservation.	Highway 11, 28 M Marker.	Hawaii National Park.	HI	96718	Army	103c	19A
Pohakuloa Training Area.	Saddle Road, Central Part of Island.	Pohakuloa	HI	96556	Army	103c	19A
Kahoolawe Island		Maui	HI	96732	Navy	103c	19A
Pearl Harbor Naval Complex.		Pearl Harbor	HI	96860	Navy	103c	19A
Kaneohe Coast Guard Omega Station.	Haiku Valley	Kaneohe	HI	96744	Transportation	103c	19A
Des Moines Bulk Mail Center.	4000 NW 109th Street.	Urbandale	IA	50395	Postal Service	3016	19A
Boise National Forest: Missouri Mine.	Idaho City Dist.		ID		Agriculture	3016	19A
Payette National Forest: Cinnabar Mine.	Krassel Dist		ID		Agriculture	3016	19A
BLM-Hoff Road Site	T2S R32E Sect 35 SW of SW.	Blackfoot	ID	83221	Interior	3010	19A
Carrico Eimer Drum Site.	Locust St and Bernard.	Washington	IN	47501		3010	19A
Industrial Fuels and Asphalt.	4240 White Oak Ave.	Hammond	IN	46327		3010	19A

FEDERAL FACILITIES DOCKET—Continued

[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Wayne/Hoosier National Forest: Branchville Site.		Bedford	IN	47421	Agriculture	103c	19A
Lexington Federal Correctional Institution.	3301 Leestown Rd .	Lexington	KY	40511	Justice	3005 3010	19A
C. Ezell Property	Route 1 Box 69	Sandhelmer	LA	71276		3016	19A
Claiborn Range, England Air Force Base.	LA Hwy 488 13M SW of Alexandria.	Alexandria	LA	71301	Agriculture	3010	19A
Baton Rouge Depot	2695 N. Sherwood Forest Drive.	Baton Rouge	LA	70814	Defense	3016	19A
DEA-Hamilton Residence.	Lakeshore Drive	Hamilton	MA		Justice	103a	19A
DEA-Video Corner Bourne National Cemetery.	68 Humphrey Street MA National Cemetery.	Swampscott Bourne	MA	02532	Veterans Administration.	3016	19A
Brockton Medical Center.	940 Belmont Street .	Brockton	MA	02401	Veterans Administration.	3016	19A
West Roxbury Medical Center.	1400 VFW Parkway	W. Roxbury	MA	02132	Veterans Administration.	3016	19A
Ace Professional Finishing Co.	1113 Old N Point Rd Bldg H.	Baltimore	MD	21222		3010	19A
Bainbridge Naval Training Center.	US Highway 222	Bainbridge	MD	21904		103c	19A
Fort Holabird Crime Records Center.	Corner of Oakland and Detroit Avenue.	Baltimore	MD	21222		103c	19A
Kaiser Aluminum & Chemical Corporation.	2000 Halethorpe Ave.	Baltimore	MD	21227		3010	19A
Glenndale Plant Germplasm Quarantine Fac.	11601 Old Pond Road.	Glenn Dale	MD	20769	Agriculture	103c	19A
Granite Control	2845 Hemwood Road.	Woodstock	MD	21163	Defense	103c	19A
NSA (FANX I, II, III)	Elkridge Landing Rd	Linthicum	MD	21090	Defense	3010	19A
NIH–NIA Gerontology Research.	4940 Eastern Avenue.	Baltimore	MD	21224	Health and Human Services.	3010 103c	19A
Bangor Maine Air National Guard-BIA.	Bangor Int'l Arprt Rt 222/Geofrey Blvd.	Bangor	ME	04401	Air Force	103c	19A
Togus Medical Center.	Route 17	Togus	ME	04330	Veterans Administration.	3016	19A
Mt. Clemens Naval Air Facility.		Mt Clemens	MI	48043	Transportation	103c 3010	19A
August Bauer Farm .	Rt. 1 Box 213	Fanbault	MN	55021		3016	19A
USEDA CO USACE	812 First Ave	Two Harbors	MN	55616	Army	3010	19A
Fort Snelling National Cemetery, Minneapolis.	7601 34th Avenue South.	Minneapolis	MN	55450	Veterans Administration.	3016	19A
DEA–St. Louis	120 South Central ..	St Louis	MO	63105	Justice	3010	19A
Bilbo Pennington Property.	Rt. 2	Sumner	MS	38957		3016	19A
FS-Regional Field Service Facility.	14th and Catlin	Missoula	MT	59807	Agriculture	103a	19A
Kootenai National Forest: Libby Airport Wood Trea.	Libby Airport	Libby	MT	59923	Agriculture	3016	19A
Great Falls Montana Air National Guard.	International Airport	Great Falls	MT	59401	Air Force	3010	19A
Precious Metals Plating.	Star Route Box 85 ..	Bonner	MT		Housing and Urban Development.	103c	19A
Grant-Kohrs Ranch .	¼ Mile North of Deer Lodge.	Deer Lodge	MT	59722	Interior	3010	19A
Lyons Station	45 Mi. So of Ennis on Hwy 287.	Ennis	MT	59749	Interior	3010	19A
Tuscon/Herbrew Academy.	NW ¼ Section 26, T 37N, R 9W.		MT		Interior	103c	19A
West Fork Ranger Station.	15 Miles South of Darby, Mt on.	West Fork RS	MT	59829	Interior	3010	19A
Ted Smith Property .	State Route 1903	Parkton	NC	28371		3016	19A
Manchester Medical Center Ash Dump.	718 Smyth Road	Manchester	NH	03104	Veterans Administration.	103c	19A
Sgt. Joyce Kilmer Army Reserve Center.	Bldg 1007 Kilmer USAR Center.	Edison	NJ	08817	Army	3010	19A

FEDERAL FACILITIES DOCKET—Continued
[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Princeton Plasma Physics Laboratory.	Forrestal Campus ...	Princeton	NJ	.....	Energy	103c 3010	19A
Waste Isolation Pilot Plant.	30 Miles E of Carlsbad/Jal Hwy.	Carlsbad	NM	88221	.....	3016	19A
Gila National Forest	Forest Route 701 3.5 Mi E of Hwy 180.	Alma	NM	88039	Agriculture	103c	19A
BLM-Eddy Potash ...	3071 Potash Mine Road.	Carlsbad	NM	88220	Interior	3016	19A
Assayers Laboratories.	2155 Last Chance Rd.	Elko	NV	89801	.....	3010	19A
Yucca Mountain Site Characterization Project.	FOC—Area 25	Mercury	NV	89023	.....	3016	19A
BLM-Henderson Lead Contamination Soil Site.	T215, R63E, Sec 26, 27, 34, 35.	Henderson	NV	89015	Interior	103c	19A
BLM-Sandy Valley Landfill Site.	2 Miles NE	Sandy Valley	NV	89119	Interior	103c	19A
BLM-Silverado Mill Site.	.....	.....	NV	.....	Interior	3016	19A
Alex Rogowski Property.	RFD 2 Box 334	Goshen	NY	10924	.....	3016	19A
Dresden Naval Underwater Systems Center.	Seneca Lake Field Station.	Dresden	NY	14441	.....	3010	19A
Far Rockaway Postal Service.	1836 Mott Ave	Far Rockaway	NY	11691	.....	3010	19A
General Electric-Johnson City.	600 Main St	Johnson City	NY	13790	.....	3010	19A
McLvor Alice Estate of.	823 McLvor Rd	Oaks Corners	NY	14518	.....	3010	19A
Soiltech Inc Wide Beach Site.	10848 Lake Shore Road.	Irving	NY	14081	.....	3010	19A
West Valley Demonstration Project.	Rock Springs Road	West Valley	NY	14171	.....	3005 3010 3016	19A
Womens Rights N H P.	116 to 122 Fall St ...	Seneca Falls	NY	13148	.....	3010	19A
Bronx Organizational Maintenance Shop #30 & #31.	29 West Kingsbridge Road.	Bronx	NY	10468	Air Force	3010	19A
Bronx Organizational Maintenance Shop #31.	29 W. Kingsbridge Road.	Bronx	NY	10468	Air Force	3010	19A
Brooklyn Organizational Maintenance Shop #23.	355 Marcy Avenue .	Brooklyn	NY	11206	Air Force	3010	19A
Brooklyn Organizational Maintenance Shop #24.	14 Street 8th Avenue.	Brooklyn	NY	11215	Air Force	3010	19A
Brooklyn Organizational Maintenance Shop #40.	1579 Bedford Avenue.	Brooklyn	NY	11225	Air Force	3010	19A
Carthage Organizational Maintenance Shop #14.	1 Park Drive	Carthage	NY	13619	Air Force	3010	19A
Farmingdale Organizational Maintenance Shop #43.	25 Baiting Place Road.	Farmingdale	NY	11735	Air Force	3010	19A
Peekskill Organizational Maintenance Shop #21 NYAR.	955 Washington Street.	Peekskill	NY	10566	Air Force	3010	19A
Peekskill Organizational Maintenance Shop #29.	Camp Smith	Peekskill	NY	10566	Air Force	3010	19A
Staten Island Organizational Maintenance Shop #36.	321 Manor Road	Staten Island	NY	10314	Air Force	3010	19A
Stewart Air National Guard Base.	Stewart International Airport.	Newburgh	NY	12550	Air Force	103c	19A
Syracuse Organizational Maintenance Shop #5.	1055 E. Genesee Street.	Syracuse	NY	13210	Air Force	3010	19A
Valhalla Organizational Maintenance Shop #22 HHC10.	Dana Road	Valhalla	NY	10595	Air Force	3010	19A

FEDERAL FACILITIES DOCKET—Continued
[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Westhampton Beach Air National Guard Facility.	Suffolk County Airport.	Westhampton Beach.	NY	11978	Air Force	3010	19A
Whitehall Organizational Maintenance Shop #15.	62 Poultney St	Whitehall	NY	12887	Air Force	3010	19A
Niagara Falls Facility	9400 Porter Road	Niagara Falls	NY		Army	103a	19A
FBP-Brooklyn	830 Third Ave Bldg 1.	Brooklyn	NY	11232	Justice	3010	19A
Binghamton Post Office.	115 Henry Street	Binghamton	NY	13902	Postal Service	3010	19A
Hicksville Post Office.	260 Engineers Drive	Hicksville	NY	11802	Postal Service	3010	19A
Aeroquip INOAC	1410 Motor Dr	Fremont	OH	43420		3010	19A
Krejci Dump Site	814 Hines Hill Rd	Boston Heights	OH	44236		3010	19A
Shenango Disposal Site, ORP.			OH		Corps of Engineers, Civil.	3016	19A
Perry Nuclear Power Plant.		Perry	OH		Energy	103a	19A
Lone Mountain Pollution Control Facility.	Junction Hwy 281 & 412.	Waynoka	OK			103a	19A
Atlas Missle Site #10		Mangum	OK	73554	Air Force	103c	19A
Atlas Missle Site #3		Snyder	OK	73566	Air Force	103c	19A
Atlas Missle Site #4		Cache	OK	73527	Air Force	103c	19A
Atlas Missle Site #5		Manitou	OK	73555	Air Force	103c	19A
Atlas Missle Site #6		Manitou	OK	73555	Air Force	103c	19A
Atlas Missle Site #8		Olustee	OK	73560	Air Force	103c	19A
Atlas Missle Site #9		Hollis	OK	73550	Air Force	103c	19A
National Institute for Petroleum & Energy Research.	220 N Virginia Ave	Bartlesville	OK	74003	Energy	3010	19A
Portland 3 Mile Canyon Site.	184 1.2 Mi W of Exit 147.	Arlington	OR	97812	Corps of Engineers, Civil.	3010	19A
Portland Moorings USAED.	8010 NW St Helens Rd.	Portland	OR	97210	Corps of Engineers, Civil.	3010	19A
BPA–Celilo Converter Station.	3920 Columbia View Dr E.	The Dalles	OR	97058	Energy	3010	19A
BPA—Oregon City	16885 Eaden Road	Oregon City	OR	97045	Energy	103a	19A
Allegheny County Department of Maintenance.	Old Freeport Rd Blawnox Gar.	Pittsburgh	PA	15238		3010	19A
Port Clinton Site	Rt 61	Port Clinton	PA	19549		3010	19A
Tennessee Gas Pipeline.	Turkey Run (Station 319).	Wyalusing	PA	18853		3010	19A
911th Tactical Airlift Group.	Greater Pittsburgh Intl Airpt.	Pittsburgh	PA	15231	Air Force	3010	19A
Pittsburgh Air National Gaurd.	Greater Pittsburgh Intnl Airpt.	Pittsburgh	PA	15231	Air Force	3010	19A
Keystone Training Area.	Greenwood Twp	Geneva	PA	16316	Army	103c	19A
Amtrak-Lancaster C&S.	55 McGovern Ave	Lancaster	PA	17602	Transportation	3010	19A
Aqueduct & Sewer Authority.	Road 3 Km 14.3 Barrio Obrero Station.	Santurce	PR	00916		103a	19A
Coventry Nike Control Area.	Off Read School House Road.	Coventry	RI	02816	Army	103c	19A
Hutto-Green Warehouse.	Pascallas St. & Valley Dr.	Blackville	SC	29817		3016	19A
Southern Architectural Woodwork.	7402 Fairfield Rd	Columbia	SC	29203		3010	19A
McEntire Air National Guard Base.	Mailstop 8	Eastover	SC	29044	Air Force	103c	19A
Hub City Inc	524 13th St West	Brookings	SD	57006		3010	19A
Fort Randall Project	Box 19	Pickstown	SD	57367	Corps of Engineers, Civil.	3010	19A
WAPA-Pierre Hydroelectric Plant.	I–90	Pierre	SD	57501	Corps of Engineers, Civil.	103a	19A
Fort Randall Project-Corps of Engineers.	Fort Randall Power Plant.	Pickstown	SD	57367	Corps of Engineers-Civil Works.	3010	19A
Pierre Hydroelectric Plant.	I–90	Pierre	SD	57501	Energy	103a	19A
McGhee Tyson Air National Guard Base.	McGhee Tyson Airport.	Knoxville	TN	37901	Air Force	103c 3010	19A

FEDERAL FACILITIES DOCKET—Continued

[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Ensley Engineer Yard-Corps of Engineers.	1726 Mithchell Rd ...	Memphis	TN	38109	Corps of Engineers-Civil Works.	3010	19A
Chickamauga Hydro Plant.	TN Hwy 153	Chattanooga	TN	37401	Tennessee Valley Authority.	3010	19A
Capital Wire & Cable.	910 10th St	Plano	TX	75086		3010	19A
Off-Specification Fertilizer Site.	Rural Walker County.		TX			3016	19A
Cotton Insects Research Laboratory.		Brownsville	TX	78520	Agriculture	103c	19A
Federal Grain Union Equity.	2631 Tidal Rd	Deer Park	TX	77536	Agriculture	3010	19A
Honey Bee Research Laboratory.		Weslaco	TX	78520	Agriculture	103c	19A
Atlas Missle Site #7		Odell	TX	79247	Air Force	103c	19A
Fort Worth Facility ...	10 M. SW Carswell AFB Radial 270 & 240.	Fort Worth	TX	76024	Air Force	103a	19A
Houston Army Reserve Center 02 (AMSA 4).	7077 Perimeter Park Drive.	Houston	TX	77041	Army	3010	19A
Ingleside Naval Air Station.	FM 1069 5 M S of City.	Ingleside	TX	78362	Navy	3010	19A
American Fork Canyon/Uinta National.		Pleasant Grove	UT	84601		103c	19A
Salt Lake City Medical Center.	500 Foothill Boulevard.	Salt Lake City	UT	84148	Veterans Administration.	3016	19A
Fauquier County Landfill.	Route 674	Fauquier	VA	22186		103c	19A
Goodwin Junkyard ..	Route 659 Kings Cove Road/Box 98.	Carrollton	VA	22314		103c 3010	19A
Lynn Haven Bay Site.		Lynn Haven Shores	VA	23451		103c	19A
Manchester Tank & Equipment Co.	Air Park Dr Rte 684	Petersburg	VA	23803		3010	19A
Strategic Systems Program Off.	1931 Jefferson Davis Hwy CM #3.	Arlington	VA	22202		3010	19A
Sutton Enterprises Inc.	1067 "A" Alexandria Lane.	Chesapeake	VA	23320		103c/3010	19A
Herndon Office	925 Springvale Road.	Herndon	VA	22070	Defense Mapping Agency.	103c	19A
Danville Housing Authority.	651 Cardinal Place .	Danville	VA	24541	Housing and Urban Development.	3010	19A
Danville Housing Authority.	317 Grant St	Danville	VA	24541	Housing and Urban Development.	3010	19A
Defense Communication Agency.	South Courthouse Road.	Arlington	VA	22204	Navy	103c 3010	19A
Norfolk Facility	200 Ligon Street	Norfolk	VA		Navy	103a	19A
Norfolk Naval Aviation Depot.		Norfolk	VA		Navy	103a	19A
Southeastern Public Service.		Portsmouth	VA		Navy	103a	19A
LMC Farms	Rt. #1 Box 363	Mubton	WA	98935		3016	19A
Spokane Industrial Park.		Spokane	WA	99216		103c	19A
Okanagan National Forest: Alder Crk.		Twisp	WA	98856	Agriculture	103c	19A
Okanagan National Forest: Bonaparte.		Chesaw	WA	98844	Agriculture	103c	19A
Okanagan National Forest: Eight Mile Ranch.		Winthrop	WA	98862	Agriculture	103c	19A
Okanagan National Forest: Kerr.		Conconully	WA	98819	Agriculture	103c	19A
Okanagan National Forest: Lost Lake.		Chesaw	WA	98844	Agriculture	103c	19A
Okanagan National Forest: Minnie Mine.			WA		Agriculture	3016	19A
Okanagan National Forest: Twisp.		Twisp	WA	98856	Agriculture	103c	19A
Wenatchee National Forest: Stellko.		Ardenvoir	WA	98811	Agriculture	103c	19A
Centralia Army National Guard.	309 Byrd Street	Centralia	WA	98531	Army	3010	19A
Ephrata Army National Guard.	1st & East Street Corner.	Ephrata	WA	98823	Army	3010	19A

FEDERAL FACILITIES DOCKET—Continued

[Docket Additions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Montesano Army National Guard.	298 Clemons Road .	Montesano	WA	98430	Army	3010	19A
Yakima Army National Guard.	1702 Pacific Highway.	Yakima	WA	98901	Army	3010	19A
BPA-Bake Oven Substation.	Bake Oven Road	Maupin	WA		Energy	103c	19A
BPA-Cosmopolis	Arcadia Drive	Cosmopolis	WA	98537	Energy	103a	19A
BPA-Monroe	25414 Old Pipeline Road.	Monroe	WA	98272	Energy	103a	19A
BPA-Port Angeles	1400 E Park Street .	Port Angeles	WA	98362	Energy	103a	19A
Seattle Navy Facility	Pier 90	Seattle	WA	98698	Navy	103a	19A
West Virginia Air National Guard.	Yeager Airport	Charleston	WV	25311	Transportation	103c 3010	19A
Martinsburg Hospital	Route 9	Martinsburg	WV	25401	Veterans Administration.	103c	19A
BLM-Indian Creek Drums.		Near Buffalo	WY	82834	Interior	103c	19A
BLM-N.W. Pipeline Barrel Sp.	SE ¼ NW ¼ Sec 18 T16N R92W.	Carbon	WY	82324	Interior	3010	19A

FEDERAL FACILITIES DOCKET

[Docket Deletions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
Indian Point/Duncan Canal	Kupreanof Island—Indian Point.		AK		Agriculture	3016 103c	6
Fort Greely		Fort Greely	AK	98733	Army	3016 103c	6
Elson Lagoon	East of Barrow	Barrow	AK	99723	Navy	103c	2
Gustavas Airport		Gustavas	AK	99826	Transportation	3016 103c	2
FWS-Hope Wildlife Area	4 Miles North off Hwy 32	Hope	AR	71801	Interior	103c	2
BIA-River Site #2	T3S R63 Sec 3	Gila River Indian Resv.	AZ	85247	Interior	103c	2
BIA-Teecnospos Dip Vat	US Hwy 160 Board Sch	Teecnospos	AZ		Interior	103c	6
Angeles National Forest	Los Pinetos Storage Rt 1	Saugus	CA	91350	Agriculture	103c 3010	1
Cleveland National Forest	12500 Pomerado Rd	San Diego	CA	92131	Agriculture	103c 3010	1
FS-California Copper Company.	Sec 1-5,9,10,12,25 T21N R13E.	Quincy	CA		Agriculture	103c	4
National Marine Fisheries Service.	3150 Paradise Dr	Tiburon	CA		Commerce	103c	1
BLM-Horse Corrals	Hwy 395 @ Viewland, 6 Mi NW of Wendel.	Wendel	CA	96136	Interior	103c	6
BLM-Kern Valley Sanitary Landfill.	T25S, R33E, N½ SW¼ Sec 35, MDM.	Kernville	CA		Interior	103c	6
Pasadena Postal Service	600 N Lincoln Ave	Pasadena	CA	91109	Postal Service	3010	1
Maritime Administration Suisun Bay Res Flt.	Lake Herman Rd Foot/ Suisun B.	Benicia	CA	94510	Transportation	3010	6
BR-Engineering & Research Center.	Denver Federal Center, Bldg. 56.	Denver	CO	80225	Interior	3005 3010 103c	1
FWS-Bombay Hook National Wildlife Refuge.	Marshtown Road	Little Creek	DE	19977	Interior	103c	6
Gulf Breeze Environmental Research Laboratory.	Sabine Island	Gulf Breeze	FL	32561	EPA	3010 3016	1
NPS-Big Cypress National Preserve.	Star Route LL 11	Ochopee	FL	33943	Interior	3010	11
Atlantic Fleet Weapons Training Facility.	US Naval Station	FPO Miami	FL	34051	Navy	3016	6
Fort Lauderdale Naval Underwater Systems Center.	1650 Southwest 39th Street .	Fort Lauderdale	FL	33315	Navy	3010	1
W. Palm Beach Naval Underwater Systems Center.	801 Clematis Street	W. Palm Beach	FL	33402	Navy	3010	1
BLM-Feedlot Dump	T4SR3E SEC 26	Grandview	ID	83624	Interior	103c	3
Bureau of the Census	2255 Enterprise Dr	Westchester	IL	60153	Commerce	3010	1
Jeffersonville Federal Center	1201 E. 10th Street	Jeffersonville	IN	47130	Commerce	3010 3016	1
Site D11 Power Plant		Paducah	KY		Energy	103a	6
Kisatchie Work Center			LA		Agriculture	3016	4
Tom Nevers Head Naval Facility.	S E section	Nantucket	MA		Navy	103c	3
Pittsfield Post Office	212 Fenn Street	Pittsfield	MA	01201	Postal Service	3010	1
Springfield Post Office	1883 Main Street	Springfield	MA	01101	Postal Service	3010	1
Lincoln Park Post Office	1515 Fort St	Lincoln Park	MI	48146	Postal Service	3010	1
Saginaw Post Office	1233 S Washington	Saginaw	MI	48605	Postal Service	3010	1
Troy Postal Service	2844 Livernois	Troy	MI	48099	Postal Service	3010	1
Superior National Forest	Box 338	Duluth	MN	55801	Agriculture	3016	3
FS-QS Midwestern Laboratory.	4300 Goodfellow	St Louis	MO		Agriculture	3010 103c	1

FEDERAL FACILITIES DOCKET—Continued

[Docket Deletions]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction code
SEA IFA Research Laboratory.	3505 25th Avenue, P.O. Box 3209.	Gulfport	MS	39503	Agriculture	3005 3010 103c	1
NAD Burn Pit/Yard Dump	Sec 6 T6N R6W	Clay Center	NE	68933	Agriculture	103c	7
Nike Missile Battery	Cross Keys Rd	Sicklerville	NJ	08012	General Services Admin	3010	1
Fairton Federal Correctional Institution.	Fairton-Millville Rd	Fairton	NJ	08320	Justice	3010	1
Mid-State Correctional Facility.	Range Road	Wrightstown	NJ	08562	Justice	3010	1
New York International & Bulk Mail Center.	80 County Road	Jersey City	NJ	07307	Postal Service	3010	1
Bronx Naval & Marine Corps Reserve Center.	Fort Schuyler	Bronx	NY	10465	Army	3010	1
Bullville Army Reserve Center.	Route 17K	Bullville	NY	10915	Army	3010	10
Ronkonkoma Army Aviation Support Facility.	Hangar A. MacArthur Airport	Ronkonkoma	NY	11779	Army	3010	1
Freeport Naval Reserve Center.	112 Hanse Ave	Freeport	NY	11520	Navy	3010	1
Syracuse Naval Reserve Center.	5803 East Molloy Rd	Mattydale	NY	13211	Navy	3010	1
Plant #36	Shepard Lane	Evendale	OH	45241	Air Force	103c	3
Isabela Naval Communication Station.	PR-2 KM 116.2	Isabela	PR	00662	Navy	3010	1
Providence Medical Center	Chalkstone Avenue	Providence	RI	02908	Veterans Administration	3010	1
NPS-Tour Boat Facility	Concord St at end of Calhoun St.	Charleston	SC		Interior	103c	6
BIA-Pine Ridge Reservation	#118,119,59. Sec 12 T35N R45W.	Pine Ridge	SD	57770	Interior	3010	2
Concord Substation	Davidson Road	Chattanooga	TN	37402	Tennessee Valley Authority	103a	1
Fort Payne 46KV Substation	Godfrey Avenue	Fort Payne	TN		Tennessee Valley Authority	103a	1
Unidentified Site	US Forest Service Property	Huntsville	TX		Agriculture	103c	4
NOAA-Manchester Field Station.	7305 Beach St Drive East	Port Orchard	WA		Commerce	103c	4
Jackson Park Housing	Naval Hospital Bremerton	Bremerton	WA	98314	Navy	3016	6
North Bend Undersea Warfare Engineering Station.	T23N R9E S28 NE¼	North Bend	WA	98045	Navy	3010	2
Rawley Coast Guard Housing	Rte 3 Hwy 0	Two Rivers	WI	54241	Transportation	3010	4
BLM-Wyoming State Office	2515 Warren Ave	Cheyenne	WY	82003	Interior	3010	4

FEDERAL FACILITIES DOCKET

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C Cape Lisburne Air Force Station.	11 ACW/CC	Elmendorf AFB	AK	99506	Air Force	3010 103c 3016	20A
O Cape Lisburne Air Force Station.	11 TCW/CC	Elmendorf AFB	AK	99506	Air Force	3010 103c 3016	
C Dewline Site Collinson.	290 miles SE of Barrow.	Barrow	AK	99723	Air Force	103c	22
O BLM-Collinson Point Dewline Site.	290 miles SE of Barrow.	Barrow	AK	99723	interior	103c	
C Dewline Site LIZ-2	Kasegalik Lagoon-Chukchi Sea.	Point Lay	AK	99766	Air Force	3010 103c 3016	23
O Dewline Site LIZ-2	Kasegalik Lagoon-Chukchi Sea.	Point Lay	AK	99766	Air Force	3010 103c	
C Dewline Site LIZ-3	Kuk River & Chukchi Sea.	Wainwright	AK	99782	Air Force	3010 103c 3016	20A, 23
O Dewline Site L1Z-3	Kuk River & Chukchi Sea.	Wainwright	AK	99782	Air Force	3010 103c	
C Gold King Creek RRS.	T8S R2W Sec 22, 27	Valdez	AK	99686	Air Force	103c 3010 3016	23
O Gold King Creek RRS.	T8S R2W Sec 22, 27	Valdez	AK	99686	Air Force	103c	
C Kotzebue White Alice Site.	11 ACW/CC	Elmendorf AFB	AK	99506	Air Force	103c 3016 3010	20A
O Kotzebue White Alice Site.	NW Corner of Baldwin Peninsula.	Kotzebue	AK	99752	Air Force	103c 3016 3010	
C Tatalina Air Force Station.	11 TCW/CC	Elmendorf AFB	AK	99506	Air Force	3010 103c 3016	23
O Tatalina Air Force Station.	11 TCW/CC	Elmendorf AFB	AK	99506	Air Force	3010 103c	
C Fort Greely	Fort Greely Airport	Delta Junction	AK	99737	Corps of Engineers, Civil.	103c 3016	20A
O Big Delta	Fort Greely Airport	Delta Junction	AK	99737	Corps of Engineers, Civil.	103c 3016	

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C BLM–Chandalar Dump.	T16S, R11E, Sec 9 ...	Umiat Meridian	AK	99723	Interior	103c	20A
O BLM–Chandalar Dump.	T16S, R11E, Sec 9 ...	Umiat Meridian	AK		Interior	103c	
C BLM–Fort Egbert Dump.	T1S, R33E, Sec 31 ...	Eagle	AK	99738	Interior	103c	20A
O BLM–Fort Egbert Dump.	T1S, R32E, Sec 31 ...	Fairbanks Meridian	AK		Interior	103c	
C BLM–Puntilla Air Navigation Site.	Puntilla Lake	Puntilla Lake	AK	99999	Interior	3016 103c	20A
O BLM–Duntilla Air Navigation Site.	Duntilla Lake	Duntilla Lake	AK	99999	Interior	3016 103c	
C FWS–Swanson River Oil.	Ski Hill Road	Soldotna	AK	99669–2139	Interior	3016 103c	20A
O FWS–Kenai National Wildlife Refuge.	Ski Hill Road	Soldotna	AK	99669–2139	Interior	3016 103c	
C NPS–Bering Land Bridge National Preserve.	P.O. Box 220	Nome	AK	99762	Interior	103c	20A
O NPS–Bering Land Bridge National Preserve.	Box 220	Nome	AK	99762	Interior	103c	
C Adak Naval Air Station.	51–54N, 176–45W	Adak Island	AK	99599	Navy	3005 3010 3016 103c 103a.	23
O Adak Naval Air Station.	51–54N, 176–45W	Adak Island	AK	99599	Navy	3005 3010 3016 103c	
C FAA–Air Route Traffic Center.	5400 Davis Highway	Anchorage	AK		Transportation	103c 3010	23
O FAA–Air Route Traffic Center.	5400 Davis Highway	Anchorage	AK		Transportation	103c	
C FAA-Middleton Island.	Middleton Island-NOR		AK		Transportation	3016 103c	20A
O Middleton Island	Middleton Island-NOR		AK		Transportation	3016 103c	
C FAA-Northway Staging Field.	Northway Village	Northway Village	AK	99764	Transportation	3016 103c 3010	23
O FAA-Northway Staging Field.	Northway Village	Northway Village	AK	99764	Transportation	3016 103c	
C Maxwell Air Force Base.	3800 Air Base Group Dee.	Maxwell AFB	AL	36112	Air Force	3010 103c 3016	23
O Maxwell Air Force Base.	3800 Air Base Group Dee.	Maxwell AFB	AL	36112	Air Force	3010 103c	
C Redstone Arsenal Missile Command.	CMDR USAMICOM DRSMI–K.	Huntsville	AL	35898	Army	3005 3010 3016 103c 103a.	20A
O Redstone Arsenal Missile Command.	CMDR USAMICOM DRSMI–K.	Huntsville	AL	35898	Army	3005 3010 3016 103c 103a.	
C National Air Radiation Environment Laboratory.	1504 Avenue A	Montgomery	AL	36115–2601	EPA	103c	20A
O ORP, EERF	1890 Federal Drive	Montgomery	AL	36109	EPA	103c	
C Wheeler Hydropower Plant.	Rt 2	Town Creek	AL	35672	Tennessee Valley Authority.	3010 103a	23
O Wheeler Hydropower Plant.	Rt 2	Town Creek	AL	35672	Tennessee Valley Authority.	3010	
C Williams Air Force Base.	82 ABG/DE	Williams Air Force Base.	AZ	85240	Air Force	3005 3010 3016 103c 103a.	23
O Williams Air Force Base.	82 ABG/DE	Williams Air Force Base.	AZ	85240	Air Force	3005 3010 3016 103c	
C Plant #42 (Rockwell International).	2501 E Ave. P	Palmdale	CA	93550–0678	Air Force	3005 3010 3016 103c	20A
O Plant #42 (Rockwell International).	20th St. & E Ave. O&M.	Palmdale	CA	93550–0678	Air Force	3005 3010 3016 103c	
C Riverbank Army Ammunition Depot.	5300 Claus Rd	Riverbank	CA	95367–0678	Army	3005 3010 3016 103 103a.	23c
O Riverbank Army Ammunition Depot.	5300 Claus Rd	Riverbank	CA	95367–0678	Army	3005 3010 3016 103c	
C Lawrence Livermore National Laboratory.	7000 East Ave	Livermore	CA	94550	Energy	3005 3010 3016 103c 103a.	23
O Lawrence Livermore National Laboratory.	7000 East Ave	Livermore	CA	94550	Energy	3005 3010 3016 103c	
C BLM-Adin Transfer Station.	1 mi SE of Adin; T.39N, R9E, Sec 27.	Adin	CA		Interior	103c 3016	23
O BLM-Adin Transfer Station.	1 mi SE of Adin; T.39N, R9E, Sec 27.	Adin	CA		Interior	103c	
C BLM-Aurora Canyon Millsite.	Nearest City Bridgeport.	Bridgeport	CA	93517	Interior	103c	23
O BLM-Aurora Canyon Millsite.	Nearest City Bridgeport.	Bridgeport	CA		Interior	103c	

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

	Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C	BLM-Blackrock Mine.	T3S, R31E, Sec 13 & 14 MDM.	Bishop	CA	93514	Interior	103c 3016	23,20A
O	BLM-Blackrock Mine.	Nearest City Bishop	Bishop	CA		Interior	103c	
C	BLM-Bodie Mine	T4N, R21E, Sec 9&8 MDM.	Bridgeport	CA	93517	Interior	103c 3016	23,20A
O	BLM-Bodie Mine	Nearest City Bridgeport.	Bridgeport	CA		Interior	103c	
C	BLM-Duck Flat	T36NR19E Sec7NWSE.		CA		Interior	103c 3016	23
O	BLM-Duck Flat	T36NR19E Sec7NWSE.		CA		Interior	103c	
C	BLM-Kern Valley Landfill.	T25S, R33E, Sec 35, N½SW¼MDM.	Kern County	CA		Interior	103c 3016	23,20A
O	BLM-Kern Valley Landfill.		Kern County	CA		Interior	103c	
C	BLM-Rinconda Mine	S½, Sec 21, T30S, R14E, Mt Diablo.	San Luis Obispo County.	CA		Interior	103c 3016	23
O	BLM-Rinconda Mine.	S½, Sec 21, T30S, R14E, Mt Diablo.	San Luis Obispo County.	CA		Interior	103c	
C	BLM-Salambo Mine	T25, R15E, Sec 32, NE¼, MDM.	Coulterville	CA	95311	Interior	103c 3016	23,20A
O	BLM-Salambo Mine	Nearest City Coulterville.	Coulterville	CA		Interior	103c	
C	BLM-Susanville Horse Corrals Site.	T29NR15ESec9 6 mi NW of Susanville.	Susanville	CA	96130	Interior	103c 3016	23,20A
O	BLM-Susanville Site	T29NR15ESec9 6 mi NW of Susanville.	Susanville	CA	96130	Interior	103c	
C	BLM-Swansea Site	T 16S,R. 37E., Sec 24, SE SW, Mt Diablo M.	Keeler	CA		Interior	103c 3016	23
O	BLM-Swansea Site	T 16S,R.37E., Sec 24, SE SW, Mt Diablo M.	Keeler	CA		Interior	103c	
C	Alameda Naval Air Station.	W End City of Alameda.	Alameda	CA	93550	Navy	3005 3010 3016 103c 103a.	23
O	Alameda Naval Air Station.	W End City of Alameda.	Alameda	CA	93550	Navy	3005 3010 3016 103c	
C	El Toro Marine Corps Air Station.	EEPB FAC Mgmt Dept.	Santa Ana	CA	92709	Navy	3005 3010 3016 103c 103a.	23
O	El Toro Marine Corps Air Station.	EEPB FAC Mgmt Dept.	Santa Ana	CA	92709	Navy	3005 3010 3016 103c	
C	Long Beach Naval Shipyard.	Terminal Island Naval Complex.	Long Beach	CA	90822	Navy	3005 3010 3016 103c 103a.	23
O	Long Beach Naval Shipyard.	Terminal Island Naval Complex.	Long Beach	CA	90822	Navy	3005 3010 3016 103c	
C	Monterey Naval Postgraduate School.	Del Monte Ave	Monterey	CA	93943	Navy	3010 3016	23
O	Monterey Naval Postgraduate School.	Del Monte Ave	Monterey	CA	93943	Navy	3010	
C	North Island Naval Air Station-Sere Camp/Warnes.	P.O. Box 14	San Diego	CA		Navy	103c 3016	23
O	North Island Naval Air Station-Sere Camp/Warnes.	P.O. Box 14	San Diego	CA		Navy	103c	
C	San Diego Naval Submarine Base.	140 Sylvester Rd, Naval Station Building 545.	San Diego	CA	92106	Navy	3010 3016 103c 103a	23
O	San Diego Naval Submarine Base.	140 Sylvester Rd, Naval Station Building 545.	San Diego	CA	92106	Navy	3010 3016 103c	
C	San Francisco Postal Service Vehicle Maintenance.	1300 Evans Ave	San Francisco	CA	94188–9721	Postal Service	103c 3010	20A
O	San Francisco Postal Service Vehicle Maintenance.	1300 Evans Ave	San Francisco	CA		Postal Service	103c 3010	
C	Rocky Mountain Arsenal.	Immed. N. Stapleton Intl Arpt.	Commerce City	CO	80022	Army	3005 3010 3016 103c 103a.	23
O	Rocky Mountain Arsenal.	Immed. N. Stapleton Intl Arpt.	Commerce City	CO	80022	Army	3005 3010 3016 103c.	
C	Knolls Atomic Power Laboratory-Windsor Site.	Prospect Hill Road	Windsor	CT	06095	Energy	3005 3010 3016 103c 103a.	23
O	Knolls Atomic Power Laboratory-Windsor Site.	Prospect Hill Road	Windsor	CT	06095	Energy	3005 3010 3016 103c.	

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station.	East Lyme	CT	06357	Navy	3010 3016	23
O East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station.	East Lyme	CT	06357	Navy	3010	
C National Arboretum	3501 New York Avenue NE.	Washington	DC	20002	Agriculture	103c 3016	23
O National Arboretum	3501 New York Avenue NE.	Washington	DC	20002	Agriculture	103c	
C Walter Reed Army Medical Center.	6825 16th Street, NW	Washington	DC	20307–5001	Army	3016 103c 103a	23, 20A
O Walter Reed Army Medical Center.	16th Street, NW	Washington	DC	20307–5001	Army	3016	
C U.S. Soldiers and Airmens Home.	Michigan Ave. N.E.	Washington	DC	20317	Defense	3010 3016 103c	23, 20A
O Soldiers and Airmens Home.	Michigan Ave. N.E.	Washington	DC	20317	Defense	3010 3016	
C Customs Field Office.	1200 Pennsylvania Avenue.	Washington	DC	20004	General Services Admin.	3010 103c	23
O Customs Field Office.	1200 Pennsylvania Avenue.	Washington	DC	20004	General Services Admin.	3010	
C Washington Office	2nd and M Street, SE	Washington	DC	20407	General Services Admin.	3010 103c	23, 20A
O Washington	2nd and M Street, SW	Washington	DC	20407	General Services Admin.	3010	
C Anacostia Naval Station.	South Capital St/Anacostia Dr.	Washington	DC	20374	Navy	3010 103c 3016	23
O Anacostia Naval Station.	South Capital St/Anacostia Dr.	Washington	DC	20374	Navy	3010	
C Washington Naval Security Station.	3801 Nebraska Ave NW.	Washington	DC	20390	Navy	3010 103c	23
O Washington Naval Security Station.	3801 Nebraska Ave NW.	Washington	DC	20390	Navy	3010	
C Lewes Naval Facility.	Dept of the Navy	Lewes	DE	19958	Navy	3010 103c	23
O Lewes Naval Facility.	Dept of the Navy	Lewes	DE	19958	Navy	3010	
C Osceola National Forest: Site 1.	Highway 100	Lake City	FL	32055	Agriculture	3016 103c	23, 20A
O Osceola National Forest.	National Forests of Florida.	Unincorporated Lake City.	FL	32055	Agriculture	3016	
C Cape Canaveral Air Force Base.	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c 103a.	23
O Cape Canaveral Air Force Base.	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c.	
C Palatka Army Maintenance Support Activity–55M.	4300 St Johns Ave	Palatka	FL	32077	Army	3010 3005	23
O Palatka Army Maintenance Support Activity–55M.	4300 St Johns Ave	Palatka	FL	32077	Army	3010	
C Jacksonville Naval Supply Center.	P.O. Box 26938	Jacksonville	FL	32226–6938	Navy	103c 3005	20A
O Jacksonville Navy Fuel Depot.	Somers Road	Jacksonville	FL	32208	Navy	103c 3005	
C NTTC Corry Station		Pensacola	FL		Navy	103c 103a	23
O NTTC Corry Station		Pensacola	FL		Navy	103c	
C Panama City Coastal Systems Station.	Hwy 98 Code 6310MC.	Panama City	FL	32407	Navy	3005 3010 3016	20A
O Panama City Navy Coastal Systems Center.	Hwy 98 Code 6310MC.	Panama City	FL	32407	Navy	3005 3010 3016	
C Saufley Field NAS			FL		Navy	103c 3010	20A
O Saufley Field NETPSA.			FL		Navy	103c 3010	
C Augusta Army Maintenance Support Activity–54G.	3311 Wrightsboro Rd	Augusta	GA	30904	Army	3010 3005	23
O Augusta Army Maintenance Support Activity–54G.	3311 Wrightsboro Rd	Augusta	GA	30904	Army	3010	
C Fort Gordon and National Signal Center.	ATZHFE EC	Fort Gordon	GA	30905	Army	3005 3010 3016 103c 103a.	23
O Fort Gordon and National Signal Center.	ATZHFE EC	Fort Gordon	GA	30905	Army	3005 3010 3016 103c	

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C Guam Naval Supply Depot.	Sumay Drive Supply Depot.	Naval Station	GU	96630	Navy	3010 3016	23
O Guam Naval Supply Depot.	Sumay Drive Supply Depot.	Naval Station	GU	96630	Navy	3010	
C Kaala Air Force Station.	Taxiway 5 & Kamakahi St.	Honolulu	HI	98653	Air Force	103c 3016	20A
O Kaala Air Force Station.	Taxiway 5 & Kamakahi St.	Honolulu	HI		Air Force	103c 3016	
C Johnston Atoll National Wildlife Refuge.	P.O. Box 50167	Honolulu	HI	96850	Army	3010 3016	21
O Johnston Atoll National Wildlife Refuge.	P.O. Box 50167	Honolulu	HI	96850	Air Force	3010 3016	
C Lualualei Naval Magazine.	Naval Magazine Demilitarization Furnace.	Westloch	HI	96860	Navy	3005 3010 3016 103c 103a.	23
O Lualualei Naval Magazine.	Naval Magazine Demilitarization Furnace.	Westloch	HI	96860	Navy	3005 3010 3016 103c	
C Pearl Harbor Naval Shipyard.		Pearl Harbor	HI	96860	Navy	3005 3010 3016 103c 103a.	23
O Pearl Harbor Naval Shipyard.		Pearl Harbor	HI	96860	Navy	3005 3010 3016 103c	
C Pearl Harbor Navy Public Works Center.	Naval Station Area	Pearl Harbor	HI	96860	Navy	3005 3010 3016 103c 103a.	23
O Pearl Harbor Navy Public Works Center.	Naval Station Area	Pearl Harbor	HI	96860	Navy	3005 3010 3016 103c	
C FWS-Howland Island National Wildlife Refuge.	Lat 1 N, Long 170 W	1 N, 170 W	HQ		Interior	3016 103c	23
O FWS-Howland Island National Wildlife Refuge.	Lat 1 N, Long 170 W	1 N, 170 W	HQ		Interior	3016	
C Iowa Army Ammunition Plant.	Hwy 79 off Middletown Road.	Middletown	IA	52638	Army	3005 3010 3016 103c 103a.	23
O Iowa Army Ammunition Plant.	Hwy 79 off Middletown Road.	Middletown	IA	52638	Army	3005 3010 3016 103c	
C BLM-Browns Gulch	T6S R7E Sec 10 W½	Bruneau	ID		Interior	103c	20A
O BLM-Browns Gulch	T6S R7E Sec 10 W½		ID		Interior	103c	
C BLM-Castleford Butte.	T10S R12E Sec 23	Castleford	ID		Interior	103c	20A
O BLM-Castleford Butte.	T10S R12E Sec 23		ID		Interior	103c	
C BLM-Montview	T8N R34E Sec 22 NWNW E of city.	Montview	ID		Interior	103c	20A
O BLM-Montview	T8N R34E Sec 22 NWNW.		ID		Interior	103c	
C BLM-Warrior Road	T35N R1W Sec 11 Nearest City Kona.	Kona	ID		Interior	103c	20A
O BLM-Warrior Road	T3S R1W Sec 11		ID		Interior	103c	
C Lawrenceville COE-Chicago District.	P.O. Box 195, Route 4.	Lawrenceville	IL	62439	Army	3010	20A
O Lawrenceville COE-Chicago District.	Rte 4 P O Box 195	Lawrenceville	IL	62439	Army	3010	
C Hanscom Air Force Base.	3245 ABG/DEEV	Bedford	MA	01731	Air Force	3005 3010 3016 103c 103a.	23
O Hanscom Air Force Base.	3245 ABG/DEEV	Bedford	MA	01731	Air Force	3005 3010 3016 103c	
C Chelsea Postal Service Incoming Mail Center.	307 Becham St	Chelsea	MA	02150	Postal Service	103c	20A
O Chelsea Postal Service Incoming Mail Center.	307 Becham St	Chelsea	MA		Postal Service	103c	
C Lowell Postal Service.	Post Office Square	Lowell	MA	01853	Postal Service	103c 3010	23, 20A
O Lowell Postal Service.	Post Office Square	Lowell	MA		Postal Service	103c	
C Martin's Airport Air National Guard.	Eastern Ave and Wilson Point Rd.	Baltimore	MD	21220–2788	Air Force	103c 3016	20A
O Martin's Airport Air National Guard.	Eastern Ave and Wilson Point Rd.	Baltimore	MD		Air Force	103c 3016	
C Aberdeen Proving Ground.	Attn STEAP-FE-M	Aberdeen	MD	21005	Army	3005 3010 3016 103c 103a.	23
O Aberdeen Proving Ground.	Attn STEAP-FE-M	Aberdeen	MD	21005	Army	3005 3010 3016 103c	
C Adelphi Laboratory Center.	2800 Powder Mill Rd	Adelphi	MD	20783	Army	3005 3010 3016 103c	20A
O Harry Diamond Laboratories-Adelphi.	2800 Powder Mill Rd	Adelphi	MD	20783	Army	3005 3010 3016 103c	

FEDERAL FACILITIES DOCKET—Continued
[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C Blossom Point Field Test Facility.	Blossom Point Rd	La Plata	MD	20646	Army	3016 103c	23, 20A
O Harry Diamond Laboratories-Blossom Point Facility.	Blossom Point Rd	La Plata	MD		Army	3016	
C National Institute of Standards and Technology.	Quince Orchard Rd	Gaithersburg	MD	20760	Commerce	3005 3010 103c	20A
O National Bureau of Standards.	Quince Orchard Rd	Gaithersburg	MD	20760	Commerce	3005 3010 103c	
C Oxford National Marine Fisheries Service.	US Dept of Marine Fisheries, Oxford Laboratory.	Oxford	MD		Commerce	103c	23
O Oxford National Marine Fisheries Service.	US Dept of Marine Fisheries, Oxford Laboratory.	Oxford	MD		Commerce		
C Defense National Stockpile Center.	710 Ordnance Rd	Baltimore	MD	21226	Defense Logistics Agency.	3005 3010 3016 103c	23, 22
O Curtis Bay Depot	710 Ordnance Road	Baltimore	MD	21226	General Services Admin.	3005 3010 3016	
C NCI-Frederick Cancer Research.	Fort Detrick	Frederick	MD	21701	Health and Human Services.	3010 3016 103c	23
O NCI-Frederick Cancer Research.	Fort Detrick	Frederick	MD	21701	Health and Human Services.	3010 3016	
C NIH-Bethesda	9000 Rockville Pike	Bethesda	MD	20892	Health and Human Services.	3005 3010 3016 103c 103a.	23
O NIH-Bethesda	9000 Rockville Pike	Bethesda	MD	20692	Health and Human Services.	3005 3010 3016 103c	
C FWS-Patuxent Wildlife Research Center.	Rt. 197 at Powdermill Road.	Laurel	MD	20708	Interior	3016 103c	21
O FWS-Patuxent Wildlife Research Center.	Rt. 197 at Powdermill Road.	Laurel	MD	20708	Interior	3016	
C Patuxent Wildlife Research Center.	Rt. 197 and Powdermill Road.	Laurel	MD	20708	Interior	103c 3010	21, 23
O Patuxent Wildlife Research Center.	Rt. 197 and Powdermill Road.	Laurel	MD	20708	Agriculture	103c, 3010	
C Goddard Space Flight Center.	Greenbelt Road	Greenbelt	MD	20771	NASA	3010 103c	23
O Goddard Space Flight Center.	Greenbelt Road	Greenbelt	MD	20771	NASA	3010	
C Indian Head Division, Naval Surface Warfare Center.	Rte 210 Maryland	Indian Head	MD	20640	Navy	3005 3010 3016 103c 103a.	20A
O Indian Head Naval Ordnance Station.	Rte 210 Maryland	Indian Head	MD	20640	Navy	3005 3010 3016 103c 103a.	
C National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016 103c	23
O National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016	
C Saint Inigoes Naval Electronic System Eng Activity.	St. Inigoes	Saint Inigoes	MD	20684	Navy	3010 103c	23
O Saint Inigoes Naval Electronic System Eng Activity.	St. Inigoes	Saint Inigoes	MD	20684	Navy	3010	
C Washington Naval Communication Unit.	Dangerfield & Commo Rd.	Clinton	MD	20735	Navy	3010 103c	23
O Washington Naval Communication Unit.	Dangerfield & Commo Rd.	Clinton	MD	20735	Navy	3010	
C White Oak Naval Surface Warfare Center.	10901 New Hampshire Ave.	Silver Spring	MD	20903	Navy	3005 3010 3016 103c 103a.	23
O White Oak Naval Surface Warfare Center.	10901 New Hamsphire Ave.	Silver Spring	MD	20903	Navy	3005 3010 3016 103c	
C Loring Air Force Base.	42CSG/CC	Limestone	ME	04751	Air Force	3005 3010 3016 103c 103a.	23
O Loring Air Force Base.	42CSG/CC	Limestone	ME	04751	Air Force	3005 3010 3016 103c	
C Portsmouth Naval Shipyard.	Seavy Island	Kittery	ME	03904	Navy	3005 3010 3016 103c 103a.	23
O Portsmouth Naval Shipyard.	Seavy Island	Kittery	ME	03904	Navy	3005 3010 3016 103c	
C Wurtsmith Air Force Base.	379 Combat Support Group/CC.	Oscoda	MI	48753	Air Force	3005 3010 3016 103c 103a.	23
O Wurtsmith Air Force Base.	379 Combat Support Group/CC.	Oscoda	MI	48753	Air Force	3005 3010 3016 103c	
C Camp Grayling	I-75	Grayling	MI	49738	Army	103c	20A

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
O Camp Grayling	I–75	Grayling	MI		Army	103c	
C Pontiac Storage Facility.	871 South Boulevard	Pontiac	MI	48503	Army	103c	20A
O Pontiac Storage Facility.	Address unreported	Pontiac	MI		Army	103c	
C Chippewa National Forest.	Rural Rt 3, Box 244	Cass Lake	MN	56633	Agriculture	3016 3010	23
O Chippewa National Forest.	Rural Rt 3, Box 244	Cass Lake	MN	56633	Agriculture	3016	
C Atkins Farm	1.5 Mi W on Hwy 16 Then S ¾ mi.	Canton	MO	63435	Agriculture	103c	23
O Atkins Farm	1.5 Mi W on Hwy 16 Then S ¾ mi.	Canton	MO		Agriculture	103c	
C Mark Twain National Forest.	401 Fairgrounds Road	Rolla	MO	65401	Agriculture	103c 3010	23
O Mark Twain National Forest.	401 Fairgrounds Road	Rolla	MO	65401	Agriculture	103c	
C MO Aviation Classification & Repair Activity Depot.	2501 Lester Jones Ave.	Springfield	MO	65803	Army	103c 3010	20A, 23
O MO-AVCRAD	2501 Lester Jones Ave.	Springfield	MO		Army	103c	
C Weldon Springs Ordnance Works (former).	Hwy 94 South	St. Charles	MO	63301	Army	3016 103c	20A
O Weldon Springs Training Area, Ft. Leonardwood.	Hwy 94 South	St. Charles	MO	63301	Army	3016 103c	
C Weldon Springs Ordnance Works (former).	St Hwy 94 2 Mi S of US 40.	St. Charles	MO	63301	Energy	3010 3016 103c	20A
O Weldon Springs Quarry/Pint/Pits.	St Hwy 94 2 Mi S of US 40.	St. Charles	MO	63301	Energy	3010 3016 103c	
C DeSoto National Forest Access Roads.	100 W. Capitol St., Suite 1141.	Jackson	MS	39269	Agriculture	103c 3016	23
O DeSoto National Forest Access Roads.	100 W. Capitol St., Suite 1141.	Jackson	MS	39269	Agriculture	103c	
C Fort Keogh Livestock and Range Research Laboratory.	Route 1, Box 2021	Miles City	MT	59301	Agriculture	3016,103c	23
O Fort Keogh Livestock and Range Research Laboratory.	Route 1, Box 2021	Miles City	MT	59301	Agriculture	3016	
C Glasgow Air Force Base.	19 Miles N.W. of Glasgow.	Glasgow	MT		Air Force	103c	20A
O Glasgow Air Force Base.			MT		Air Force	103c	
C BLM-Illegal Airstrip John Greytak.	Section 6 T11N R27E	Flatwillow	MT		Interior	103c	20A
O BLM-Illegal Airstrip John Greytak.	T11NR27ESec6		MT		Interior	103c	
C BR-Hungry Horse Dam.	Edge of Hungry Horse	Hungry Horse	MT	59919	Interior	3010 103c	23
O BR-Hungry Horse Dam.	Edge of Hungry Horse	Hungry Horse	MT	59919	Interior	3010	
C Nantahala National Forest-Graham County Landfill.	North of Snowbird Mountain.	Robbinsville	NC		Agriculture	3016 103c	20A, 23
O Nantahala National Forest.	Post & Otis Streets P.O. Box 2750.	Asheville	NC	28802	Agriculture	3016	
C Nantahala National Forest-Swain County Landfill.	SR 1311	Bryson City	NC	28713	Agriculture	103c	20A
O Nantahala National Forest Landfill.	Post & Otis Streets, Box 2750.	Asheville	NC	28802	Agriculture	103c	
C Technology Center	HWY 54 & Alexander Drive.	Research Triangle Park.	NC	27711	EPA	3005 3010 3016	23
O Technology Center	HWY 54 & Alexander Drive.	Research Triangle Park.	NC	27711	EPA	3005 3010	
C Holloman Air Force Base.	833 CSG/DE	Holloman AFB	NM	88330	Air Force	3005 3010 3016 103c 103a.	23
O Holloman Air Force Base.	833 CSG/DE	Holloman AFB	NM	88330	Air Force	3005 3010 3016 103c	
C Ross Aviation, Inc	Hangar 481	Kirtland AFB	NM	87117	Energy	103c 3016	23
O Ross Aviation, Inc	Hangar 481	Kirtland AFB	NM	87117	Energy	103c	
C BLM–AMAX Chemical.	Eddy County	Artesia	NM	88201	Interior	103c 3016	23
O BLM–AMAX Chemical.	Eddy County	Artesia	NM	88201	Interior	103c	

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
C BLM-Blanco Landfill	T29NR10WSec13	Blanco	NM	87412	Interior	103c 3016	23
O BLM-Blanco Landfill	T29NR10WSec13	Blanco	NM	87412	Interior	103c	
C BLM-Blue Canyon Allotment.	T20SR5WSec8	Hatch	NM	87937	Interior	103c 3016	23
O BLM-Blue Canyon Allotment.	T20SR5WSec8	Hatch	NM	87937	Interior	103c	
C BLM-Carlsbad Landfill.	T21SR27E Sec27NMPH.	Carlsbad	NM		Interior	103c 3016	23
O BLM-Carlsbad Landfill.	T21SR27E Sec27NMPH.	Carlsbad	NM		Interior	103c	
C BLM-Chaparral Landfill.	T26SR5ESec14	Chaparral	NM		Interior	103c 3016	23
O BLM-Chaparral Landfill.	T26SR5ESec14	Chaparral	NM		Interior	103c	
C BLM-Duval Company.	20 Miles East of Carlsbad.	Carlsbad	NM	88220	Interior	103c 3016	23
O BLM-Duval Company.	20 Miles East of Carlsbad.	Carlsbad	NM	88220	Interior	103c	
C BLM-Hatch Landfill	T14SR3WSec4LOT1	Hatch	NM	87937	Interior	103c 3016	23
O BLM-Hatch Landfill	T14SR3WSec4LOT1	Hatch	NM	87937	Interior	103c	
C BLM-Hill Landfill	T22SR1E Secs3&4NMPH.	Hill	NM		Interior	103c 3016	23
O BLM-Hill Landfill	T22SR1E Secs3&4NMPH.	Hill	NM		Interior	103c	
C BLM-Hyde Mine	35/32/46 & 108/41/26	Gallup	NM	87301	Interior	103c 3016	23
O BLM Hyde Mine	35/32/46 & 108/41/26	Gallup	NM	87301	Interior	103c.	
C BLM-I&W Oil Service Roswell.	T20SR31ESec17, 18	Loving	NM	87415	Interior	103c 3016	23
O BLM-I&W Oil Service Roswell.	T20SR31ESec17, 18	Loving	NM	87415	Interior	103c.	
C BLM-International Mineral and Chemical.	P.O. Box 71	Carlsbad	NM	88220	Interior	103c 3016	23
O BLM-International Mineral and Chemical.	P.O. Box 71	Carlsbad	NM	88220	Interior	103c.	
C BLM-La Mesa	T25 SR 2E Sec34	La Mesa	NM	88044	Interior	103c 3016	23
O BLM-La Mesa	T25 SR 2E Sec34	La Mesa	NM	88044	Interior	103c.	
C BLM-Lemitar Landfill.	T2SR1W Secs13&24	Lemitar	NM		Interior	103c 3016	23
O BLM-Lemitar Landfill.	T2SR1WSecs13&24	Lemitar	NM		Interior	103c.	
C BLM-Mesquite Landfill.	T24SR3ESec29NMPH	Mesquite	NM		Interior	103c 3016	23
O BLM-Mesquite Landfill.	T24SR3ESec29NMPH	Mesquite	NM		Interior	103c.	
C BLM-Orogrande Landfill.	T22SR6E Sec14SWSESW.	Orogrande	NM		Interior	103c 3016	23
O BLM-Orogrande Landfill.	T22SR6E Sec14SWSESW.	Orogrande	NM		Interior	103c.	
C BLM-Potash Company of America (PCA).	Eddy County	Carlsbad	NM	88220	Interior	103c 3016	23
O BLM-Potash Company of America (PCA).	Eddy County	Carlsbad	NM	88220	Interior	103c.	
C BLM-San Antonio Landfill.	T5SR1E Sec6NMPH	San Antonia	NM		Interior	103c 3016	23
O BLM-San Antonio Landfill.	T5SR1E Sec6NMPH	San Antonia	NM		Interior	103c.	
C BLM-Standard Transpipe Corp..	T17SR9E Sec18,19	Alamogardo	NM	88310	Interior	103c 3016	23
O BLM-Standard Transpipe Corp..	T17SR9E Sec18,19	Alamogardo	NM	88310	Interior	103c.	
C BLM-Thoreau Landfill.	T14NR13W Sec20NMPH.	Thoreau	NM		Interior	103c 3016	23
O BLM-Thoreau Landfill.	T14NR13W Sec20NMPH.	Thoreau	NM		Interior	103c.	
C BLM-Truth or Consequences Landfill.	T13SR4W Sec22NMPH.	Truth or Consequences.	NM		Interior	103c 3016	23
O BLM-Truth or Consequences Landfill.	T13SR4W Sec22NMPH.	Truth or Consequences.	NM		Interior	103c.	
C BLM-Velarde Landfill.	T22NR9E Sec20NMPH.	Velarde	NM	87582	Interior	103c 3016	23
O BLM-Velarde Landfill.	T22NR9E Sec20NMPH.	Velarde	NM	87582	Interior	103c.	
C BLM-Waterflow Landfill.	T30 NR 16W Sec35	Waterflow	NM	87421	Interior	103c 3016	23
O BLM-Waterflow Landfill.	T30 NR 16W Sec35	Waterflow	NM	87421	Interior	103c.	
C Cal West	West Frontage Road	Lemitar	NM	87801	Small Business Admin	3005 3010 103c	23

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
O Cal West	West Frontage Road .	Lemitar	NM	87801	Small Business Admin	3005 3010.	
C Nellis Air Force Base.	554 OSW/DE	Nellis AFB	NV	89191	Air Force	3005 3010 3016 103c 103a.	23
O Nellis Air Force Base.	554 OSW/DE	Nellis AFB	NV	89191	Air Force	3005 3010 3016 103c.	
C Tonopah Test Range (Sandia National Laboratory).	P.O. Box 10359	Tonopah	NV	89049	Energy	3005 3010 103c 103a 3016.	23
O Tonopah Test Range (Sandia National Laboratory).	P.O. Box 10359	Tonopah	NV	89049	Energy	3005 3010 103c 103a	
C BLM-American Borate Company.	T18SR49ESec1	Nye	NV	89020	Interior	103c	20A
O BLM-American Borate Company.	T18SR49ESec1	Nye	NV		Interior	103c	
C Watervliet Arsenal ..	Broadway	Watervliet	NY	12189	Army	3005 3010 3016 103a	23
O Watervliet Arsenal ..	Broadway	Watervliet	NY	12189	Army	3005 3010 3016	
C Fisher's Island Naval Underwater Systems Center.	Fisher's Island	Fisher's Island	NY	06380	Navy	3010 3016	23
O Fisher's Island Naval Underwater Systems Center.	Fisher's Island	Fisher's Island	NY	06380	Navy	3010	
C West Sayville IFS Transmitter.	Cherry Ave	West Sayville	NY	11796	Transportation	3010 3016	23
O West Sayville IFS Transmitter.	Cherry Ave	West Sayville	NY	11796	Transportation	3010	
C Rickenbacker Air National Guard Base.	Rickenbacker ANGB ..	Rickenbacker ANGB ..	OH	43217	Army	103c	20A
O Rickenbacker Air National Guard Base.	Rickenbacker ANGB ..	Rickenbacker ANGB ..	OH		Army	103c	
C Femald Environmental Management Project.	7400 Willy Road Hamilton County.	Femald	OH	45030	Energy	3005 3010 3016 103c 103a.	20A
O Feed Material Production Center.	7400 Willy Road Hamilton County.	Femald	OH	45030	Energy	3005 3010 3016 103c 103a.	
C Plant Sciences and Water Conservation Laboratory.	1301 N. Western RD .	Stillwater	OK	74076	Agriculture	3016 103c	20A, 23
O Plant Sciences and Water Conservation Laboratory.	1301 N. Western RD .	PO Box 1029 Stillwater.	OK	74076	Agriculture	3016	
C FS-Willamette National Forest.	Highway 126 35 MI E OF CY.	Eugene	OR	97440	Agriculture	3016 103c	20A
O FS-Willamette National Forest.	Box 10607	Eugene	OR	97440	Agriculture	3016 103c	
C Ochoco National Forest.	Highway 26 12 MI E OF CY.	Prineville	OR	97754	Agriculture	103c	20A
O Ochoco National Forest.	T14S R20E WM Sec 20 SW¼.	Ochoco National Forest.	OR		Agriculture	103c	
C Willamette Falls Locks.	West Linn	West Linn	OR	97068	Corps of Engineers, Civil.	103c 3016	20A
O Willamette	West Linn	West Linn	OR	97068	Corps of Engineers, Civil.	103c 3016	
C Defense Distribution Region East.	Harrisburg	New Cumberland	PA	17070	Defense Logistics Agency.	3005 3010 3016 103c	22
O New Cumberland Army Depot.	Harrisburg	New Cumberland	PA	17070	Army	3005 3010 3016 103c	
C Bettis Atomic Power Laboratory.	PO Box 109 Bettis RD	West Mifflin Borough .	PA	15122–0109	Energy	3005 3010 3016 103c	23
O Bettis Atomic Power Laboratory.	PO Box 109 Bettis RD	West Mifflin Borough .	PA	15122–0109	Energy	3005 3010 3016	
C PETC	PO Box 10940	Pittsburgh	PA	15236	Energy	3010 103c	23
O PETC	PO Box 10940	Pittsburgh	PA	15236	Energy	3010.	
C Pittsburgh Postal Service.	7th & Grant Streets ...	Pittsburgh	PA		General Services Administration.	103a	21
O Pittsburgh Postal Service.	7th & Grant Streets ...	Pittsburgh	PA		Postal Service	103a	
C BM-Bruceton	626 Cochrans Mill	Bruceton	PA	15025	Interior	3010 103c	23
O BM-Bruceton	626 Cochrans Mill	Bruceton	PA	15025	Interior	3010	
C FWS-John Heinz National Wildlife Refuge.	Off Folcroft Ave	Folcroft	PA	19032	Interior	3016 103c	20A
O FWS-Tinicum National Environmental Center.	Off Folcroft Ave	Folcroft	PA	19032	Interior	3016 103c	
C Philadephia Navy Aviation Supply Office.	700 Robbins Ave	Philadelphia	PA	19111	Navy	3010 103c	23

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
O Philadelphia Navy Aviation Supply Office.	700 Robbins Aves	Philadelphia	PA	19111	Navy	3010	
C Warminster Naval Air Warfare Center.	NAVFAC-Northdiv.Code 114.	Warminster	PA	19112	Navy	3005 3010 3016 103c	20A
O Warminster Naval Air Defence Command.	NAVFAC-Northdiv.Code 114.	Warminster	PA	19112	Navy	3005 3010 3016 103c	
C Philadelphia Medical Center.	University and Woodland Ave.	Philadelphia	PA	19104	Veterans Administration.	3010 103a 3016	23
O Philadephia Medical Center.	University and Woodland Ave.	Philadephia	PA	19104	Veterans Administration.	3010 103a	
C Atlantic Fleet Weapons Training Fac. Inner Range.		Vieques	PR	00765	Defense	3005 3010 3016	23
O Atlantic Fleet Weapons Training Fac. Inner Range.		Vieques	PR	00765	Defense	3005 3010	
C Davisville Naval Construction Battalion Center.	Off Quonessett Rd	North Kingstown	RI	02871	Navy	3016 103c 103a	23
O Davisville Naval Construction Battalion Center.	Off Quonessett Rd	North Kingstown	RI	02871	Navy	3016 103c	
C Myrtle Beach Air Force Base.	354 CSG/DE	Myrtle Beach	SC	29577	Air Force	3005 3010 3016 103a	23
O Myrtle Beach Air Force Base.	354 CSG/DE	Myrtle Beach	SC	29577	Air Force	3005 3010 3016	
C Training Center and Fort Jackson.	Jackson Blvd	Fort Jackson	SC	29207	Army	3005 3010 3016 103a	23
O Training Center and Fort Jackson.	Jackson Blvd	Fort Jackson	SC	29207	Army	3005 3010 3016	
C NPS-Charleston Harbor Site.	Int. of Concord & Calhoun Streets.	Charleston	SC	29402	Interior	103c	20A
O NPS-Charleston Harbor Site.		Charleston	SC		Interior	103c	
C Beaufort Marine Corps Air Station.	Lafrene Road	Beaufort	SC	29904	Navy	3005 3010 3016 103c 103a.	23
O Beaufort Marine Corps Air Station.	Lafrene Road	Beaufort	SC	29904	Navy	3005 3010 3016 103c.	
C Parris Island Marine Corps Recruit Depot.	Marine Corps Recruit Depot.	Parris Island	SC	29905	Navy	3005 3010 3016 103a	23
O Parris Island Marine Corps Recruit Depot.	Marine Corps Recruit Depot.	Parris Island	SC	29905	Navy	3005 3010 3016	
C Allen Fossil Plant	2574 Plant Rd.	Memphis	TN	38109	Tennessee Valley Authority.	3005 3010 3016 103c 103a.	20A
O Allen Fossil Plant (Allen Steam Plant).	2574 Plant Rd.	Memphis	TN	38109	Tennessee Valley Authority.	3005 3010 3016 103c 103a.	
C Johnsonville Steam Plant.	US Hwy 70 E	New Johnsonville	TN	37134	Tennessee Valley Authority.	103c 3010 103a 3005	23
O Johnsonville Steam Plant.	US Hwy 70 E	New Johnsonville	TN	37134	Tennessee Valley Authority.	103c 3010 103a	
C Knoxville Garage	4216 Greenway	Knoxville	TN	37902	Tennessee Valley Authority.	103c 3010 3005	23
O Knoxville Garage	4216 Greenway	Knoxville	TN	37902	Tennessee Valley Authority.	103c 3010	
C Conservation and Production Research Laboratory.	½ Mile W., T–40 S.	Bushland	TX	79012	Agriculture	3016 103c	23
O Conservation and Production Research Laboratory.	½ Mile W., T–40 S.	Bushland	TX	79012	Agriculture	3016	
C Dyess Air Force Base.	96 CSG/CC	Abilene	TX	79607	Air Force	3005 3010 3016 103c 103a.	23
O Dyess Air Force Base.	96 CSG/CC	Abilene	TX	79607	Air Force	3005 3010 3016 103c	
C Kelly Air Force Base.	SA–ALC/EM	San Antonio	TX	78241	Air Force	3005 3010 3016 103c 103a.	23
O Kelly Air Force Base.	SA–ALC/EM	San Antonio	TX	78241	Air Force	3005 3010 3016 103c	
C Corpus Christi Naval Air Station.	Ocean Drive & Saipan St Bldg 22 Public Works Dpt.	Corpus Christi	TX	78419	Navy	3005 3010 3016 103c 103a.	23
O Corpus Christi Naval Air Station.	Ocean Drive & Saipan St Bldg 22 Public Works Dpt.	Corpus Christi	TX	78419	Navy	3005 3010 3016 103c	
C Arlington	File Repository 1232 SE.	Arlington	VA	22202	Commerce	3010 103c	23

FEDERAL FACILITIES DOCKET—Continued

[Docket Corrections]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism	Correction codes
O Arlington	File Repository 1232 SE.	Arlington	VA	22202	Commerce	3010	
C John H. Kerr Reservoir.	Route 1, Box 76ervoir	Boydton	VA	23917–9801	Corps of Engineers, Civil.	3010 103c 3016	23
O John H. Kerr Reservoir.	Route 1, Box 76ervoir	Boydton	VA	23917–9801	Corps of Engineers, Civil.	3010 103c	
C Chesapeake Naval Security Group Activity.	Northwest	Chesapeake	VA		Navy	103c 3010	23
O Chesapeake Naval Security Group Activity.	Northwest	Chesapeake	VA		Navy	103c	
C Portsmouth Naval Hospital.	US Navy	Portsmouth	VA	23708	Navy	3010 3016 103c	23
O Portsmouth Naval Hospital.	US Navy	Portsmouth	VA	23708	Navy	3010 3016	
C Williamsburg Naval Supply Center Cheatham Annex.	Naval Supply Center, Norf.	Williamsburg	VA	23185	Navy	3005 3010 3016 103c	23
O Williamsburg Naval Supply Center Cheatham Annex.	Naval Supply Center, Norf.	Williamsburg	VA	23185	Navy	3005 3010 3016	
C Yorktown Naval Supply Center.	Naval Supply Cntr. Fuel D.	Yorktown	VA	23690	Navy	3005 3010 103c 3016	23
O Yorktown Naval Supply Center.	Naval Supply Cntr. Fuel D.	Yorktown	VA	23690	Navy	3005 3010 103c	
C Washington National Airport.	Alexandria	Alexandria AMA 124 ..	VA	20001	Transportation	3005 3010 3016 103c	23
O Washington National Airport.	Alexandria	Alexandria AMA 124 ..	VA	20001	Transportation	3005 3010 3016	
C Columbia Basin Project AEC Zone 2,4–D Site.	321 C St. NW	Ephrata	WA	98823	Energy	3016	20A
O Columbia Basin Project AEC Zone 2,4–D Site.			WA		Energy	3016	
C BR-Smith Wasteway.	5 Mi. E. of Pasco	Pasco	WA		Interior	3016 103c	20A, 23
O BLM-Smith Wasteway.			WA		Interior	3016	
C Bangor Submarine Base.	Clear Creek Rd	Bremerton	WA	98315–5000	Navy	3005 3010 3016 103c 103a.	23
O Bangor Submarine Base.	Clear Creek Rd	Bremerton	WA	98315–5000	Navy	3005 3010 3016 103c	
C Jackson Park Housing.	Boone Rd	Bremerton	WA	98312	Navy	3010 3016	23, 20A
O Bremerton Regional Medical Center.	Boone Rd	Bremerton	WA	98312	Navy	3010	
C Keyport Naval Undersea Warfare Eng Station.	Code 073 Hwy 306, E End.	Keyport	WA	98345	Navy	3005 3010 3016 103c 103a.	23
O Keyport Naval Undersea Warfare Eng Station.	Code 073 Hwy 306, E End.	Keyport	WA	98345	Navy	3005 3010 3016 103c	
C Winfield Locks & Dams.	RFD #1 Box 530	Red House	WV	25168	Corps of Engineers, Civil.	103c 3010	20A
O Windfield Locks & Dams.	RFD #1 Box 530	Red House	WV	25168	Corps of Engineers, Civil.	103c 3010	
C Allegany Ballistics Laboratory.	West Virginia Secondary Route 9.	Rocket Center	WV	26726	Navy	3005 3010 3016 103c	20A
O Allegheny Ballistics Laboratory.	West Virginia Secondary Route 9.	Rocket Center	WV	26726	Navy	3005 3010 3016 103c	

FEDERAL FACILITIES DOCKET

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
BLM-Red Devil Mine Waste Ponds.	L61–10–12 L149–56–48 .		AK		Interior	3016 103c
BLM-Sagwon Airstrip	T5R4ESec10–11	Sagwon	AK	99513	Interior	3016 103c
Dewline Site Bar-Main	Barter Isl., ½ mi E of NE Shr.	Kaktovik	AK	99747	Air Force	103c
Dewline Site LIZ–2	Kasegalik Lagoon-Chukchi Sea.	Point Lay	AK	99766	Air Force	3010 103c 3016
Dewline Site LIZ–3	Kuk River & Chukchi Sea	Wainwright	AK	99782	Air Force	3010 103c 3016

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
Dewline Site POW–1	Lonely, Pitt Point, E of Smith Bay.	Lonely	AK	99999	Air Force	3010 103c
Dewline Site POW–2	Simpson Lagoon-Beaufort Bay.	Oliktok	AK	99589	Air Force	3010 103c
Dewline Site POW–MAIN	Point Barrow Between N Salt Lagoon & Imikpuk.	Point Barrow Station	AK	99723	Air Force	3010 103c
FWS-Brownlow Point Dewline Site.	Barrow, 265 mi SE	Barrow	AK	99723	Interior	103c 3016
FWS-Demarcation Point Dewline.	Barrow, 380 mi SE	Barrow	AK	99723	Interior	103c 3016
Aviation Center and Fort Rucker.	Bldg 1404	Fort Rucker #36362–5000.	AL	36362	Army	3005 3010 3016 103c
Bellefonte Nuclear Plant	Off US Hwy 72	Hollywood	AL	36401	Tennessee Valley Authority.	3005 3010 103c
Browns Ferry Nuclear Plant.	US Hwy 72	Athens	AL	35611	Tennessee Valley Authority.	3010
Colbert Fossil Plant	Off US Hwy 72 W	Tuscumbia	AL	35674	Tennessee Valley Authority.	3005 3010 103c
Guntersville Hydropower Plant.	Off US Hwy 431, 11 mi. NW of Guntersville.	Guntersville	AL	35976	Tennessee Valley Authority.	3010
Maxwell Air Force Base	3800 Air Base Group Dee.	Maxwell AFB	AL	36112	Air Force	3010 103c 3016
Muscle Shoals Power Stores.	AL Hwy 133	Muscle Shoals	AL	35660	Tennessee Valley Authority.	3005 3010 3016 103a
National Fertilizer and Environmental Research Center.	Wilson Dam Road	Muscle Shoals	AL	35660	Tennessee Valley Authority.	3005 3010 3016 103c
Redstone Arsenal Missile Command.	Cmdr USAMICOM DRSMI–K.	Huntsville	AL	35898	Army	3005 3010 3016 103c 103a
Widows Creek Fossil Plant	Off US Hwy 72 W	Stevenson	AL	35772	Tennessee Valley Authority.	3005 3010 103c
Wilson Hydropower Plant	AL Hwy 133	Florence	AL	35660	Tennessee Valley Authority.	3010
Guam Naval Magazine	Apra Hbr Hts Area by Fena Resv.	Apra Harbor	AQ	96910	Navy	103c
Combustion Research Facility.	Nctr Bldg. 45	Jefferson #72070	AR	72079	EPA	3005 3010 3016
Eaker Air Force Base	97 CSG/DEEV	Eaker AFB	AR	72315–5000	Air Force	3005 3010 3016 103c
Fort Chaffee	Building 239	Fort Chaffee	AR	72905	Army	3005 3010 3016 103c
FWS-Hope Wildlife Area	4 miles north off Hwy 32	Hope	AR	71801	Interior	103c
Millwood Reservation	Route 1	Ashdown	AR		Corps of Engineers, Civil	103c
Fort Huachuca	RCRA Units	Fort Huachuca	AZ	85613	Army	3010 3016 103c 103a
Sky Harbor International Airport.	2001 S. 32nd St	Phoenix	AZ	85034	Air Force	3010
Civil Engineering Laboratory.	NCBC	Port Hueneme	CA	93043	Navy	3010 103a
Crows Landing Naval Air Logistics Force.	NALF Crows Landing	Crows Landing	CA	95313	Navy	3010 3016
Fallbrook Naval Weapons Station Annex.	Seal Beach	Fallbrook	CA	92028	Navy	103c
Imperial Beach Naval Communications Station.	Outlying Landing Field Bldg 162 Rt 75 & Palm Ave.	Imperial Beanch	CA	92032	Navy	3005 3010 103c 103a
Lawrence Berkeley Laboratory.	1 Cyclotron Rd	Berkeley	CA	94720	Energy	3005 3010 3016
Norwalk Defense Fuel Supply Center.	15306 Norwalk Blvd	Norwalk	CA	90650	Defense Logistics Agency.	3010 3016 103c
Oakland Naval Regional Medical Center.	8750 Mountain Blvd	Oakland	CA	94627	Navy	3010 103c
Plant #19	4297 Pacific Coast Hwy	San Diego	CA	92101–5001	Air Force	103c 3016 3010
Point Sur Naval Facility	Naval Facility Point Sur	Big Sur	CA	93920	Navy	3010
San Diego Naval Facilities Engineering Command.	Western Division	San Diego	CA	92136	Navy	103c
Sierra National Forest	1130 O St. Room 3017	Fresno	CA	93721	Agriculture	103c 3016
Skaggs Island Naval Security Group Activity.	Skaggs Island	Sonoma	CA	95476	Navy	3010 3016
Stanford Linear Accelerator Center.	2575 Sandhill Rd	Menlo Park	CA	94305	Energy	3010 3016 103c 103a
BLM-Fremont	T48NR12ESec19	Cats Paxl	CO		Interior	103c
BLM-Montrose County Dump.	T48NR19WSec22	Montrose	CO		Interior	103c
BLM-Placerville Tram Site	T44NR11WSec35 Hwy 62.	Placerville	CO	81430	Interior	103c
BLM-San Miguel Landfill #1.	T44NR15WSec26	Naturita	CO		Interior	103c
BLM-San Miguel Landfill #2.	T44NR17WSec 18	Slick Rock	CO		Interior	103c
BLM-Sawpit Tram Site (ore storage).	T43NR10WSec 18	Saw Pit	CO	81435	Interior	103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
BLM-Town of Mesa Landfill.	T19SR96WSec 22	Molina	CO		Interior	103c
BR-Loveland	910 Van Buren	Loveland	CO	80537	Interior	3010 103c
Central Direct Fed. Division Materiels-FHWA.	6th St., Bldg. 52, DFC	Denver	CO	80225	Transportation	3005 3010 103c
Colorado Springs Academy.	AFA/DE	Colorado Springs	CO	80840	Air Force	3010 103c
Denver Bulk Mail Center	7755 E. 56th Ave	Denver	CO	80238	Postal Service	3016 103c
Fort Carson	DFAE Bldg. 304, AFZC–FE–EQ.	Ft. Carson	CO	80913	Army	3005 3010 3016 103c
Grand Junction Projects Office.	3597 B–¾ Rd PO2567	Grand Junction	CO	81502–5504	Energy	3016 103c
GS-Denver, NWOL	5293 Ward Rd	Denver	CO	80225	Interior	3010
National Enforcement Investigation Center.	DFC	Denver	CO	80225	EPA	3010
NPS-Denver Service Center.	755 Parfet St., Box 25287.	Denver	CO	80225	Interior	3016 103c
Peterson Air Force Base	1003 SSG/CC	Peterson AFB	CO	80914	Air Force	3005 3010 103c
Solar Energy Research Institute.	1617 Cole Blvd	Golden	CO	80401	Energy	3005 3010 3016 103c
Transportation Test Center	21 Miles NE Pueblo Mem Airport.	Dot Test Track Rd	CO	81001	Transportation	3005 3010 3016
WAPA-Power Operations	1800 S. Rio Grande Ave	Montrose	CO	81401	Energy	103c
East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station	East Lyme	CT	06357	Navy	3010 3016
Knolls Atomic Power Laboratory-Windsor Site.	Prospect Hill Road	Windsor	CT	06095	Energy	3005 3010 3016 103c 103a
New London Naval Underwater Systems Center.	New London Laboratory	New London	CT	06320	Navy	3010 103c
Stratford Engine Plant	550 South Main Street	Stratford	CT	06497	Army	3005 3010 3016
Bureau of Engraving & Printing.	14th & C Sts SW	Washington	DC	20228	Treasury	3005 3010 103c 103a
Customs Field Office	1200 Pennsylvania Avenue.	Washington	DC	20004	General Services Admin	3010 103c
Fort McNair	350 P Street, S.W	Washington	DC	20319	Army	3010 103c
U.S. Soldiers and Airmens Home.	Michigan Ave. N.E	Washington	DC	20317	Defense	3010 3016 103c
Washington Naval Research Laboratory.	4555 Overlook Ave	Washington	DC	20375	Navy	3005 3010 3016 103c 103a
Canal Site	Main St, North St Georges.	Newcastle	DE	19733	Corps of Engineers, Civil	3016 103c
AFA 49–A Orlando	8601 Ave. B McCoy NTC Annex.	Orlando	FL	32812	Army	3005 3010
Avon Park Air Force Base	56 Combat Support Group/DE.	MacDill AFB	FL	33608	Air Force	3005 3010 3016
BLM-Olustee Dump	Hwy 90 & Olustee Battlefield R.	Olustee	FL		Interior	103c
Cape Canaveral Air Force Base.	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c 103a
Colonel Frank M. Williams Army Reserve Center.	11700 NW 27th Ave	Miami	FL	33167	Army	3005 3010
Eglin Air Force Base	3200 SPTW/DEV	Eglin AFB	FL	32542	Air Force	3005 3010 3016 103c 103a
Fort Lauderdale Naval Underwater Systems Center.	1650 Southwest 39th Street.	Fort Lauderdale	FL	33315	Navy	3010
Gulf Breeze Environmental Research Laboratory.	Sabine Island	Gulf Breeze	FL	32561	EPA	3010 3016
Hurlburt Field	834 CSG/CC	Hurlburt Field	FL	32544	Air Force	3005 3010 103c
Kennedy Space Center	NASA Mail Code DF–EMS.	Kennedy Space Center	FL	32899	NASA	3005 3010 3016 103c 103a
Key West Coast Guard Station.		Key West	FL	33040	Transportation	3010
Key West Naval Air Station.	Naval Air Station	Key West	FL	33042	Navy	3005 3010 3016 103c
Lt. Clarence Lovejoy Army Reserve Center.	4823 N Hubert Ave	Tampa	FL	33614	Army	3005 3010
Lynn Haven Defense Fuel Support Point.	W End of 10th Street	Lynn Haven	FL	32444	Defense Logistics Agency.	3010 3016 103c
MacDill Air Force Base	56 Combat Support Group/DE.	MacDill AFB	FL	33608	Air Force	3005 3010 3016 103c
Mayport Naval Air Station	PO Box 265 Naval Station.	Mayport	FL	32228	Navy	3005 3010 3016 103c 103a
Miami Beach Coast Guard Base.	100 Macarthur Cswy	Miami Beach	FL	33139	Transportation	3005 3010
NPS-Everglades National Park.	Route 9336	Homestead	FL	33030	Interior	3010
Osceola National Forest: Site 1.	Highway 100	Lake City	FL	32055	Agriculture	3016 103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
Palatka Army Maintenance Support Activity-55M.	4300 St. Johns Ave	Palatka	FL	32077	Army	3010 3005
Panama City Coastal Systems Station.	Hwy 98 Code 6310MC	Panama City	FL	32407	Navy	3005 3010 3016
Patrick Air Force Base	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c 103a
Pinellas Plant	7887 Bryan Dairy Rd	Largo	FL	34649-2900	Energy	3005 3010 3016
St. Petersburg Coast Guard Station.	600 8th Ave SE	St. Petersburg	FL	33701	Transportation	3010
Tampa Defense Fuel Support Point.	Box 13736	Tampa	FL	33611	Defense Logistics Agency.	3010 3016 103c
Tyndall Air Force Base	4756 CSG/DE	Tyndall AFB	FL	32403	Air Force	3005 3010 3016 103c
W. Palm Beach Naval Underwater Systems Center.	801 Clematis Street	W. Palm Beach	FL	33402	Navy	3010
Wildlife Research Field Station.	2820 E. University Ave	Gainesville	FL	32601	Agriculture	103c
Atlanta Medical Center	1670 Clairmont Road	Decatur	GA	30033	Veterans Administration	3005 3010 3016
Augusta Army Maintenance Support Activity-54G.	3311 Wrightsboro Rd	Augusta	GA	30904	Army	3010 3005
Dobbins Air Force Base	94 CSG/DE	Marietta	GA	30069	Air Force	3016 103c
Fort Gillem	Attn AFZK-EH-C	Forest Park	GA	30330	Army	3005 3010 3016 103c
Fort Gordon and National Signal Center.	ATZHFE EC	Fort Gordon	GA	30905	Army	3005 3010 3016 103c 103a
Fort Stewart	24th Infantry Div AFZP-DEN-E.	Fort Stewart	GA	31314	Army	3005 3010 3016 103c
Hunter Army Airfield	24th Infantry Div AFZP-DEN-E.	Fort Stewart	GA	31314	Army	3005 3010 3016 103c
Kings Bay Naval Submarine Base.	GA State Hwy Spur	Kings Bay	GA	31547	Navy	3005 3010 3016 103c 103a
Moody Air Force Base	347 CSG/DE	Moody AFB	GA	31669	Air Force	3005 3010 3016 103c
Plant #6 (Lockheed)	86 S Cobb Drive Zone 54	Marietta	GA	30063	Air Force	3005 3010 3016
Guam Naval Hospital	Naval Hosp Guam	Naval Hosp Guam	GU	96638	Navy	103c
Pearl Harbor Naval Submarine Base.		Pearl Harbor	HI	96860	Navy	3010 103a
Pearl Harbor Naval Supply Center.	Naval Base	Pearl Harbor	HI	96860	Navy	3005 3010 103c 3016
Pearl Harbor Navy Public Works Center.	Naval Station Area	Pearl Harbor	HI	96860	Navy	3005 3010 3016 103c 103a
WAPA-Hinton	PO Box 1012	Hinton	IA	51024	Energy	3005 3010 3016
BLM-Blue Dome Unauthorized Dump.	T10NR30ESec30	Blue Dome	ID	83464	Interior	103c
BLM-Central Cove Landfill	T3NR4WSec8,9	Caldwell	ID		Interior	3016 103c
BLM-Champaigne Creek Mine.	T3N R24E Sec15	Grouse	ID	83242	Interior	3016 103c
BLM-Delamar Silver Mine	T.15.S.R.35.E	Owyhee	ID		Interior	103c
BLM-Elk City	T29NR8ESec23	Elk City	ID	83525	Interior	3016 103c
BLM-Howe Dumpsite	T6NR29ESec31	Howe	ID	83244	Interior	103c
BLM-Menan Unauthorized Dump.	T6NR38ESec26&27	Madison	ID		Interior	103c
BLM Morgan's Pasture	T1N R35E Sec 33 & 34	Shelly	ID	83274	Interior	3010 103c
BLM-Owyhee Co. Grandview Landfill.	T6SR4ESec14	Bruneau	ID	83604	Interior	103c
BLM-Owyhee Co. Marsing/Homedale Landfill.	Johnson Rd. T4N R5W S32 SW¼.	Marsing-Homedale	ID	83639	Interior	103c
BLM-Owyhee Co. Wilson Creek Landfill.	T1SR34ESec13	Marsing	ID	83639	Interior	103c
BLM-Pesticide Dump Site, Reynolds.	T2SR3W Sec31	Reynolds	ID	83650	Interior	103c
BLM-Pesticide Dumpsite Sec. 5.	Boise Dist Sec. 5	Murphy	ID	83650	Interior	103c
BLM-Pullman Mine	T29N R4W S14	Cottonwood	ID	83522	Interior	103c
BLM-Springfield Dumpsite	T3SR32ESec12	Springfield	ID	83277	Interior	103c
BLM-Springfield Unauthorized Dumpsite.	T35NR32ESec15	Springfield	ID	83277	Interior	103c
BR-Minidoka Dam	Rt. 4, Box 292	Rupert	ID	83350	Interior	3010 3016
Danville Medical Center Hospital.	1900 E Main St	Danville	IL		Veterans Administration	103c
Fermi National Accelerator Laboratory.	Route 16 & 59 Kane County.	Batavia	IL	60510	Energy	3005 3010 3016 103c
Former Jeffersonville Quartermaster Depot.	Located on Segrams Property, Clark County.	Jeffersonville	IN	47130	Army	3016 103c
New Haven Defense Logistics Agency Depot.	State Rt. 14	New Haven	IN	46774	Defense Logistics Agency.	3010
Atchison Defense Industrial Plant Equipment Facility.	Old Rte 1	Atchison	KS	66002	Army	103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
Region 7, Environmental Services Division Lab.	25 Funston Road	Kansas City	KS	66115	EPA	3005 3010 3016 103c
Fort Campbell	AFZB–FE–ECE	Fort Campbell	KY	42223	Army	3005 3010 3016 103c
Lexington Blue Grass Depot Activity.	US Hwy 421	Richmond	KY	40475	Army	3005 103c
Lexington-Bluegrass Army Depot.	Haley Rd	Lexington	KY	40511	Army	3005 3010 3016 103c 103a
Louisville Naval Ordnance Station.	Southside Dr. MDS 42	Louisville	KY	40214	Navy	3005 3010 3016
Paducah Gaseous Diffusion Plant.	PO Box 1410 Hobbs Road.	Paducah	KY	42001	Energy	3005 3010 3016 103a
FWS-Lacassine National Wildlife Refuge.	Route 1	Lake Arthur	LA	70549	Interior	103c
Martin Marietta Aerospace	13800 Old Gentilly Road	New Orleans	LA	70129	NASA	3005 3010 3016 103c
New Orleans Naval Air Station.	32 Belle Chase Hwy	Belle Chasse	LA	70037	Navy	3010 103c 103a
SPR-Weeks Island	2 mi NW of Cypremont	Cypremont	LA	70560	Energy	103c
SPR-West Hackberry Site	3.8 mi W of Hackberry, Hwy 390.	Hackberry	LA		Energy	103c
Bedford Hospital Wells 76 & 77.	Westview Street	Lexington	MA	02173	Veterans Administration	3010 103c
Boston Postal Service	135 A Street	Boston	MA	02210	Postal Service	3010
Woods Hole Coast Guard Base.	Little Harbor Road	Falmouth	MA	02543	Transportation	3010
Adelphi Laboratory Center	2800 Powder Mill Rd	Adelphi	MD	20783	Army	3005 3010 3016 103c
Annapolis Naval Academy	Annapolis Naval Complex	Annapolis	MD	21402	Navy	3005 3010 3016 103c
Defense National Stockpile Center.	710 Ordnance Road	Baltimore	MD	21226	Defense Logistics Agency.	3005 3010 3016 103c
Goddard Space Flight Center.	Greenbelt Road	Greenbelt	MD	20771	NASA	3010 103c
National Institute of Standards and Technology.	Quince Orchard Rd	Gaithersburg	MD	20760	Commerce	3005 3010 103c
National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016 103c
NIH-Bethesda	9000 Rockville Pike	Bethesda	MD	20892	Health and Human Services.	3005 3010 3016 103c 103a
Casco Bay Defense Fuel Support Point.	Rt 123	South Harpswell Neck	ME	04079	Defense Logistics Agency.	3010 3016 103c
Gouldsboro Naval Security Group Activity.	Bldg 41 (operations site)	Gouldsboro	ME	04624	Navy	103c
Seal Island	C/O Seal Island National Wildlife Refuge.	Millbridge	ME	04658	Defense	103c
Searsport Defense Fuel Support Point.	Trundy Road Box 112	Searsport	ME	04974	Defense Logistics Agency.	3010 3016 103c
Winterharbor Naval Security Group Activity.	Route 186	Winterharbor	ME	04693	Navy	3010 103c
Ann Arbor Motor Vehicle Emission Laboratory.	2565 Plymouth Road	Ann Arbor	MI	48105	EPA	3010
Harrisville Defense Fuel Support Point.	US Hwy 23	Harrisville	MI	48740	Defense	103c
Tank Automotive Command.	6501 E. 11 Mile Rd, Macomb County.	Warren	MI	48090	Army	3005 3010 3016 103c
Minneapolis-St. Paul Bulk Mail Center.	3165 S. Lexington Ave	St. Paul	MN	55121	Postal Service	3010
BM-Rolla Research Center	1300 Bishop Ave	Rolla	MO	65401	Interior	103c
Defense Mapping Agency—FEE.	3200 S. Second Street	St. Louis	MO	63118	Defense Mapping Agency	3010
Defense Mapping Agency—FEE.	8900 S. Broadway	St. Louis	MO	63118	Defense Mapping Agency	3010
MO Aviation Classification & Repair Activity Depot.	2501 Lester Jones Ave	Springfield	MO	65803	Army	103c 3010
Mobile Incinerator	SE¼NW¼NW¼ Sec 20	McDowell	MO	65769	EPA	3010 103c
Schuster Farm	Sec 58 S17 T55N R33W	Gower	MO		Agriculture	103c
St. Louis	1222 Spruce	St. Louis	MO	63103	General Services Admin.	3005 3010
Engineering Environmental Waterway Laboratory.	PO Box 631	Vicksburg	MS	39180	Army	3005 3010 3016 103c
John C. Stennis Space Center.	SSC Bldg. 1100	Stennis Space Center	MS	39529	NASA	3005 3010 3016 103c
BLM-Jet Fuel Refinery Site.	T14NR31E 4 mi E of Mosby.	Mosby	MT		Interior	103c
BLM-Roundup Landfill	1.5 miles northwest of Roundup.	Roundup	MT		Interior	103c
BLM-Sluice Gulch Leaking Adit.	T6SR15WSec5		MT		Interior	103c
BLM-Thorium City Waste Dump.	T10SR15WSec21, 22, 27, 28.	Grant	MT	59734–3016	Interior	3016 103c
BLM-Tungsten Mill Tailings.	T45W9WSec4, 5, 9	Glen	MT	59732	Interior	103c
FWS-Charles M. Russell Refuge.	T21N, R2E, Sec. 15	Turkey Joe Landing	MT	59457	Interior	3010 103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
Malmstrom Air Force Base	Facility 1501 Perimeter Rd.	Great Falls	MT	59402	Air Force	3005 3010 3016 103c 103a
Albemarle Army Reserve Center.	1816 E. Main St	Albemarle	NC	28001	Army	3010 103c
Asheville Army Reserve Center.	224 Louisiana	Asheville	NC	28806	Army	3010 103c
Brevard Army Reserve Center.	E. French Broad St	Brevard	NC	28712	Army	3010 103c
Charlotte #1 Army Reserve Center.	1300 Westover Dr	Charlotte	NC	28205	Army	3010 103c
Cherry Point Marine Corps Air Station.	NC Hwy 101	Cherry Point	NC	28533	Navy	3005 3010 3016 103c
Durham #1 Army Reserve Center.	1226 Carrol St	Durham	NC	27701	Army	3010 103c
Durham #2 Army Reserve Center.	724 Foster St	Durham	NC	27701	Army	3010 103c
Fort Macon Coast Guard Station.	PO Box 237	Atlantic Beach	NC	28512	Transportation	3010 103c
Garner Army Reserve Center.	2017 Garner St	Garner	NC	27529	Army	3010 103c
Greensboro Army Reserve Center.	1120 Church St	Greensboro	NC	27405	Army	3010 103c
Greenville Army Reserve Center.	1391 N. Mem Dr	Greenville	NC	27834	Army	3010 103c
Hickory Army Reserve Center.	1500 12th Street NW	Hickory	NC	28601	Army	3010 103c
High Point Army Reserve Center.	156 Parris Ave	High Point	NC	28307	Army	3010 103c
Lumberton Army Reserve Center.	1400 Carthage Rd	Lumberton	NC	28358	Army	3010 103c
Morehead City Army Reserve Center.	405 Fisher St	Morehead City	NC	28557	Army	3010 103c
Nantahala National Forest-Swain County Landfill.	SR 1311	Bryson City	NC	28713	Agriculture	103c
National Institute of Environmental Health Science.	S on Alexander Dr	Research Triangle Park	NC	27709	Health and Human Services.	3005 3010 103c
National Marine Fisheries Service.	Pivers Island off US Hwy 70 West.	Beaufort	NC	28512	Commerce	3010 3016
Pope Air Force Base	317 CSG/CC	Pope AFB	NC	28308	Air Force	3005 3010 103c 3016
Raleigh Army Reserve Center.	3115 Western Blvd	Raleigh	NC	27606	Army	3005 3010 103c
Rocky Mount Army Reserve Center.	804 Fairview Rd	Rocky Mount	NC	28701	Army	3010 103c
Salisbury Army Reserve Center.	1825 Woodleaf Rd, PO Box 1927.	Salisbury	NC	28114	Army	3010 103c
Seymour Johnson Air Force Base.	4 CSG/DE	Seymour Johnson AFB	NC	27531	Air Force	3005 3010 3016 103c
Technology Center	Hwy 54 & Alexander Drive.	Research Triangle Park	NC	27711	EPA	3005 3010 3016
Wilmington Army Reserve Center.	2144 Lakeshore Dr	Wilmington	NC	28401	Army	3010 103c
Concrete Missile Early Warning Station.	DET 1 57 AD/DE	Concrete	ND	58221	Army	103c 3010 3005
Grand Forks Defense Fuel Support Point.	Grand Forks AFB 42D Street.	Grand Forks	ND	58201	Defense Logistics Agency.	3010 3016 103c
Minot Air Force Base	41 CSG/CC	Minot AFB	ND	58705	Air Force	3005 3010 3016 103c
North Dakota Agricultural Experiment Station.	1605 W. College St	Fargo	ND	58105	Agriculture	3010 3016 103c
Lincoln Naval Reserve Center.	1625 N 10th St	Lincoln	NE	68508	Navy	103c
Omaha Naval and Marine Corps Reserve Center.	Fort Omaha	Omaha	NE	68102	Navy	103c
Section 5 Impoundment	SW¼NW¼SE¼ of Sec 5.	Glenvil Township	NE		Agriculture	103c
Newington Defense Fuel Support Point.	Patterson Lane	Newington	NH	03801	Defense Logistics Agency.	3010 3016 103c
Bayonne Military Ocean Terminal.	Foot of 32nd Street	Bayonne	NJ	07002	Army	3005 3010 3016 103c 103a
East Orange Medical Center.	Tremont Ave	East Orange	NJ	07019	Veterans Administration	3010
Fort Monmouth	Tinton & Pinebrook	Tinton Falls	NJ	07724	Army	3010 3016 103c
FWS-Great Swamp National Wildlife Refuge.	RD 1, Box 152	Basking Ridge	NJ	07920	Interior	3016 103c
Hillsborough Supply Depot	Route 206	Hillsborough TWP	NJ	08853	Veterans Administration	103c
Lyons Medical Center	Knollcraft Road	Lyons	NJ	07939	Veterans Administration	3010 103c
NOAA/NMFS/NEFC	Sandy Hook Laboratory	Highlands	NJ	07732	Commerce	3005 3010
NPS-Gateway National Recreational Area.	Fort Hancock	Sandy Hook—Brooklyn	NJ	07732	Interior	3010 3016 103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
SFC NV Brittan Army Reserve Center.	39th and Federal Street ..	Camden	NJ	08105	Army	3010
Somerville Depot	Route 206	Somerville	NJ	08876	General Services Administration.	103c
Storck Army Reserve Center.	Shore Road	Northfield	NJ	08225	Army	3010
Stryker Reserve Center	2150 Nottingham Way	Trenton	NJ	08619	Army	3010
BLM-Flora Vista Landfill	T30NR12WSec3	Flora Vista	NM	87415	Interior	3016 103c
BLM-Hyde Mine	35/32/48 & 108/41/26	Gallup	NM	87301	Interior	103c 3016
BLM-South Farmington Sanitary Landfill.	T29NR13WSec20	Farmington	NM	87401	Interior	3016 103c
BLM-Standard Transpipe Corp.	T17SR9ESec18,19	Alamogardo	NM	88310	Interior	103c 3016
BLM-Waterflow Landfill	T30 NR 16W Sec35	Waterflow	NM	87421	Interior	103c 3016
Cibola National Forest	Cibola National Forest	Magdalena	NM	87825	Agriculture	103c
Fort Wingate Depot Activity.	10 Miles East of Gallup on I-10.	Gallup	NM	87310	Army	3005 3010 3016 103c
Gasbuggy	T29N, R4W S36; 55 M E. of Farmington.	Dulce (NEAR)	NM		Energy	103c
La Bajada Mine	1.25 mi upstream from La Bajada.	La Bajada	NM		Agriculture	103c
Lovelace Inhalation Toxicology Research Institute.	Bldg. 9200, Kirtland AFB East.	Albuquerque	NM	87185	Energy	103c 3016
BLM-Henderson Landfill	T21S R63E Section 28, 29.	Henderson	NV		Interior	103c
BLM-Rio Tinto Copper Mine.	Sec 10 & 11 T45N R53E MDM.	Mountain City	NV	89831	Interior	103c
Tonopah Test Range (Sandia National Laboratory).	PO Box 10359	Tonopah	NV	89049	Energy	3005 3010 103c 103a 3016
Aids to Navigation Team	7063 Lighthouse Drive	Saugerties	NY	12477	Transportation	3010
Bellmore Maintenance Facility.	2755 Maple Ave	Bellmore	NY	11710	Army	3010
BLM-Pennsylvania Ave/ Fountain Ave Landfills.	Pennsylvania Ave, Shore Pkwy.	Brooklyn	NY	11207	Interior	3010
Brooklyn Information Agency.	29th & 3rd Ave, Door 15	Brooklyn	NY	11232	General Services Admin .	3010
Brooklyn Naval and Marine Corps Reserve Center.	Floyd Bennett Field	Brooklyn	NY	11234	Navy	103c
Colonie Interim Storage Site.	1130 Central Ave	Colonie	NY	12205	Energy	3005 3010 3016
Emmanuel Cellard Federal Bldg. 225CA.	225 Cadman Plaza	Brooklyn	NY	11201	General Services Admin .	3010
Federal Building	252 7th Ave	New York	NY	10001	General Services Admin .	3010
Fort Hamilton	Ft Hamilton	Brooklyn	NY	11252	Army	3010 103c
Fort Totten	Bayside	Queens	NY	11359	Army	3010 103c
FWS-Iroquois National Wildlife Refuge.	Casey Rd	Alabama	NY	14003	Interior	3016 103c
FWS-Montezuma National Wildlife Refuge.	3395 Route 5 & 20 East .	Seneca Falls	NY	13148	Interior	3010 3016 103c
Hancock Field	Taft and Thompson Roads.	North Syracuse	NY	13212	Air Force	3010 3016 103c
Merchandise Control Sales Section.	6 World Trade Center	New York	NY	10048	General Services Admin .	3010
Mitchel Field Housing Facility.	NAVSTA New York Housing Office, Bldg. 19, West Road, Mitchel Field.	Garden City	NY	11530	Navy	103c
Mitchel Manor Housing Facility.	NAVSTA New York Housing Office, 85 A Mitchel Avenue.	East Meadow	NY	11554	Navy	103c
New York	201 Varick St	New York	NY	10014	General Services Admin .	3010
New York Naval Station	207 Flushing Ave	Brooklyn	NY	11251	Navy	3010 103c
Niagara Falls Air Force Reserve Facility.	914 TAG/DE PO Box F LaSalle Station.	Niagara Falls IAP	NY	14304	Air Force	3005 3010 3016 103c
NPS-Gateway National Recreational Area.	Floyd Bennett Field	Brooklyn	NY	11234	Interior	103c
Plant #38	Porter & Balmer Rds	Porter Twp	NY	14131	Air Force	3005 3010 3016 103c
Plum Island Animal Disease Center.	Plum Island	Orient Point	NY	11957	Agriculture	3016 103c
Roosevelt Army Reserve Center.	101 Oak St	Hempstead	NY	11550	Army	3010
Support Center Governor's Island.	C/O US Coast Guard Group.	Governor's Island	NY	10004	Transportation	3010 103c
Verona Defense Fuel Support Point.	Main St	Verona	NY	13478	Defense Logistics Agency.	3010 3016 103c
Watervliet Arsenal	Broadway	Watervliet	NY	12189	Army	3005 3010 3016 103a

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
West Point Military Academy.	Stewart Army Subpost	West Point	NY	10996	Army	3016
West Point Military Academy.	RT 9W—Bldg 733	West Point	NY	10996	Army	3005 3010 3016 103c
Andrew W. Breidenbach Environmental Research Center.	26 W. St. Clair Street	Cincinnati	OH	45268	EPA	3005 3010 3016
Center Hill Hazardous Waste Engrg Research Lab.	5595 Center Hill Road	Cincinnati	OH	45268	EPA	3005 3010 3016
Cincinnati Defense Fuel Support Plant.	4820 River Rd Hamilton County.	Cincinnati	OH	45233	Defense Logistics Agency.	3010 3016 103c
Columbus Defense Construction Supply Center.	3990 E. Broad St. Franklin County.	Columbus	OH	43215	Army	3005 3010 3016 103c
Electronic Supply Center	1507 Wilmington Pike, Montgomery County.	Dayton	OH	45444	Defense	3010 3016 103c
Lima Defense Plant Representative Office.	Defense Logistics Agency, DPRO General Dynamics—Lima, 1155 Buckeye Rd.	Lima	OH	45804–1898	Army	3010 3016 103c
Testing and Evaluation Facility.	1600 Gest Street	Cincinnati	OH	45203	EPA	3005 3010 3016
BIA-Caddo County Landfill #1.	SE/4 Sec7 T5N R11W SW/4 Sec8.	Apache	OK		Interior	103c
BLM-Minexco Millsite	T9SR42ESec8	Baker	OR	97814	Interior	3016 103c
BLM-Slides Dump Site	T15SR48Sec35,LOTS1,2	Ontario	OR	97914	Interior	3016 103c
Willamette Falls Locks	West Linn	West Linn	OR	97068	Corps of Engineers, Civil	103c 3016
Bettis Atomic Power Laboratory.	P.O. Box 109 Bettis Rd	West Mifflin Borough	PA	15122–0109	Energy	3005 3010 3016 103c
Chas Kelly Support Center	US Army	Oakdale	PA	15071	Army	3010 103c
Greater Pittsburgh International Airport.	911 TAG/DE	Pittsburgh	PA	15231	Air Force	3016 103c
NPS-Gettysburg National Military Park.	RD 1	Gettysburg	PA	17325	Interior	103c
NPS-Valley Forge National Historic Park.	Rte 23	Valley Forge	PA	19481	Interior	103c 3010
Philadelphia Defense Personnel Support Center.	2800 S 20th St	Philadelphia	PA	19101	Army	3005 3010 3016
Borinquen Coast Guard Air Station.	Ramey Air Force Base	Aquadilla	PR	00604	Transportation	3010 103c
Camp Garcia #1	Vieques	Vieques	PR	00765	Navy	103c
Celba Naval Station	Roosevelt Roads	Celba	PR	00635	Navy	3005 3010 3016 103c
Fort Allen	Route 1	Juana Diaz	PR	00665	Army	103c
Roosevelt Roads Naval Station.	Villa Verde St., Drydock and Repair Facility.	Miramar	PR	00903	Navy	3005 3010 3016
Beavertail Point Radar Station.	OFF Beavertail Rd	Jamestown	RI	02835	Defense	3016
Beaufort Marine Corps Air Station.	Lafrene Road	Beaufort	SC	29904	Navy	3005 3010 3016 103c 103a
Beaufort Naval Hospital	SC Highway 280	Beaufort	SC	29902	Navy	3010
Charleston Naval Shipyard	Viaduct Road	Charleston	SC	29408	Navy	3005 3010 3016
Charleston Air Force Base	437 ABG/CC	Charleston AFB	SC	29404	Air Force	3005 3010 3016 103c
Charleston Defense Fuel Supply Point.	N Rhett Ave	Hanahan	SC	29406	Defense Logistics Agency.	3010 3016
Charleston Naval Weapons Station South Annex.	Remount Road	North Charleston	SC	29406	Navy	103c
Myrtle Beach Air Force Base.	354 CSG/DE	Myrtle Beach	SC	29577	Air Force	3005 3010 3016 103a
Parris Island Marine Corps Recruit Depot.	Marine Corps Recruit Depot.	Parris Island	SC	29905	Navy	3005 3010 3016 103a
Shaw Air Force Base	363 CSG/DE	Shaw AFB	SC	29152	Air Force	3005 3010 3016 103c
Training Center and Fort Jackson.	Jackson Blvd	Fort Jackson	SC	29207	Army	3005 3010 3016 103a
Silver King Mines Inc	US Hwy. 18	Edgemont	SD	57735	Tennessee Valley Authority.	3010 103c
Allen Fossil Plant	2574 Plant Rd	Memphis	TN	38109	Tennessee Valley Authority.	3005 3010 3016 103c 103a
Arnold Engineering Development Center.	TN Hwy 127	Arnold Air Force Base	TN	37389 3010	Air Force	3005 3010 3016 103c 103a
Bull Run Fossil Plant	Edgemoor Rd., 6 mi SE of Oak Ridge.	Oak Ridge	TN	37930	Tennessee Valley Authority.	3010
Cumberland Fossil Plant	TN Highway 149 South	Cumberland City	TN	37050	Tennessee Valley Authority.	3010
Hartsville Site	TN Hwy 25	Hartsville	TN	37050	Tennessee Valley Authority.	3010
Holston Army Ammunition Plant.	West Stone Drive	Kingsport	TN	37660	Army	3005 3010 3016 103c
John Sevier Fossil Plant	TN Hwy 70E	Rogersville	TN	37134	Tennessee Valley Authority.	3005 3010 103c

FEDERAL FACILITIES DOCKET—Continued

[SEA Status Facilities]

Facility name	Facility address	City	State	Zip code	Agency	Reporting mechanism
Kingston Fossil Plant	Off I-40 East	Kingston	TN	37763	Tennessee Valley Authority.	3005 3010 103c
Memphis Naval Air Station	Millington-Arlington Road	Millington	TN	38054	Navy	3005 3010 3016 103c
Sequoyah Nuclear Plant	Hixson Pike Rd	Dalsys	TN	37319	Tennessee Valley Authority.	3005 3010 103c
Watts Bar Nuclear Plant	TN Hwy 68	Spring City	TN	37381	Tennessee Valley Authority.	3005 3010 103c
Air Defense Center & Fort Bliss.	Pershing Drive	Fort Bliss	TX	79916	Army	3005 3010 3016 103c 103a
Canyon Lake Recreation Area.	North Side of Canyon Lake (By Dam).	San Antonio	TX	78234	Army	103c
Corpus Christi Army Maintenance Support Activity.	2022 Saratoga	Corpus Christi	TX	78415	Army	3005 3010 103c
Dyess Air Force Base	96 CSG/CC	Abilene	TX	79607	Air Force	3005 3010 3016 103c 103a
Galveston Coast Guard Base.	Ferry Road	Galveston	TX	77550	Transportation	3010
Houston Laboratory	6608 Homwood Dr	Houston	TX	77074	EPA	3010 103c
L.B. Johnson Space Center.	2101 NASA Road	Houston	TX	77058	NASA	3005 3010 3016 103a
NPS-Padre Island National Seashore Bone Yard.	Park Road 22	Corpus Christi	TX	78418	Interior	3010 3016 103c
Unidentified Site	US Forest Service Property.	Huntsville	TX		Agriculture	103c
BLM-Chevron Red Wash Unit.	T7SR7ESec22	Vernal	UT	84078	Interior	3016 103c
BLM-Desert Mound Mine	T35NR13WSec35	Cedar City	UT	84720	Interior	3016 103c
BLM-Frye Canyon Tailing	T36SR16ESec34	Hite	UT	84511	Interior	3016 103c
BLM-Ore Buying Station-MOAB.	T26SR22E Sec6PARCLABC.	MOAB	UT	84532	Interior	3016 103c
Arlington Hall Station	US Army	Warrenton	VA	22186	Army	3010 103c
Arlington Marine Corps Battalion Headquarters Art.	Henderson Hall	Arlington	VA	22214	Navy	103c
Oyster Point Development Corp.	610 Thimble Shoals Blvd	Newport News	VA	23601	Air Force	103c
Roanoke Navy and Marine Corps Reserve.	5301 Barnes Ave	Roanoke	VA	24019	Navy	3010 103c
BLM-Enlo Powerhouse aka Similkameen.	T40NR27ESec13	Oroville	WA	98844	Interior	103c
BR-Grand Coulee Dam Project.	PO Box 620	Grand Coulee	WA	99133	Interior	3010 3016
FS-Forest Production Laboratory.	502 Walnut Street	Madison	WI	53705	Agriculture	3005 3010
WAPA-Casper Field BR	W of Mt View on Spider Rd.	Mills	WY	82644	Energy	103c

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federal register

Friday
February 5, 1993

Part III

Department of Transportation

Coast Guard

33 CFR Part 150, et al.
Response Plans; Interim Final Rules

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 150 and 154

[CGD 91–036]

RIN 2115–AD82

Response Plans for Marine Transportation-Related Facilities

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is establishing regulations requiring response plans for marine transportation-related (MTR) facilities including deepwater ports, certain Coast Guard-regulated onshore facilities, marinas, tank trucks, and railroad tank cars. This interim final rule (IFR) also establishes additional response plan requirements for facilities located in Prince William Sound, Alaska, permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA). This IFR addresses all MTR facilities that could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the United States, adjoining shorelines, or the exclusive economic zone. Regulations requiring facility response plans and discharge removal equipment are mandated by the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990. The purpose of requiring facility response plans and discharge removal equipment is to enhance private sector planning and response capabilities to minimize the environmental impact of spilled oil.

DATES: Effective Date. This interim final rule is effective February 5, 1993, except for §§ 154.1110 through 154.1140 of subpart G. Sections 154.1110 through 154.1140 are effective August 18, 1993.

The Director of the **Federal Register** approves as of February 5, 1993, the incorporation by reference of certain publications listed in the regulations.

Comment Closing Date. Comments on this interim final rule, as requested below, must be received on or before April 6, 1993.

ADDRESSES: Comments must be in writing and may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 91–036), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to Room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (202) 267–1477. Comments on collection of information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rule. Comments will become part of this docket and will be available for inspection or copying at Room 3406, U.S. Coast Guard Headquarters.

A copy of the material listed in "Incorporation by Reference" of this preamble is available for inspection in room B–718, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Walter (Bud) Hunt, Project Manager, Oil Pollution Act (OPA 90) Staff, (G–MS–1), (202) 267–6740. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, this interim final rule is being issued without a prior notice of proposed rulemaking and it becomes effective on February 5, 1993. Timely exercise of the Coast Guard's statutory responsibilities under the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101–380) requires this action and to do otherwise would be contrary to the public interest.

Section 4202(a) of OPA 90 amended section 311(j) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)) to establish requirements for marine transportation-related (MTR) facility response plans. Section 4202(b)(4) of OPA 90 specifies an implementation schedule for these provisions. MTR facility response plans must be submitted to the Coast Guard by February 18, 1993, and MTR facilities must be operating in compliance with their plans by August 18, 1993. MTR facilities not complying with these dates are prohibited from handling, storing, or transporting oil after the applicable dates. OPA 90 also established a statutory deadline for the publication of regulations to implement response plan requirements. These regulations were to be published by August 18, 1992. Because of the statutory deadline for submission of response plans and the need to assist the regulated community to prepare response plans, any further delays in issuing these regulations would create a hardship on the regulated community and prevent timely enforcement of the response plan provisions of OPA 90. Therefore, it has been determined that good cause exists for omitting prior notice and comment on the proposed rule and making the rule effective immediately.

The Coast Guard did publish an advance notice of proposed rulemaking (ANPRM) on these regulations in the March 11, 1992 **Federal Register** (57 FR 8708). The ANPRM discussed the background, statutory requirements of section 311(j) of the FWPCA, and possible regulatory approaches. In addition, the ANPRM posed questions for public comment. The Coast Guard received 116 comments. Each of the comment letters was considered in developing these regulations.

Request for Comments

Although a further opportunity for public comment had not been provided prior to issuing this interim final rule, additional public input is now requested. The Coast Guard is particularly interested in comments that are based on experience gained in preparing response plans that meet the requirements of this rule.

Accordingly, persons wishing to comment may do so by submitting written comments to the address listed under **ADDRESSES.** Commenters should include their names and addresses, identify this rulemaking (CGD 91–036) and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying and electronic filing. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self addressed postcard or envelope.

Comments should be submitted on or before the Comment Closing Date listed in the "**DATES**" section in this preamble in order to receive timely consideration; however late comments will be considered to the extent practicable. The rule may be changed based upon the comments received.

The Coast Guard plans no public hearing at this time. Persons may request a public hearing by writing to the Marine Safety Council at the address under "**ADDRESSES.**" Requests should indicate why a public hearing is considered necessary. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this document are Lieutenant

Commander Walter (Bud) Hunt, Project Manager, and Jacqueline Sullivan, Project Counsel, Oil Pollution Act (OPA 90) Staff, (G–MS–1).

Background and Purpose

In recent years several catastrophic oil spills have threatened the marine environment of the United States. Among these were the EXXON VALDEZ in Prince William Sound, Alaska, the AMERICAN TRADER in California's coastal waters, the MEGA BORG in the Gulf of Mexico, and the major discharge from the Ashland Oil Terminal into the Monongahela River at Floreffe, Pennsylvania. These spills had extensive impact on the marine environment, including the loss of fish and wildlife.

In response to these disasters and others, Congress passed the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101–380). Section 4202(a) of OPA 90 amended section 311(j) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)). It set out the requirements for facility response plans and periodic inspections of discharge-removal equipment in sections 311 (j)(5) and (j)(6), respectively. Section 4202(b)(4) of OPA 90 established an implementation schedule for these provisions.

As amended, section 311(j)(5) of the FWPCA requires owners or operators of certain facilities to submit response plans to the President. This requirement applies to facilities that could reasonably be expected to cause substantial harm to the environment by discharging oil or a hazardous substance into or on the navigable waters of the United States, adjoining shorelines, or the exclusive economic zone.

As amended, section 311(j)(5) also directs the President to issue regulations implementing the new FWPCA requirements for facility response plans. This authority has been delegated by Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) to the Administrator of the Environmental Protection Agency (EPA), the Secretary of the Department of the Interior (DOI), and the Secretary of the Department of Transportation (DOT).

Under Executive Order 12777, the EPA is drafting regulations for non-transportation-related fixed onshore facilities. DOI's Minerals Management Service is drafting regulations for response plans for non-transportation-related offshore facilities and transportation-related pipelines linking oil production platforms to onshore facilities. The DOT is drafting regulations for transportation-related onshore facilities, and deepwater ports subject to the Deepwater Ports Act of 1974, as amended (33 U.S.C. 1501, *et seq.*). The Secretary of Transportation, in 49 CFR 1.46(m) (57 FR 8581; Mar. 11, 1992), further delegated the authority for regulating MTR facilities to the Commandant of the Coast Guard. Thus, the Coast Guard has drafted these regulations for MTR facilities. The Research and Special Programs Administration will issue separate regulations for non-marine transportation-related onshore facilities. Since several Federal agencies are drafting regulations requiring facility response plans, these agencies have been meeting to discuss and coordinate development of the regulations.

This rule addresses only MTR facilities that handle, store, or transport oil. Response plans for MTR facilities that handle, store, or transport hazardous substances will be the subject of a separate rulemaking at a later time.

A separate NPRM has been published in the **Federal Register** addressing vessel response plans. See CGD 91–034/CGD 90–068, (57 FR 27514, June 19, 1992).

Section 311(j)(5) of the FWPCA requires the preparation and submission of response plans from all onshore facilities that could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone. Response plans submitted for those onshore facilities that could cause significant and substantial harm to the environment by such discharges must meet additional review and approval requirements. OPA 90 does not define the distinction between "substantial harm" and "significant and substantial."

The OPA 90 Conference Report (Report 101–653) states that the President is to develop nationwide criteria to determine those facilities which could reasonably be expected to cause substantial harm to the environment and are therefore required to submit plans. The report also states that the criteria should result in a broad requirement for facility owners or operators to prepare and submit response plans.

OPA 90 mandated several deadlines for MTR facility response plans. After February 18, 1993, an MTR facility required to have a response plan may not handle, store, or transport oil unless a plan has been submitted to the Coast Guard. After August 18, 1993, a facility required to have a response plan may not handle, store, or transport oil unless it is operating in compliance with the plan, and in the case of a facility for which a response plan must be reviewed, it has been approved by the Coast Guard.

The Coast Guard will authorize an MTR facility which could reasonably be expected to cause significant and substantial harm to the environment and has submitted a response plan to continue to operate for up to 2 years from plan submission without agency approval of the response plan. However, the owner or operator of the facility must certify that he or she has ensured by contract or other means acceptable to the Coast Guard the availability of private personnel and equipment adequate to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge.

Section 311(j)(5) of the FWPCA requires that, in a facility response plan, an owner or operator identify and ensure by contract or other means approved by the President the availability of private personnel and equipment sufficient to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent substantial threat of such a discharge. A worst case discharge for a facility is defined in section 311(a)(24) of the FWPCA, as amended by section 4201 of OPA 90, as the largest foreseeable discharge in adverse weather conditions. The statute does not further define a "foreseeable discharge" or "adverse weather."

A major objective of the OPA 90 amendments to section 311(j)(5) of the FWPCA is to create a national planning and response system. Certain worst case discharges, such as those also involving a fire or explosion at the facility, could require the use of both private and public response resources.

Section 5005 of OPA 90 establishes requirements for response plans for MTR facilities located in Prince William Sound, Alaska, which are permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1651, *et seq.*). This section requires a level of preparedness for facilities in Prince William Sound which is in addition to the requirements of section 311(j) of the FWPCA. These statutory requirements are intended to provide an even greater margin of safety in Prince William Sound by requiring prepositioned response equipment; an oil spill removal organization; special training for residents; periodic inspections, testing, and certification of response equipment; and exercises for the trained personnel and spill removal equipment.

Response Plans for Marine Transportation-related (MTR) Facilities

Marine transportation-related facilities are defined in the rule as any onshore facility, including piping and any structure used to transfer oil to or from a vessel, and any deepwater port subject to regulation under 33 CFR part 150.

Substantial Harm Facilities

This rule requires the owners or operators of all MTR facilities which could reasonably be expected to cause substantial harm to the environment to prepare and submit a response plan. Generally, fixed and mobile facilities (tank trucks and railroad tank cars) that are used, or intended to be used for, transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more, fall within this substantial harm category.

Fixed and mobile MTR facilities that are capable of transferring oil, in bulk, only to or from a vessel with a capacity of less than 250 barrels (such as marinas and tank trucks fueling recreational vessels) could not reasonably be expected to cause substantial harm to the environment and will not be required to prepare and submit response plans. However, if the COTP determines that a worst case discharge from a specific facility could reasonably be expected to cause substantial harm to the environment, that facility will be required to prepare and submit a response plan to the COTP.

The Coast Guard believes that mobile facilities that are used for, or intended to be used for, transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more are as reasonably likely to cause substantial harm to the environment as are fixed facilities when conducting oil transfer operations to vessels. When mobile MTR facilities conduct operations alongside or over navigable waters, discharges from these operations are likely to enter the water before effective containment actions can be initiated on the shore or pier.

Mobile facilities that are used for, or intended to be used for transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more are classified as substantial harm facilities. These facilities, which under 33 CFR 154 are already required to have an operations manual and a valid letter of adequacy issued by the cognizant COTP, will be required to prepare and submit response plans but will not be required to execute a formal contract for pollution response resources. These response plans will be required to identify response contractors or response resources they are likely to employ in the event of a worst case discharge. They will also be required to store limited amounts of containment boom and sorbent materials that will be required to be ready for deployment within 1 hour after notification of a discharge of oil. This reduced response planning standard recognizes that these mobile MTR facilities represent a lesser threat to the environment than large fixed MTR facilities.

Significant and Substantial Harm Facilities

This rule requires the owners or operators of deepwater ports and large fixed MTR facilities that could reasonably be expected to cause significant and substantial harm to the environment in the event of a worst case discharge to prepare and submit their response plans for approval by the Coast Guard. Large fixed MTR facilities are those facilities that are capable of transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more. These facilities may operate for up to 2 years pending approval of a submitted response plan provided that the facility owner or operator certifies that private personnel and equipment are available, by contract or other approved means, to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of a discharge.

The Coast Guard is placing most fixed MTR facilities regulated under 33 CFR 154.100(a) in the category of significant and substantial harm. Section 154.100(a) makes part 154 applicable to each fixed facility that is capable of transferring oil in bulk to or from a vessel with a capacity of 250 or more barrels. These facilities are placed in this category based on their proximity to navigable waters, adjoining shorelines, or the exclusive economic zone; their oil storage capacity; and the nature of their operations.

Deepwater ports, regulated under 33 CFR part 150, are also covered by the rule. As an offshore facility, a deepwater port must prepare and submit a response plan for review and approval under section 311(j)(5). For MTR facilities that can be reasonably expected to cause significant and substantial harm, the rule provides that once the Coast Guard has reviewed a plan, it will return for amendment any plan that does not meet the requirements set forth under the provisions of the amended section 311(j)(5) of the FWPCA. It also requires the Coast Guard to approve any plan that does comply with those provisions.

Adjustments to Facility Classification

The rule will permit any MTR facility owner or operator believing that his or her facility would not cause substantial or significant and substantial harm as a result of a worst case discharge of oil, to request the cognizant Coast Guard Captain of the Port (COTP) to reclassify the facility. The COTP, when reviewing this information, will consider factors such as the type and age of the facility, spill history, location of public and commercial water intakes, and other relevant factors. A procedure is included for appealing the COTP determination.

Equipment Availability and Criteria

This rule establishes the criteria for worst case discharge and requires MTR facilities to identify private personnel and equipment available, by contract or other approved means, sufficient to remove, to the maximum extent practicable, a worst case discharge and to mitigate and prevent a substantial threat of such a discharge. Separate guidance is being developed that includes inspection requirements for the major pieces of equipment required to contain and clean up oil discharges.

The Coast Guard proposed, in its vessel response plan NPRM (57 FR 27514, June 19, 1992), certain criteria for determining the amount of equipment required to respond to a discharge of oil. Many comments were received by the Coast Guard on the criteria proposed in the vessel response plan NPRM. The criteria in that NPRM have been modified and where appropriate, this rule uses the same criteria for facility response plans to provide consistency between the two regulations. The criteria provide guidelines and standards for non-persistent oils and Group II through Group IV persistent oils which both the MTR facility owner or operator and the Coast Guard COTP will apply in determining whether a facility has sufficient equipment to respond to a specified spill scenario.

This rule requires that a response plan for an MTR facility identify only private response resources. These resources will comprise the majority of personnel and equipment available for the national planning and response system. Furthermore, the equipment, training, and experience of these organizations will be essential to any successful pollution response effort. The integration and coordination of public and private response resources will be addressed in the applicable Area Contingency Plans.

This rule also addresses response plan requirements for TAPAA facilities in Prince William Sound, Alaska. These additional requirements appear in Subpart G of this rule.

Advance Notice of Proposed Rulemaking

The Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) on this rule in the March 11, 1992 Federal Register (57 FR 8708). The ANPRM discussed the background, statutory requirements of section 311(j) of the FWPCA, and possible regulatory approaches. In addition, the ANPRM posed questions for public comment. The Coast Guard received 116 comments. Each of the comment letters was considered in developing this rule.

Though there is a wide disparity of positions in the comments on the MTR facilities response plan ANPRM, a number of issues seem to have engendered the most concern.

A recurring concern expressed in the responses was the need to avoid conflicting regulations. Many commenters from industry feel that existing Spill Prevention, Control, and Countermeasures (SPCC) plans required by EPA under 40 CFR 112 and operations manuals required by the Coast Guard under 33 CFR 154 are completely adequate and that further requirements will constitute over-regulation. State government agencies expressed concern that the new regulations may conflict with existing or pending State regulations, despite the statutory requirement that Federal laws and regulations not preempt State response planning laws. Many comments reflected a desire for the new regulations to be flexible.

The Coast Guard believes that this rule provides the maximum flexibility practicable in establishing requirements for response plans. The Federalism section of this IFR contains a discussion on the issue of preemption.

Comments from private terminal operators called for regulations that were less stringent than State regulations. Members of industry expressed concern that they will be required to prepare for circumstances which are simply too unlikely to occur. They feel that this will cost too much and some small facilities are concerned that they may not be able to comply. Some mentioned that they may be able to acquire the required equipment but may not have the manpower at the facility to deploy it.

All response plans must meet the statutory requirements set out in OPA 90. However, this IFR does provide for reduced requirements for mobile MTR facilities, fixed facilities that handle, store, or transport Group V petroleum oils, and fixed facilities that handle, store, or transport non-petroleum oils.

Many comments address the lack of definition of the terms "substantial harm" to the environment and "significant and substantial harm" to the environment, "average most probable discharge," and "worst case discharge." The definition of these terms will substantially affect them.

Accordingly, the Coast Guard has provided definitions for these terms in this IFR and provided for individual determinations, where appropriate.

Many commenters stated that the Coast Guard should require all plans to be submitted, reviewed, and approved. However, OPA 90 specifically requires only significant and substantial harm facilities to submit response plans for review and approval. Facilities which fall in the category of substantial harm must still submit response plans to the Coast Guard; but those plans do not require formal approval. They may be reviewed by the COTP and deficiencies will need to be corrected.

Some comments mentioned that a good way to increase prevention efforts would be to provide incentives in the form of less stringent response requirements. Most agreed that the qualified individual identified in the plan should be on a local level, and that multiple-terminal operators should have some kind of local response plan even if they maintain a corporate plan as well. Most comments requested that one lead agency be responsible for approving plans and that the Coast Guard is probably the most appropriate agency. Several mentioned that facilities handling edible oil should be exempt from the regulations. They also felt that the regulations should be consistent with the vessel response plan regulations and the area contingency plans. Some requested public hearings, particularly in Alaska.

There was a great deal of disagreement about the certification of contractors and equipment, and frequency of drills. Commenters also disagreed over whether facility response personnel should be required to do more than just control and report a spill. There were comments on whether the response plan should be an annex to the operations manual or a separate document in itself. Many disagreed about the possibility of lending equipment; most think some lending should be allowed, although that would be impossible for some areas, such as American Samoa and Alaska, particularly during bad weather.

Louisiana Offshore Oil Port Inc. (LOOP) provided comments on the ANPRM regarding the application of OPA 90-mandated response planning requirements to its facility. LOOP INC. contends that the response plan regulations should not apply to LOOP as it is regulated under the Deepwater Port Act (DPA) of 1974 (33 U.S.C. 1501–1524). As a deepwater port, the Coast Guard recognizes that LOOP is regulated under 33 CFR part 150 and must prepare an operations manual in accordance with 150.105. However, section 311(j)(5) of the FWPCA, as amended by 4202(b)(4) of OPA 90, requires all offshore facilities to prepare and submit response plans to the President. Deepwater ports are included in the statutory definition of offshore facilities. The authority to impose response plan requirements on deepwater ports was specifically delegated to DOT under section 2(d)(2) of Executive Order 12777 (56 FR 54757; Oct. 22, 1991). This authority was subsequently delegated to the Coast Guard (57 FR 8581; March 11, 1992). These facilities must prepare response plans meeting the requirements of section 311(j)(5) of the FWPCA and the Coast Guard must review the plans and approve them when they meet the requirements for a response plan.

Recommendations of Oil Spill Response Plan Negotiated Rulemaking Committee

To gather information for the Vessel Response Plan NPRM, the Coast Guard established an Oil Spill Response Plan Negotiated Rulemaking Committee (56 FR 58202, November 18, 1991). Meeting dates of the Committee were published on January 10, 1992 (57 FR 1139). Committee sessions were held between January 8th and March 27th, 1992. After its last meeting, the Committee provided the Coast Guard with a final report.

The Coast Guard used information in this final report to develop the vessel response plan NPRM. To maintain consistency between the two regulations, this rule uses certain concepts contained in the vessel response plan NPRM. Thus, this rule contains certain conclusions found in the Committee's final report.

Copies of the Committee's final report and all documents considered by the Committee during its meetings are in the public docket for that rulemaking (CGD 91–034).

Navigation and Vessel Inspection Circular 7–92, Interim Guidelines for Development and Review of Response Plans for Marine Transportation-Related Facilities Including Deepwater Ports

Given the statutory deadline for the submission of response plans by facility owners or operators, the Coast Guard promulgated Navigation and Vessel Inspection Circular (NVIC) 7–92 dated September 23, 1992. The NVIC provided guidance to the marine industry for preparing response plans for certain facilities, as required by the OPA 90 amendments to the FWPCA. The Coast Guard will accept a response plan based on the NVIC to meet the February 18, 1993 submission deadline, as well as a response plan meeting this interim final rule. The owner or operator of a facility that submits a response plan based on the NVIC, shall so indicate that in a letter accompanying the plan submission. Only then will the plan be reviewed for approval based on the provisions contained in the NVIC. However, any response plan submitted after February 18, 1993 must meet the requirements of this interim final rule. After August 18, 1993, all facilities must be operating in compliance with their plan and "significant and substantial harm" facilities must have an approved plan or have been authorized by the Coast Guard in writing to operate pending approval of a submitted plan.

Discussion of Amendments

To implement the requirements of section 311(j)(5) of the FWPCA, as amended, the Coast Guard is defining those MTR facilities required to prepare and submit oil spill response plans and establishing the format and the content of those plans. These plans are necessary to ensure the availability of sufficient spill response resources. The following is a section-by-section summary of the rule.

33 CFR Part 150, Subpart A—General

Section 150.129 Response Plans

This rule amends 33 CFR part 150 to require the owner or operator of a deepwater port to prepare and submit a response plan to the COTP. As an offshore facility, a deepwater port must prepare and submit a response plan under section 311(j)(5). The response plan must be prepared and submitted for review and approval in accordance with 33 CFR part 154, subpart F. The Coast Guard has previously addressed the contention of LOOP INC. that OPA 90 response planning regulations should not be applied to that facility.

33 CFR Part 154, Subpart A—Response Plans

Section 154.100 Applicability

The rule amends § 154.100 by revising paragraph (a) and adding paragraph (c). Paragraph (a) is revised to clarify that only those mobile facilities that are actually being used or are intended to be used to transfer oil, in bulk, to or from a vessel with a capacity of 250 barrels or more are required to prepare and submit facility response plans. The revision to paragraph (a) and addition of paragraph (c) allows the COTP to apply this subpart to all MTR facilities not originally categorized as "substantial harm" facilities as defined in subpart F.

Section 154.106 Incorporation by Reference

This section incorporates by reference four standard test methods developed by the American Society for Testing and Materials (ASTM). These test methods are acceptable means to evaluate the performance capabilities of oil booms and recovery devices for purposes of §§ 154.1045, 154.1047, and 154.1049 as discussed below. ASTM is in the process of updating these standards as well as developing new standards for response equipment performance evaluation. The Coast Guard is an active participant in this process and will revise this section as necessary to reflect applicable standards subsequently adopted by ASTM and determined appropriate by the Coast Guard.

33 CFR Part 154, Subpart F—Response Plans

Section 154.1010 Purpose

This section describes the purpose of this rule and notes that the requirements set forth in the rule are for planning purposes only. The requirements are not performance standards. They are intended to be used by an MTR facility owner or operator to develop a plan for responding to the facility's worst case discharge in adverse weather to the maximum extent practicable. Actual conditions during a spill event may not permit the arrival of the resources within the prescribed timelines; however, actual conditions may also permit faster response times in some situations.

The development of a response plan and the necessary training and drills to ensure its proper implementation, is a means that prepares the MTR facility owner or operator for an emergency situation. The response plans are not to help government response agencies better prepare, but, to help ensure the facility owner or operator is prepared. The intent is to have the owner or operator critically review the potential risk to the marine environment for an accidental oil discharge from the facility. The requirements for these plans are intended to focus owners and operators on: the risk to the marine environment; what actions they can employ to mitigate the risk; and considering the risk, development of a plan that aggressively responds to a spill from the facility. The response plan requirements are intended to ensure that the facility owner or operator has asked himself or herself the hard questions of: What is the risk? What private sector resources are available? Where and how do I rapidly address and resolve the problems this spill has caused to the marine environment?

Section 154.1015 Applicability

The requirements of this subpart apply to MTR facilities that handle, store, or transport oil, in bulk, and that could reasonably be expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone. These facilities must prepare and submit a facility response plan to the COTP. Significant and substantial harm facilities must also have their response plans approved by the COTP. Significant and substantial harm facilities represent a subset of the facilities that are designated as substantial harm facilities. Fixed MTR facilities that are capable of transferring oil, in bulk, to or from vessel with a capacity of 250 barrels or more could reasonably be expected to cause significant and substantial harm to the environment.

The rule provides that mobile MTR facilities capable of transferring oil to or from vessels with a capacity of 250 or more barrels of oil could reasonably be expected to cause substantial harm to the environment in the event of a worst case discharge of oil. These facilities must prepare and submit a facility response plan to the COTP.

The Coast Guard made these initial determinations based on the facility's capacity and proximity to navigable waters, adjoining shorelines, or the exclusive economic zone. However, a facility owner or operator who does not agree with the initial classification may request review of the facility's classification by the COTP in accordance with 33 CFR 154.1075. The COTP will review information on the facility and other relevant factors to determine if the facility could reasonably be expected to cause substantial or significant and substantial

harm to the environment by a worst case discharge from the facility. The COTP determination may be appealed to the District Commander and Commandant.

Section 154.1016 Upgrade Facility Classification

This section provides the COTP with the authority to apply the requirements of subpart F to any facility that is not specified as a substantial harm or significant and substantial harm facility in § 154.1015. This section also provides the COTP with the authority to reclassify any substantial harm facility to a significant and substantial harm facility.

The COTP may determine that a specific fixed MTR facility capable of transferring oil only to or from vessels with a capacity of less than 250 barrels, such as a marina, and therefore subject to regulation under 33 CFR 154.100(b), could reasonably be expected to cause substantial harm to the environment. The COTP may also determine that a specific mobile MTR facility capable of transferring oil to or from vessels with a capacity of less than 250 barrels could also reasonably be expected to cause substantial harm to the environment. The Coast Guard expects that COTPs will infrequently reclassify facilities in this manner.

This section provides that reclassification of facilities will be based on a consideration of all relevant factors including, but not limited to, the type and quantity of oils handled in bulk, facility spill history, age of facility, proximity to public and commercial water supply intakes, and proximity to areas of economic importance and environmental sensitivity. Facility owners or operators may also appeal this reclassification in accordance with § 154.1075 in this IFR.

Section 154.1017 Response Plan Submission Requirements

This section requires any significant and substantial harm facility specified in § 154.1015(c) to prepare and submit a response plan that meets the requirements of §§ 154.1030, 154.1035, and 154.1045, 154.1047, or 154.1049, as appropriate, to the COTP for review and approval. It also requires any substantial harm facility specified in § 154.1015(b) to prepare and submit a response plan to the COTP that meets the requirements of §§ 154.1030, 154.1040, and 154.1045, 154.1047, or 154.1049, as appropriate. Additionally, a mobile facility must prepare and submit a response plan that meets the requirements of § 154.1041.

Section 154.1020 Definitions

This section adds definitions that are based on the FWPCA, other regulations, or devised by the Coast Guard to define terms used in subpart F. The following definitions are only applicable to this subpart.

Adverse weather. The definition was proposed in the Vessel Response Plan NPRM. Adverse weather means the weather conditions to be used during the planning process to identify equipment and systems required for the response plan. The specific weather conditions for planning are found in §§ 154.1045, 154.1047, and 154.1049.

Average most probable discharge. The definition is based on a review of historical facility spill data. This review showed that, from 1985 to 1989, 95 percent of the oil spills from facilities in the coastal zone were 50 barrels (2100 gallons) or less. This includes all facility discharges including spills from routine operations. The definition uses the lesser of 50 barrels or 1 percent of the worst case discharge as the average most probable spill. Using the lesser of the two values will lessen the regulatory burden on small volume facilities while maintaining sufficient response planning.

Captain of the Port (COTP) Zone. The definition describes the area specified in 33 CFR Part 3 and, where applicable, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ).

Contract or other approved means. The definition means the five methods described in § 154.1028.

Exclusive economic zone (EEZ). The definition is based on section 1001(8) of OPA 90. It describes this zone as defined in Presidential Proclamation 5030 of March 10, 1983. This zone extends 200 miles from the territorial sea baseline unless a maritime boundary with another country is closer than 200 miles.

Facility that could reasonably be expected to cause significant and substantial harm. The definition describes a fixed MTR facility which must prepare and submit a response plan to the COTP for review and approval. In general, this facility is capable of transferring oil in bulk to or from a vessel with a capacity of 250 barrels or more and is typically a large fixed MTR facility. This category also includes any facility specifically designated by the COTP in § 154.1016.

Facility that could reasonably be expected to cause substantial harm. The definition describes an MTR facility which must prepare and submit a response plan to the COTP. In general, this facility is a mobile facility that is used or intended to be used to transfer oil, in bulk, to or from a vessel with a capacity of 250 barrels or more. This category also includes any facility specifically designated by the COTP in § 154.1016.

Great Lakes. The definition was taken from 46 CFR 10.103.

Higher volume port area. The Coast Guard has identified ports within which it believes greater response capability is necessary. The Coast Guard based its determination on a study of relative volumes of persistent and non-persistent oil handled, stored, or transported in the port areas. The Coast Guard evaluated the 1987 and 1988 U.S. Army Corps of Engineers reports on "Waterborne Commerce of the United States." These reports provide statistics for 34 port areas. The volumes of persistent and non-persistent oils were compiled for the listed ports. Analysis of this data indicated that 15 port areas had oil volumes significantly greater than others. The decision to choose 15 port areas was based on the distinct break that occurs between ports areas at the point selected. A report describing the methodology used for this determination is in the public docket.

Inland area. The definition is based on the existing boundaries used in 33 CFR part 80 and 46 CFR part 7. It defines a boundary for identifying response times and determining equipment operability criteria.

Marine transportation-related facility. The definition includes any onshore facility, including piping and any structures used for the transfer of oil to or from a vessel, and any deepwater port subject to regulation under 33 CFR part 150. Included in this definition are large fixed onshore facilities, small fixed onshore facilities (such as marinas), mobile facilities (tank trucks and railroad tank cars), and deepwater ports.

The definition of the transportation-related portion of the facility and the non-transportation-related portion is provided in the 1971 Memorandum of Understanding between the Environmental Protection Agency and the Department of Transportation. In this section of the IFR the Coast Guard further defines the marine-transportation-related portion of the facility. For the purpose of response planning, the Coast Guard has identified the first valve inside the secondary containment as separating the marine transportation-related segment of the facility from the non-transportation-related segment. For below ground storage tanks or tanks without secondary containment the separation between facilities may be a valve or

pump located on or adjacent to the tanks. The definition also provides for the COTP and the appropriate Federal official to agree to a specific location or point on the facility to be used to separate the marine transportation-related portion from the non-transportation-related portion of the facility.

Maximum extent practicable. The definition is derived from the Vessel Response Plan NPRM definition. It is the planned capability to respond to a worst case discharge in adverse weather. The appropriateness of this planned capability is limited by available technology and the practical and technical limits on an individual facility owner or operator. Specific criteria for determining this capability are described in §§ 154.1045, 154.1047, and 154.1049.

Maximum most probable discharge. The definition is based on historical spill data which showed that, from 1985 to 1989, 99 percent of the oil spills from facilities in the coastal zone were approximately 1,200 barrels or less. The definition establishes the maximum most probable discharge volume as 1,200 barrels or 10 percent of the volume of the worst case discharge, whichever is less. Using the lesser of the two values will lessen the regulatory burden on small volume facilities while maintaining sufficient response planning.

Nearshore area. The definition is the area extending from the boundaries established in 33 CFR part 80 and 46 CFR part 7 seaward 12 miles. It defines a boundary of an area used for identifying response times and determining equipment operability criteria. This area, because it is close to shore, requires planning for rapid response times and protective actions.

Non-persistent or Group I oil. To provide consistency between this rule and the vessel response plan rulemaking, the definition is drawn from the International Oil Pollution Compensation Fund guidelines. These guidelines use distillation percentages to distinguish between the physical characteristics of persistent and non-persistent oils. Non-persistent oils tend to be more volatile and evaporate very rapidly. The response equipment and methods required for these oils are typically different than those required for persistent oils. While each type of oil must be evaluated, generally gasoline, naphtha, kerosene, jet fuel, gas oil, automotive diesel, and number 2 diesel fuel will meet this definition. The International Tanker Owners Pollution Federation (ITOPF) classifies non-persistent oils as Group I as indicated in appendix C of this part. The Coast Guard is soliciting comments on these classifications of non-persistent oils.

Non-petroleum oil. The definition means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal and vegetable oils.

Ocean. The definition is used to determine response plan equipment operability criteria for all waters seaward of inland areas.

Offshore area. The definition is taken from the Vessel Response Plan NPRM. It defines the boundaries of an area generally located beyond 12 nautical miles to 50 nautical miles from boundaries established in 33 CFR part 80 and 46 CFR part 7. It is used for identifying response times and determining equipment operability criteria. This area is farther from shore than the nearshore area and thus the risk to the shoreline is reduced. The reduced risk for this area is reflected in the planning criteria for MTR facilities.

Oil. The definition means oil of any kind or in any form, including, but not limited to, petroleum oil, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.

Oil spill removal organization. The definition includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources established in a geographic area to provide required response resources.

Operating area. The definition is used to define the geographic location in which a facility is handling, storing, or transporting oil. The five operating areas are Rivers and canals, Inland area, Nearshore, Great Lakes, and Offshore. These areas are further defined in the rule. The operating area classification may not be changed by the COTP.

Operating environment. This term is used to define the conditions in which the response equipment is designed to function. The four operating environments are Rivers and canals, Inland area, Great Lakes, or Oceans. These areas are further defined in the rule. The COTP may reclassify a specific body of water in the ACP to better reflect conditions expected to be encountered during response activities. See § 154.1045 for additional information on reclassification.

Operating in compliance with the plan. This term means operating in compliance with the provisions of this subpart including, ensuring the availability of the response resources by contract or other approved means, and conducting the necessary training and drills.

Persistent oil. The definition is the same as that proposed in the vessel response plan NPRM. It recognizes that persistent oils tend to emulsify and do not dissipate as rapidly as non-persistent oils. This affects the equipment and methods required to respond to the discharge. The definition covers all oils that do not meet the criteria for classification as non-persistent oils. Persistent oil includes marine diesel, number 4 and 6 oils, lubricating oils, asphalt, other residual fuel oils, and crude oil. The ITOPF classifies these as Group II, Group III, Group IV, or Group V. It reflects the variability in dissipation and emulsification of persistent oils. The Coast Guard is soliciting comments on these classifications of persistent oil.

Qualified individual and alternate qualified individual. The definition means a person located in the United States who meets the requirements of § 154.1026.

Response activities. The definition refers to any actions necessary to minimize or mitigate damage to the public health and welfare and environment caused by an oil spill. These activities include, but are not limited to, the containment and removal of oil from the land, water and shorelines and the temporary storage and disposal of recovered oil.

Response resources. The definition describes the personnel, equipment, supplies, and any other capability a facility owner or operator may need in order to perform the response activities identified in the response plan.

Rivers and canals. The definition is taken from the vessel response plan NPRM. It defines a boundary in the inland area where shallow draft vessels primarily operate. It is in this rule for use in identifying response times and determining equipment operability criteria. The definition uses the controlled navigable depth of 12 feet or less as the method of identifying these waterways. Most of these waterways are in protected areas and reflect conditions different from those found in other waterways. The use of 12 feet or less limits the waterways covered by this definition to those where non-oceangoing vessels operate, such as the Intracoastal Waterways, Western Rivers Systems, and other similar areas. It is included in this rule in an attempt to maintain consistency between this rule and the proposed rule on vessel response plan requirements. The Coast Guard is soliciting comments on whether this is a reasonable method to differentiate between bodies of water that have different response plan factors.

Spill management team. The definition describes the personnel that will staff the organizational structure

that a facility owner or operator must identify in a response plan. This team will manage the response actions of the facility owner or operator and the oil spill removal organizations identified in a plan.

Substantial threat of a discharge. The definition is included because facility owners or operators are required to plan for incidents that may not result in an oil discharge. This definition is consistent with the definition used in the Coast Guard's proposed vessel response plan rulemaking and is intended to establish a similar level of threatened discharge for a vessel and a facility and maintain consistency between the two regulations.

Worst case discharge. The definition means, in the case of an onshore facility and deepwater port, the largest forseeable discharge in adverse weather conditions meeting the requirements of § 154.1029.

Section 154.1025 Operating Restrictions and Interim Operating Authorization

The owner or operator of any facility classified or designated by the COTP as a facility that could reasonably be expected to cause substantial harm or significant and substantial harm to the environment under this subpart shall submit a response plan. The owner or operator of a facility that could reasonably be expected to cause significant and substantial harm to the environment is required to have a response plan approved by the Coast Guard before the facility may handle, store, or transport oil.

Section 4202(b)(4) of OPA 90 implements this requirement in two steps. Response plans must be submitted no later than February 18, 1993, for MTR facilities operating prior to that date. Such facilities must be operating in full compliance with their submitted response plan by August 18, 1993. An MTR facility beginning operations between February 18 and August 18, 1993, must submit a response plan prior to handling, storing, or transporting oil, and must also be operating in compliance with their submitted response plan by August 18, 1993. New MTR facilities beginning operations after August 18, 1993, must prepare and submit response plans not less than 60 days prior to handling, storing, or transporting oil.

While the above dates implement the statutory requirements for MTR facilities to operate with either submitted or approved response plans, section 311(j)(5)(F) of the FWPCA allows the Coast Guard to authorize an MTR facility requiring plan approval to operate for up to 2 years after a plan is submitted for approval if the owner or operator provides written certification that he or she has identified private personnel and equipment available, by contract or other approved means, to respond, to the maximum extent practicable, to a worst case discharge. This provides an interim period in which the facility may continue to operate while the plan approval process is completed, and recognizes that the Coast Guard may be unable to complete the plan review and approval process before August 18, 1993. Any deficiencies noted in the submitted plan shall be corrected in accordance with § 154.1070.

This interim rule provides this 2-year authorization to operate, from the date of submission of plans requiring approval, if the owner or operator certifies that he or she has identified response resources available, by contract or other approved means, required by this subpart. This certification will normally occur as part of the initial plan submission, but because all required response resources may not be in place by the February 18, 1993 deadline for submission of plans, MTR facility owners or operators may submit this certification separately prior to August 18, 1993, or they may note the response resources that are not in place when they submit their plan in February 1993. Information contained in the plan does not need to be repeated.

The Coast Guard is still studying the issue of whether the two-year operating provision allowed for in 311(j)(5) of the FWPCA is for initial submission only, or if it will also apply to future plan revisions and required resubmissions. The Coast Guard intends to clarify this issue prior to publishing the Final Rule.

Under the rule, an MTR facility may not continue to operate if the Coast Guard determines that the response resources included in the certification do not substantially meet the requirements of this subpart, the identified response resources are no longer covered by a contract or other approved agreement with the facility owner or operator, the facility is not operating in compliance with the submitted plan, or the 2-year period expires.

Section 154.1026 Qualified Individual and Alternate Qualified Individual

This section of the rule describes the specific requirements that must be met for the primary and alternate qualified individual(s). Section 311(j)(5) of the FWPCA specifies that anyone acting in this capacity must have the full authority to implement removal action. The qualified individual must be located in the United States, be available on a 24-hour basis, and have full written authority to: (1) Activate and contract with response resource(s) identified in the plan, and if necessary, contract with response resources not identified in the plan; (2) serve as liaison with the Federal On-Scene Coordinator (OSC); and (3) obligate funds for response activities.

The rule provides for both a primary and an alternate qualified individual. These individuals must speak and understand English and be able to arrive at the facility in a reasonable time. Identifying a qualified individual in the response plan does not preclude the facility owner or operator from substituting other qualified persons from a higher organizational level during a larger, more significant spill. While the term qualified individual is used, the facility's owner or operator may also designate an organization to carry out these responsibilities. However, the designated organization must have identified specific individuals to act as the qualified individual and the alternate. The facility owner or operator must identify the organization and its 24-hour contact number(s) in the response plan.

A person does not become a responsible party under the FWPCA by being designated a qualified individual for response plan purposes. Under 311(c)(4), a person other than a responsible party is not liable for removal costs or damages which result from actions taken or omitted in the course of rendering care, assistance, or advice consistent with the National Response Plan or as otherwise directed by the President. Notwithstanding, such a person whose acts or omissions are grossly negligent, or who engages in willful misconduct may, as a result, become liable for the resulting removal costs or damages. The qualified individual is not, however, responsible for the adequacy of response plans prepared by the owner or operator, nor is the qualified individual responsible for contracting response resources beyond the authority delegated from the owner or operator.

The Coast Guard does not wish to restrain the appropriate activities of a qualified individual or to hamper plan preparers in identifying such individuals. However, the Coast Guard has no authority to grant immunity to any person, including qualified individuals designated for response plan purposes.

Section 154.1028 Methods of Ensuring the Availability of Response Resources by Contract or Other Approved Means

This section provides five methods that a facility owner or operator can use to establish evidence of compliance. The first three methods are a written contractual agreement, certification by the owner or operator of their response capabilities, or active membership in a local or regional spill removal organization.

The fourth method of identifying response resources requires the written acknowledgment of an arrangement for response resources between the facility owner or operator and the response contractor or oil spill removal organization. This written agreement clearly identifies the resources and services to be provided in response to a discharge and that these resources are available in the specified response times. The identified resources are subject to the same verification as other plan requirements including drills, tests, and response times. This method is provided as an alternative for use by all MTR facilities for ensuring the availability of response resources.

The fifth method is acceptable for substantial harm facilities and for MTR facilities that handle, store, or transport Group V persistent oils and non-persistent oils. This method entails identifying an oil spill removal organization or response contractor that is willing to respond to a discharge from the facility. It requires the oil spill removal organization or response contractor to supply a letter to the facility stating that they are willing to respond to a discharge at the facility and that they have specified resources. Although this method does not establish a contract between the facility owner or operator and the response contractor, normal market forces provide sufficient assurance, for planning purposes, that resources will be available to respond to the discharge that could reasonably be expected from the facilities. This method of identifying response resources reduces the potentially high economic impact on segments of the marine industry which provide essential services to the marine community while addressing the harm that could reasonably be expected to the environment in the event of a discharge from these facilities.

Section 154.1029 Worst Case Discharge

This section addresses MTR facilities or, more commonly, the MTR segment of a complex facility as defined in § 154.1020. A complex facility is a facility which is regulated under Section 311(j) of the FWPCA by two or more Federal agencies. It generally consists of an MTR segment and a non-transportation-related segment. The Coast Guard recognizes that the storage tanks located in the non-transportation-related segment of the facility may provide a larger worst case discharge than the transportation-related portion of the facility. However, since the EPA is tasked with regulating the non-transportation-related portion of the facility under E.O. 12777, the Coast Guard will concentrate on the marine transportation-related segment which represents the most immediate threat of discharge.

The Coast Guard is concerned about the worst case discharge that is reasonably foreseeable from the MTR facility or the dock and piping used to convey oil to the non-transportation-related portion of the facility. The worst case discharge scenario accounts for the time to detect the spill and the time to secure the operation. It also accounts for the residual oil that remains in the piping after the operation has been shut down. It also assumes that all pipelines between the dock and storage tank will fail. When preparing a worst case discharge scenario for the MTR facility, the owner or operator will attempt to limit the discharge volume by relying upon fail-safe features designed into the operation such as leak detection and mechanical methods of isolating segments of the pipeline. It is the Coast Guard's experience that these features do not always work as expected or that the required human interface with these features is lacking at the most critical time. The use of any single valve in a pipeline to create smaller segments should not be a factor in preparing for a worst case discharge. Facility owners or operators should plan for the discharge of not less than two segments of any single pipeline, one on each side of the valve. For planning purposes, where a valve or valves are used to create smaller piping segments, these two segments must be segments with the largest volume in the MTR portion of the piping. Where no intermediate valves are present in the piping, the worst case discharge must deal with the entire volume of oil in the piping.

The COTP has the discretion to accept that a facility can operate only a limited number of the total pipelines at a dock at a time. In those circumstances, the worst case discharge must include the drainage volume from the piping normally not in use in addition to the drainage volume and volume of oil discharged during discovery and shut down of the oil discharge from the operating piping.

The use of remote pressure loss devices should not be relied upon to alert the facility owner or operator to the loss of oil from the pipeline. Human monitoring and surveillance of the pipeline should also be a factor when estimating the time to discover and secure a discharge.

The Coast Guard is soliciting comments on these definitions of a worst case discharge.

The EPA is also preparing a definition of worst case discharge for the purposes of response planning for the non-transportation-related portion of the facility. This definition will appear in a separate rulemaking by the EPA.

Section 154.1030 General Response Plan Contents

This section of the rule lists the general requirements for all response plans. Response plans must be prepared in English. The general response plan requirements include seven sections: introduction; emergency response action plan; hazard evaluation; discussion of spill scenarios; training and drills; plan review and update procedures; and appendices for additional information. Facility owners or operators are encouraged to use checklists, flowcharts, and other methods to facilitate the use of response plans in an emergency.

The required response plans must address the responsibilities of facility personnel to notify appropriate government and company officials and to minimize or mitigate an oil discharge from the facility; management of the response by the facility owner or operator; and pre-spill identification of response resources by the facility owner or operator. The facility owner or operator is also required to list all sensitive areas that may be impacted by a worst case discharge. In addition to identifying the sensitive areas that a worst case discharge from the facility could impact, the plan must describe in detail response strategies for protecting and cleaning these areas. The responsible Coast Guard COTP will evaluate these strategies and determine if the plan adequately addresses protective measures to safeguard the areas identified.

The Coast Guard encourages facility owners or operators to submit response plans in a specific format. Since many MTR facility owners or operators already have response plans, the rule provides for acceptance of existing plans in a different format if the plan is supplemented with a cross-reference section identifying the location of the

applicable sections to facilitate review and use in an emergency. The plan must include all the information required in §§ 154.1035, 154.1040, and 154.1041, as appropriate. In addition to the information required in each section of the response plan, it may contain additional appropriate information.

A response plan must be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and applicable Area Contingency Plans (ACP). The Coast Guard will review the plan for consistency. Section 154.1045 requires the MTR facility owner or operator to identify certain response resources listed in the ACP that are available, by contract or other approved means, by February 1998.

The Coast Guard recognizes that many areas will not have completed their ACP before the response plans required under this rule are submitted. Existing local contingency plans (LCPs) already address certain response scenarios including sensitive environmental areas and protection strategies. Until ACPs are completed, existing LCPs will serve as the foundation for initial facility response plan review. A facility response plan submitted after February 18, 1993 need only be consistent with the ACP or LCP in effect 6 months prior to the response plan submission. Approved plans will not be subject to revision for the sole purpose of ensuring consistency with an ACP completed after August 18, 1992. Copies of the current ACP or LCP are available from the Coast Guard OSC.

Section 154.1035 Specific Requirements for Facilities That Could Reasonably Be Expected To Cause Significant and Substantial Harm to the Environment

Introduction and plan content. The introduction section requires information on the MTR facility including: identification of the owner or operator, a description of the geographic area covered, table of contents, and record of page changes.

Emergency Response Action Plan. The emergency response action plan section contains 5 subsections which discuss notification procedures, spill mitigation procedures, response activities, areas sensitive to oil spills, and waste disposal.

The notification procedures subsection contains information on notifications that must be made in the event of an oil discharge. This subsection of the plan must summarize notification requirements, identify notification responsibilities, and outline the information which would be provided. It will contain the procedures for notifying the qualified individual designated to represent the facility's owner or operator. Much of this information can be provided in checklist format.

The notification procedures subsection must contain a copy of the notification sheet listing information to be supplied to the National Response Center (NRC) when making the notification required under 33 CFR 153.203. The information on the notification sheet includes the following: involved parties, incident description, materials released, remedial action, impact, additional information, and caller notification. Much of this information is available and can be prepared prior to any spill at the facility. By collecting this information in advance of actual notification, the notification process will be faster and provide accurate information.

The facility's spill mitigation procedures subsection shall summarize the actions to be taken by facility personnel in the case of an actual discharge or substantial threat of an oil discharge. Checklists or other simple procedures are appropriate for this subsection. This subsection requires the facility owner or operator to identify personnel actions necessary to: assess the problem or situation; do an emergency shutdown of the affected operation, including the sequence of steps to stop operations; and transfer oil within the facility during an emergency. It requires a listing of equipment and the responsibilities of facility personnel in responding to an average most probable discharge. It also lists the volume of oil discharged during an average most probable discharge, maximum most probable discharge, and a worst case discharge.

The facility's response activities subsection requires the facility owner or operator to address actions taken to manage the response to an actual or threatened discharge. This section addresses facility personnel responsibilities to initiate response actions; responsibilities and authorities of the designated qualified individual and alternate qualified individual; and procedures for coordinating response actions with those of the predesignated Federal On-Scene Coordinator. It also identifies the organizational structure that would be used to manage response efforts. Recognizing the need for an organizational infrastructure, the rule requires that each response plan contain certain organizational elements that are essential to the successful management of a response operation. The rule does not require the use of the Incident Command System (ICS). It allows the facility owner or operator to develop his or her own organizational structure provided that the organizational elements listed are addressed. The structure must be compatible with the organization embodied in the NCP. Some owners or operators will be able to staff their organizational structure with in-house response resources; others will rely on contracted support. Either method is acceptable. The rule requires identification of the personnel necessary to staff this organizational structure for the first 7 days of a response.

The facility's response activities subsection also requires that the response plan identify the response resources that are available, by contract or other approved means, as described in § 154.1028, to respond to the average most probable discharge, maximum most probable discharge and worst case discharge, to the maximum extent practicable. Section 154.1045 of the rule describes the procedures for determining these response resources.

This subsection also requires that the facility owner or operator identify the location of equipment, personnel, and support services available to meet response resource requirements. The Coast Guard will establish a process for response contractor classification in a separate guidance document and will incorporate any provisions that affect these requirements in the rules for response plans for MTR facilities.

The sensitive areas subsection requires the owner or operator to: List the areas of economic importance and environmental sensitivity that could be impacted by a spill; include a map showing these areas and depicting response actions; and describe these actions. Appendix D of this subpart contains information which will assist the facility owner or operator in defining the sensitive areas that might be impacted by a spill from the facility. Additional information on sensitive areas will be provided in the Area Contingency Plans required by OPA 90.

The rule also requires that specific amounts of equipment be under contract, to protect sensitive areas within specified distances of the facility. In lieu of the specified distances, the response plan may specify protection for fewer sensitive areas provided that an oil spill trajectory analysis predicting reduced areas of impact is provided in the plan. Response equipment would be necessary to protect sensitive areas in this reduced area. However, based on historical information or a spill trajectory, the COTP may require that

additional sensitive areas also be protected. The response plan would also identify equipment for other sensitive areas that may be impacted. This equipment would not have to be under contract. Notwithstanding the response equipment operating criteria listed in Table 1 Appendix C, the equipment specified to protect sensitive areas must be appropriate for use in and around the areas to be protected.

A final subsection in the Facility's Emergency Response Action Plan section will outline the procedures for the disposal of wastes generated as a result of a response to a discharge. The facility owner or operator shall provide information on the location of appropriate disposal sites and plan disposal activities.

Hazard Evaluation. This section in the CFR is reserved for future development. At this time, facility owners and operators need not develop any planning materials for this section.

Spill Scenarios. This section in the CFR is reserved for future development. At this time, facility owners and operators need not develop any planning materials for this section.

Training and Drills. The rule requires response plans to include a section to address training and drills. Training procedures and programs will ensure that all personnel with responsibilities under the plan are trained as specified in § 154.1050. Personnel training for specific mitigation or response actions may vary greatly and the response plan must take this into account. The drill program of the owner or operator will list and describe the drills which the facility owner or operator will carry out to ensure that the plan will function in an emergency as specified in § 154.1055.

Plan review and update procedures. This section is required to address review and update of the plan by the MTR facility owner or operator. This includes meeting the requirements of § 154.1065, as well a describing the procedures for review after plan use to evaluate effectiveness.

Appendices. The response plan must contain an appendix with specified facility information. This appendix will contain a physical description of the facility and diagrams of the facility layouts. It must also identify the first valve on facility piping separating the transportation-related from the non-transportation related segment of the facility. In this appendix, it may be appropriate to include information concerning leak detection systems, piping and tank integrity testing program(s), security during an emergency spill response, and the relationship between this response plan and other programs or response plans. The appendix must also contain material safety data sheets for oils and hazardous materials handled at the facility, and identify hazards likely to be encountered if oils and hazardous substances come in contact. The appendix must also contain firefighting procedures and extinguishing agents effective with fires involving the oil(s) and hazardous materials handled, stored, or transported at the facility.

A separate appendix will also be provided for a listing of contacts which may provide assistance during a response. This is required as a separate appendix since it is likely to require routine revisions. The list of contacts shall include: Federal, State, and local government agencies, the qualified individual, and the providers of the identified response resources which are available by contract or other approved means.

Also required are separate appendices for a list of response equipment, a communications plan, a site-specific safety and health plan, and a list of definitions and acronyms. It will not be necessary to list response equipment when using an oil spill removal organization classified by the Coast Guard. The contractor classification program is under development and guidance is in preparation.

Section 154.1040 Specific Requirements for Facilities That Could Reasonably be Expected to Cause Substantial Harm to the Environment

This section is similar to the specific response plan requirements detailed in § 154.1035. The requirements in § 154.1040 were developed to lessen the regulatory burden and economic impact on substantial harm facilities—a category which consists primarily of mobile facilities. The requirements differ by not requiring contracts with oil spill removal organizations, not requiring an organizational structure to manage response actions, and requiring only 200 feet of containment boom for initial response to an oil discharge. The rule includes a requirement for a substantial harm facility owner or operator to have on file a letter from an oil spill removal organization stating that they will respond to an average most probable, maximum most probable, and worst case discharge from the facility. It is not intended that this letter infer a contractual agreement between the parties but that the facility owner or operator has identified specific response resources and that those resources will respond to discharges from the facility. The Coast Guard does not anticipate that the spill response contractor will charge the facility owner or operator a retainer fee. This is more relaxed than the requirements in §§ 154.1035 and 154.1045 which require that a contractual agreement exist between the facility owner or operator and the response contractor(s) or oil spill removal organization(s).

Section 154.1040 also requires reduced amounts of containment boom relative to the amounts required in § 154.1035. It also specifies that adequate sorbent material shall be maintained for initial response. While the relaxed response planning standards in § 154.1040 lessen the regulatory burden, they provide for adequate planning to minimize the impact on the environment in the event of a worst case discharge from a substantial harm facility.

Section 154.1041 Specific Response Information to be Maintained on Mobile MTR Facilities

This section describes the response plan information to be carried aboard mobile MTR facilities. The nature of operations of these facilities makes it impractical to require the operator of a mobile facility to maintain a copy of a comprehensive response plan in each mobile facility for which he or she is responsible. This is particularly true for railroad tank cars. Thus, the operator of a mobile facility is required only to maintain certain information from the response plan which identifies the manner in which a response to an oil discharge will be conducted; identifies who will respond to a discharge; and identifies the persons and agencies to be notified of an oil discharge. The facility owner or operator is required to maintain the comprehensive plan.

Section 154.1045 Response Plan Development and Evaluation Criteria for Facilities That Handle, Store, or Transport Group I Through IV Petroleum Oils

This section describes response resource requirements for the average most probable discharge, maximum most probable discharge, and worst case discharge to the maximum extent practicable. Appendix C contains a detailed explanation of the requirements. This section reflects the similarities in physical properties exhibited by Groups I through IV oils which results in their floating on water. Examples of these groups of petroleum oils range from gasoline to most crude oils and heavy bunker oil. Petroleum oils which are likely to sink due to their physical properties and non-petroleum oils are handled separately in §§ 154.1047 and 154.1049, respectively.

Section 311(j)(5) of the FWPCA requires planning for the worst case discharge only. This rule requires the planners to address the average most probable and the maximum most probable discharges which are more likely to occur than the worst case discharge. Dealing with smaller discharges may require equipment that is not appropriately planned for when only worst case discharges are addressed. Section 311(j)(1) of the FWPCA, which addresses prevention and containment of oil discharges from facilities, authorizes the Coast Guard to require planning for these smaller discharge volumes.

The rule allows the MTR facility owner or operator to rely on equipment available at other facilities, provided its use has been arranged by contract or other approved means and it can arrive within the required response times. The rule does not discourage the lending of equipment. However the owner or operator of a facility remains responsible for having response equipment at the facility in the appropriate time. The COTP may determine that mobilizing response resources to an area beyond the response time specified in the regulation may invalidate the plan.

The rule requires a "significant and substantial harm" facility owner or operator to provide 1,000 feet of containment boom or containment boom equal to twice the length of the largest vessel that regularly conducts oil transfers at the facility, whichever is greater. The containment boom length of twice the length of the vessel is taken from the vessel response plan notice of proposed rulemaking. The Coast Guard is requiring facility owners or operators to contract for response resouces for average most probable discharges from the facility. This requirement is consistent with 33 CFR 154.545 which already requires facilities to have access to discharge containment equipment to control an oil discharge whether from a vessel or facility.

The Coast Guard is requiring an approach to planning for the worst case discharges which considers the following factors: the loss of some oil to the environment due to evaporation and natural dissipation based on the type of oil; emulsification which may affect the quantity of material to be recovered; provisions for close-to-shore response, shoreline protection, shoreline cleanup capabilities, and firefighting capabilities; and limits of available response technologies and private removal capabilities.

Caps on the Quantity of Planned Response Resources for Group I through IV Petroleum Oils

The Coast Guard is placing a cap on the quantity of response resources which individual owners or operators are required to contract for in advance. This in no way limits the amount of resources which owners or operators may have to provide during an actual spill response. This recognizes the limits of currently available technology and private removal capabilities. Recognizing the importance of early arrival of response equipment at the scene of a discharge and the need for tiering equipment arriving at the scene to reflect local, regional, and national response capabilities, the Coast Guard is requiring that equipment mobilization occur within the first 3 days of a discharge, when oil recovery is most likely. The Coast Guard is also requiring that the owner or operator identify additional response resources above the Tier 3 cap when the worst case discharge planning volume exceeds the cap for the contracted response resources. These additional resources must be capable of arriving on scene not later than the time indicated in the Tier 3 response times in section 154.1045. No contract or other approved means is required to ensure the availability of these resources.

The rule provides that the caps established for contracted response resources are increased at appropriate intervals that roughly correspond with response plan review periods. This takes into account future developments in such things as: increased availability of mechanical recovery devices; improved equipment efficiencies or designs; improved technology to address large spill volumes; high rate response techniques such as dispersants and in-situ burning, when approved by the Regional Response Team; and other techniques, such as bioremediation, if quantifiable.

The rule states that the Coast Guard will initiate a review of the scheduled increase in caps before the effective date of the scheduled increase. The purpose of the review is for the Coast Guard to determine if the scheduled increase remains practicable. The Coast Guard will also establish the specific cap for the next scheduled 5 year interval. All future increases will become effective as scheduled unless the Coast Guard determines that they are not practicable.

Determining and Evaluating Required Response Resources

The rule describes the methods to be followed to determine the response resources that must be identified for response to an average most probable, maximum most probable, and worst case discharge from the facility to the maximum extent practicable. It requires that facility owners or operators consider weather conditions during preparation of a plan. Many of these conditions are area-specific and require the owner or operator to refer to the applicable ACP for information on ice conditions, debris, temperature ranges, and weather-related visibility in which response resources must function. The rule refers to Table 1 of Appendix C of this part for evaluating the operability of booms and oil recovery devices. These criteria are based on information from the "World Catalog of Oil Spill Response Products—Third Edition." Table 1 uses significant wave height as the primary criteria for evaluating operability of recovery equipment in different environments. Additional design criteria are included for booms. The criteria are used to evaluate equipment operability under specified conditions. They reflect conditions that may limit mechanical recovery, but would not necessarily limit other response methods or affect normal operations of a facility.

Identified equipment must be capable of operating safely in the significant wave height criteria in Table 1 of Appendix C. The criteria reflect limitations of equipment design, rather than limitations imposed by the specific operating environment. Because these criteria may not reflect the actual conditions in a given geographic area, the COTP may reclassify specific bodies of war within his or her COTP zone to a more or less stringent operating environment to reflect actual conditions. A body of water may be reclassified as a more stringent operating environment when prevailing wave conditions exceed the significant wave height criteria over 35 percent of the year. A body of water may be reclassified as a less stringent operating environment if prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment over 35 percent of the year. It is anticipated that reclassifications will be identified in the ACP. The classification for a given body of water affects requirements for response equipment. The Coast Guard solicits comments on the use of 35 percent as the standard for reclassifying an operating environment.

Average Most Probable Discharge

The rule requires all MTR facility owners or operators to identify response resources for the average most probable

discharge, including sufficient boom and an appropriate means of deploying it. They must account for the possibility of multiple discharges during transfers. Response plans must also identify the availability of oil recovery equipment and sufficient storage capacity capable of arriving at a spill within 2 hours of discovery of the discharge.

Appendix C of this part contains procedures for determining these response resources. The rule requires MTR facility owners or operators to have response resources either at the facility or available under contract or other approved means, to meet the 2 hours response time. This will ensure the prompt availability of equipment where it is most commonly needed.

Maximum Most Probable Discharge

Section 154.1045 sets the level of response resources that must be identified and available, by contract or other aproved means, to respond to a facility's maximum most probable discharge. The rule addresses approximately 99 percent of the discharges from MTR facilities. It establishes the maximum most probable discharge at 1,200 barrels or 10 percent of the worst case discharge, whichever is lower. In higher volume port areas and the Great Lakes, these response resources must be capable of arriving at the scene of a discharge within 6 hours of its discovery and within 12 hours in all other river and canal, inland, nearshore, and offshore areas. Response plans must identify sufficient containment boom, oil recovery devices, and oil storage capacity for this planning volume. Appendix C of this part contains procedures for determining the amount of response resources to meet the requirements.

Worst Case Discharge

The rule requires MTR facility owners or operators to identify sufficient response resources to respond to a worst case discharge to the maximum extent practicable. Appendix C of this part contains detailed information for calculating the planning volume for each response tier, as discussed below, and for determining the response resources which must be identified to meet these requirements. Response plans must specify the location, type, and quantity of response resources.

The requirements for response to a worst case discharge to the maximum extent practicable are based on tiering of response resources. The rule establishes three tiers which will allow for the identification of response resources from outside the area of the facility to meet the requirements. On-scene arrival times for each tier are as follows: for higher volume port areas (except TAPAA facilities located in Prince William Sound) and the Great Lakes, the Tier I of response resources must be capable of arriving at the scene of a discharge within 6 hours of its discovery. Response resources for Tier 2 must be capable of arriving within 30 hours and Tier 3 within 54 hours. These time limits do not apply in Prince William Sound because § 154.1135 of this rule establishes separate response times for the Sound. For all other areas, Tier 1 response resources must be capable of arriving on scene within 12 hours from the time a spill is discovered. Response resources for Tier 2 must be capable of arriving within 36 hours and Tier 3 within 60 hours. The plain must account for notification, mobilization, and travel time. The Coast Guard is soliciting comments on this approach to tiering response resources.

The Coast Guard, recognizing the value of planning for rapid arrival of response resources to the scene, is establishing maximum arrival times. Although this treats response resources that are capable of arriving early the same as those arriving just before the end of the maximum time limit, the Coast Guard recognizes that it is in the best interest of the facility owner or operator to have these resources on scene as early as possible. The Coast Guard solicits comments on methods to recognize the early arrival of oil recovery devices and other response equipment.

Notification and Initial Mobilization of Response Resources

Notification of Tier 1 resources must occur within 30 minutes of the discovery of a discharge, and such resources must be capable of being mobilized within a 2-hour period after notification. While all resources must be "capable" of being mobilized within that period, the plan can account for resources not needed in the initial stages of a response, such as temporary storage capacity. For example, a storage barge required to sustain on-water oil recovery operations after 8 hours need not be mobilized within 2 hours. These planning criteria apply only to the Tier 1 resources. Tier 2 and Tier 3 resources must be mobilized as necessary to arrive on scene within the specified time. These times are not performance standards, rather they are planning criteria that must be considered when identifying resources.

Alternative Response Techniques

The Coast Guard recognizes the value of alternative response techniques such as dispersant application and in-situ burning. It also realizes that these techniques are not usually allowed in areas that would be impacted by discharges from most onshore facilities. As a consequence, the rule provides that MTR facilities located in areas with preapproval for year-round dispersant use, handling Groups II or III persistent petroleum oils, may identify dispersant resources in their response plans. To receive credit for up to 25 percent of the required on water recovery capability, the dispersant resources must be identified by the facility owner or operator and further ensure their availability through contract or other approved means. This provision applies to the Louisiana Offshore Oil Port (LOOP) and single point mooring buoys where petroleum product is transferred from a vessel to an onshore facility. The dispersants must be appropriate for the type of oil handled by the facility and be available in sufficient quantities to treat 25 percent of the worst case discharge. Dispersant resources must be capable of arriving on scene within 12 hours of discovery of a discharge. The requirement to plan for the use of dispersants is consistent with those of the Minerals Management Service for outer continental shelf exploration and production activities under 30 CFR 250.42. The identification of resources required to use dispersants does not imply that their use will be approved during a spill response. The existing NCP provides specific procedures for the authorization of dispersants or other chemical countermeasures during a spill and it is anticipated that the revised NCP will have similar provisions. Many areas have been identified by the Regional Response Team for the use of dispersants with approval from the Federal On-Scene Coordinator under certain conditions.

The Coast Guard has included the use of dispersants as a planning option for other facilities because it believes that dispersants may have a role in responsing to a worst case discharge from some MTR facilities. This may also provide incentives for the expansion of dispersant capability in the United States. The listing of dispersants in a response plan does not constitute an approval by the Federal On-Scene Coordinator to use dispersants.

Under certain circumstances, the dispersant capability may be used as credit against worst case discharge resource requirements. Appendix C of this part contains information on circumstances under which plan credit may occur.

Firefighting Capability

The Coast Guard considers firefighting capability important in dealing with a worst case discharge. It also recognizes that many MTR facilities maintain firefighting resources at the facility or can rely upon local industrial and government firefighting agencies. The rule requires MTR facility owners or operators to contract for firefighting resources if the facility does not have access to sufficient local firefighting resources. It will also provide for an in-house expert to work with the fire department for the facility's oil fires and to also verify that sufficient well-trained firefighting resources are available with a reasonable response time for a worst case scenario. The rule does not establish specific response times or equipment requirements. The Coast Guard is soliciting comments on this approach to response planning.

Protection of Sensitive Areas

The rule requires an MTR facility owner or operator to identify response resources that are available, by contract or other approved means, for protection of sensitive areas as well as for shoreline clean-up. Resources for these activities must be identified in advance. Since a facility owner or operator is planning for up to a worst case discharge scenario, he or she must be able to evaluate those sensitive areas that may be affected by a worst case discharge from the facility. A facility owner or operator shall also be able to accurately identify the areas that require special concern or response. Thus, the rule requires the facility owner or operator to list all areas of economic importance and environmental sensitivity identified in the ACP which are potentially impacted in the first 3, 4, or 6 days, depending on the geographic area, after a discharge. The owner or operator must describe in the response plan all response actions and appropriate equipment necessary to protect these areas. These actions must be depicted on a map or chart with a legend of these activities. The rule also requires the facility owner or operator to contract for response resources to protect sensitive areas that are lesser distances from the facility that may be affected. For example, a facility owner or operator will be required to determine the amount and type of boom required to protect areas of environmental sensitivity and economic importance and will also be required to contract for or have under employment sufficient support resources such as personnel, boats, anchoring equipment, etc. to deploy this equipment in affected areas. The owner or operator, after evaluating the oil movement and if the circumstances warranted it, could propose the moving of boom from one area to another. This could reduce his or her inventory, but still provide adequate protection for the area of potential impact. The Coast Guard retains final authority to decide if the facility is adequately providing protection of sensitive areas and sufficient cleanup resources and could require additional resources.

The Coast Guard solicits comments on the use of a 3 day (Rivers and canals), 4 day (Nearshore, Inland, Great Lakes), and 6 day (Offshore) planning requirement for protection of areas of environmental sensitivity and economic importance.

Shoreline Clean-Up

The rule also requires MTR facility owners or operators to identify response resources that are available, by contract or other approved means, that are capable of carrying out shoreline cleanup operations. In lieu of a contract, a facility owner or operator is permitted to enter into a written agreement with a response contractor or oil spill removal organization that specifically identifies the services and response resources to be provided for a shoreline clean-up.

Because it is difficult to determine the amount of oil that would most likely impact the shoreline, and therefore the required response resources in advance, the Coast Guard requires the use of a qualitative evaluation based on a planning volume of oil that could reach the shoreline. This evaluation method takes into account the area in which a facility operates and the type and volumes of oil handled. Table 2 of Appendix C of this part includes factors to be considered for potential shoreline impact that are used in determining the planning volume. Appendix C of this part also describes how this planning volume is calculated. The Coast Guard solicits comments on alternative methods to evaluate the quantity of required shoreline cleanup capability.

The requirement to identify or contract for specified quantities of boom, support equipment, and shoreline cleanup capability that becomes effective on February 18, 1993, serves as an interim requirement until February 18, 1998. As noted, accurate identification of response resources required to perform shoreline protection or cleanup must be based on the area potentially affected. This information may be further developed in an ACP. In February 1998, the 5-year anniversary established for response plan resubmission will begin to occur for many MTR facilities. When in place, the ACP will help identify the response capability necessary to implement geographic-specific response strategies. A facility owner or operator is required to identify response resources that are available, by contract or other approved means, to provide the capability identified in the applicable ACP. The rule indicates that this requirement must be met by any facility that submits or resubmits a response plan 6 months after the appropriate ACP has identified these response resources.

The Coast Guard has established in this rule a limit, or cap, to the response resources that a facility owner or operator must contract for in advance. The intent of contracting in advance is to ensure that adequate capability exists to respond to oil spills. In many areas of the country, adequate capability may not currently exist. Requiring contracts provides incentives for the private sector to expand capabilities in these areas. It is not practicable or always necessary to require facility owners or operators to contract in advance with every response resource that exists in a given area. There are areas of the country, primarily the larger ports, where the total capability may exceed the caps. It must be recognized that these contracts ensure a baseline capability, but do not limit the response resources that would be brought to an actual oil discharge. Facility owners or operators will be expected to activate the response resources necessary for the particular circumstances of the spill, even if they exceed the response resources identified in the plan.

Table 5 in appendix C of this part of the rule lists the caps for 1993 and 1998. These caps are based on the effective daily recovery rate (as calculated using the procedure in appendix C of this part) of response resources that must be identified in a response plan. They are based on an assessment of response capability that, in the Coast Guard's opinion, can be provided nationwide by 1993. The Coast Guard will conduct an evaluation of the February 1998 cap increase before it becomes effective to determine if it remains practicable. At that time the Coast Guard will also establish a cap for 2003. Setting nationwide criteria is intended to provide an incentive to improve overall response capability in the United States. While some areas of the country may have capability that exceeds the caps, the 25 percent increase in these caps from 1992 to 1998 will provide an incentive for those areas to expand capability. The 5-year interval is intended to correspond with the

required resubmittal interval for response plans. The Coast Guard solicits comments on whether fixed dates should be utilized for this increase to be in place, or whether it should be tied to the date when an individual facility owner must resubmit his or her plan after the effective date of the cap increase. The Coast Guard also solicits comments on the specific caps for 1993 and 1998.

Section 154.1047 Response Plan Development and Evaluation Criteria for Facilities that Handle, Store, or Transport Group V Petroleum Oils

This section of the rule requires that owners or operators of facilities that handle, store, or transport Group V petroleum oils must identify procedures and equipment necessary to respond to a worst case discharge of these oils to the maximum extent practicable. The owner or operator must ensure the availability of this equipment through contract or other approved means. At a minimum, the owner or operator of the facility must obtain a letter from an oil spill removal organization stating that they will respond to a worst case discharge from the facility. It is not intended that this letter infer a formal contractual agreement between the parties but that the owner or operator has identified specific response resources and that those resources will respond to a worst case discharge from the facility.

Unlike the rules for Groups I through IV petroleum oils, the Coast Guard has not specified the required amount of response equipment. Petroleum oils in Group V are considered sinking oils due to their physical characteristics. Traditional response techniques of containing the spread of oil on the surface of the water are often ineffective. The owner or operator of an MTR facility handling these oils must identify strategies for responding to such discharges and sources of equipment and supplies necessary to locate, recover, or mitigate such discharges. The rule lists the types of equipment that must be identified in the response plan and specifies the response times for this equipment to arrive at the facility.

The Coast Guard solicits information that may be useful in determining the types and quantities of equipment necessary to respond to a discharge of Group V petroleum oils. It also requests information on new or innovative response techniques that will be appropriate for sinking oils.

The rule also requires the owner or operator of an MTR facility that handles, stores, or transports Group V persistent oils to contract for firefighting resources should the facility not have access to sufficient local firefighting resources.

Section 154.1049 Response Plan Development and Evaluation Criteria for Facilities That Handle, Store, or Transport Non-Petroleum Oils

This section of the rule requires that owners or operators of MTR facilities that handle, store or transport non-petroleum oils identify the procedures and equipment necessary to respond to a worst case discharge of these oils to the maximum extent practicable. The rule does not include specific requirements for identifying the amount of response resources. As with Group V persistent oils, the owner or operator must ensure the availability of this equipment through contract or other approved means. At a minimum, the owner or operator of the facility must obtain a letter from an oil spill removal organization stating that they will respond to a worst case discharge from the facility. It is not intended that this letter infer a formal contractual agreement between the parties but that the owner or operator has identified specific response resources and that those resources will respond to a worst case discharge from the facility.

The rule also requires the owner or operator of an MTR facility that handles, stores, or transports non-petroleum oils to contract for firefighting resources should the facility not have access to sufficient local firefighting resources.

The Coast Guard solicits information that may be useful in determining the types and quantities of response equipment necessary to respond to a discharge of non-petroleum oils. It also requests information on new or innovative response techniques that will be appropriate for non-petroleum oils. The Coast Guard is considering developing information on removal capacity, emulsification factors, and recovery resource mobilization factors similar to those factors contained in appendix C for Groups I through IV oils.

Section 154.1050 Training

This section of the rule describes the training requirements that an owner or operator of an MTR facility must identify in the plan. The rule does not require training in specific subjects or minimum training periods. Rather, it requires the owner or operator to identify in the plan the training programs he or she will establish or adopt to train any persons with responsibilities in the response plan. The training will vary widely based on those responsibilities. For example, an operations manager may need different training than the person responsible for deploying boom, just as the qualified individual will need different training than the cleanup manager of the spill management team. The Coast Guard solicits comments on whether there should be more specific requirements for training programs.

The rule requires an MTR facility owner or operator to ensure that records of this training are maintained for 3 years. Records on the facility personnel's training must be maintained at the facility. Records for the oil spill removal organization's training must be maintained by the organization and available to the facility's management personnel, the qualified individual, and to Coast Guard personnel. This recognizes that a facility owner or operator may rely on a private contractor or cooperative to meet his or her responsibilities. There is no need to maintain duplicate records. All records must be available for inspection by the Coast Guard.

The rule also clearly indicates that an MTR facility owner or operator is not relieved from complying with applicable training standards issued by the U.S. Occupational Safety and Health Administration (OSHA). OSHA has issued regulations in 29 CFR 1910.120 that set minimum training requirements based on the task that a responder carries out. These requirements vary from 8 hours to 48 hours of classroom training, plus added requirements for field training. These requirements should be taken into account in the training program of the facility owner or operator. The owner or operator must also identify methods of training any volunteers or casual laborers employed during a response to comply with the requirements of 29 CFR 1910.120.

Section 154.1055 Drills

The rule requires that an MTR facility owner or operator identify a planned drill program in the response plan. This must include both announced and unannounced drills conducted by the owner or operator as necessary to ensure that a response plan will function in an emergency.

The rule specifies a minimum frequency for drills to be held for the facility's personnel, the spill management team, and the oil spill removal organization with responsibilities under the plan. The Coast Guard solicits comments on the frequency of these drills.

The rule does not require drills to cover specific sections of a response plan. Instead, it allows the facility owner or operator to tailor drills to exercise either components of a plan or

an entire plan and to exercise those components of the response plan that are most appropriate. The facility owner or operator is required to conduct drills at least every 3 years to exercise the entire plan.

The rule requires that any drills conducted by the facility be documented. A record of these drills must be maintained at the facility and made available to the Coast Guard for inspection.

The rule also requires that facility owners or operators participate in unannounced drills conducted by the COTP or Area Committee. Section 311(j)(7) of the FWPCA requires that the Coast Guard periodically conduct unannounced drills of removal capability in areas designated for development of ACPs. The Coast Guard will involve vessels and facilities in these drills. These drills will be infrequent. A facility owner or operator selected to participate in such a drill will be expected to activate the spill management team and oil spill removal organizations identified in the plan to the extent required by the COTP. The cost of activating these response resources must be borne by the owner or operator. A facility owner or operator will not be required to participate in a COTP drill if the facility owner or operator has participated in an unannounced Federal or State oil spill response drill in the past 24 months; however the facility owner or operator will be required to provide records of the drill to the COTP. The Coast Guard anticipates holding up to 12 such drills per year throughout the country, of which only approximately half will involve facilities.

Finally, the rule allows MTR facility owners or operators to take credit for drills in which their spill management team or identified oil spill response organization(s) participate. The Coast Guard recognizes that many facility owners or operators will rely on the same response resources. There is no need for these resources to be exercised continually to meet the requirements of individual owners or operators. Documented drills involving identified response resources can be used to meet the requirements of this section. This will also apply to companies operating with multiple facilities. Participation in one drill held by a common spill management team will meet the requirement for all facilities utilizing that team.

Section 154.1057 Inspection and Maintenance of Response Resources

The rule requires that a facility owner or operator required to submit a response plan ensure that containment booms, skimmers, vessels, and other major equipment listed in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations and best commercial practice.

The rule states that Coast Guard inspectors may visit oil spill removal organizations (OSROs) whose equipment and personnel are listed in response plans to verify that the equipment inventories exist as represented and that the records of inspection and maintenance reflect the actual condition of the equipment. They may also inspect equipment and require operational tests of equipment to verify readiness.

Section 154.1060 Submission and Approval Procedures

This section of the rule outlines the procedures for submission and approval of response plans. The owner or operator of an MTR facility is required to submit two English-language copies. These will be submitted directly to the COTP of the zone in which the facility is located. Response plans for a substantial harm facility may be examined for any obvious deficiencies or omissions. Response plans for significant and substantial harm facilities will be reviewed and subject to the approval of the COTP. COTPs will have the discretion to include members of the Area Committee in plan review. For the response zones where the EPA Regional Administrator is the Federal On-Scene Coordinator, the COTP may consult with the EPA to determine if the Regional Administrator has any comments or reservations prior to COTP approval of a plan.

The Coast Guard will acknowledge receipt of all response plans when they are received. One copy of a response plan for a significant and substantial harm facility that has been approved will be returned with an approval letter. The returned copy of the plan must remain and be maintained at the facility. Plan approvals are valid for up to 5 years. Plans submitted before the required response resources are in place may receive conditional approval subject to availability of the required resources. The Coast Guard will retain one copy for use, if necessary, during a response involving the facility.

If a plan for a significant and substantial harm facility is not approved or a plan for a substantial harm facility has deficiencies or omissions, the Coast Guard will explain the deficiencies. The facility owner or operator will have 30 days to submit a revised plan. The facility may continue to handle, store, or transport oil as cargo during this period provided that the certification of the availability of the required response resources remains valid. However, the time allowed to resolve deficiencies noted in the plan will be in accordance with section 154.1070.

Section 154.1065 Plan Revision and Amendment Procedures

This section of the rule requires that MTR facility response plans be reviewed annually by the facility owner or operator to ensure that plan information is current. A letter documenting this review must be submitted to the Coast Guard.

Certain changes in facility operations require plan resubmission and require the Coast Guard to reexamine or reapprove the response plan. These include: a change in the facility's configuration that significantly affects the plan information, such as a reconstruction or piping reconfiguration; a change in the type of oil handled, stored, or transported (differing oils have different response resource requirements); a change in the identity, capability, or availability of the response resources identified and available by contract or other approved means; a change in the facility's operating area that includes ports or geographic areas not covered by a previously approved plan; and other changes that significantly affect plan implementation. If no other revisions occur, a plan must be resubmitted within 5 years of the previous submission or, where appropriate, approval by the COTP.

Plan revisions that affect only names or phone numbers do not require resubmission for reapproval. However, all plan holders, including the Coast Guard, must receive such revisions as they occur.

Facility owners or operators must revise a plan whenever the Coast Guard determines that it does not meet the requirements of this subpart. Facility owners or operators will receive a written notice of deficiencies requiring revision. Section 154.1070 discusses the time allowed to correct deficiencies in the plan and required equipment.

Section 154.1070 Deficiencies

This section of the rule provides that the COTP will notify the owner or operator of the facility in writing of any deficiencies noted during a review of the response plan, drills observed by the Coast Guard, or inspection of equipment or records maintained in connection with the response plan. The COTP has discretion in specifying the time in

which any deficiency must be corrected. It also specifies the time in which a deficiency may be appealed and also allows the operator to request a stay from the COTP decision pending appeal of that decision. All appeals shall follow the procedures discussed in the appeal process in section 154.1075.

Section 154.1075 Appeal Process

This section provides a process for appealing deficiency determinations or COTP decisions. It includes a process for the owner or operator of a facility to seek COTP review of the regulatory classification that a facility could reasonably be expected to cause substantial harm or significant and substantial harm to the environment. It provides for appeals of a noted deficiency or decision to the COTP, District Commander, and the Commandant.

When seeking review of the regulatory classification of a facility, the owner or operator shall identify factors in writing to the COTP relevant to a change in facility classification. These factors are contained in paragraph 154.1016(b) and include, but are not limited to, the following: proximity to navigable waters; type and quantity of oils handled in bulk; facility spill history; age of facility; and proximity to areas of economic importance or environmental sensitivity.

Subpart G—Additional Response Plan Requirements for Trans-Alaska Pipeline Authorization Act (TAPAA) Facilities Operating in Prince William Sound, Alaska

Section 154.1110 Purpose and Applicability

The requirements of this subpart establish additional oil spill response planning requirements for an MTR facility permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA). They will ensure that adequate response equipment is rapidly on scene in the event of a future oil spill, and that the residents in Prince William Sound are appropriately trained in oil spill removal and containment techniques. These requirements provide a greater level of preparedness above and beyond the requirements of subpart F.

This subpart provides requirements and criteria for use in response plan development and in identifying response resources. The requirements do not establish performance standards to be met during an oil spill. These requirements are in addition to those found in subpart F. Information pertaining to submission and approval procedures, plan revision and amendment procedures, deficiencies, and the appeal process are contained in §§ 154.1060, 154,1065, 154.1070, and 154.1075, respectively.

Section 154.1125 Additional Response Plan Requirements

This section describes what must be included in a response plan appendix for Prince William Sound for TAPAA facilities. The appendix is required to identify the oil spill removal organization; drill procedures for the required response resources; procedures for testing and certifying of response equipment; and type and location of prepositioned equipment.

The oil spill removal organization will consist of trained personnel capable of responding to a worst case discharge, to the maximum extend practicable. It must identify personnel to be trained in the communities and hatcheries specified in the rule. General training is to be provided in oil spill removal and containment techniques and specific training is required for the individual response resources provided. The training will allow local residents to assist in the cleanup and containment of oil spills and provide a means of protecting their property and economic interests.

The oil spill removal organization must evaluate each of the communities and hatcheries listed in § 154.1125 to determine the personnel necessary to be trained as well as the property and sensitive areas requiring protection. Response strategies and assumptions then need to be developed. These strategies need to reflect the practical limitations of personnel and response equipment available.

Section 5005(a)(2) of OPA 90 requires an MTR facility permitted under TAPAA to establish an oil spill removal organization that can "immediately remove," to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels, whichever is greater. In OPA 90, the term "immediately remove" is used to assess the number of trained personnel needed by an oil spill removal organization. The Coast Guard considers the phrases "to the maximum extent practicable" and "immediately remove" to be incompatible in the sense that a worst case discharge can rarely be immediately removed because of the maximum practicable limitations in present day cleanup technology and the limited number of residents available to respond to an oil spill in Prince William Sound. Immediately is not used in this subpart to describe the number of trained personnel needed by an oil spill removal organization. The Coast Guard believe that the timetable established, given the nature of the area and the resources available, is an appropriate implementation of "immediately."

The drills required by this subpart are in addition to the requirements of subpart F. The two required drills are to ensure that the oil spill removal organization and the additional equipment and personnel required by this subpart remain in a state of readiness to respond adequately to a worst case discharge to the maximum extent practicable.

Certification of prepositioned equipment is the responsibility of facility owners or operators. The method for periodic certification of equipment required by OPA 90 has yet to be determined. The Coast Guard is requiring the use of an independent entity to perform this function. The Coast Guard solicits comments on this approach.

Section 154.1130 Requirements for Prepositioned Response Equipment

This section of the rule requires response resources in addition to the requirements in § 154.1045. This section establishes an additional planning tier for Prince William Sound and reduces the response times in § 154.1045. This additional tier requires prepositioned on-water recovery equipment and storage capacity with a minimum effective daily recovery rate of 30,000 barrels to be capable of being on scene within 2 hours notification of a discharge and on-water recovery equipment with a minimum effective daily recovery rate of 40,000 barrels capable of being on scene within 18 hours of the notification of a discharge. In addition, it requires on-water storage capacity of 100,000 barrels for recovered oily material to be capable of being on scene within 2 hours of notification of a discharge and the storage capacity of 300,000 barrels capable of being on scene within 12 hours of notification of a discharge.

The additional response equipment for communities and hatcheries identified in § 154.1125 will enhance the ability of the local residents to contain and remove oil and to protect their property. The prepositioning of equipment improves the timeliness of a spill response, and therefore, the effectiveness of a cleanup operation. The requirement for permanent buoys at strategic locations will provide midchannel anchor points for protective booming of property and environmentally sensitive areas.

Section 154.1135 Response Plan Development and Evaluation Criteria

This section of the rule provides response times for the response resources required by § 154.1045. In accordance with these response times, an owner or operator of an MTR facility permitted under TAPAA is required to plan for 70,000 barrels/day of on-water recovery capability to be on scene within 36 hours. In any other port in the United States, the planning requirement will be effective recovery capacity of up to 40,000 barrels/day to arrive on scene within 54 hours in a higher volume port area, and within 60 hours in all other areas.

Section 154.1140 TAPAA Facility Contracting With a Vessel

This section of the rule allows the owner or operator of a TAPAA facility to contract with a vessel to meet some or all of the requirements of the vessel response requirements under subpart G of 33 CFR part 155, by contract or other approved means. The COTP will determine the extent to which the contractual arrangement satisfies the vessel's requirements.

Appendix C to Part 154—Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans

This appendix contains the procedures for an owner or operator of a facility which handles, stores, or transports Group I non-persistent oils and Group II, III, and IV persistent oils to determine the response resources that must be identified and available, by contract or other approved means, to respond to the average most probable, maximum most probable, and worst case discharge to the maximum extent practicable. The procedure is based on similar requirements in the vessel response plan NPRM for determining response resources.

A facility owner or operator must use the procedures described in the appendix to determine the planning volumes for Group I non-persistent oils and Groups II, III, and IV persistent oils and identify specific response resources. A number of assumptions are used to determine these volumes.

The procedures used for these calculations are based on the facility's location and type of oil (Group I non-persistent or persistent Groups II–IV) handled, stored, or transported. The Coast Guard solicits comments on this classification for petroleum oils.

The appendix describes the procedures for determining: whether equipment identified in a response plan is acceptable to meet the requirements of this rule; the response resources required to plan for the average most probable discharge, the maximum most probable discharge, and the worst case discharge; effective daily recovery rates for oil recovery devices; the calculation of the worst case discharge planning volume; availability of high-rate response methods; and additional equipment necessary to sustain response operations. Each of these procedures provides further detail on the requirements found in § 154.1045. The Coast Guard solicits comments on these procedures.

The Coast Guard recognizes that actual recovery rates are affected by a number of variables. The rule allows the use of two methods for determining the rating of equipment identified to meet the planning capabilities required. The Coast Guard differentiated between rope and belt-type devices and other designs to reflect the difference in these devices from others when determining recovery rates.

The appendix includes tables providing the factors necessary to determine the resource requirements. Table 1 lists the operating criteria for oil recovery devices and booms. It uses significant wave height for classifying equipment identified in a response plan. Such equipment must be designed to function in the conditions listed for the applicable operating environment. During plan evaluation, the Coast Guard will assess whether equipment identified in a plan meets these criteria.

Table 2 provides factors needed to calculate the planning volumes for response resource identification. The table is divided into three geographic areas and four oil types. Because loss to the environment, potential for shoreline impact, and potential for on water recovery varies by the oil type and location, a factor is included for each. The factors are based on estimates of the oil behavior when it enters the environment: a percentage would be lost due to natural dispersion; a percentage would reach the shoreline; and a percentage would remain for on water recovery. In the inland/nearshore and offshore portions of the table, the percentages do not add up to 100 percent. This reflects an adjustment in the on water percentage to increase the quantity of response resources that are planned for mobilization within the first 3 days of the response. Because the oil may rapidly impact the shoreline in these areas, quick mobilization is essential. The table also includes a sustainability period. This was used to calculate the resource mobilization factors in Table 4. It does not reflect how long it would take to complete a clean-up. During an actual response, facility owners or operators will be required to sustain the clean-up operation until release by the Federal OSC. The Coast Guard solicits comments on the specific factors in this table.

Table 3 lists emulsification factors for the four oil groups. The factors represent the increase in volume expected due to emulsification. This increase must be considered when planning for response resources, oil storage and disposal capacity, etc. Oil emulsification affects both the weathering rate and the volume of oily material that facility owners or operators must plan to recover. The tendency for certain oils to form an emulsion is based primarily on the oil's viscosity at the ambient temperature and chemical composition. Because this varies widely, the table uses oil groups based on specific gravity. Some oils form very stable emulsions; others emulsify, then naturally separate. The individual factors reflect the general behavior of oils in a group, and do not reflect any one particular oil. The Coast Guard solicits comments on these factors, as well as whether there is an alternative method for determining these factors.

Table 4 lists the response resource mobilization factors for the operating areas or geographic locations where facilities are located and where response planning is required. These factors reflect the tiering of on water oil recovery capacity that must be mobilized within the first 3 days of an incident to maximize the potential for oil recovery. These factors were derived using the sustainability periods in Table 2 for the respective operating area. Each factor reflects a percentage of the total on water recovery requirement. To accomplish the planned for on water oil recovery within the sustainability period, this capacity must be on scene within the time specified for the applicable tier.

Table 5 lists the caps on response resources that facility owners or operators must identify and have available by contract or other approved means. The cap reflects an estimate of capability that is considered a practical nationwide target to be met in 1993. Providing the response resources necessary to meet these caps will require a significant expansion of response capabilities in most areas of the country. Some areas may currently have response resources in place or planned that will exceed these caps. The caps serve as a minimum capability that must be available throughout the

United States. The cap for rivers is lower to reflect a practical limit on response capability available in these areas in 1993.

The caps listed in Table 5 are scheduled to increase 25 percent in 1998 to create incentives for both an increase in the quantity of equipment available and improvements in spill response technology. The caps for 2003 will be developed after further review as required in § 154.1045(n). The Coast Guard solicits comments on these effective daily recovery rates 1993 and 1998.

Appendix D to Part 154—Interim Guidelines for Determining Economically Important and Environmentally Sensitive Areas for Facility Response Plans

This appendix contains procedures and information intended to identify areas near a facility which would require special protection. The procedures are provided to assist owners and operators of MTR facilities in completing certain portions of the response plan required by Subparts F and G of 33 CFR Part 154. The information will help the facility owner or operator determine if his or her facility is located near areas which will require special planning consideration.

The areas selected have been placed on a list for their ecological significance or their importance to human survival, such as drinking water protection, or economic productivity, such as cooling water intakes. The areas are important economically or environmentally sensitive and subject to deleterious effects from oil discharges.

The areas have been identified by several Federal agencies collectively charged with response planning requirements mandated in the Oil Pollution Act of 1990 (OPA) and subsequent revisions to the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). Because the response plans must be consistent with the requirements of the NCP and Area Contingency Plans, the coordinated interagency effort is intended to ensure that planning requirements are not conflicting. Furthermore, a coordinated effort will facilitate the development of a workable and enforceable definition that reflects the different concerns and broad experience of the participating agencies. The Coast Guard has derived the definition of environmentally sensitive areas from the combined resources and input of the workgroup.

As part of response planning for a facility, the owner or operator must provide information on whether a spill at the facility could adversely impact any sensitive area. The COTP will consider this information in determining whether the facility will be classified as a substantial harm facility or a significant and substantial harm facility. For Group II through IV persistent oil calculations, the facility owner or operator must use the distance from the facility that oil could move in 48 hours at maximum current for a non-tidal environment, and for tidal waters, 15 miles down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide must be used. For Group I non-persistent oil, 24 hours and 5 miles respectively must be used. Facilities which provide evidence to the appropriate COTP that the area specified above is too great an area to consider for sensitive area planning can have the area reduced by the COTP. An example of evidence acceptable to support this claim is a spill trajectory modeling of a worst case discharge that demonstrates that oil would not reach sensitive areas beyond a certain point before it is cleaned up or is otherwise unlikely to impact the area. In a case where this type of evidence is presented to the COTP, the COTP may reduce the planning area to the areas in which it is demonstrated that impacts could be anticipated. The Coast Guard solicits comments on the procedure and distances utilized, as well as on the areas identified.

The definition of environmentally sensitive areas contained in this rule was developed from the sensitive environments identified by EPA's Hazard Ranking System (HRS). To help MTR facility owners and operators recognize sensitive areas for response planning purposes, the Coast Guard has included the name of Federal, State, and local agencies which may be helpful in identifying or supplying information about the sensitive areas.

The Coast Guard requests comments on the definition of economically important or environmentally sensitive areas. The Coast Guard solicits comment on whether certain areas on the list should not be considered in identifying sensitive environments.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 154.106 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Regulatory Evaluation

Executive Order 12291 (46 13197, February 19, 1981) requires that agencies develop a regulatory analysis for any rule having major economic consequences on the national economy, individual industries, geographic regions, or levels of government. To assist with making this determination, a series of questions was asked in the ANPRM to solicit information from the public on the potential economic impact of these regulations.

The Coast Guard considers these regulations to be non-major under Executive Order 12291. It is a significant rule using a number of criteria under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). This rule was estimated to cost the oil transportation industry and the general public $43.7 million on an annualized basis. The annualized cost, which is a constant amount that equilibrates an uneven flow of cost over time, was estimated over a 10 year period using a ten percent discount rate. This rule may also affect the way the oil industry does business in the United States and may generate substantial public interest and controversy. These regulations will also impact cleanup contractors, oil spill cooperatives, and other not-for-profit cleanup organizations.

The rule contains requirements for MTR facility response plans. it also contains additional requirements for Trans-Alaska Pipeline Authorization Act (TAPAA) facilities operating in Prince William Sound, Alaska. The impact of these requirements has been analyzed separately and is summarized below.

A draft Regulatory Impact Analysis (RIA) for MTR facility response plans is available in the docket for inspection or copying, as indicated under ADDRESSES. It has also been placed in a separate docket (CGD 91–047) established to facilitate review of the programmatic RIA for titles IV and V of OPA 90.

Marine Transportation-related Facility Response Plans

In performing the regulatory impact analysis, four response plan alternatives for determining applicability of the regulations were considered. These four alternatives are: (1) MTR facilities capable of transferring oil in bulk to or from a vessel with a minimum capacity of 10,500 gallons classified in the significant and substantial harm category with a very small number of additional facilities classified in the substantial harm category plus mobile facilities; (2) all MTR facilities capable of transferring oil in bulk to or from a vessel with a minimum capacity of 10,500 gallons classified in the significant and substantial harm category with ten percent of the

additional facilities classified in the substantial harm category; (3) all MTR facilities capable of transferring oil in bulk to or from a vessel with a minimum capacity of 10,500 gallons including mobile facilities which handle, store, or transport Groups II through IV persistent oil classified in the significant and substantial harm category. All other facilities capable of transferring oil in bulk including marinas which handle, store, or transport Group I non-persistent oil only to or from vessels with a capacity of less than 250 barrels and mobile facilities which handle, store, or transport Group I non-persistent oil classified in the substantial harm category; and (4) the Coast Guard not promulgating regulations for MTR facilities.

Industry Profile

There are approximately 3,580 MTR facilities which will be required to prepare response plans under this rule. These facilities can be divided into six general categories: (1) petroleum bulk stations and terminals, (2) petroleum refineries, (3) government installations, (4) oil production facilities, (5) electric utility plants, and (6) mobile facilities such as tank trucks and railroad tank cars transferring to or from vessels with a capacity of 250 or more barrels.

For the purpose of analyzing this rule, the MTR facilities can be subdivided by storage capacity. The storage capacity groupings used to analyze this rule were: (a) less than 10,500 gallons, (b) 10,500 to 42,000 gallons, (c) 42,001 to one million gallons, and (d) more than one million gallons. There are an estimated 400 companies operating Coast Guard-regulated mobile facilities with a capacity of less than 8,000 gallons. This places them in group (a). There are 40 petroleum bulk oil stations or terminals that store between 10,500 and 42,000 gallons at their facility, placing them in group (b). Between 1,200 and 1,418 marine transportation-related facilities store between 42,001 and one million gallons which places them in group (c) and between 1,472 and 2,190 facilities that store over one million gallons or will fall into group (d).

Costs

In the aggregate, the requirement for facility response plans will result in substantial costs to the facilities affected. If all the costs for MTR facilities affected by this rule are attributed to the Coast Guard's regulations, the present value cost of this regulation for the first 10 years is estimated at $268.5 million. In the first year, most of this cost is attributable to conducting training and drilling evaluations (as defined in the regulatory impact analysis) and arranging for or providing adequate response capability. In subsequent years, the majority of the cost is attributable to conducting drills and retaining the response capability. The incremental cost of the entire regulation is $63 million for 1992, but declines to $40 million annually in subsequent years. However, since many of these facilities are complexes which are being jointly regulated by the Coast Guard and the EPA and the total costs are already accounted for under EPA's forthcoming proposed facility response plan regulation, these costs could be reduced to reflect this fact. Thus, total present value costs for Coast Guard facility response plans will be $79 million and incremental costs will be $19 million for the first full year and $12 million for subsequent years.

For individual facility owners or operators, the cost of compliance may vary widely. Although it is generally more costly for large companies to comply with the regulation, the cost will most likely be a small part of their overall operating budget. The estimated first year cost per company for group (a), mobile facilities, and per facility for group (b), small bulk terminals, is under $6,000; for group (c), oil production wells and medium bulk facilities, is between $9,000 and $16,000; and for group (d), large facilities, is $25,000. In subsequent years these figures are: $3,000; $4,700 to $11,000; and $16,000 respectively.

Summary of Benefits

The principal benefit of the response plan requirement for MTR facilities is the increased preparedness for pollution incidents. This results in a corresponding reduction in natural resource damages and cleanup costs. Facility response plans are expected to reduce the damages caused by oil spills and thus the cost by: (1) minimizing oil outflow volumes when an incident occurs, (2) preventing spilled oil from reaching sensitive habitats, and (3) mobilizing an effective and timely response to spills.

The potential benefits of facility response plans were calculated by analyzing historical spill data. Using this information, an assessment was made of the effectiveness planning may have in reducing outflows, cleanup costs, and damages.

Quantifying benefits of avoided natural resource damages associated with the facility response plan regulations is difficult. The ideal methodology will be to conduct a multiple case study of historical spill data that included natural resource damage assessments. The results will represent the range of benefits from avoided natural resource damages. This could not be done for two reasons. First, there are a limited number of claims actually settled which established a resource damage and restoration claim. Second, although models and methodologies are being developed which may better quantify natural resource damages, there is a lack of standardized models to do these assessments.

The Coast Guard is undertaking further work to refine and expand its database of oil spill cleanup and damage cost information and is further studying the matter of natural resource damage valuation, which is currently the subject of comprehensive research and evaluation by NOAA. This will facilitate the development of more accurate, representative and consistent spill-unit values to serve as the basis for reevaluating the benefits estimates in this and other regulatory evaluations undertaken for the implementation of OPA 90.

In the absence of more detailed studies, benefits are estimated based on the incremental volume of spilled oil that will be recovered due to compliance with this regulation. The estimated number of discounted barrels (using a ten percent discount rate) of oil recovered over a ten year period is 201,956 barrels. The cost effectiveness ratio (costs divided by benefits) is $1,330 per barrel of oil recovered.

After the development of the RIA but prior to the publication of this IFR, the Office of Management and Budget (OMB) issued new guidance on preparation of benefit-cost analyses (Circular No. A–94, 57 FR 53519, November 10, 1992). The Coast Guard will use that guidance in preparing the RIA for the final rule.

Similarly, as discussed in the "Costs" portion of the RIA where most of the costs are attributed to EPA, most of the benefits are accounted for under EPA's forthcoming proposed facility response plan regulation. If EPA benefits are deducted, the remaining benefits will be minimal as the majority of facilities are already EPA regulated facilities.

Additional Response Plans Requirements for Trans-Alaska Pipeline Authorization Act (TAPAA) Facilities Operating in Prince William Sound, Alaska Industry Profile

At present, there is only one Trans-Alaska Pipeline (TAPAA) facility operating in Prince William Sound. This facility is the Valdez Marine Terminal which is operated by Alyeska Pipeline

Service Company. This facility transfers approximately 700 million barrels annually to approximately 900 tankers.

Additional Response Plan Requirements for Certain Facilities Operating in Prince William Sound, Alaska

The increase in unit cost of handling, storing, and transporting crude petroleum oil to comply with section 5005 of OPA 90 is relatively small. This can easily be absorbed by the Alyeska Pipeline Service Company.

Summary of Costs and Benefits

Overall industry costs for complying with additional response planning requirements were previously discussed in the Draft Regulatory Evaluation for Prince William Sound, Alaska referenced in the Vessel Response Plan NPRM published in the **Federal Register** on June 19, 1992 (57 FR 27514). While this specifically addressed requirements for certain vessels in Prince William Sound, Alaska, it also included the costs and benefits incurred by the sole TAPAA facility located in Prince William Sound. The costs of complying with section 5005 of OPA 90 are estimated to be $232 million for the 10-year period, 1993 through 2002. The benefits include the quick recovery of spilled oil from the environment and subsequent reduction in net impact of the spill. The regulations for Prince William Sound are estimated to increase the volume of recovered oil by 25 percent for crude oil.

A copy of the draft Regulatory Evaluation for Prince William Sound is available in the docket for inspection or copying, as indicated under **ADDRESSES.**

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard has examined the impact of this rule on small entities. Its analysis indicates that the majority of small businesses subject to this regulation should be able to absorb the estimated compliance costs without experiencing significant adverse economic effects. The Coast Guard certifies under the Regulatory Flexibility Act of 1990 that this rule will not have significant impact on a substantial number of small entities.

An Initial Regulatory Flexibility Analysis discussing the impact of this rule on small entities is available in the docket for inspection or copying, as indicated under **ADDRESSES.**

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), OMB reviews each regulation that contains collection of information requirements to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements. The collection of information requirements for this rule have been submitted to OMB for review and approval and OMB approval is expected prior to February 18, 1993. The collection of information requirements for each subpart of the rule are discussed separately.

Subpart F—Response Plans

This rule contains collections of information requirements in the following sections: Sections 154.1025 (Operating restrictions and interim operating requirements); 154.1030 (General response plan requirements, specifically in the development of response resources and the identification of sensitive areas); 154.1050 (Training); 154.1055 (Drills); 154.1060 (Submission and approval procedures); and 154.1065 (Plan revision and amendment procedures).

The reporting and recordkeeping requirements associated with this rule are being submitted to OMB for approval in accordance with 44 U.S.C. chapter 35. The following particulars apply:

DOT No: 2115; OMB CONTROL NO: XXXX

Administration: U.S. Coast Guard.

Title: Response Plans for Marine Transportation-related Facilities.

Need for Information: This information is necessary to ensure that MTR facilities are adequately prepared to respond to an oil spill.

Use: The purpose of the OPA 90 amendments to section 311 of the FWPCA was to increase the preparedness for oil spills and to minimize the impact of the oil spills when they do occur. Without the requirements for response plans for MTR facilities, it is probable that some operators will not maintain the necessary internal resources (effective planning, training, drilling, etc.) or external resources (adequate response capability) to meet the requirements of these amendments. The collection of information requirements help ensure and monitor, through the submission and recurring update of response plans, that these facilities have appropriate response plans and response resources.

Submission of MTR facility response plans to the U.S. Coast Guard for approval, the verification of an approved plan during routine inspections, and the maintenance of training and drill records is believed to be the most efficacious way to ensure compliance.

Frequency: Response plan submitted every 5 years; notice of reviews completed annually; updates as necessary.

Burden Estimate: A onetime burden for industry of 327,000 hours for reporting and an annual recordkeeping burden of 65,000 hours.

Respondents: 3,580.

Average Burden Hours per Respondent: Onetime reporting burden of 91.33 hours and an annual recordkeeping burden of 18.1 hours. Subsequent years reporting will be an average of 4.5 hours.

Subpart G—Additional Response Plan Requirements for Trans-Alaska Pipeline Authorization Act (TAPAA) Facilities Operating in Prince William Sound, Alaska

This rule contains collection of information requirements in the following sections: Sections 154.1120 (Operating restrictions and interim operating authorization) and 154.1125 (Additional response plan requirements).

The reporting and recordkeeping requirements associated with this rule are being submitted to OMB for approval in accordance with 44 U.S.C. chapter 35. The following particulars apply:

DOT No: 2115; OMB CONTROL NO: XXXX

Administration: U.S. COAST GUARD

Title: Additional Response Plan Requirements for the Trans-Alaska Pipeline Act (TAPAA) Facilities Operating in Prince William Sound, Alaska.

Need for Information: This rule ensures that a facility owner or operator will provide a response plan appendix that addresses: prepositioned oil spill containment and removal equipment; oil spill removal organizations; training of local residents in oil spill containment and removal techniques; drills; and periodic testing and certification of equipment.

Use: The purpose of OPA 90 is to reduce the number of oil spills in U.S. waters and minimize the impact when

they do occur. The additional requirements in section 5005 of OPA 90 for trained personnel and prepositioned response equipment reflect the particular environmental sensitivity of Prince William Sound. Without the requirements for facilities operating in Prince William Sound, it is unlikely that sufficient response resources will be available or properly maintained to clean up a spill. The requirement establishes oil and spill removal organizations and requires prepositioned response equipment to ensure a greater level of preparedness and rapid response in the event of a spill.

Frequency: Records of personnel training and equipment maintenance, inspection, and testing will be maintained as necessary. Training and drill plans will be submitted yearly. Drills will take place twice a year.

Burden Estimate: 370 hours a year for reporting and 100 hours a year for recordkeeping.

Respondents: 1.

Average Burden Hours Per Respondent: 370 hours reporting and 100 hours of recordkeeping per year.

The Coast Guard has submitted the requirements to OMB for review, as required by the Paperwork Reduction Act.

The Coast Guard believes that the detailed information listed in § 154.1035 is essential in order to evaluate objectively the adequacy of a response plan. However, the Coast Guard is also working to set in place supplementary procedures that could reduce some of these requirements. To this end, on December 4, 1992, it promulgated Navigation and Vessel Inspection Circular 12–92, entitled "Guidelines for the Classification and Inspection of Oil Spill Response Organizations (OSROs).

There may be cases where owners or operators submitting response plans will not have adequate information regarding the oil spill removal organization(s) or the private personnel and equipment or both by February 18, 1993, to meet all the specific requirements in this interim final rule. In the initial submittal, they should acknowledge what information is lacking, explain why, and request a waiver with regard to submittal of such information. Upon good cause shown in the waiver request, the Coast Guard may grant a waiver for a reasonable period, not to extend beyond August 18, 1993, for submittal of information regarding the oil spill removal organization(s) or the private personnel and equipment or both.

Where owners or operators believe the existing information burdens are unduly burdensome, the Coast Guard actively solicits suggestions for amendments that will reduce information collection burdens while meeting the requirements of OPA 90 and the need for adequate information for plan review and discharge response. Persons commenting on the collection of information requirements should submit their comments both to OMB and to the Coast Guard, as indicated under **ADDRESSES.**

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 (October 26, 1987), and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

During the discussions of the Negotiated Rulemaking Committee, several States expressed concern about the issue of preemption. Some States, including Alaska, Washington, and Florida, have already issued regulations requiring oil spill response plans for facilities. The Coast Guard has evaluated the federalism issue in light of the statutory requirement for facility response plans and the accompanying provision which dictates that State law shall not be preempted. These regulations establish minimum requirements which may be supplemented by the States. However, a State may not adopt regulations inconsistent with Federal regulations. State law will be preempted by these regulations only to the extent that compliance with the State law will preclude owners or operators of facilities from complying with these requirements.

Section 311(o)(2) of the FWPCA explicitly preserves the authority of any State to impose its own requirements or standards with respect to the liability of persons involved in the removal of oil. Further, section 311(o)(3) of the FWPCA indicates that nothing in section 311 shall affect any State or local law not in conflict with anything therein.

The Supreme Court has held that a State may not issue a regulation which actually conflicts with a Federal statute or regulation. A conflict will be found "where compliance with Federal and State regulations is a physical impossibility." *Florida Lime and Avocado Growers* v. *Paul*, 373 U.S. 132.

Impossibility of compliance must be distinguished from inconsistency in Federal and State laws. For example, if a Federal regulation indicates several ways in which a requirement may be satisfied, a State may limit the methods available, but not preclude compliance by its regulations.

Executive Order 12612 and sections 311(o)(2) and (3) of the FWPCA emphasize the goal of preserving the authority of the States in pollution prevention and response. In *Askew* v. *American Waterways Operators, Inc.*, 93 S.Ct. 1590 (1973), the Supreme Court stated that "sea-to-shore pollution [is] historically within the reach of the police power of the States." (Id at 1601.) Hence, the Court has clearly preserved the authority of the States to regulate in this area, as long as State law is not in direct conflict with Federal law.

Section 311(j)(5) of the FWPCA specifically directs the President to issue these regulations. It is certified that the policies contained herein have been assessed in light of the principles of the Federalism Executive Order. Because this rule is being issued in response to a statutory mandate, the Coast Guard has determined that this action accords fully with the Executive Order.

Environment

The Coast Guard has prepared a preliminary Environmental Assessment (EA) for this action in accordance with the Council on Environmental Quality regulations (40 CFR parts 1500–1508) and Coast Guard policy (COMDTINST M16475.1B) implementing the procedural provisions of the National Environmental Policy Act (NEPA).

The EA discusses the environmental consequences of the action and alternatives, including the no-action alternative. The response planning requirements implemented under the preferred alternative are expected to enhance the effectiveness of a facility's spill response in a number of ways, including reducing the amount of oil that is released from the source, preventing oil from affecting sensitive environments once it is spilled, and increasing the amount of oil that is recovered. The preferred alternative is estimated to reduce the amount released from MTR facilities that affect the environment by approximately 1.4 million gallons, or 30 percent of all oil spilled from these facilities. The overall result will be reduction in water, land, and air pollution from oil spills at MTR facilities.

The preliminary EA is available in the public docket as noted under **ADDRESSES.** After receipt of all comments to this IFR and the EA, the Coast Guard will make a final decision on the need to draft an Environmental Impact Statement (EIS) for this rule.

List of Subjects

33 CFR Part 150

Harbors, Marine safety, Navigation, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 154

Fire prevention, Oil pollution, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the U.S. Coast Guard amends 33 CFR parts 150 and 154 as follows:

PART 150—OPERATIONS

1. The authority citation for 33 CFR part 150 is revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6) and (m)(2), 1509; sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46.

2. Section 150.129 is added to subpart A to read as follows:

Subpart A—General

* * * * *

§ 150.129 Response plans.

(a) The owner or operator of a deepwater port shall prepare and submit a response plan meeting the requirements of subpart F of part 154 for review and approval by the cognizant Captain of the Port (COTP).

(b) A response plan must be submitted to the cognizant COTP by February 18, 1993 or not less than 60 days before the port begins operation, which ever is later.

3. The authority citation for Part 154 is revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6) and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46. Subpart F is also issued under 33 U.S.C. 2735.

4 and 5. Section 154.100 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 154.100 Applicability.

(a) Unless otherwise indicated, this part applies to each fixed facility that is capable of transferring oil or hazardous material, in bulk, to or from a vessel with a capacity of 250 barrels or more. This part also applies to each mobile facility that is used, or intended to be used to transfer oil or hazardous material, in bulk, to or from a vessel with a capacity of 250 barrels or more. This part does not apply to the facility when it is in caretaker status (i.e., is not operational); except that, § 154.735 continues to apply if the facility's storage tanks or piping are not gas free.

* * * * *

(c) Upon a determination by the COTP under § 154.1016 that an MTR facility, as defined in subpart F, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone, subpart F of this part is applicable to the facility.

6. Section 154.106 is amended by revising paragraph (a) and amending paragraph (b) by revising the entry for the American Society for Testing and Materials (ASTM) to read as follows:

§ 154.106 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Marine Environmental Protection Division (G-MEP), room 2100, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(b) * * *

American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, PA 19103.

ASTM F 631-80 (Reapproved 1985), Standard Method for Testing Full Scale Advancing Spill Removal Devices.	Appendix C.
ASTM F 715-81 (Reapproved 1986), Standard Methods of Testing Spill Control Barrier Membrane Materials.	Appendix C.
ASTM F 808-83 (1988), Standard Guide for Collecting Skimmer Performance Data in Uncontrolled Environments.	Appendix C.
ASTM F 989-86, Standard Test Methods for Spill Control Barrier Tension Members.	Appendix C.
ASTM F-1122 (1987), Standard Specifications for Quick Disconnect Couplings.	154.500

* * * * *

7. Part 154 is amended by adding new subparts F and G to read as follows:

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

* * * * *

Subpart F—Response Plans

Sec.

154.1010 Purpose.
154.1015 Applicability.
154.1016 Upgrading facility classification.
154.1017 Response plan submission requirements.
154.1020 Definitions.
154.1025 Operating restrictions and interim operating authorization.
154.1026 Qualified individual and alternate qualified individual.
154.1028 Methods of ensuring the availability of response resources by contract or other approved means.
154.1029 Worst case discharge.
154.1030 General response plan contents.
154.1035 Specific requirements for facilities that could reasonably be expected to cause significant and substantial harm to the environment.
154.1040 Specific requirements for facilities that could reasonably be expected to cause substantial harm to the environment.
154.1041 Specific response information to be maintained on mobile MTR facilities.
154.1045 Response plan development and evaluation criteria for facilities that handle, store, or transport Group I through Group IV petroleum oils.
154.1047 Response plan development and evaluation criteria for facilities that handle, store, or transport Group V petroleum oils.
154.1049 Response plan development and evaluation criteria for facilities that handle, store, or transport non-petroleum oils.
154.1050 Training.
154.1055 Drills.
154.1057 Inspection and maintenance of response resources.
154.1060 Submission and approval procedures.
154.1065 Plan revision and amendment procedures.
154.1070 Deficiencies.
154.1075 Appeal process.

Subpart G—Additional Response Plan Requirements for a Trans-Alaska Pipeline Authorization Act (TAPAA) Facility Operating in Prince William Sound, Alaska

154.1110 Purpose and applicability.
154.1115 Definitions.
154.1120 Operating restrictions and interim operating authorization.
154.1125 Additional response plan requirements.
154.1130 Requirements for prepositioned response equipment.
154.1135 Response plan development and evaluation criteria.
154.1140 TAPAA facility contracting with a vessel.

Subpart F—Response Plans

§ 154.1010 Purpose.

(a) This subpart establishes oil spill response plan requirements for all marine transportation-related (MTR) facilities (hereafter also referred to as facilities) that could reasonably be

expected to cause substantial harm or significant and substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone. These requirements specify criteria to be used during the planning process to determine the appropriate response resources. The specific criteria for response resources and their arrival times are not performance standards. The criteria are based on a set of assumptions that may not exist during an actual oil spill incident.

§ 154.1015 Applicability.

(a) This subpart applies to all MTR facilities that because of their location could reasonably be expected to cause at least substantial harm to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone.

(b) The following MTR facilities that handle, store, or transport oil, in bulk, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines and are classified as substantial harm MTR facilities:

(1) Fixed MTR onshore facilities capable of transferring oil to or from a vessel with a capacity of 250 barrels or more and deepwater ports;

(2) Mobile MTR facilities used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more; and

(3) Those MTR facilities specifically designated by the COTP under § 154.1016.

(c) The following MTR facilities that handle, store, or transport oil in bulk could not only reasonably be expected to cause substantial harm, but also significant and substantial harm, to the environment by discharging oil into or on the navigable waters, adjoining shorelines, or exclusive economic zone and are classified as significant and substantial harm MTR facilities:

(1) Fixed MTR onshore facilities capable of transferring oil to or from a vessel with a capacity of 250 barrels or more and deepwater ports; and

(2) Those MTR facilities specifically designated by the COTP under § 154.1016.

(d) An MTR facility owner or operator who believes the facility is improperly classified may request review and reclassification in accordance with § 154.1075.

§ 154.1016 Upgrading facility classification.

(a) The COTP may upgrade the classification of:

(1) An MTR facility not specified in § 154.1015 (b) or (c) to a facility that could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters or adjoining shorelines and therefore is subject to the requirements of this subpart; or

(2) An MTR facility specified in § 154.1015(b) to a facility that could reasonably be expected to cause significant and substantial harm to the environment.

(b) COTP upgrading of a facility classification will be based on a consideration of all relevant factors including, but not limited to: type and quantity of oils handled in bulk; facility spill history; age of facility; proximity to public and commercial water supply intakes; proximity to navigable waters based on the definition of navigable waters in 33 CFR 2.05–25; and proximity to areas of economic importance or environmental sensitivity.

§ 154.1017 Response plan submission requirements.

(a) The owner or operator of an MTR facility identified only in § 154.1015(b) or designated by the COTP as a substantial harm facility must prepare and submit to the cognizant COTP a response plan that meets the requirements of § § 154.1030, 154.1040, and 154.1045, 154.1047, or 154.1049, as appropriate. This applies to:

(1) A mobile MTR facility used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more; and

(2) A fixed MTR facility specifically designated as a substantial harm facility by the COTP under § 154.1016.

(b) The owner or operator of an MTR facility identified in § 154.1015(c) or designated by the COTP as a significant and substantial harm facility must prepare and submit for the review and approval of the cognizant COTP a response plan that meets the requirements of §§ 154.30, 154.1035, and 154.1045, 154.1047, or 154.1049, as appropriate. This applies to:

(1) A fixed MTR facility capable of transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more; and

(2) An MTR facility specifically designated as a significant and substantial harm facility by the COTP under § 154.1016.

(c) In addition to the requirements in paragraphs (a) and (b) of this section, the response plan for a mobile MTR facility should meet the requirements of § 154.1041.

§ 154.1020 Definitions.

Except as otherwise defined in this section, the definition in 33 CFR 154.105 apply to this subpart.

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 significant wave height as specified in § § 154.1045, 154.1047, or 154.1049, as appropriate, ice conditions, temperatures, weather-related visibility, and currents within the COTP zone in which the systems or equipment are intended to function.

Average most probable discharge means a discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge.

Captain of the Port (COTP) Zone means a zone specified in 33 CFR part 3 and, where applicable, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ).

Exclusive economic zone (EEZ) means the zone contiguous to the territorial sea of the United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Facility that could reasonably be expected to cause significant and substantial harm means any MTR facility (including piping and any structures that are used for the transfer of oil between a vessel and facility) classified as a "significant and substantial harm" facility under § 154.1015(c) including a facility specifically designated by the COTP under § 154.1016(a).

Facility that could reasonably be expected to cause substantial harm means any MTR facility classified as a "substantial harm" facility under § 154.1015(b) including a facility specifically designated by the COTP under § 154.1016(a).

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Higher volume port area means the following ports:

(1) Boston, MA.
(2) New York, NY.
(3) Delaware Bay and River to Philadelphia, PA.
(4) St. Croix, VI.
(5) Pascagoula, MS.
(6) Mississippi River from Southwest Pass, LA. to Baton Rouge, LA.
(7) Louisiana Offshore Oil Port (LOOP), LA.
(8) Lake Charles, LA.
(9) Sabine-Neches River, TX.

(10) Galveston Bay and Houston Ship Channel, TX.

(11) Corpus Christi, TX.

(12) Los Angeles/Long Beach Harbor, CA.

(13) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA.

(14) Straits of Juan De Fuca from Port Angeles, WA, to and including Puget Sound, WA.

(15) Prince William Sound, AK.

Inland area means the area shoreward of the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) defined in §§ 80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes.

Marine transportation-related facility (MTR facility) means any offshore facility or segment of a complex regulated under section 311(j) of the Federal Water Pollution Control Act (FWPCA) by two or more Federal agencies, including piping and any structure used or intended to be used to transfer oil to or from a vessel, subject to regulation under this part and any deepwater port subject to regulation under part 150 of this chapter. For a facility or segment of a complex regulated by two or more Federal agencies under section 311(j) of the FWPCA, the MTR portion of the complex extends from the facility oil transfer system's connection with the vessel to the first valve inside the secondary containment surrounding tanks in the non-transportation-related portion of the facility or, in the absence of secondary containment, to the valve or manifold adjacent to the tanks comprising the non-transportation-related portion of the facility, unless another location has otherwise been agreed to by the COTP and the appropriate Federal official.

Maximum extent practicable means the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria in this subpart or in a specific plan approved by the cognizant COTP.

Maximum most probable discharge means a discharge of the lesser of 1,200 barrels or 10 percent of the volume of a worst case discharge.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except in the Gulf of Mexico. In the Gulf of Mexico, it means the area extending seaward 12 miles from the line of demarcation (COLREG lines) defined in §§ 80.740 through 80.850 of this chapter.

Non-persistent or Group I oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions—

(1) At least 50% of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and

(2) At least 95% of which by volume, distill at a temperature of 370 degrees C (700 degrees F).

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal and vegetable oils.

Ocean means the offshore area and nearshore area as defined in this subpart.

Offshore area means the area beyond 12 nautical miles measured from the boundary lines defined in 46 CFR part 7 extending seaward to 50 nautical miles, except in the Gulf of Mexico. In the Gulf of Mexico, it is the area beyond 12 nautical miles of the line of demarcation (COLREG lines) defined in §§ 80.740 through 80.850 of this chapter extending seaward to 50 nautical miles.

Oil means oil of any kind or in any form, including, but not limited to, petroleum oil, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.

Oil spill removal organization means an entity that provides response resources.

On-Scene Coordinator (OSC) means the definition in the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300).

Operating area means Rivers and Canals, Inland, Nearshore, Great Lakes, or Offshore geographic location(s) in which a facility is handling, storing, or transporting oil.

Operating environment means Rivers and Canals, Inland, Great Lakes, or Ocean. These terms are used to define the conditions in which response equipment is designed to function.

Operating in compliance with the plan means operating in compliance with the provisions of this subpart including, ensuring the availability of the response resources by contract or other approved means, and conducting the necessary training and drills.

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

(1) Group II—specific gravity less than .85.

(2) Group III—specific gravity between .85 and less than .95.

(3) Group IV—specific gravity .95 or greater.

(4) Group V—specific gravity greater than 1.0.

Qualified individual and alternate qualified individual means a person located in the United States who meets the requirements of § 154.1026.

Response activities means the containment and removal of oil from the land, water, and shorelines, the temporary storage and disposal of recovered oil, or the taking of other actions as necessary to minimize or mitigate damage to the public health or welfare or the environment.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals means a body of water confined within the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that has a project depth of 12 feet or less.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of a discharge means any incident or condition involving a facility that may create a risk of discharge of oil. Such incidents include, but are not limited to storage tank or piping failures, above ground or underground leaks, fires, explosions, flooding, spills contained within the facility, or other similar occurrences.

Worst case discharge means in the case of an onshore facility and deepwater port, the largest foreseeable discharge in adverse weather conditions meeting the requirements of § 154.1029.

§ 154.1025 Operating restrictions and interim operating authorization.

(a) The owner or operator of each MTR facility to which this subpart applies shall submit a response plan meeting the requirements listed in § 154.1030. After February 18, 1993, a facility may not handle, store, or transport oil unless a response plan has been submitted to the COTP.

(b) After August 18, 1993, no facility subject to this subpart may handle, store, or transport oil unless it is operating in full compliance with a submitted response plan. After August 18, 1993, no facility categorized under paragraph 154.1015(c) as a significant and substantial harm facility may handle, store, or transport oil unless the submitted response plan has been approved by the COTP. After August 18, 1993, an owner or operator of each new facility to which this subpart applies must submit a response plan meeting

the requirements listed in § 154.1017 not less than 60 days prior to handling, storing, or transporting oil. Where applicable, the response plan shall be submitted along with the letter of intent required under § 154.110.

(c) Notwithstanding the requirements of paragraph (b) of this section, a facility categorized under paragraph 154.1015(c) as a significant and substantial harm facility may continue to handle, store, or transport oil for 2 years after the date of submission of a response plan, pending approval of that plan. To continue to handle, store, or transport oil without a plan approved by the COTP, the facility owner or operator shall certify in writing to the COTP that the owner or operator has ensured, by contract or other approved means as described in § 154.1028(a)(1 through 4), the availability of the necessary private personnel and equipment to respond, to the maximum extent practicable to a worst case discharge or substantial threat of such a discharge from the facility. Provided that the cognizant COTP is satisfied with the certification of response resources provided by the owner or operator of the facility, the COTP shall provide written authorization for the facility to handle, store, or transport oil while the submitted response plan is being reviewed. Pending approval of the submitted response plan, deficiencies noted by the COTP must be corrected in accordance with § 154.1070.

(d) After August 18, 1993, a facility may not continue to handle, store, or transport oil if—

(1) The COTP determines that the response resources identified in the facility's certification statement or referenced response plan do not substantially meet the requirements of this subpart;

(2) The contracts or agreements cited in the facility's certification statement or referenced response plans are no longer valid;

(3) The facility is not operating in compliance with the submitted plan;

(4) The response plan has not been resubmitted or approved within the last 5 years; or

(5) The period of the authorization under paragraph (c) of this section has expired.

§ 154.1026 Qualified individual and alternate qualified individual.

(a) The response plan must identify a qualified individual and at least one alternate that meet the requirements of this section.

(b) The qualified individual and alternate must:

(1) Speak fluent English;

(2) Be available on a 24-hour basis and be able to arrive at the facility in a reasonable time;

(3) Be familiar with the implementation of the facility response plan; and

(4) Be trained in the responsibilities of the qualified individual under the response plan.

(c) The owner or 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);

(2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OSC); and

(3) Obligate funds required to carry out response activities.

(d) The owner or operator of a facility may designate an organization to fulfill the role of the qualified individual and the 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 facility owner or operator is required to list in the response plan the organization, the person identified as the qualified individual, and the person or person(s) identified as the alternate qualified individual(s).

(e) 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 authority contained in their designation from the owner or operator of the facility.

(f) The liability of a qualified individual is considered to be in accordance with the provisions of 33 USC 1321(c)(4).

§ 154.1028 Methods of ensuring the availability of response resources by contract or other approved means.

(a) When required in this subpart, the availability of response resources must be ensured by the following methods:

(1) A written contractural agreement with an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the facility owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the facility owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill removal organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills; and

(iv) Is referenced in the response plan; or

(v) The identification of an oil spill removal organization with specified equipment and personnel available within stipulated response times in specified geographic areas. The organization must provide written consent to being identified in the plan.

(b) The contracts and documents required in paragraph (a) of this section must be retained at the facility and must be produced for review upon request by the COTP.

§ 154.1029 Worst case discharge.

(a) The response plan must use the appropriate criteria in this section to develop the worst case discharge.

(b) For the MTR segment of a facility, not less than—

(1) Where applicable, the loss of the entire capacity of all in-line and breakout tank(s) needed for the continuous operation of the pipelines used for the purposes of handling or transporting oil, in bulk, to or from a vessel regardless of the presence of secondary containment; plus

(2) The discharge from all piping carrying oil between the marine transfer manifold and the non-transportation-related portion of the facility. The discharge from each pipe is calculated as follows: The maximum time to discover the release from the pipe in hours, plus the maximum time to shut down flow from the pipe in hours (based on historic discharge data or the best estimate in the absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line drainage volume expressed in barrels for the pipe between the marine

manifold and the non-transportation-related portion of the facility; and

(c) For a mobile facility it means the loss of the entire contents of the container in which the oil is stored or transported.

§ 154.1030 General response plan contents.

(a) The plan must be written in English.

(b) A response plan must be divided into the sections listed in this paragraph (b) and formatted in the order specified herein unless noted otherwise. It must also have some easily found marker identifying each section listed below. The following are the sections and subsections of a facility response plan:

(1) Introduction and plan contents.

(2) Emergency response action plan:

(i) Notification procedures.

(ii) Facility's spill mitigation procedures.

(iii) Facility's response activities.

(iv) Sensitive areas.

(v) Disposal plan.

(3) Hazard evaluation. [Reserved.]

(4) Spill scenarios. [Reserved.]

(5) Training and drills:

(i) Training procedures.

(ii) Drill procedures.

(6) Plan review and update procedures.

(7) Appendices:

(i) Facility-specific information.

(ii) List of contacts.

(iii) Equipment lists and records.

(iv) Communications plan.

(v) Site-specific safety and health plan.

(vi) List of acronyms and definitions.

(vii) A geographic-specific appendix for each zone in which a mobile facility operates.

(c) The required contents for each section and subsection of the plan are contained in §§ 154.1035, 154.1040, and 154.1041, as appropriate.

(d) The sections and subsections of response plans submitted to the COTP must contain at a minimum all the information required in §§ 154.1035, 154.1040, and 154.1041, as appropriate. It may contain other appropriate sections, subsections, or information that are required by other Federal, State, and local agencies.

(e) For initial and subsequent submission, a plan that does not follow the format specified in paragraph (b) of this section must be supplemented with a cross-reference section to identify the location of the applicable sections required by this subpart.

(f) The information contained in a response plan must be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR part 300) and the Area Contingency Plan(s) (ACP) covering the area in which the facility operates and that are in effect at the time of submission of the response plan. If the NCP or ACP has been revised within 6 months prior to the date of submission, the response plan may be based on the prior NCP or ACP.

§ 154.1035 Specific requirements for facilities that could reasonably be expected to cause significant and substantial harm to the environment.

(a) *Introduction and plan content.* This section of the plan must include facility and plan information as follows:

(1) The facility's name, street address, city, county, state, ZIP code, facility telephone number, and telefacsimile number, if so equipped. Include mailing address if different from street address.

(2) The facility's location described in a manner that could aid both a reviewer and a responder in locating the specific facility covered by the plan, such as, river mile or location from a known landmark that would appear on a map or chart.

(3) The name, address, and procedures for contacting the facility's owner or operator on a 24-hour basis.

(4) A table of contents.

(5) During the period that the submitted plan does not have to conform to the format contained in this subpart, a cross index, if appropriate.

(6) A record of change(s) to record information on plan updates.

(b) *Emergency Response Action Plan.* This section of the plan must be organized in the subsections described in this paragraph (b):

(1) Notification procedures.

(i) This subsection must contain a prioritized list identifying the person(s), including name, telephone number, and their role in the plan, to be notified of a discharge or substantial threat of a discharge of oil. The telephone number need not be provided if it is listed separately in the list of contacts required in the plan. This Notification Procedures listing must include—

(A) Facility response personnel, the spill management team, oil spill removal organizations, and the qualified individual(s) and the designated alternate(s); and

(B) Federal, State, or local agencies, as required.

(ii) This subsection must include a form, such as that depicted in Figure 1, which contains information to be provided in the initial and follow-up notifications to Federal, State, and local agencies. The form shall include notification of the National Response Center as required in part 153 of this chapter. Copies of the form also must be placed at the location(s) from which notification may be made. The initial notification form must include space for the information contained in Figure 1. The form must contain a prominent statement that initial notification must not be delayed pending collection of all information.

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FIGURE 1

INFORMATION ON DISCHARGE *

Involved Parties

(A) Reporting Party	(B) Suspected Responsible Party
Name	Name
Phones ( ) -	Phones ( ) -
Company	Company
Position	Organization Type:
Address	Private citizen
Address	Private enterprise
	Public utility
	Local government
	State government
	Federal government
City	City
State	State
Zip	Zip

Were Materials Discharged (Y/N)?
Calling for Responsible Party (Y/N)?

Incident Description

Source and/or Cause of Incident

Date - - Time :
Cause

Incident Address/Location Nearest City

Distance from City
Storage Tank Container Type- Above ground (Y/N) Below ground (Y/N)
Unknown
Tank Capacity Facility Capacity
Latitude Degrees
Longitude Degrees
Mile Post or River Mile

Materials

Discharged Quantity	Unit of Measure	Discharged Material	Quantity in Water

Response Action

Actions Taken to Correct or Mitigate Incident

Impact

Number of Injuries Number of Fatalities
Were there Evacuations (Y/N/U)? Number Evacuated
Was there any Damage (Y/N/U)? Damage in Dollars

Additional Information

Any information about the Incident not recorded elsewhere in the report

Caller Notifications

USCG EPA STATE OTHER

* IT IS NOT NECESSARY TO WAIT FOR ALL INFORMATION BEFORE CALLING NRC.

NATIONAL RESPONSE CENTER - 1-800-424-8802

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(2) Facility's spill mitigation procedures.

(i) This subsection must describe the volume(s) of persistent and non-persistent oil groups that would be involved in the—

(A) Average most probable discharge from the MTR facility;

(B) Maximum most probable discharge from the MTR facility;

(C) Worst case discharge from the MTR facility; and

(D) Where applicable, the worst case discharge from the non-transportation-related facility. This must be the same volume provided in the response plan for the non-transportation-related facility.

(ii) This subsection must contain prioritized procedures for facility personnel to mitigate or prevent any discharge or substantial threat of a discharge of oil resulting from operational activities associated with internal or external facility transfers including specific procedures to shut down affected operations. Facility personnel responsible for performing specified procedures to mitigate or prevent any discharge or potential discharge shall be identified by job title. A copy of these procedures shall be maintained at the facility operations center. These procedures must address actions to be taken by facility personnel in the event of a discharge, potential discharge, or emergency involving the following equipment and scenarios:

(A) Failure of manifold, mechanical loading arm, other transfer equipment, or hoses, as appropriate;

(B) Tank overfill;

(C) Tank failure;

(D) Piping rupture;

(E) Piping leak, both under pressure and not under pressure, if applicable;

(F) Explosion or fire; and

(G) Equipment failure (e.g. pumping system failure, relief valve failure, or other general equipment relevant to operational activities associated with internal or external facility transfers.)

(iii) This subsection must contain a listing of equipment and the responsibilities of facility personnel to mitigate an average most probable discharge.

(3) Facility's response activities.

(i) This subsection must contain a description of the facility personnel's responsibilities to initiate a response and supervise response resources pending the arrival of the qualified individual.

(ii) This subsection must contain a description of the responsibilities and authority of the qualified individual and alternate as required in § 154.1026.

(iii) This subsection must describe the facility or corporate organizational structure that will be used to manage the response actions, including—

(A) Command and control;

(B) Public information;

(C) Safety;

(D) Liaison with government agencies;

(E) Spill Operations;

(F) Planning;

(G) Logistics support; and

(H) Finance.

(iv) This subsection must identify the oil spill removal organization(s) and the spill management team available, by contract or other approved means as described in § 154.1028(a)(1–4). The oil spill removal organization and the spill management team must—

(A) Be capable of responding to the following spill scenarios:

(*1*) Average most probable discharge;

(*2*) Maximum most probable discharge; and

(*3*) Worst case discharge to the maximum extent practicable; and

(B) Be capable of providing the following response resources:

(*1*) Equipment and supplies to meet the requirements of §§ 154.1045, 154.1047, or 154.1049, as appropriate; and

(*2*) Trained personnel necessary to continue operation of the equipment and staff of the oil spill removal organization and spill management team for the first 7 days of the response.

(v) For mobile facilities that operate in more than one COTP zone, the plan must identify the oil spill removal organization and the spill management team in the applicable geographic-specific appendix. The oil spill removal organization(s) and the spill management team discussed in paragraph (b)(3)(iv)(A) of this section must be included for each COTP zone in which the facility will handle, store, or transport oil in bulk.

(*4*) Sensitive areas.

(i) This section of the response plan must identify areas of economic importance and environmental sensitivity as identified in the ACP which are potentially impacted by a worst case discharge. Appendix D of this subpart is provided as guidance for identifying economically important and environmentally sensitive areas. This guidance shall be used until the ACP required under section 311(j)(4) of the FWPCA identifying areas of economic importance and environmental sensitivity has been promulgated. Additions or deletions in the areas of economic importance and environmental sensitivity contained in the ACP, when available, shall be included in the annual update of the response plan.

(ii) For a worst case discharge from the facility, this section of the response plan must—

(A) List all areas of economic importance and environmental sensitivity identified in the ACP which are potentially impacted by a discharge of persistent oils, nonpersistent oils, or non-petroleum oils.

(B) Describe all the response actions that the facility anticipates taking to protect these economically important and environmentally sensitive areas.

(C) Contain a map or chart showing the location of those areas of economic importance and environmental sensitivity which are potentially impacted. The map or chart shall also depict each response action that the facility anticipates taking to protect these areas. A legend of activities must be included on the map page.

(iii) For a worst case discharge, this section of the response plan must identify appropriate equipment and required personnel to protect areas of environmental sensitivity and economic importance as follows:

(A) Identify the appropriate equipment and required personnel to protect all areas of economic importance and environmental sensitivity in the ACP for the distance the persistent oils, non-persistent oils, or non-petroleum oils are likely to travel in the noted geographic area(s) and number of days listed in Table 2 of appendix C of this part.

(B) Identify the appropriate equipment and required personnel available, by contract or other approved means as described in § 154.1028, to protect areas of environmental sensitivity and economic importance as follows:

(*1*) For persistent oils and non-petroleum oils discharged into non-tidal waters, the distance from the facility reached in 48 hours at maximum current.

(*2*) For persistent and non-petroleum oils discharged into tidal waters, 15 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 15 miles, whichever is less, during flood tide.

(*3*) For non-persistent oils discharged into non-tidal waters, the distance from the facility reached in 24 hours at maximum current.

(*4*) For non-persistent oils discharged into tidal waters, 5 miles from the facility down current during ebb tide and to the point of maximum tidal influence or 5 miles, whichever is less, during flood tide.

(*5*) For persistent oils, non-persistent oils, or non-petroleum oils a spill trajectory or model may be substituted

for the distances listed in non-tidal and tidal waters.

(6) Based on historical information or a spill trajectory or model, the COTP may require that additional areas of economic importance or environmental sensitivity also be protected.

(5) *Disposal plan.* This subsection must describe any actions to be taken or procedures to be used to ensure that all recovered oil and oil contaminated debris produced as a result of any discharge are disposed according to Federal, State, or local requirements.

(c) *Hazard Evaluation.* [Reserved.]

(d) *Discussion of Spill Scenarios.* [Reserved.]

(e) *Training and Drills.* This section of the response plan must be divided into the following two subsections:

(1) Training procedures. This subsection must describe the training procedures and programs of the facility owner or operator to meet the requirements in § 154.1050.

(2) Drill procedures. This subsection must describe the drill program to be carried out by the facility owner or operator to meet the requirements in § 154.1055.

(f) *Plan review and update procedures.* This section of the response plan must address the procedures to be followed by the facility owner or operator to meet the requirements of § 154.1065 and the procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(g) *Appendices.* This section of the response plan must include the appendices described in this paragraph (g).

(1) *Facility-specific information.* This appendix must contain a description of the facility's principal characteristics.

(i) There must be a physical description of the facility including a plan of the facility showing the mooring areas, transfer locations, control stations, locations of safety equipment, and the location and capacities of all piping and storage tanks.

(ii) The appendix must identify the sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously.

(iii) The appendix must identify the first valve(s) on facility piping separating the transportation-related portion of the facility from the non-transportation-related portion of the facility, if any. For piping leading to a manifold located on a dock serving tank vessels, this valve is the first valve inside the secondary containment required by 40 CFR part 112.

(iv) The appendix must contain information on the oil(s) and hazardous material handled, stored, or transported at the facility in bulk. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, 33 CFR 154.310(a)(5) or an equivalent will meet this requirement. This information can be maintained separately providing it is readily available and the appendix identifies its location. This information must include—

(A) The generic of chemical name;

(B) A description of the appearance and odor;

(C) The physical and chemical characteristics;

(D) The hazards involved in handling the oil(s) and hazardous materials. This shall include hazards likely to be encountered if the oil(s) and hazardous materials come in contact as a result of a discharge; and

(E) A list of firefighting procedures and extinguishing agents effective with fires involving the oil(s) and hazardous materials.

(v) The appendix may contain any other information which the facility owner or operator determines to be pertinent to an oil spill response.

(2) *List of contacts.* This appendix must include information on 24-hour contact of key individuals and organizations. If more appropriate, this information may be specified in a geographic-specific appendix. The list must include—

(i) The primary and alternate qualified individual(s) for the facility;

(ii) The contact(s) identified under paragraph (b)(3)(iv) of this section for activation of the response resources; and

(iii) Appropriate Federal, State, and local officials.

(3) *Equipment list and records.* This appendix must include the information specified in this paragraph (g)(3).

(i) The appendix must contain a list of equipment and facility personnel required to respond to an average most probable discharge, as defined in § 154.1020. The appendix must also list the location of the equipment.

(ii) The appendix must contain a detailed listing of all the major equipment identified in the plan as belonging to an oil spill removal organization(s) that is available, by contract or other approved means as described in § 154.1028(a) (1 through 4), to respond to a worst case discharge, as defined in § 154.1020. The detailed listing of all major equipment may be located in a separate document referenced by the plan. Either the appendix or the separate document referenced in the plan must provide the location of the major response equipment.

(iii) It is not necessary to list response equipment from oil spill removal organization(s) when the organization has been classified by the Coast Guard and their capacity has been determined to equal or exceed the response capability needed by the facility. For oil spill removal organization(s) classified by the Coast Guard, the classification must be noted in this section of the response plan. When it is necessary for the appendix to contain a listing of response equipment, it shall include all of the following items that are identified in the response plan: skimmers; booms; dispersant application, in-situ burning, bioremediation equipment and supplies, and other equipment used to apply other chemical agents on the NCP Product Schedule (if applicable); communications, firefighting, and beach cleaning equipment; boats and motors; disposal and storage equipment; and heavy equipment. The list must include for each piece of equipment—

(A) The type, make, model, and year of manufacture listed on the nameplate of the equipment;

(B) For oil recovery devices, the effective daily recovery rate, as determined using section 6 of Appendix C of this part;

(C) For containment boom, the overall boom height (draft and freeboard) and type of end connectors;

(D) The spill scenario in which the equipment will be used or for which it is contracted;

(E) The total daily capacity for storage and disposal of recovered oil;

(F) For communication equipment, the type and amount of equipment intended for use during response activities. Where applicable, the primary and secondary radio frequencies must be specified.

(G) Location of the equipment; and

(H) The date of the last inspection by the oil spill removal organization(s).

(4) *Communications plan.* This appendix must describe the primary and alternate method of communication during discharges, including communications at the facility and at remote locations within the areas covered by the response plan. The appendix may refer to additional communications packages provided by the oil spill removal organization. This may reference another existing plan or document.

(5) *Site-specific safety and health plan.* This appendix must describe the safety and health plan to be implemented for any response location(s). It must provide as much detailed information as is practicable in advance of an actual discharge. This appendix may reference another

existing plan required under 29 CFR 1910.120.

(6) *List of acronyms and definitions.* This appendix must list all acronyms used in the response plan including any terms or acronyms used by Federal, State, or local governments and any operational terms commonly used at the facility. This appendix must include all definitions that are critical to understanding the response plan.

§ 154.1040 Specific requirements for facilities that could reasonably be expected to cause substantial harm to the environment.

(a) A facility that, under § 154.1015, could reasonably be expected to cause substantial harm to the environment shall submit a response plan that meets the requirements of § 154.1035, except as modified by this section.

(b) The facility's response activities section of the response plan need not list the facility or corporate organizational structure that will be used to manage the response, as required by § 154.1035(b)(3)(iii).

(c) The owner or operator of a facility must ensure the availability of response resources required to be identified in § 154.1035(b)(3)(iv) by contract or other approved means described in § 154.1028.

(d) A facility owner or operator must have at least 200 feet of containment boom immediately available to respond to the average most probable discharge in lieu of the quantity of containment boom specified in § 154.1045(c)(1). Based on site-specific or facility-specific information, the COTP may specify that additional quantities of containment boom are immediately available. In addition, there must be adequate sorbent material for initial response to an average most probable discharge. If the facility is a fixed facility, the containment boom and sorbent material must be located at the facility. If the facility is a mobile facility, the containment boom and sorbent must be available locally and be at the site of the discharge within 1 hour of its discovery.

§ 154.1041 Specific response information to be maintained on mobile MTR facilities.

(a) Each mobile MTR facility must carry the following information as contained in the response plan when performing transfer operations:

(1) A description of response activities for a discharge which may occur during transfer operations. This may be a narrative description or a list of procedures to be followed in the event of a discharge.

(2) Identity of response resources to respond to a discharge from the mobile MTR facility.

(3) List of the appropriate persons and agencies (including the telephone numbers) to be contacted in regard to a discharge and its handling, including the National Response Center.

(b) The owner or operator of the mobile facility must also retain the information in this section at the principal place of business.

§ 154.1045 Response plan development and evaluation criteria for facilities that handle, store, or transport Group I through Group IV petroleum oils.

(a) The owner or operator of a facility that handles, stores, or transports Group I through Group IV petroleum oils must use the criteria in this section to evaluate response resources identified in the response plan for the specified operating environment.

(1) The criteria in Table 1 of Appendix C of this part are to be used solely for identification of appropriate equipment in a response plan. These criteria reflect conditions used for planning purposes to select mechanical response equipment and are not conditions that would limit response actions or affect normal facility operations.

(2) The response resources must be evaluated considering limitations for the COTP zones in which the facility operates, including but not limited to—

(i) Ice conditions;

(ii) Debris;

(iii) Temperature ranges;

(iv) Weather-related visibility; and

(v) Other appropriate environmental conditions as determined by the COTP.

(3) The COTP may reclassify a specific body of water or location within the COTP zone. Any reclassifications will be identified by the COTP in the applicable ACP. Reclassifications may be to—

(i) A more stringent operating environment if the prevailing wave conditions exceed the significant wave height criteria during more than 35% of the year; or

(ii) A less stringent operating environment if the prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment during more than 35% of the year.

(b) Response equipment must—

(1) Meet or exceed the operating criteria listed in Table 1 of Appendix C of this part;

(2) Function in the applicable operating environment; and

(3) Be appropriate for the petroleum oil carried.

(c) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources that are available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to respond to the facility's average most probable discharge. The response resources must include, at a minimum—

(1) 1,000 feet of containment boom or two times the length of the largest vessel that regularly conducts oil transfers to or from the facility, whichever is greater, and the means of deploying and anchoring the boom available at the facility within 1 hour of the detection of a spill; and

(2) Oil recovery devices and recovered oil storage capacity capable of being at the facility within 2 hours of the discovery of an oil discharge from a facility.

(d) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources that are available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to respond to a discharge up to the facility's maximum most probable discharge volume.

(1) These response resources must be positioned such that they can arrive at the scene of a discharge within the following specified times:

(i) For an average most probable discharge, the times specified in paragraphs (c)(1) and (c)(2) of this section.

(ii) In higher volume port areas and the Great Lakes, response resources must be capable of arriving on scene within 6 hours of the discovery of an oil discharge from a facility.

(iii) In all other locations, response resources must be capable of arriving on scene within 12 hours of the discovery of an oil discharge from a facility.

(2) The response resources must include sufficient containment boom, oil recovery devices, and storage capacity for any recovery of up to the maximum most probable discharge planning volume.

(3) The response resources must be appropriate for each group of oil identified in § 154.1020 that is handled, stored, or transported by the facility.

(4) The COTP may determine that mobilizing response resources to an area beyond the response times indicated in paragraph (d) of this section invalidates the response plan.

(e) The response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify the response resources that are available, by contract or other approved means as described in § 154.1028(a) (1 through 4), to respond to the worst case

discharge volume of oil to the maximum extent practicable.

(1) The location of these response resources must be suitable to meet the response times identified for the applicable geographic area(s) of operation and response tier.

(2) The response resources must be appropriate for—

(i) The volume of the facility's worst case discharge;

(ii) Group(s) of oil as identified in § 154.1020 that are handled, stored, or transported by the facility; and

(iii) The geographic area(s) in which the facility operates.

(3) The response resources must include sufficient boom, oil recovery devices, and storage capacity to recover the worst case discharge planning volumes.

(4) The guidelines in Appendix C of this part must be used for calculating the quantity of response resources required to respond at each tier to the worst case discharge to the maximum extent practicable.

(5) When determining response resources necessary to meet the requirements of this section, a portion of those resources must be capable of use in close-to-shore response activities in shallow water. The following percentages of the response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth.

(i) Offshore—10 percent.

(ii) Nearshore/Inland/Great Lakes/Rivers and canals—20 percent.

(f) Response equipment identified in a response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must be capable of arriving on scene within the times specified in this paragraph (f) for the applicable response tier in a higher volume port area, Great Lakes, and in other areas. Response times for these tiers from the time of discovery of a discharge are:

	Tier 1	Tier 2	Tier 3
Higher volume port area (except for a TAPAA facility located in Prince William Sound, see § 154.1135).	6 hrs	30 hrs	54 hrs.
Great Lakes ..	12 hrs	36 hrs	60 hrs.
All other river and canal, inland, nearshore, and offshore areas.	12 hrs	36 hrs	60 hrs.

(g) For the purposes of arranging for response resources for a facility that handles, stores, or transports Group I through Group IV petroleum oils, by contract or other approved means as described in § 154.1028(a) (1 through 4), response equipment identified for Tier 1 plan credit must be capable of being mobilized and enroute to the scene of a discharge within 2 hours of notification. The notification procedures identified in the plan must provide for notification and authorization of mobilization of identified Tier 1 response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(h) Response resources identified for Tier 2 and Tier 3 plan credit must be capable of arriving on scene within the time specified for the applicable tier.

(i) The response plan for a facility that is located in any environment with year-round preapproval for use of dispersants and that handles, stores, or transports Group II or III persistent petroleum oils may request a credit for up to 25 percent of the on-water recovery capability set forth by this part. To receive this credit, the facility owner or operator must identify in the plan and ensure, by contract or other approved means as described in § 154.1028(a)(1 through 4), the availability of specified resources to apply the dispersants and to monitor their effectiveness. The extent of the credit will be based on the volumes of the dispersant available to sustain operations at the manufacturers' recommended dosage rates. Resources identified for plan credit should be capable of being on scene within 12 hours of a discovery of a discharge. Identification of these resources does not imply that they will be authorized for use. Actual authorization for use during a spill response will be governed by the provisions of the NCP and the applicable Area Contingency Plan.

(j) A response plan for a facility that handles, stores, or transports Group I through Group IV petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that cannot rely on sufficient local firefighting resources must identify and ensure, by contract or other approved means as described in § 154.1028(a)(1 through 4), the availability of adequate firefighting resources. The response plan must also identify an individual located at the facility to work with the fire department for petroleum fires. This individual shall also verify that sufficient well-trained firefighting resources are available within a reasonable response time to a worst case scenario. The individual may be the qualified individual as defined in § 154.1020 and identified in the response plan or another appropriate individual located at the facility.

(k) The response plan for a facility that handles, stores, or transports Group I through IV petroleum oils must identify equipment and required personnel available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to protect areas of environmental sensitivity or economic importance.

(1) Except as set out in paragraph (k)(2) of this section, the identified response resources must include the quantities of boom sufficient to protect areas of environmental sensitivity or economic importance as required by § 154.1035(b)(4).

(2) For a facility response plan submitted or resubmitted 6 months or more after the appropriate Area Contingency Plan has identified the required resources and response methods to be used in areas of environmental sensitivity or economic importance, the resources and response methods must be those identified in the appropriate Area Contingency Plan.

(l) The response plan for a facility that handles, stores, or transports Groups I through IV petroleum oils must identify an oil spill removal organization(s) with response resources that are available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to effect a shoreline clean-up operation commensurate with the quantity of emulsified oil to be planned for in shoreline clean-up operations.

(1) Except as required in paragraph (l)(2) of this section, the shoreline clean-up response resources required must be determined as described in Appendix C of this part.

(2) For a facility response plan submitted or resubmitted 6 months or more after the appropriate Area Contingency Plan has identified the required shoreline clean-up resources and methods, shoreline clean-up response resources and methods must be those identified in the ACP.

(m) Appendix C of this part describes the procedures to determine the maximum extent practicable quantity of response resources that must be identified and available, by contract or other approved means as described in § 154.1028(a)(1 through 4), for the maximum most probable discharge volume, and for each worst case discharge response tier.

(1) Included in Appendix C of this part is a cap that recognizes the practical and technical limits of response capabilities that an individual facility owner or operator can be expected to contract for in advance.

(2) Table 5 in Appendix C of this part lists the caps that will apply in February 18, 1993 and February 18, 1998. Depending on the quantity and type of petroleum oil handled by the facility and the facility's geographic area of operations, the resource capability caps in this table may be reached. The owner or operator of a facility whose estimated recovery capacity exceeds the applicable contracting caps in Table 5 shall identify sources of additional equipment equal to twice the cap listed in Tier 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The identified resources must be capable of arriving on scene not later than the Tier 3 response times in this section. No contract is required. While general listings of available response equipment may be used to identify additional sources, a response plan must identify the specific sources, locations, and quantities of equipment that a facility owner or operator has considered in his or her planning. When listing Coast Guard classified oil spill removal organization(s) which have sufficient removal capacity to recover the volume above the response capability cap for the specific facility, as specified in Table 5 in Appendix C of this part, it is not necessary to list specific quantities of equipment.

(n) 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 for February 1988 remains practicable, and will also establish a specific cap for 2003. The review will include but is not limited to—

(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 in February 1998 and 2003 unless the review of the additional requirements has not been completed by the Coast Guard. If this occurs, the additional requirements will not be effective until 90 days after publication of a **Federal Register** notice with the results of the review.

§ 154.1047 Response plan development and evaluation criteria for facilities that handle, store, or transport Group V petroleum oils.

(a) An owner or operator of a facility that handles, stores, or transports Group V petroleum oils must provide information in his or her response plan that identifies—

(1) Procedures and strategies for responding 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) An owner or operator of a facility that handles, stores, or transports Group V petroleum oil 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 facility operates using the criteria in Table 1 of Appendix C of this part. When evaluating the operability of equipment, the facility owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zones in which the facility operates, including—

(1) Ice conditions;

(2) Debris;

(3) Temperature ranges; and

(4) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports Group V petroleum oil must identify the response resources that are available by contract or other approved means as described in § 154.1028. The equipment identified in a response plan must include—

(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 the 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;

(4) Equipment necessary to assess the impact of such discharges; and

(5) Other appropriate equipment necessary to respond to a discharge involving the type of oil handled, stored, or transported.

(d) Response resources identified in a response plan for a facility that handles, stores, or transports Group V petroleum oils under paragraph (c) of this section must be capable of being deployed within 24 hours of discovery of a discharge to the area where the facility is operating.

(e) A response plan for a facility that handles, stores, or transports Group V petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that can not rely on sufficient local firefighting resources must identify and ensure, by contract or other approved means as described in § 154.1028, the availability of adequate firefighting resources. The response plan must also identify an individual located at the facility to work with the fire department for petroleum fires. This individual shall also verify that sufficient well-trained firefighting resources are available within a reasonable response time to a worst case scenario. The individual may be the qualified individual as defined in § 154.1020 and identified in the response plan or another appropriate individual located at the facility.

§ 154.1049 Response plan development and evaluation criteria for facilities that handle, store, or transport non-petroleum oils.

(a) An owner or operator of a facility that handles, stores, or transports non-petroleum oil must provide information in his or her plan that identifies—

(1) Procedures and strategies for responding to a worst case discharge of non-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) An owner or operator of a facility that handles, stores, or transports non-petroleum oil 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 facility operates using the criteria in Table 1 of Appendix C of this part. When evaluating the operability of equipment, the facility owner or operator must consider limitations that are identified in the Area Contingency Plans for the COTP zone in which the facility is located, including—

(1) Ice conditions;

(2) Debris;

(3) Temperature ranges; and

(4) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports non-petroleum oil must identify the response resources that are available by

contract or other approved means as described in § 154.1028. The equipment identified in a response plan must include—

(1) Containment boom, sorbent boom, or other methods for containing oil floating on the surface or to protect shorelines from impact;

(2) Oil recovery devices appropriate for the type of non-petroleum oil carried; and

(3) 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 commencing an effective on-scene response within the applicable Tier response times in § 154.1045(f) of this subpart.

(e) A response plan for a facility that handles, stores, or transports non-petroleum oils must identify response resources with firefighting capability. The owner or operator of a facility that does not have adequate firefighting resources located at the facility or that can not rely on sufficient local firefighting resources must identify and ensure, by contract or other approved means as described in § 154.1028, the availability of adequate firefighting resources. The response plan must also identify an individual located at the facility to work with the fire department on non-petroleum oil fires. This individual shall also verify that sufficient well-trained firefighting resources are available within a reasonable response time to a worst case scenario. The individual may be the qualified individual as defined in § 154.1020 and identified in the response plan or another appropriate individual located at the facility.

§ 154.1050 Training.

(a) A response plan submitted to meet the requirements of §§ 154.1035 or 154.1040, as appropriate, must identify the training to be provided to each individual with responsibilities under the plan. A facility owner or operator must identify the method of training any volunteers or casual laborers employed during a response to comply with the requirements of 29 CFR 1910.120.

(b) A facility owner or operator shall ensure the maintenance of records sufficient to document training of facility personnel and shall make them available for inspection upon request by the U.S. Coast Guard. Records for facility personnel must be maintained at the facility for 3 years.

(c) Where applicable, a facility owner or operator shall ensure that an oil spill removal organization identified in a response plan to meet the requirements of this subpart maintains records sufficient to document training for the organization's personnel and shall make them available for inspection upon request by the facility's management personnel, the qualified individual, and U.S. Coast Guard. Records must be maintained for 3 years following completion of training.

(d) The facility owner or operator remains responsible for ensuring that all private response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

§ 154.1055 Drills.

(a) A response plan submitted by an owner or operator of an MTR facility must contain details on the type and frequency of drills. The response plan must provide for both announced and unannounced drills. The following are the required drill frequencies for facilities covered by this subpart:

(1) Facility personnel and qualified individual notification drills must be conducted monthly.

(2) Facility equipment deployment drills must be conducted semiannually. An unannounced annual drill, in which equipment is deployed, may be credited towards one of the semiannual drills.

(3) Spill management team tabletop drills must be conducted yearly.

(4) A facility owner or operator shall plan for an annual unannounced drill. During this drill, the oil spill removal organizational and spill management team identified in the facility's response plan shall be activated. The unannounced drill shall include deployment of major response equipment at the facility or other appropriate staging area. Facility equipment deployed during this unannounced drill may be credited towards the semiannual deployment drill required in paragraph (a)(2) of this section. A facility owner or operator may take credit for any unannounced oil spill response drill required by a Federal or State agency provided that this unannounced drill meets the requirements of this section for exercising the oil spill removal organization, spill management team and major response equipment.

(5) A facility owner or operator shall participate to the extent requested in any unannounced drills conducted by the cognizant COTP. A facility owner or operator need not participate in a COTP drill if the facility has participated in an unannounced Federal or State oil spill response drill within the past 24 months; the facility owner or operator shall immediately provide records of this drill to the COTP.

(6) A facility owner or operator shall ensure that the response resources identified in the plan participate in annual deployment drills.

(b) Drills may be designed by the facility owner or operator to exercise either components of or the entire response plan. The facility owner or operator shall conduct a drill that exercises the entire plan at least once every 3 years.

(c) A facility owner or operator shall ensure that records sufficient to document drills for facility personnel and the spill management team are maintained for 3 years following completion of drills.

(d) The facility owner, operator, or qualified individual designated in the response plan shall ensure that records sufficient to document the drills of the oil spill removal organization and response resources identified in the response plan are maintained 3 years following the completion of drills.

(e) The requirements for drilling the spill management team in paragraphs (a)(3) and (a)(5) of this section are met if the oil spill removal organization identified in the response plan is drilled during the period noted. The facility owner or operator shall maintain records of these drills and make them available to the COTP.

§ 154.1057 Inspection and maintenance of response resources.

(a) A facility owner or operator required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations, and best commercial practices; and

(2) All inspection and maintenance is documented and that these records are maintained for three years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existences of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels, and other major equipment listed or

referenced in the plan and ensured available from an oil spill removal organization through the written consent required under § 154.1028(a)(5).

§ 154.1060 Submission and approval procedures.

(a) The owner or operator of a facility to which this subpart applies shall submit two copies of a facility response plan meeting the requirements of this subpart to the COTP for initial review and, if appropriate, approval.

(b) For an MTR facility that is also regulated under 40 CFR part 112 and is located in the inland response zone where the EPA Regional Administrator is the predesignated Federal On-Scene Coordinator prior to any final approval.

(c) For an MTR facility that is also required to prepare a response plan under 40 CFR part 112, if the COTP determines that the plan meets all requirements of this subpart and the EPA Regional Administrator raises no objection to the response plan contents, the COTP will notify the facility owner or operator by returning one copy of the approved plan to the owner or operator along with an approval letter. The plan will be valid for a period of up to 5 years from the date of approval.

(d) If during review of a response plan submitted for initial review or pentennial review the COTP determines that the plan does not meet the requirements of this subpart, the COTP will return one copy of the plan to the facility owner or operator along with an explanation of the response plan's deficiencies. A revised plan must be resubmitted to the COTP within 30 days of receipt of the letter describing the deficiencies. Any deficiencies noted in the submitted plan must be corrected in accordance with § 154.1070.

(e) The facility owner or operator and the qualified individual and the alternative qualified individual shall each maintain a copy of the most current response plan submitted to the COTP.

§ 154.1065 Plan revision and amendment procedures.

(a) A facility response plan must be reviewed annually by the facility owner or operator. The review shall incorporate any changes in the listings of economically important or environmentally sensitive areas identified in the ACP in effect 6 months prior to plan review.

(1) This review must occur within 1 month of the anniversary date of COTP approval of the plan.

(2) The facility owner or operator shall submit any amendments of the response plan to the COTP for information or approval. If no changes are required, the facility owner or operator shall send a letter to the COTP indicating that the plan remains valid with no changes. A copy of this letter must be included in the front of each copy of the response plan and indicated in the record of changes page.

(3) Any required changes must be entered in the plan and noted on the record of changes page.

(b) Revisions or amendments to either a previously submitted or approved response plan must be submitted to the COTP by the facility's owner or operator for inclusion in the existing plan or for approval, whichever is appropriate, whenever there is—

(1) A change in the facility's configuration that significantly affects the information included in the response plan;

(2) A change in the type of oil (oil group) handled, stored, or transported that affects the required response resources;

(3) A change in the name(s) and/or capabilities of the oil spill removal organization required by § 154.1045;

(4) A change in the facility's emergency response procedures;

(5) A change in the facility's operating area that includes ports or geographic area(s) not covered by the previously approved plan. A facility may not operate in an area not covered in a previously approved plan unless the revised plan is approved or interim operating approval is received under § 154.1025;

(6) Any other changes that significantly affect the implementation of the plan; or

(7) Five years from the date of COTP approval.

(c) The COTP may require a facility owner or operator to revise a response plan at any time as a result of a compliance inspection if the COTP determines that the response plan does not meet the requirements of this subpart or as a result of inadequacies noted in the response plan during an actual pollution incident at the facility.

(d) Except as required in paragraph (b) of this section, amendments to personnel and telephone number lists included in the response plan do not require COTP approval. The COTP and all other holders of the response plan shall be advised of the revisions and provided a copy of the revisions as they occur.

§ 154.1070 Deficiencies.

(a) The cognizant COTP will notify the facility owner or operator in writing of any deficiencies noted during review of a response plan, drills observed by the Coast Guard, or inspection of equipment or records maintained in connection with this subpart.

(b) Deficiencies shall be corrected within the time period specified in the written notice provided by the COTP. The owner or operator of an MTR facility who disagrees with a deficiency issued by the COTP may appeal the deficiency to the cognizant COTP within 7 days or the time specified by the COTP to correct the deficiency, whichever is less. This time commences from the date of receipt of the COTP notice. The owner or operator may request a stay from the COTP decision pending appeal in accordance with § 154.1075.

(c) If the facility owner or operator fails to correct any deficiencies or submit a written appeal, the COTP may invoke the provisions of § 154.1025 prohibiting the facility from storing, handling, or transporting oil.

§ 154.1075 Appeal process.

(a) Any owner or operator of a facility who desires to appeal the classification that a facility could reasonably be expected to cause substantial harm or significant and substantial harm to the environment, must submit a written request to the cognizant COTP requesting review and reclassification by the COTP. The facility owner or operator shall identify those factors to be considered by the COTP. The factors to be considered by the COTP regarding reclassification of a facility include, but are not limited to, those listed in § 154.1016(b). After considering all relevant material presented by the facility owner or operator and any additional material available to the COTP, the COTP will notify the facility owner or operator of the decision on the reclassification of the facility.

(b) Any facility owner or operator directly affected by an initial determination or action of the COTP may submit a written request to the cognizant COTP requesting review and reconsideration of the COTP's decision or action. The facility owner or operator shall identify those factors to be considered by the COTP in making his or her decision on reconsideration.

(c) Within 10 days of the COTP's decision under paragraph (b) of this section, the facility owner or operator may appeal the decision of the COTP to the District Commander. This appeal shall be made in writing via the cognizant COTP to the District Commander of the district in which the office of the COTP is located.

(d) Within 30 days of the District Commander's decision, the facility owner or operator may formally appeal

the decision of the District Commander. This appeal shall be submitted in writing to Commandant (G–MEP) via the District Commander.

(e) When considering an appeal, the COTP, District Commander, or Commandant may stay the effect of the decision or action being appealed pending the determination of the appeal.

Subpart G—Additional Response Plan Requirements for a Trans-Alaska Pipeline Authorization Act (TAPAA) Facility Operating in Prince William Sound, Alaska

§ 154.1110 Purpose and applicability.

(a) This subpart establishes oil spill response planning requirements for a facility permitted under the Trans-Alaska Pipeline Authorization Act, (TAPAA) in addition to the requirements of subpart F 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 by this subpart must be included in the Prince William Sound facility-specific appendix to the facility response plan required by subpart F of this part.

§ 154.1115 Definitions.

Except as provided in this section, the definitions in § 154.105 and § 154.1020 apply to this subpart. As used in this subpart—

Crude oil means any liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

Non-crude oil means any oil other than crude oil.

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 Rocks.

§ 154.1120 Operating restrictions and interim operating authorization.

The owner or operator of a TAPAA facility may not operate in Prince William Sound, Alaska, unless the requirements of this subpart as well as § 154.1025 have been met. The owner or operator of a TAPAA facility shall certify to the COTP that he or she has provided, through an oil spill removal organization required by § 154.1125, the necessary response resources to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater, in Prince William Sound.

§ 154.1125 Additional response plan requirements.

(a) The owner or operator of a TAPAA facility shall include the following information in the Prince William Sound appendix to the response plan required by subpart F of this part:

(1) *Oil spill removal organization.* Identification of an oil spill removal organization that shall—

(i) Perform response activities;

(ii) Provide oil spill removal and containment training, including training in the operation of prepositioned equipment for personnel, including local residents and fishermen, from the following locations in Prince William Sound:

(A) Valdez;

(B) Tatitlek;

(C) Cordova;

(D) Whittier;

(E) Chenega;

(F) Fish hatcheries located at Port San Juan, Main Bay, Esther Island, Cannery Creek, and Solomon Gulch;

(G) Other locations in Prince William Sound, to be determined by the COTP.

(iii) Provide a plan for training, in addition to the personnel listed in paragraph (a)(1)(ii) of this section, sufficient numbers of trained personnel to remove, to the maximum extent practicable, a worst case discharge; and

(iv) Address the responsibilities required in § 154.1035(b)(3)(iii).

(2) *Drills.* Identification of drill procedures that must—

(i) Provide for two drills of the oil spill removal organization each year that test the ability of the prepositioned equipment and trained personnel required under this subpart to perform effectively;

(ii) Consist of both announced and unannounced drills; and

(iii) Include design(s) for drills that test either the entire appendix or individual component(s).

(3) *Testing, inspection, and certification.* Identification of a testing, inspection, and certification program for the prepositioned response equipment required in § 154.1130 that must provide for—

(i) Annual testing and equipment inspection in accordance with the manufacturer's recommended procedures, to include—

(A) Start-up and running under load all electrical motors, pumps, power packs, air compressors, internal combustion engines, and oil recovery devices; and

(B) Removal for inspection of no less than one-third of required boom from storage annually, such that all boom will have been removed and inspected within a period of 3 years; and

(ii) Records of equipment tests and inspection.

(iii) Use of an independent entity to certify that the equipment is on-site and in good operating condition and that required tests and inspections have been performed. The independent entity must have appropriate training and expertise to provide this certification.

(4) *Prepositioned response equipment.* Identification and location of the prepositioned response equipment required in § 154.1130 including the make, model, and effective daily recovery rate of each oil recovery resource.

(b) The owner or operator of a TAPAA facility shall submit to the COTP a schedule for the training and drills required by the geographic-specific appendix for Prince William Sound for the following calendar year.

(c) All records required by this section must be available for inspection by the COTP.

§ 154.1130 Requirements for prepositioned response equipment.

The owner or operator of a TAPAA facility shall provide the following prepositioned response equipment, located within Prince William Sound, in addition to that required by §§ 154.1035, 154.1045, or 154.1050:

(a) On-water recovery equipment with a minimum effective daily recovery rate of 30,000 barrels capable of being on scene within 2 hours of notification of a discharge.

(b) On-water storage capacity of 100,000 barrels for recovered oily material capable of being on scene within 2 hours of notification of a discharge.

(c) On-water recovery equipment with a minimum effective daily recovery rate of 40,000 barrels capable of being on scene within 18 hours of notification of discharge.

(d) On-water storage capacity of 300,000 barrels for recovered oily material capable of being on scene within 12 hours of notification of a discharge.

(e) On-water recovery devices and storage equipment located in communities at strategic locations; and

(f) Equipment as identified below, for the locations identified in § 154.1125 (a)(1)(ii) sufficient for the protection of the environment in these locations:

(1) Boom appropriate for the specific locations.

(2) Sufficient boats to deploy boom and sorbents.

(3) Sorbent materials.

(4) Personnel protective clothing and equipment.
(5) Survival equipment.
(6) First aid supplies.
(7) Buckets, shovels, and various other tools.
(8) Decontamination equipment.
(9) Shoreline cleanup equipment.
(10) Mooring equipment.
(11) Anchored buoys at appropriate locations to facilitate the positioning of defensive boom.
(12) Other appropriate removal equipment for the protection of the environment as identified by the COTP.

§ 154.1135 Response plan development and evaluation criteria.

The following response times must be used in determining the on scene arrival time in Prince William Sound for the response resources required by § 154.1045:

	Tier 1 (hours)	Tier 2 (hours)	Tier 3 (hours)
Prince William Sound Area	12	24	36

§ 154.1140 TAPAA facility contracting with a vessel.

The owner or operator of a TAPAA facility may contract with a vessel owner or operator to meet some or all of the requirements of subpart G of part 155 of this chapter. The extent to which these requirements are met by the contractual arrangement will be determined by the COTP.

8. Part 154 is amended by adding an appendix C and an appendix D reading as follows:

Appendix C of Part 154—Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans

1. Purpose

1.1 The purpose of this appendix is to describe the procedures for identifying response resources to meet the requirements of subpart F of this part. These guidelines will be used by the facility owner or operator in preparing the response plan and by the Captain of the Port (COTP) when reviewing them.

2. Equipment Operability and Readiness

2.1 All equipment identified in a response plan must be designed to operate in the conditions expected in the facility's geographic area. These conditions vary widely based on location and season. Therefore, it is difficult to identify a single stockpile of response equipment that will function effectively in each geographic location.

2.2 Facilities handling, storing, or transporting oil in more than one operating environment as indicated in Table 1 of this appendix must identify equipment capable of successfully functioning in each operating environment.

2.3 When identifying equipment for response plan credit, a facility owner or operator must consider the inherent limitations in the operability of equipment components and response systems. The criteria in Table 1 of this appendix should be used for evaluating the operability in a given environment. These criteria reflect the general conditions in certain operating areas.

2.3.1 The Coast Guard may require documentation that the boom identified in a response plan meets the criteria in Table 1. Absent acceptable documentation, the Coast Guard may require that the boom be tested to demonstrate that it meets the criteria in Table 1. Testing must be in accordance with ASTM F 715, ASTM F 989, or other tests approved by the Coast Guard.

2.4 Table 1 of this appendix lists criteria for oil recovery devices and boom. All other equipment necessary to sustain or support response operations in the specified operating environment must be designed to function in the same conditions. For example, boats which deploy or support skimmers or boom must be capable of being safely operated in the significant wave heights listed for the applicable operating environment.

2.5 A facility owner or operator must refer to the applicable local contingency plan or ACP, as appropriate, to determine if ice, debris, and weather-related visibility are significant factors in evaluating the operability of equipment. The local contingency plan or ACP will also identify the average temperature ranges expected in the facility's operating area. All equipment identified in a response plan must be designed to operate within those conditions or ranges.

2.6 The requirements of subparts F and G of this part establish response resource mobilization and response times. The distance of the facility from the storage location of the response resources must be used to determine whether the resources can arrive on scene within the stated time. A facility owner or operator shall include the time for notification, mobilization, and travel time of response resources identified to meet the maximum most probable discharge and Tier 1 worst case discharge requirements. Tier 2 and 3 response resources must be notified and mobilized as necessary to meet the requirements for arrival on scene in accordance with §§ 154.1045, 154.1047, or 154.1049, as appropriate, and § 154.1135. An on water speed of 5 knots and a land speed of 35 miles per hour is assumed unless the facility owner or operator can demonstrate otherwise.

2.7 In identifying equipment, the facility owner or operator shall list the storage location, quantity, and manufacturers make and model. For oil recovery devices, the effective daily recovery capacity, as determined using section 6 of this appendix, must be included. For boom, the overall boom height (draft plus freeboard) should be included. A facility owner or operator is responsible for ensuring that identified boom has compatible connectors.

3. Determining Response Resources Required for the Average Most Probable Discharge

3.1 A facility owner or operator shall identify sufficient response resources available, through contract or other approved means as described in § 154.1028(a)(1 through 4), to respond to the average most probable discharge. The equipment must be designed to function in the operating environment at the point of expected use.

3.2 The response resources must include:

3.2.1 1,000 feet of containment boom or two times the length of the largest vessel that regularly conducts oil transfers to or from the facility, whichever is greater, and a means deploying it within 1 hour of the discovery of a spill.

3.2.2 Oil recovery devices with an effective daily recovery capacity equal to the amount of oil discharged in an average most probable discharge or greater available at the facility within two hours of the detection of an oil discharge.

3.2.3 Oil storage capacity for recovered oily material indicated in section 9.2 of this appendix.

4. Determining Response Resources Required for the Maximum Most Probable Discharge

4.1 A facility owner or operator shall identify sufficient response resources available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to respond to discharges up to the maximum most probable discharge volume for that facility. This will require response resources capable of containing and collecting up to 1,200 barrels of oil or 10 percent of the worst case discharge, whichever is less. All equipment identified must be designed to operate in the applicable operating

environment specified in Table 1 of this appendix.

4.2 Oil recovery devices identified to meet the applicable maximum most probable discharge volume planning criteria must be located such that they arrive on scene within 6 hours in higher volume port areas (as defined in § 154.1020) and the Great Lakes and within 12 hours in all other areas.

4.3 Because rapid control, containment, and removal of oil is critical to reduce spill impact, the effective daily recovery capacity for oil recovery devices must equal 50 percent of the planning volume applicable for the facility as determined in section 4.1 of this appendix. The effective daily recovery capacity for oil recovery devices identified in the plan must be determined using the criteria in section 6 of this appendix.

4.4 In addition to oil recovery capacity, the plan must identify sufficient quantity of containment boom available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to arrive within the required response times for oil collection and containment and for protection of sensitive areas. While the regulation does not set required quantities of boom for oil collection and containment, the response plan must identify and ensure, by contract or other approved means as described in § 154.1028(a)(1 through 4), the availability of the boom identified in the plan for this purpose.

4.5 The plan must indicate the availability of temporary storage capacity to meet the guidelines of section 9.2 of this appendix. If available storage capacity is insufficient to meet this level, then the effective daily recovery capacity must be derated to the limits of the available storage capacity.

4.6 The following is an example of a maximum most probable discharge volume planning calculation for equipment identification in a higher volume port area:

The facility's worst case discharge volume is 20,000 barrels. Ten percent of this is 2,000 barrels. Since this is greater than 1,200 barrels, 1,200 barrels are used as the planning volume. The effective daily recovery capacity must be 50 percent of this, or 600 barrels per day. The ability of oil recovery devices to meet this capacity will be calculated using the procedures in section 6 of this appendix. Temporary storage capacity available on scene must equal twice the daily recovery rate as indicated in section 9 of this appendix, or 1,200 barrels per day. This is the information the facility owner or operator will use to identify and ensure the availability of, through contract or other approved means as described in § 154.1028(a)(1 through 4), the required response resources. The facility owner will also need to identify how much boom is available for use.

5. Determining Response Resources Required for the Worst Case Discharge to the Maximum Extent Practicable

5.1 A facility owner or operator shall identify and ensure the availability of, by contract or other approved means, as described in § 154.1028(a)(1 through 4), sufficient response resources to respond to the worst case discharge of oil to the maximum extent practicable. Section 7 of this appendix describes the method to determine the required response resources.

5.2 Oil spill response resources identified in the response plan and available through contract or other approved means, as described in § 154.1028(a)(1 through 4), to meet the applicable worst case discharge planning volume must be located such that they can arrive at the scene of a discharge within the times specified for the applicable response tiers listed in § 154.1045.

5.3 The effective daily recovery capacity for oil recovery devices identified in a response plan must be determined using the criteria in section 6 of this appendix. A facility owner or operator shall identify the storage locations of all response resources that must be used to fulfill the requirements for each tier. The owner or operator of a facility whose required daily recovery capacity exceeds the applicable response capability caps in Table 5 of this appendix shall identify sources of additional equipment, their locations, and the arrangements made to obtain this equipment during a response. The owner or operator of a facility whose calculated planning volume exceeds the applicable contracting caps in Table 5 shall identify sources of additional equipment equal to twice the cap listed in Tier 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The resources identified above the cap must be capable of arriving on scene not later than the Tier 3 response times in § 154.1045. No contract is required. While general listings of available response equipment may be used to identify additional sources, a response plan must identify the specific sources, locations, and quantities of equipment that a facility owner or operator has considered in his or her planning. When listing Coast Guard classified oil spill removal organization(s) which have sufficient removal capacity to recovery the volume above the response capability cap for the specific facility, as specified in Table 5 of this appendix, it is not necessary to list specific quantities of equipment.

5.4 A facility owner or operator shall identify the availability of temporary storage capacity to meet the requirements of Section 9.2 of this appendix. If available storage capacity is insufficient to meet this requirement, then the effective daily recovery capacity must be derated to the limits of the available storage capacity.

5.5 When selecting response resources necessary to meet the response plan requirements, the facility owner or operator must ensure that a portion of those resources are capable of being used in close-to-shore response activities in shallow water. The following percentages of the on-water response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

(i) Offshore—10 percent

(ii) Nearshore/inland/Great Lakes/rivers and canals—20 percent.

5.6 In addition to oil spill recovery devices, a facility owner or operator shall identify sufficient quantities of boom that are available, by contract or other approved means as described in § 154.1028(a)(1 through 4), to arrive on scene within the required response times for oil containment and collection. The specific quantity of boom required for collection and containment will depend on the specific recovery equipment and strategies employed. A facility owner or operator shall also identify sufficient quantities of oil containment boom to protect areas of environmental sensitivity or economic importance for the number of days and geographic areas specified in Table 2. Paragraphs 154.1035(b)(4)(iii) and 154.1040(a), as appropriate, shall be used to determine the amount of containment boom required, through contract or other approved means as described in § 154.1028(a)(1 through 4), to protect areas of environmental sensitivity or economic importance.

5.7 A facility owner or operator must also identify, through contract or other approved means as described in § 154.1028(a)(1 through 4), the availability of an oil spill removal organization capable of responding to a shoreline cleanup operation involving the calculated volume of oil and emulsified oil that might impact the affected shoreline. The volume of oil that must be planned for is calculated through the application of factors contained in Tables 2 and 3. The volume calculated from these tables is intended to assist the facility owner or

operator in identifying a contractor with sufficient resources and expertise. This planning volume is not used explicitly to determine a required amount of equipment and personnel.

6. Determining Effective Daily Recovery Capacity for Oil Recovery Devices

6.1 Oil recovery devices identified by a facility owner or operator must be identified by manufacturer, model, and effective daily recovery capacity. These rates must be used to determine whether there is sufficient capacity to meet the applicable planning criteria for the average most probable discharge, maximum most probable discharge, and worst case discharge to the maximum extent practicable.

6.2 For the purposes of determining the effective daily recovery capacity of oil recovery devices, the formula listed in section 6.2.1 of this appendix will be used. This method considers potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material. The Coast Guard may assign a lower efficiency factor to equipment listed in a response plan if it determines that such a reduction is warranted.

6.2.1 The following formula must be used to calculate the effective daily recovery capacity:

R=T×24 hours×E
R—Effective daily recovery capacity
T—Throughput rate in barrels per hour (nameplate capacity)
E—20% Efficiency factor (or lower factor as determined by Coast Guard)

6.2.2 For those devices in which the pump limits the throughput of liquid, throughput rate will be calculated using the pump capacity.

6.2.3 For belt or mop type devices, the throughput rate will be calculated using the speed of the belt or mop through the device, assumed thickness of oil adhering to or collected by the device, and surface area of the belt or mop. For purposes of this calculation, the assumed thickness of oil will be ¼ inch.

6.2.4 Facility owners or operators including oil recovery devices whose throughput is not measurable using a pump capacity or belt/mop speed may provide information to support an alternative method of calculation. This information must be submitted following the procedures in paragraph 6.3.2 of this appendix.

6.3 As an alternative to 6.2, a facility owner or operator may submit adequate evidence that a different effective daily recovery capacity should be applied for a specific oil recovery device. Adequate evidence is actual verified performance data in spill conditions or tests using ASTM F 631, ASTM F 808, or an equivalent test approved by the Coast Guard.

6.3.1 The following formula must be used to calculate the effective daily recovery capacity under this alternative:

R=D×U
R—Effective daily recovery capacity
D—Average Oil Recovery Rate in barrels per hour (Item 26 in ASTM F 808; Item 13.1.15 in ASTM F 631; or actual performance data)
U—Hours per day that a facility owner or operator can document capability to operate equipment under spill conditions. Ten hours per day must be used unless a facility owner or operator can demonstrate that the recovery operation can be sustained for longer periods.

6.3.2 A facility owner or operator proposing a different effective daily recovery rate for use in a response plan shall provide data for the oil recovery devices listed. The following is an example of these calculations:

A weir skimmer identified in a response plan has a manufacturer's rate throughput at the pump of 267 gallons per minute (gpm).

267 gpm=381 barrels per hour
R=381×24×.2=1829 barrels per day

After testing using ASTM procedures, the skimmer's oil recovery rate is determined to be 220 gpm. The facility owner or operator identifies sufficient response resources available to support operations 12 hour per day.

220 gpm=314 barrels per hour
R=314×12=3768 barrels per day

The facility owner or operator will be able to use the higher rate if sufficient temporary oil storage capacity is available. Determinations of alternative efficiency factors under paragraph 6.2 or alternative effective daily recovery capacities under paragraph 6.3 of this appendix will be made by Commandant, (G–MEP–6), Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593. Response contractors or equipment manufacturers may submit required information on behalf of multiple facility owners or operators directly in lieu of including the request with the response plan submission.

7. Calculating the Worst Case Discharge Planning Volumes

7.1 The facility owner or operator shall plan for a response to a facility's worst case discharge. The planning for on-water recovery must take into account a loss of some oil to the environment due to evaporative and natural dissipation, potential increases in volume due to emulsification, and the potential for deposit of some oil on the shoreline.

7.2 The following procedures must be used to calculate the planning volume used by a facility owner or operator for determining required on-water recovery capacity:

7.2.1 The following must be determined: the worst case discharge volume of oil in the facility; the appropriate group(s) for the type of petroleum oil handled, stored, or transported at the facility [non-persistent (Group I) or persistent (Groups II, III, IV)]; and the facility's specific operating area. Facilities which handle, store, or transport oil from different petroleum oil groups must calculate each group separately. This information is to be used with Table 2 of this appendix to determine the percentages of the total volume to be used for removal capacity planning. This table divides the volume into three categories: oil lost to the environment; oil deposited on the shoreline; and oil available for on-water recovery.

7.2.2 The on-water oil recovery volume must be adjusted using the appropriate emulsification factor found in Table 3 of this appendix. Facilities which handle, store, or transport oil from different petroleum groups must assume that the oil groups resulting in the largest on-water recovery volume will be stored in the tank or tanks identified as constituting the worst case discharge.

7.2.3 The adjusted volume is multiplied by the on-water oil recovery resource mobilization factor found in Table 4 of this appendix from the appropriate operating area and response tier to determine the total on-water oil recovery capacity in barrels per day that must be identified or contracted for to arrive on-scene within the applicable time for each response tier. Three tiers are specified. For higher volume port areas, the contracted tiers of resources must be located such that they can arrive on scene within 6, 30, and 54 hours of the discovery of an oil discharge. For all other river, inland, nearshore, offshore areas, and the Great Lakes, these tiers are 12, 36, and 60 hours.

7.2.4 The resulting on-water recovery capacity in barrels per day for each tier must be used to identify response resources necessary to sustain operations in the applicable operating area. The equipment must be capable of sustaining operations for the time period specified in Table 2 of this appendix. The facility owner or operator must identify and ensure the availability, through contract or other approved means as described in

§ 154.1028(a)(1 through 4), of sufficient oil spill recovery devices to provide the effective daily oil recovery capacity required. If the required capacity exceeds the applicable cap specified in Table 5 of this appendix, then a facility owner or operator shall ensure, by contract or other approved means as described in § 154.1028(a)(1 through 4), only for the quantity of resources required to meet the cap, but shall identify sources of additional resources as indicated in 154.1045(m). The owner or operator of a facility whose planning volume exceeds the cap in 1993 must make arrangements to identify and ensure the availability, through contract or other approved means as described in § 154.1028(a)(1 through 4), of the additional capacity in 1998 or 2003, as appropriate. For a facility that handles, stores, or transports multiple groups of oil, the required effective daily recovery capacity for each group is calculated before applying the cap.

7.3 The following procedures must be used to calculate the planning volume for identifying shoreline cleanup capacity:

7.3.1 The following must be determined: the worst case discharge volume of oil for the facility; the appropriate group(s) for the type of petroleum oil handled, stored, or transported at the facility [non-persistent (Group I) or persistent (Groups II, III, or IV)]; and the operating area(s) in which the facility operates. For a facility storing oil from different groups, each group must be calculated separately. Using this information, Table 2 of this appendix must be used to determine the percentages of the total planning volume to be used for shoreline cleanup resource planning.

7.3.2 The shoreline cleanup planning volume must be adjusted to reflect an emulsification factor using the same procedure as described in section 7.2.2.

7.3.3 The resulting volume will be used to identify an oil spill removal organization with the appropriate shoreline clean-up capability.

7.3.4 The following is an example of the procedure described above:

A facility receives oil from barges via a dock located on a bay and transported by piping to storage tanks. The facility handles #6 oil (specify gravity .96) and stores the oil in tanks where it is held prior to being burned in an electric generating plant. The MTR segment of the facility has six 18 inch diameter pipelines running one mile from the dock-side manifold to several storage tanks which are located in the non-transportation-related portion of the facility. Although the facility piping has a normal working pressure of 100 pounds per square inch, the piping has a maximum allowable working pressure (MAWP) of 150 pounds per square inch. At MAWP, the pumping system can move 10,000 barrels (bbls) of #6 oil every hour through each pipeline. The facility has a roving watchman who is required to drive the length of the piping every two hours when the facility is receiving oil from a barge. The facility operator estimates that it will take approximately 10 minutes to secure pumping operations when a discharge is discovered. Using the definition of worse case discharge provided in § 154.1029(b)(ii), the following calculation is provided:

2 hours + 0.17 hour × 10,000 bbls per hour	= 21,700 bbls
Piping volume=37,322 cu ft ÷ 5.6 cu ft/bbl	= +6,664 bbls
Discharge volume per pipe	28,364 bbls
Number of pipelines	×6

Total worst case discharge from MTR facility=170,184 bbls

Worst case discharge: 170,184 bbls. Group IV oil

Emulsification factor (from Table 3): 1.4

Operating Area impacted: Inland

Planned % oil onshore recovery (from Table 2): Inland 70%

Planned % on-water recovery (from Table 2): Inland 50%

Planning volumes for onshore recovery: Inland 170,184 × .7 x 1.4 = 166,780 bbls.

Conclusion: The facility owner or operator must contract with a response resource capable of managing a 166,784 barrel shoreline cleanup.

Planning volumes for on water recovery: Inland 170,184 × .5 × 1.4 = 119,128 bbls.

Determine required resources for on-water recovery for each tier using mobilization factors (from Table 4):

			Tier 1	Tier 2	Tier 3
Inland	119,128	×	.15	.25	.40
	equals barrels per day (bpd)				
Inland			17,869	29,782	47,652

Conclusion: Since the requirements for all tiers for inland exceed the caps, the facility owner will only need to contract for 10,000 bpd for Tier 1, 20,000 bpd for Tier 2, and 40,000 bpd for Tier 3. Sources for the remaining 7,652 bpd required for Tier 3 will need to be identified in the response plan but not contracted for.

20% of the capability for Inland, for all tiers, must be capable of operating in water with a depth of 6 feet or less.

The facility owner or operator will also be required to identify or ensure, by contract or other approved means as described in § 154.1028(a)(1 through 4), sufficient response resources required under 154.1035(b)(4) and 154.1045(k) to protect areas of environmental sensitivity and economic importance identified in the response plan for the worst case discharge from the facility.

The COTP has the discretion to accept that a facility can operate only a limited number of the total pipelines at a dock at a time. In those circumstances, the worst case discharge must include the drainage volume from the piping normally not in use in addition to the drainage volume and volume of oil discharged during recovery and shut down of the oil discharge from the operating piping.

8. Determining the Availability of Alternatives Response Methods

8.1 Response plans for facilities that handle, store, or transport Groups II or III persistent oils that operate in an area with year-round pre-approval for dispersant use may receive credit for up to 25 percent of their required on-water recovery capacity in 1993 if the availability of these resources is ensured by contract or other approved means as described in § 154.1028(a)(1 through 4). For response plan credit, these resources must be capable of being on-scene within 12 hours of a discharge.

8.2 To receive credit against any required on-water recover capacity a response plan must identify the locations of dispersant stockpiles, methods of shipping to a staging area, and appropriate aircraft, vessels, or facilities to apply the dispersant and monitor its effectiveness at the scene of an oil discharge.

8.2.1 Sufficient volumes of dispersants must be available to treat the oil at the dosage rate recommended by the dispersant manufacturer. Dispersants identified in a response plan must be on the NCP Product Schedule that is maintained by the U.S. Environmental Protection Agency. (Some States have a list of approved dispersants and within State waters only they can be used.)

8.2.2 Dispersant application equipment identified in a response plan for credit must be located where it can be mobilized to shoreside staging areas to meet the time requirements in section 8.1 of this appendix. Sufficient equipment capacity and sources of appropriate dispersants should be identified to sustain dispersant application operations for at least 3 days.

8.2.3 Credit against on-water recovery capacity in pre-approved areas will be based on the ability to treat oil at a rate equivalent to this credit. For example, a 2,500 bbl. credit against the Tier 1 10,000 bbl. on-water cap would require the facility owner or operator to demonstrate the ability to treat 2,500 bbls/day of oil at the manufacturers recommended dosage rate. Assuming a dosage rate of 10:1, the plan would need to show stockpiles and sources of 250

bbls. of dispersants at a rate of 250 bbls. per day and the ability to apply the dispersant at that daily rate for 3 days in the geographic area in which the facility is located. Similar data would need to be provided for any additional credit against Tier 2 and 3 resources.

8.3 In addition to the equipment and supplies required, a facility owner or operator shall identify a source of support to conduct the monitoring and post-use effectiveness evaluation required by applicable regional plans and ACPs.

8.4 Identification of the response resources for dispersant application does not imply that the use of this technique will be authorized. Actual authorization for use during a spill response will be governed by the provisions of the NCP and the applicable regional plan or ACP. A facility owner or operator who operates a facility in areas with year-round pre-approval of dispersant can reduce the required on-water recovery capacity for 1993 up to 25 percent. A facility owner or operator may reduce the required on water recovery cap increase for 1998 and 2003 up to 50 percent by identifying pre-approved alternative response methods.

8.5 In addition to the credit identified above, a facility owner or operator that operates a year round area pre-approved for dispersant use may reduce their required on water recovery cap increase for 1998 and 2003 by up to 50% by identifying non-mechanical methods.

8.6 The use of in-situ burning as a non-mechanical response method is still being studied. Because limitations and uncertainties remain for the use of this method, it may not be used to reduce required oil recovery capacity in 1993.

9. Additional Equipment Necessary to Sustain Response Operations

9.1 A facility owner or operator is responsible for ensuring that sufficient numbers of trained personnel and boats, aerial spotting aircraft, containment boom, sorbent materials, boom anchoring materials, and other supplies are available to sustain response operations to completion. All such equipment must be suitable for use with the primary equipment identified in the response plan. A facility owner or operator is not required to list these response resources, but shall certify their availability.

9.2 A facility owner or operator shall evaluate the availability of adequate temporary storage capacity to sustain the effective daily recovery capacities from equipment identified in the plan. Because of the inefficiencies of oil spill recovery devices, response plans must identify daily storage capacity equivalent to twice the effective daily recovery rate required on scene. This temporary storage capacity may be reduced if a facility owner or operator can demonstrate by waste stream analysis that the efficiencies of the oil recovery devices, ability to decant waste, or the availability of alternative temporary storage or disposal locations will reduce the overall volume of oily material storage requirement.

9.3 A facility owner or operator shall ensure that his or her planning includes the capability to arrange for disposal of recovered oil products. Specific disposal procedures will be addressed in the applicable ACP.

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TABLE 1

RESPONSE RESOURCE OPERATING CRITERIA

OIL RECOVERY DEVICES

Operating Environment	Significant Wave Height[1]	Sea State
Rivers and Canals	≤1 foot	1
Inland	≤3 feet	2
Great Lakes	≤4 feet	2-3
Ocean	≤6 feet	3-4

BOOM

Boom Property	Use			
	Rivers & Canals	Inland	Great Lakes	Ocean
Significant Wave[1] Height	≤1	≤3	≤4	≤6
Sea State	1	2	2-3	3-4
Boom height - in. (draft plus freeboard)	6-18	18-42	18-42	≥42
Reserve Buoyancy to Weight Ratio	2:1	2:1	2:1	3:1 to 4:1
Total Tensile Strength - lbs.	4,500	15-20,000	15-20,000	≥20,000
Skirt Fabric Tensile Strength - lbs.	200	300	300	500
Skirt Fabric Tear Strength - lbs.	100	100	100	125

[1] Oil recovery devices and boom must be at least capable of operating in wave heights up to and including the values listed in Table 1 for each operating environment.

Spill Location	Rivers and canals			Nearshore/Inland Great Lakes			Offshore		
Sustainability of on-water oil recovery	3 Days			4 Days			6 Days		
Oil Group	% Natural Dissipation	% Recovered Floating Oil	% Oil On Shore	% Natural Dissipation	% Recovered Floating Oil	% Oil On Shore	% Natural Dissipation	% Recovered Floating Oil	% Oil On Shore
1 Non-persistent oils	80	10	10	80	20	10	95	5	/
2 Light crudes	40	15	45	50	50	30	75	25	5
3 Medium crudes and fuels	20	15	65	30	50	50	60	40	20
4 Heavy crudes and fuels	5	20	75	10	50	70	50	40	30

Table 2 Removal Capacity Planning Table

TABLE 3

EMULSIFICATION FACTORS FOR PETROLEUM OIL GROUPS

NON-PERSISTENT OIL	
GROUP I	1.0
PERSISTENT OIL	
GROUP II	1.8
GROUP III	2.0
GROUP IV	1.4

TABLE 4

ON WATER OIL RECOVERY RESOURCE MOBILIZATION FACTORS

Operating Area	Tier 1	Tier 2	Tier 3
Rivers & Canals	.30	.40	.60
Inland/Nearshore/ Great Lakes	.15	.25	.40
Offshore	.10	.165	.21

Note: These mobilization factors are for total response resources mobilized, not incremental response resources.

TABLE 5

RESPONSE CAPABILITY CAPS BY OPERATING AREA

	Tier 1	Tier 2	Tier 3
February 18, 1993			
All except rivers & canals, Great Lakes	10K bbls/day	20K bbls/day	40K bbls/day
Great Lakes	5K bbls/day	10K bbls/day	20K bbls/day
Rivers & canals	1,500 bbls/day	3,000 bbls/day	6,000 bbls/day
February 18, 1998			
All except rivers & canals, Great Lakes	12.5K bbls/day	25K bbls/day	50K bbls/day
Great Lakes	6.35K bbls/day	12.3K bbls/day	25K bbls/day
Rivers & canals	1,875 bbls/day	3,750 bbls/day	7,500 bbls/day
February 18, 2003			
All except rivers & canals, Great Lakes	TBD	TBD	TBD
Great Lakes	TBD	TBD	TBD
Rivers & canals	TBD	TBD	TBD

Note: The caps show cumulative overall effective daily recovery capacity, not incremental increases.

TBD = To be determined

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Appendix D of Part 154—Interim Guidelines for Determining Economically Important and Environmentally Sensitive Areas for Facility Response Plans

1. Purpose

Since the Coast Guard is using the facility's potential to impact sensitive areas as a factor in determining whether a facility could reasonably be expected to cause substantial harm or significant and substantial harm, it is necessary for facility owners or operators to be able to correctly identify sensitive areas. Sensitive areas will require more stringent protective measures than other areas in the event of a discharge. These guidelines will help facility owners or operators identify the areas that affect the classification of their facilities and the areas which require increased awareness during the planning process.

These guidelines will serve as interim guidelines until the area committees have identified sensitive areas in the Area Contingency Plans (ACP).

2. Identifying Sensitive Areas Potentially Impacted by a Worst Case Discharge From a Facility

Proximity to environmentally sensitive areas has been identified as a factor in the substantial harm evaluation. To assist owners or operators in identifying these areas, environmentally sensitive areas may include a variety of areas, such as: wetlands, National and State parks, critical habitats for endangered and threatened species, wilderness and natural areas, marine sanctuaries, conservation areas, preserves, wildlife areas, scenic and wild rivers, seashore and lakeshore recreational areas, and critical biological resource areas.

Other environmental areas that may be considered by the Coast Guard to determine whether a facility poses significant and substantial harm to the environment include: Federal and State lands that are research natural areas, heritage program areas, land trust areas, and historical and archeological sites and parks. These areas may also include unique habitats, such as: aquaculture sites, bird nesting areas, designated migratory routes, and designated seasonal habitats. The Coast Guard may determine, on a case-by-case basis, that additional areas that possess ecological significance are considered to be environmentally sensitive for the purposes of this regulation.

The Commandant in consultation with EPA's Regional Administrator may determine, on a case-by-case basis, that areas not contained in this appendix but that possess ecological value are considered to be sensitive environments for purposes of this regulation.

Dated: January 19, 1993.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 93–1708 Filed 2–1–93; 8:45 am]

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33 CFR Part 155

[CGD 91–034]

RIN 2115–AD61

Vessel Response Plans

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is establishing regulations requiring response plans for certain vessels that carry oil in bulk as cargo and additional requirements for certain vessels operating in Prince William Sound, Alaska. These regulations are mandated by the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990 (OPA 90). The purpose of these requirements is to improve response capabilities and minimize the impact of oil spills from these vessels.

DATES: This rule is effective February 5, 1993, except for §§ 155.1110 through 155.1150 of subpart E. Sections 155.1110 through 155.1150 are effective August 18, 1993. The Director of the Federal Register approves as of February 5, 1993, the incorporation by reference of certain publications listed in the regulations. Comments on the interim final rule must be received by April 6, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA/3406) (CGD 91–034), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

Comments on collection of information requirements must also be mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

When submitting comments, include your name and address, identify both this rulemaking (91–034) and the specific section of the rulemaking to which each comment applies, and give the reason for the comment. If you want acknowledgement of receipt of comments, enclosed a stamped, self-addressed postcard or envelope.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of the docket and will be available for inspection and copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gary Greene, Project Manager, Oil Pollution Act of 1990 (OPA 90) Staff, (202) 267–6739. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Request for comments

The Coast Guard is soliciting comments on portions of the interim final rule where we have made major changes based on our review of comments received on the proposed rule (57 FR 27514, June 19, 1992). The Coast Guard encourages the submission of written data, views, or arguments on the following issues:

1. Section 155.1015: The new exemption, under certain circumstances, for foreign flag vessels transiting the exclusive economic zone and territorial seas.
2. Section 155.1020: Definition of Contract or other approved means. The new "other approved means" for ensuring the availability of response resources, and the new situations in which the owner or operator may obtain written consent from an oil spill removal organization to ensure the availability of response resources.
3. Section 155.1050(f)(6): The new requirements for owners or operators to plan for close-to-shore response activities in shallow water.
4. Section 155.1050(g): The revised response times for the Great Lakes area.
5. Section 155.1050(k): The revised requirements for owners or operators to ensure the availability of dispersants.
6. Section 155.1052: The new section which establishes response plan requirements and criteria for vessels carrying group V petroleum oil (specific gravity greater than 1) as a primary cargo.
7. Section 155.1054: The new section which establishes response plan requirements and criteria for vessels carrying non-petroleum oil as a primary cargo.
8. Section 155.1062: The new section which establishes requirements for the inspection and maintenance of certain response resources.
9. Section 155.1130: The revised requirements for on-water removal capability.
10. Appendix B, Table 6: The new caps for the Great Lakes area.

While comments are specifically requested on the above issues, all comments on any issues raised by this rulemaking will be considered.

Drafting Information

The principal persons involved in drafting this document are Commander Glenn Wiltshire, Project Manager, Lieutenant Commander Gary Greene, Project Manager, and Joan Tilghman, Project Counsel, OPA 90 Staff.

Background and Purpose

The Federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1321(j)(5), requires the owner or operator of a tank vessel, as defined under 46 U.S.C. 2101, or a facility to prepare and submit to the President a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of oil or a hazardous substance. Worst case discharge is defined in section 311(a)(24) of the FWPCA as the loss of the entire cargo in adverse weather conditions.

Since the publication of the notice of proposed rulemaking, Congress passed the Coast Guard Authorization Act of 1992 (Pub. L. 102–587, November 4, 1992). Section 5209(b) of the Act provides that the following vessels are deemed not to be tank vessels for the purposes of any law:

(1) An offshore supply vessel.

(2) A fishing or fish tender vessel of not more than 750 gross tons that transfers without charge to a fishing vessel owned by the same person.

The result of the Reauthorization Act is that the vessels described are not tank vessels for the purposes of the FWPCA and the vessel response plan requirements. We have revised the applicability section of the interim final rule accordingly.

The vessel response plan requirements are applicable to all vessels certificated under 46 CFR subchapter D, vessels that have a Certificate of Compliance or Tank Vessel Examination Letter, other certificated vessels that are permitted to carry limited quantities of oil, and uninspected vessels that carry oil in bulk as cargo or cargo residue. The requirements are also applicable to vessels carrying oil in bulk as cargo or cargo residue pursuant to an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by 33 CFR 151.33 or 151.35, and dedicated response vessels carrying oil in bulk as cargo or cargo residue outside a response area.

For the purposes of the interim final rule, we are using the definition of oil that is contained in section 311(a)(1) of the FWPCA. Oil includes but is not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with waste other than dredge spoils. This definition includes animal and vegetable oils in addition to petroleum oil.

Section 311(j)(5)(C) of the FWPCA requires that response plans must: (1) Be consistent with the requirements of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and Area Contingency Plans (ACPs); (2) identify the qualified individual with full authority to implement removal actions, and require immediate communications between that individual and the appropriate Federal official and the oil spill removal organizations providing personnel and equipment; (3) identify and ensure the availability of, by contract or other approved means, private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge and to mitigate or prevent a substantial threat of such a discharge; (4) describe the training, equipment testing, periodic unannounced drills, and response actions of persons on the vessel to be carried out under the plan to ensure the safety of the vessel and to mitigate or prevent the discharge, or the substantial threat of a discharge; and (5) be updated periodically and resubmitted for approval of each significant change.

A major objective of the OPA 90 amendments to section 311(j)(5) of the FWPCA is to create a system in which private parties supply the bulk of equipment and personnel needed for an oil spill response in a given area. A worst case discharge will likely require the use of both private and public resources. However, the vessel response plan (VRP) is required to identify private resources. The integration and coordination of public and private response resources will be addressed in the applicable Area Contingency Plans.

Section 311(j)(5)(D) of the FWPCA requires the President to promptly review vessel response plans, require amendments to any plan that does not meet the requirements of section 311(j)(5), and approve any plan that complies with section 311(j)(5). The President also must review each response plan periodically thereafter. The President delegated the authority to review and approve vessel response plans to the Secretary of the Department of Transportation (DOT) on October 18, 1991 by Executive Order 12777 (56 FR 54757). The Secretary further delegated this authority to the Commandant of the Coast Guard on March 3, 1992 in 46 CFR 1.46(m) (57 FR 8581).

Section 311(j)(5) of the FWPCA and section 4202(b)(4) of OPA 90 set the implementation schedule for these provisions. After February 18, 1993, a vessel required to prepare and submit a response plan may not handle, store, or transport oil unless a plan has been submitted for approval. After August 18, 1993, a vessel required to prepare and submit a response plan may not perform any of these functions unless it is operating in compliance with that plan.

After submission of a plan, but prior to its approval, a vessel may continue operations for up to 2 years if the owner or operator of the vessel certifies the availability of private personnel and equipment sufficient to respond to a worst case discharge and the owner or operator has received written authorization for continued operations from the Coast Guard. Written authorization is required because section 311(j)(5) of the FWPCA states that a vessel permitted to continue operations for up to two years as described above must be authorized to do so.

Although OPA 90 requires response plans for oil or hazardous substance spills, section 4202(b)(4) establishes an implementation schedule only for submission and approval of oil spill response plans. Response plans for hazardous substance spills will be the subject of a separate rulemaking.

Section 5005 of OPA 90 sets oil spill removal requirements for Prince William Sound (PWS), Alaska in addition to those in section 311(j)(5) of the FWPCA. When Congress passed OPA 90, section 5005 applied to all vessels operating in Prince William Sound. However, Congress amended section 5005 of OPA 90 on October 5, 1992, by changing which vessels are subject to the additional requirements for PWS. The only vessels to which section 5005 of OPA 90, as amended by section 354 of the DOT Appropriations Act (Pub. L. 102–388, October 5, 1993) now applies are tankers loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1651 *et seq.*).

Section 5005 provides an even greater margin of safety for PWS by requiring vessel response plans to provide for: Propositioning response equipment; establishing an oil spill removal organization with trained personnel to protect property and economic interests; special training for residents in PWS; performing periodic testing and certification of response equipment; and exercising required trained personnel and spill removal equipment.

This rulemaking does not address the requirements of section 311(j)(6) of the FWPCA for the carriage and inspection of discharge-removal equipment. The Coast Guard published a notice of proposed rulemaking (NPRM) on "Requirements for Vessels to Carry Discharge-Removal Equipment" in the **Federal Register** on September 29, 1992 (57 FR 44912). The requirements for facility response plans are contained in a separate interim final rule published elsewhere in this issue of the **Federal Register**.

Regulatory History

The Coast Guard published an advance notice of proposed rulemaking (ANPRM) on this project in the August 30, 1991, **Federal Register** (56 FR 43534). The ANPRM discussed the background and requirements of section 311(j) of the FWPCA and possible regulatory approaches. The ANPRM raised 59 questions for public comment, and the Coast Guard received 172 comments which were considered in developing the NPRM.

In addition to accepting written comments concerning the development of proposed regulations for vessel response plans, a public workshop was held in Washington, DC on November 14, 1991. A total of 196 persons participated in the workshop. During the workshop, the Coast Guard summarized the written comments received in response to the ANPRM and solicited additional input on specific issues.

Because of the need for additional information to assist with the development of the proposed rule, the Coast Guard published a Notice of Intent to Form a Negotiated Rulemaking Committee on November 18, 1991 (56 FR 58202). Based on the comments received on that notice, the Coast Guard established the Oil Spill Response Plan Negotiated Rulemaking Committee (the Committee). A notice announcing the establishment of the Committee was published in the **Federal Register** on January 10, 1992 (57 FR 1139). Twenty-six organizations participated on the Committee. The Coast Guard was a member of the Committee.

Committee sessions were held between January 8 and March 27, 1992. The Committee was charged with considering five issues: (1) Definition of "maximum extent practicable;" (2) definition of "adverse weather" for purposes of determining recovery capacity of removal equipment; (3) applicability of requirements to various categories of vessels that carry oil in bulk as cargo; (4) contractor certification; and (5) carriage of discharge removal equipment. The Committee considered a number of options and alternatives during its discussions that were not included in their recommendations. The consensus recommendations included in the final report of the Committee reflect the agreement of all Committee members and were used when drafting the proposed rule. The Coast Guard expects to issue guidance on contractor classification and has published an NPRM on discharge-removal equipment carriage (57 FR 44912, September 29, 1992). Copies of the final Committee report and all documents considered by the Committee during its meetings are available in the public docket for this rulemaking.

On June 19, 1992, the Coast Guard published an NPRM entitled Vessel Response Plans in the **Federal Register** (57 FR 27514). A correction notice concerning portions of the NPRM was published on July 1, 1992 in the **Federal Register** (57 FR 29354). By the close of the comment period on August 3, 1992, the Coast Guard received 246 letters commenting on the proposal, all of which it considered in developing this interim final rule. Additional comments have been received since the close of the comment period, and they have been considered to the extent possible in developing this interim final rule.

One letter requested that the Coast Guard conduct a public hearing on this proposed rule. A public hearing was not held because the Coast Guard determined that there was sufficient opportunity to make oral presentations during the public workshop and the Committee meetings.

The Committee reconvened August 18–20, 1992, after the close of the public comment period on the NPRM, to review the comments received on their recommendations. The Committee did not reach consensus on any additional recommendations during the final meeting and made no amendments to the final Committee report. However, the Committee meeting did create a forum for some members and the public to discuss unresolved issues and provide additional information on the Committee's earlier recommendations. All documents considered by the Committee during the final meeting are available in the public docket for this rulemaking.

Given the statutory deadline for the submission of response plans by vessel owners or operators, the Coast Guard released NVIC No. 8–92 on September 23, 1992. Change 1 to NVIC No. 8–92 was released on December 4, 1992. The NVIC and Change 1 to the NVIC provided guidance to the marine industry for preparing response plans for certain vessels, as required by the OPA 90 amendments to the FWPCA. The Coast Guard will accept a response plan based on the NVIC to meet the February 18, 1993 deadline, as well as a response plan meeting this interim final rule. The owner or operator who submits a response plan for a vessel based on the NVIC must so indicate that in a letter accompanying the plan submission. This plan will be reviewed for approval based on the provisions contained in the Navigation and Inspection Circular (NVIC). Any response plan submitted after February 18, 1993 must meet the requirements of this interim final rule. After August 18, 1993, all vessels must be operating in compliance with an approved plan or be authorized in writing by the Coast Guard to operate pending approval of a submitted plan.

To receive this interim authorization from the Coast Guard, a vessel owner or operator must certify to the Coast Guard that he or she has ensured by contract or other approved means, the availability of private personnel and equipment necessary to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

Discussion of Comments and Changes

Discussion of General Issues

Many comments were concerned with the possible application of the planning criteria included in the proposed rule as performance standards in a post-response enforcement action or litigation. As indicated in both the preamble and §§ 155.1010 and 155.1110 of the proposed rule, this rulemaking establishes planning criteria to be used by vessel owners or operators to develop their Federal response plans. The criteria were derived from a number of assumptions that may not be applicable when a spill occurs. The Coast Guard does not intend to use these criteria to measure performance during a spill response. However, these are requirements in the interim final rule (e.g., training and drills) where the Coast Guard does expect the vessel owner or operator to ensure performance. See the "Federalism" section of this preamble for further discussion on this issue.

Many comments expressed concern that the requirements in the proposed rule were inconsistent with and went well beyond the requirements of MARPOL Annex I, Regulation 26. Regulation 26 requires certain vessels to have shipboard emergency plans that address at least four areas: Procedures

for reporting oil pollution incidents; a listing of authorities to be notified; a detailed description of immediate actions to be taken by the vessel's crew to reduce or control an oil discharge; and procedures for coordinating shipboard activities with national and local authorities. The requirements of section 311(j)(5) of the FWPCA exceed those of Regulation 26, but the Coast Guard has minimized inconsistencies to the maximum extent practicable.

In a response plan, section 311(j)(5) of the FWPCA requires vessel owners or operators to also: Identify and ensure, through contract or other approved means, the availability of necessary private response resources; describe training and drills; identify a qualified individual with specific authority and responsibilities; and address periodic plan updates. Under the FWPCA, the Coast Guard cannot allow vessels that meet only Regulation 26 standards to handle, store, or transport oil in waters subject to U.S. jurisdiction.

OPA 90 requires owners or operators to submit response plans by February 18, 1993. However, MARPOL Annex I, Regulation 26 is not fully effective until April 4, 1995. To minimize the burden on foreign flag vessel owners or operators who must prepare both an IMO shipboard emergency plan and a U.S. response plan, the Coast Guard has revised the response plan format provisions to allow greater flexibility in combining these two plans into one document.

Numerous comments noted that the proposed rule requires them to plan for a potential discharge of fuel or bunker in addition to oil carried in bulk as cargo, and that this exceeds the requirements of OPA 90. For U.S. flag vessels, the Coast Guard intended the vessel response plan required by OPA 90 to satisfy the requirements of IMO Regulation 26 and reduce the overall burden on the owner or operator. After further consideration, the Coast Guard has determined that this may place an undue burden on those U.S. vessels that do not have to comply with IMO Regulation 26. Therefore, the Coast Guard has amended § 155.1030 of the interim final rule to allow an owner or operator to address the additional provisions of Regulation 26 if desired. The requirement for an owner or operator to plan for the discharge of fuel has been eliminated from the interim final rule. Any U.S. vessel owner or operator who wants to have the 311(j) plan considered for compliance with IMO Regulation 26 should inform the Coast Guard of this fact in writing at the time of plan submission. Although the Coast Guard has not determined how IMO Regulation 26 will be implemented for all vessels, we anticipate that a plan prepared following the guidance contained in § 155.1030(j) will meet the minimum requirements of Regulation 26. When the Coast Guard issues a letter approving a response plan, the letter will indicate whether it complies with Regulation 26, for entry into port states, if the owner or operator has included in the plan the expanded provisions of § 155.1030(j).

Many comments stated that it was impossible for owners or operators to meet the statutory deadlines for submitting and complying with vessel response plans because the Coast Guard would not have published the regulations by August 18, 1992. OPA 90 requires owners or operators to submit vessel response plans by February 18, 1993; the Coast Guard has no discretion to change that date.

As discussed in "Regulatory History," the Coast Guard promulgated NVIC No. 8–92 dated September 15, 1992, and Change 1 to NVIC No. 8–92 dated December 4, 1992, to provide guidance to the marine industry for preparing response plans. The submission by February 18, 1993, of a response plan based on the NVIC will be accepted by the Coast Guard for the initial vessel response plan submission.

The additional OPA 90 section 5005 requirements for Prince William Sound have no statutory deadlines. Therefore, the Coast Guard has determined that it is appropriate to delay the implementation of these requirements until 180 days after the effective date of the interim final rule.

Many comments expressed concern that an owner or operator could not submit a vessel response plan until the NCP is revised and the ACPs are completed, as required by OPA 90. The Coast Guard recognizes that the NCP and the ACPs will not be revised or completed prior to the initial submission of vessel response plans on February 18, 1993. In NVIC No. 8–92, the Coast Guard announced that it will evaluate whether a response plan is consistent with the NCP by using the existing NCP published in 40 CFR part 300. Because the ACPs are in various stages of development, we will use the local oil and hazardous substances contingency plans (LCPs) in effect on August 18, 1992 to evaluate whether a response plan submitted to meet the February 18, 1993 deadline is consistent with the ACP. Copies of the LCPs are available from the cognizant COTP.

The Coast Guard expects all ACPs to be completed within the next year. A vessel response plan submitted after the NCP is revised or the applicable ACP has been completed must eventually be consistent with these documents. We have revised § 155.1030 to allow an owner or operator submitting a response plan for approval or reapproval to be consistent with the applicable plan (NCP/ACP) in effect 6 months prior to the response plan submission date. The 6-month period provides sufficient time for owners or operators to prepare their response plans before submitting them to the Coast Guard. This provision would not prevent an owner or operator from voluntarily conforming to a more recent NCP or ACP if one existed.

The interim final rule does not require an owner or operator to immediately resubmit their response plan if the NCP or applicable ACP is updated. The owner or operator would include any new information required in the NCP or ACP only when submitting the plan for reapproval. Likewise, an update would not be required as the result of the annual review which the owner or operator is required to conduct.

In the NPRM, we solicited public comment on whether the requirements for manned vessels carrying oil as primary cargo, unmanned tank barges, and vessels carrying oil as secondary cargo should be contained in separate sections or one section of the rule. Seven comments stated that combining the response plan requirements for all vessel types in one section would make it difficult for owners or operators to locate the requirements for their vessel type. These comments also argued that separate sections would allow the requirements for one vessel type to change without affecting the requirements for other vessels. The Coast Guard agrees that separate sections for each vessel type will make the rule easier to read and facilitate compliance with the requirements and has retained that format in the interim final rule.

Some comments argued that we have exceeded our statutory authority under the FWPCA in setting requirements for the average most probable discharge (AMPD) and maximum most probable discharge (MMPD) because section 311(j)(5) of the FWPCA requires planning for the worst case discharge only.

The Coast Guard's authority to regulate is broader than OPA 90. Section 311(j)(1)(C) of the FWPCA authorizes the Coast Guard to require planning for discharges other than the worst case. Because the Committee recommended that the NPRM address operational discharges as well as the worst case discharge, we are using our authority to require planning for spills other than a worst case discharge.

A number of comments were concerned that the requirements of this interim final rule are not appropriate for remote areas such as the Aleutian Islands and other areas of Alaska, Guam, American Samoa, and other remote areas in the Pacific. The Coast Guard has considered these comments but has not revised the interim final rule because OPA 90 sets requirements for vessels and not for specific operating areas. Further, this interim final rule establishes national criteria to ensure that response planning is not tied to specific locations or ports with existing response capability but would result in the ability to respond to discharges anywhere in U.S. waters and the exclusive economic zone (EEZ).

In any event, a vessel owner or operator can address the specifics of response capabilities in remote areas through the existing exemption process included in 33 CFR 155.130. This section allows a vessel owner or operator to submit a written request to the Commandant in those situations where compliance with a regulation is economically or physically impractical, no alternative procedures or methods for compliance exist, and the likelihood of a discharge occurring as a result of the exemption is minimal.

In its request, the vessel owner or operator should identify what resources would be available to respond to discharges in remote areas, response times for those resources, and any other appropriate information. The owner or operator should also identify the location and estimated response time of all resources necessary to meet the applicable resource requirements of the interim final rule. This listing will likely include resources that cannot meet the various response time requirements.

One comment recommended that "planned" vessel routing should be the criteria for determining required resources, and that an owner or operator should not have to plan for every eventuality. This comment expressed specific concern that the master of a vessel would not be permitted to deviate from the planned route for the safety of the vessel or crew, due to weather or some other unplanned condition if the vessel response plan did not cover the geographic area into which the master chose to deviate.

"Planned" routing is already the underlying criteria of the vessel response plan. The Coast Guard disagrees that a master would be prohibited from diverting into an area with a higher planning standard when required for the safety of his vessel or crew.

During the course of this rulemaking, the Coast Guard has received a number of comments stating that the vessel response plan interim final rule should not—under any circumstances—apply to vessels which carry oil as a secondary cargo. Most of the comments advance various reasons why secondary carriers do not meet the definition of "tank vessel." The Coast Guard disagrees. OPA 90 states that the response plan requirements apply to a "tank vessel" as that term is defined in 46 U.S.C. 2101. According to section 2101, a tank vessel is a vessel that, among other things, carriers oil in bulk as cargo. Section 2101 does not differentiate between primary and secondary uses of the vessel.

Some comments stated that the Coast Guard does not treat secondary carriers as "tank vessels" in regulations issued under 46 U.S.C. chapter 37. This comment is true. However, statutory exemptions in title 46 United States Code that exclude some tank vessels from regulations issued under that authority do not apply to regulations issued under the FWPCA.

At least one comment stated that it is not clear whether Congress intended to capture secondary carriers within the vessel response plan requirements, and that the Coast Guard has authority under the FWPCA to exempt secondary carriers from the definition of "tank vessel." The Coast Guard believes that the statutory language is clear. Congress could have referred to another definition to limit the scope of these requirements, but it chose the broad definition in 46 U.S.C. 2101. This is an unambiguous statement, and we see nothing in the statute or the legislative history to support a contrary conclusion.

Some comments stated that the Coast Guard could exempt secondary carriers from the interim final rule by defining the terms "bulk" and "cargo" to exclude a minimum amount of oil. The Coast Guard believes that, consistent with the purposes of OPA 90, it has no discretion to exempt a carrier by defining terms to exclude tank vessels carrying a minimum amount of oil from the requirement to comply with the vessel response plan rules. Further, there is little justification for distinguishing between specific quantities of oil which may be in tanks, all posing pollution risks, from time to time. The statute requires a tank vessel to have a plan even if it carries only oil residue—a minimum amount.

Some comments stated that requiring a secondary carrier to have a response plan will create inconsistencies with existing regulations. As we stated earlier, some secondary carriers would fall outside of regulations issued under 46 U.S.C. chapter 37, but within the scope of the FWPCA which is codified in 33 United States Code. Each statute requires a separate regulatory scheme, and the response plan rules simply do not affect rules issued under title 46.

Although we recognize that OPA 90 includes secondary carriers, the Coast Guard believes that the relative risk from these kinds of vessels is less than the risk from tank vessels carrying oil as primary cargo. We have exercised what discretion we do have to establish reduced requirements for secondary carriers, to reflect this lesser risk.

The Coast Guard received a number of comments arguing that services such as firefighting and salvage typically are provided by public entities, and that vessel owners and operators should be able to identify these public resources in their plans, reasoning that spill response essentially is a private and public partnership. Section 311(j)(5)(C)(iii) of the FWPCA states that a response plan must identify and ensure the availability of private personnel and equipment to respond to a spill. Although the Coast Guard agrees that both private and public resources likely will be used in the event of an actual spill, we think the statute is unambiguous in requiring the vessel response plans to address and develop private spill response resource capability.

Numerous comments recommended that the Coast Guard and not vessel owners or operators be responsible for certifying or approving shore-based spill response contractors. The Coast Guard is not requiring owners or operators to "certify" shore-based spill response contractors. However, section 311(j)(5) of the FWPCA requires an owner or operator of a tank vessel to prepare and submit plans which, among other things, identify, and ensure by contract or other means approved by the President, the availability of, private personnel and equipment necessary to remove to the maximum extent practicable a worst case discharge.

Numerous comments also noted that the requirement to list all of the required response equipment in the geographic-specific appendix will be a considerable paperwork burden. To facilitate the preparation and review of vessel response plans, the Coast Guard intends to provide guidance on a voluntary process for classifying oil spill removal organizations by their estimated capacity to contain and remove oil from the water and to protect shorelines. Vessel owners or operators who must prepare and submit response plans may identify a Coast Guard-

classified oil spill removal organization with the capacity to meet the owner's or operator's planning volumes, instead of listing each item of equipment.

Section 155.140 Incorporation by Reference

The NPRM proposed incorporating by reference six documents from the American Society for Testing and Materials (ASTM), International Maritime Organization (IMO), and the Oil Companies International Marine Forum (OCIMF). The Coast Guard has decided not to incorporate by reference IMO Resolution A.648(16), "General Principles for Ship Reporting Systems and Ship Reporting Requirements, Including Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances, and/or Marine Pollutants," because we have revised the notification procedures in §§ 155.1035 and 155.1045 to include all of the relevant information recommended by IMO.

Nine comments were received related to the incorporation by reference section. One comment recommended incorporation of ASTM standards to the extent possible. The Coast Guard retained in the interim final rule the ASTM standards applicable to boom and oil recovery devices.

Several comments recommended that the Coast Guard incorporate additional publications by reference. Three comments recommended that the "International Safety Guide for Oil Tankers and Terminals" published by the International Chamber of Shipping (ICS) and OCIMF be incorporated by reference for safety and cargo information. One comment recommended that the OCIMF document "Peril at Sea and Salvage—A Guide for Masters" be incorporated as a reference for emergency towing procedures. One comment recommended that the OCIMF booklets "Effective Mooring Guidelines" and "Safe Mooring of Large Ships at Piers and Sea Islands" be incorporated for vessel operations. One comment recommended that the "Incident Command System" manual published by Fire Protection Publications be incorporated to address response organization and incident management, and multiple comments recommended that use of this system be required.

The Coast Guard believes that all of the referenced documents may be useful for a vessel owner or operator preparing a response plan. However, we are not going to incorporate these documents by reference because they are intended to be guides, not required standards. We believe that owners or operators should have maximum flexibility in structuring the incident command system and developing procedures for salvage, mooring, and towing. Because the interim final rule already covers subject matter addressed in the international safety guide, we are not incorporating it by reference.

One comment recommended that International Maritime Organization (IMO) Resolution A.648(16) and the OCIMF Ship-to-Ship Transfer Guide not apply to "cargo vessels" operating on the outer continental shelf. As previously discussed, we are no longer incorporating the IMO Resolution by reference. The OCIMF Ship-to-Ship Transfer Guide would apply only to primary cargo carriers as defined in the interim final rule. Most "cargo vessels" would be classified as secondary carriers for purposes of this interim final rule, therefore the Guide would not apply.

Two comments questioned whether the OCIMF Ship-to-Ship Transfer Guide should apply to barge transfers, with another comment specifically noting that the Guide did not address barge transfers. The Coast Guard agrees and has removed the specific requirement in § 155.1040(d)(5)(i) for unmanned tank barge lightering plans to be consistent with the Guide.

One comment recommended incorporating ASTM Standard F 625-92, "Standard Practice for Describing Environmental Conditions Relevant to Spill Control Systems," submitted for reapproval in 1992, in place of Table 1 of appendix B. The Coast Guard agrees that this proposed ASTM standard contains similar information, but will defer determining whether to incorporate the standard by reference until it becomes a consensus standard.

Section 155.1010 Purpose

This section describes the purpose of the vessel response plan rules and notes that the requirements for response resources and the arrival times for these resources, as set forth in the interim final rule, are for planning purposes only.

Several comments suggested that the purpose statement be clarified to ensure that the response planning criteria do not become performance criteria, but one comment stated that the rule was already clear in this regard. Another comment wanted the rule changed to become a performance standard.

Due to the many variables that often occur during spills, the Coast Guard does not agree that performance criteria are appropriate. No one can predict what will happen during an actual spill. So that the interim final rule more clearly states that the specific criteria for response resources and their arrival times are not performance standards, the Coast Guard has deleted the phrase "meant to be" in the purpose statement.

Several comments were concerned that not meeting the planning criteria during an actual spill response may subject them to unlimited liability under 33 U.S.C. 2704(c)(1)(B). The response plans themselves are intended to be planning documents and not to prescribe specific performance criteria. However, circumstances may arise in which the violation of the interim final rule would appropriately lead to a denial of an entitlement to limit liability under 33 U.S.C. 2704(c)(1)(B). Because the facts associated with such circumstances may vary greatly, it would not be possible to describe them in meaningful detail in the purpose statement.

Section 155.1015 Applicability

As discussed in the "Background and Purpose" section of the preamble, offshore supply vessels and certain fishing and fish tender vessels are no longer subject to the requirements of the interim final rule. Section 155.1015 has been revised accordingly.

The Coast Guard has made minor revisions to this section of the interim final rule to make it consistent with the definition of tank vessel in 46 U.S.C. 2101. The changes are for consistency only and do not change the substance of this section.

The Coast Guard has amended paragraph 155.1015(b) to make its text consistent with applicability statements for lightering operations in other Coast Guard regulations.

A number of comments stated that the Coast Guard cannot extend the applicability to vessels on innocent passage through the territorial waters of the United States. Insofar as the concept of "territorial waters" includes the internal waters, the principle of innocent passage does not apply to such waters. Concerning the territorial sea, paragraph 4 of Article 211 of the 1982 United Nations Convention on the Law of the Sea, which reflects customary international law, provides:

> Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction, and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.

To avoid the possibility of hampering foreign flag vessels exercising innocent passage in the territorial sea, we have

revised the applicability provision of the interim final rule to exempt these vessels.

A number of comments challenged the Coast Guard's authority to require vessel response plans for foreign flag vessels conducting lightering operations in the EEZ. OPA 90 amended 46 U.S.C. 3715 to assure that the delivering vessel in a lightering operation in the marine environment comply with section 311(j) of the FWPCA, including response plan requirements. As amended, 46 U.S.C. 3715(a)(4) allows oil which has been transferred in such a lightering to be then transferred in a port or place subject to the jurisdiction of the United States only if, at the time of the first transfer, both the delivering vessel and receiving vessel had on board evidence of compliance with section 311(j) of the FWPCA.

Under 46 U.S.C. 2101, the "marine environment" means, among other things, the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority. Before 1986, the "fishery conservation zone" was the area in which the U.S. asserted the major portion of this jurisdiction, and the outer boundary was a line drawn in such a manner that each point on it (was) 200 nautical miles from the baseline from which the territorial sea is measured (16 U.S.C.A. 1811). The U.S. Code was amended in 1986 (Pub. L. 99–659) to incorporate the "exclusive economic zone" (EEZ) as the measurement for the area subject to this portion of the exclusive fishery management authority. The seaward boundary of the EEZ in turn is defined in Presidential Proclamation 5030 to extend out to 200 nautical miles (3 CFR, 1983 Comp., p. 22, 48 FR 10605, March 10, 1983).

One comment stated that these regulations should apply to all large vessels (not just tank vessels) because the amount of fuel they carry also poses a significant threat to the environment. The Coast Guard agrees that vessels other than tank vessels pose a threat to the environment and vessel owners or operators should plan for a response action in the event of a casualty or discharge. However, OPA 90 addresses only the greater threat posed by tank vessels, as defined under 46 U.S.C. 2101. Other vessels subject to MARPOL Regulation 26, including vessels carrying oil as cargo and fuel, will be subject to a separate Coast Guard rulemaking to implement MARPOL Regulation 26 requirements.

The Regulation 26 requirements will not be fully implemented until April 4, 1995. The Coast Guard decided not to combine these two rulemakings because of the differences in required plan content and implementation dates. However, as noted in the general discussion, the owner or operator of a U.S. flag tank vessel may address the provisions of Regulation 26 in the plan submitted to comply with this interim final rule. Although determinations on the implementation of Regulation 26 have not been made, the Coast Guard anticipates that a plan prepared following the guidance contained in § 155.1030 will meet the OPA 90 and the minimum MARPOL Regulation 26 requirements.

One comment stated that the proposed rule as constructed would not apply to foreign flag vessels. The interim final rule applies to certain defined tank vessels, certain vessels operating on the navigable waters of the U.S., vessels transferring oil in bulk as cargo in a port or place subject to the jurisdiction of the U.S., and vessels conducting bulk oil lightering operations in the marine environment where the oil is destined to a port or place subject to U.S. jurisdiction. Therefore, a foreign flag vessel engaged in these activities is subject to this interim final rule.

Another comment requested clarification on whether a tanker discharging cargo, loading ballast, and cleaning tanks outside the 200 mile EEZ would be exempt from the requirements. If in the above scenario the vessel handles, stores, or transports oil in bulk as cargo or cargo residue on the navigable waters of the United States, the vessel would be subject to the interim final rule. A vessel placed in ballast after discharging bulk oil will most likely have cargo residue remaining aboard.

Some comments were concerned about the impact on Canadian ships transiting the boundary waters between the United States and Canada (particularly the Great Lakes and the Strait of Juan de Fuca). These comments argued that requiring vessels in those waters to carry both a U.S. and a Canadian response plan for the same voyage imposes an unreasonable burden, and that it will restrict free access to Canadian ports.

Canada has yet to promulgate response plan requirements. Therefore, it is impossible to determine a number of important related questions, such as: (1) The degree to which compliance with Canadian rules may or may not be adequate to meet the U.S. statutory requirements; (2) how the Canadian rules will treat vessels navigating through Canadian waters enroute to U.S. ports; and (3) how great a burden would be placed on vessels that would have to comply with the requirements of both countries.

There is no authority for the Coast Guard to waive the vessel response requirements for vessels transiting the internal waters of the United States enroute to or from Canadian ports. However, we understand that, currently, the Canadian Government is developing vessel response plan requirements to provide protection to Canada's waters. The Coast Guard plans to work closely with appropriate Canadian officials in an attempt to reach a solution which will minimize the burdens of meeting both United States and Canadian requirements, while at the same time fully meeting statutory requirements, and providing protection to the waters, of each country.

A number of comments stated that the rule should apply only to traditional tank vessels that carry a minimum amount of oil. The comments suggested specifically excluding vessels such as dry cargo ships that carry oil in deep tanks, MARAD prepositioned ships, secondary carriers, and other vessels that are small and pose a minimum environmental threat. These comments stated that these vessels will be adequately covered under MARPOL Regulation 26. Many of the comments noted the disproportionate economic impact that this rule will have on small vessel owners and operators.

Although the Coast Guard solicited comments in the NPRM on whether oil should be considered as cargo only if a minimum quantity is carried, we have since determined that OPA 90 allows us no discretion to establish a specific minimum quantity to define cargo. Under 46 U.S.C. 2101(39), a tank vessel is a vessel that, among other things, carries oil in bulk as cargo or as cargo residue. Because cargo residue is include in this definition, it is inappropriate to establish a minimum amount of oil that would be consistent with this definition. The Coast Guard has revised the definition of cargo. The new definition makes it clear that oil carried solely for use aboard the vessel or by the vessel's machinery, boats, helicopters, or towed vessel is not cargo. Also, oil transferred between a towing vessel and a vessel in its tow is not cargo. See the previous preamble discussion on vessels carrying oil as a secondary cargo under "Discussion of general issues."

Two comments stated that vessels carrying oil-based drilling muds should be exempted from the rule. The FWPCA includes oil-based drilling mud in the definition of oil. As previously discussed, if the vessel is an offshore

supply vessel (OSV) it is no longer considered a "tank vessel" and would therefore not be subject to the requirements of this interim final rule. Further, oil-based drilling mud on board Mobile Offshore Drilling Units (MODUs) is not considered cargo because it is for use by the drilling machinery carried aboard the vessel.

One comment stated that public vessels and private vessels pose similar risks to the environment, and therefore, public vessels should be included in the scope of this rule. The exemption for public vessels is statutory and the Coast Guard cannot make them subject to the interim final rule.

One comment expressed concern that certain vessels moored at an offshore facility may be required to simultaneously possess a vessel response plan prepared under the interim final rule and an oil spill response plan prepared under the rules issued by the Minerals Management Service (MMS). The Coast Guard intends to continue to work closely with MMS to minimize any duplication between the two Agencies' response plan requirements.

A number of comments addressed various issues pertaining to "dedicated response vessels." Most supported classifying dedicated response vessels as secondary carriers although many wanted the status of dedicated response vessels more clearly stated in the rule.

Section 155.1015 exempts dedicated response vessels in response areas from preparing a vessel response plan. The definition of a vessel carrying oil as a secondary cargo has been amended to specifically include dedicated response vessels transporting oil outside of a response area.

Three comments suggested that we amend § 155.1015(d) to state more clearly when certain U.S. vessels, not operating in U.S. waters, are exempt from certain portions of the rule. The Coast Guard agrees and has amended that section of the interim final rule as suggested. As discussed in the guidelines for implementing IMO Regulation 26, the roles of national authorities may vary widely from port State to port State, as may the responsibility for discharge response. We have therefore determined that requiring a U.S. based qualified individual and a shore based spill management team for certain U.S. vessels operating beyond the exclusive economic zone of the U.S. was not appropriate and have revised this section of the interim final rule accordingly.

Section 155.1020 Definitions

There were a number of comments received on the proposed definitions. Most of these comments agreed or did not take issue with the definitions proposed in the NPRM. The following text addresses only those definitions which were the subject of substantive comment and definitions which the Coast Guard changed or added.

One comment suggested that we define "contingency and response plans." Because this interim final rule specifies what a response plan must contain, the Coast Guard has determined that defining a "response plan" is unnecessary. A response plan differs from a contingency plan because the former contains vessel-specific information. Area Committees will develop contingency plans, and the contingency plans will include planning requirements for a variety of spill scenarios and responders.

Average most probable discharge. The Coast Guard received three comments questioning the use of 50 barrels (bbls) for the planning volume for this type of spill. One comment specifically addressed reducing the volume for the Great Lakes area, citing 5 bbls as the average spill for the area.

The Committee used data from the Marine Safety Information System for the years 1984 to 1989, the most current data available, to establish the 50 bbl planning volume. The Coast Guard has determined that 50 bbls is a reasonable volume for planning for an average most probable discharge because it is based on national operational spill data and an evaluation of historical trends in smaller size spills.

The definition has been revised to make it clear that the average most probable discharge means a discharge from a vessel that occurs during oil transfer operations.

Bulk. Three comments stated that marine portable tanks should not be included in this definition because they carry mainly lube oil for the vessel. One questioned if oil recovered from a skimmer and stored in a portable floating tank would be considered "bulk oil." One other comment questioned if oil transported in over-the-road portable containers is considered bulk oil for the purposes of this interim final rule.

Oil carried in a marine portable tank or an over-the-road tank is considered "bulk" only if the oil is transferred into and out of the tank while it is on the vessel. That vessel would have to carry a response plan. Oil recovered from a skimmer and stored in a portable floating tank other than on the vessel also is not "bulk" for the purpose of this interim final rule because it is not an integral or independent tank onboard the vessel.

Captain of the Port (COTP) Zone. A number of comments requested that we clarify the geographic area covered by a COTP zone. The Coast Guard has defined "COTP zone" in this section as a zone specified in 33 CFR part 3 and, for coastal ports, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ). The boundaries of the seaward extension of some zones are not defined in 33 CFR part 3, but the Coast Guard will be revising this part. In the meantime, details on the location of the boundaries may be obtained by writing to the following address: Commandant (G–MEP–6), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

Cargo. A number of comments suggested defining "cargo" as a minimum amount of oil carried by a vessel. Most suggested establishing 250 barrels as the minimum threshold because lesser amounts do not pose a significant threat to the environment. Other comments stated that lubricating oils, hydraulic fluids, and helicopter fuel should be exempt from this definition. Two comments suggested rewording the definition to exempt oil that is transferred between a towing vessel and its tow.

In the preamble discussion on "Applicability," we have addressed the question of whether a minimum quantity of oil should be excluded from the definition of cargo. The Coast Guard has revised the definition to make it clear that oil is not "cargo" if it is carried solely for use aboard the vessel; for use by the vessel's machinery or boats; or transferred between a vessel and a vessel in its tow. The Coast Guard agrees that limited quantities of fuel for use by helicopters carried onboard should be regulated in the same manner as fuel for use by small boats carried onboard. The Coast Guard amended the interim final rule to exclude from the definition of cargo, oil carried in integral tanks, marine portable tanks, or independent tanks for use by helicopters carried onboard and directly supporting the vessel's primary operations.

For vessels of opportunity, one comment suggested deleting the term "emergency" from the definition to make it clear that these vessels never carry cargo. The Coast Guard agrees, and has revised the definition accordingly.

This subpart does not apply to dedicated response vessels that are conducting response operations in a response area or to vessels of

opportunity. Consequently, it is not necessary to specifically exempt the oil transported by these vessels from the definition of cargo. We have revised the definition of cargo in the interim final rule by eliminating these two exemptions:

Contract or other approved means. The Coast Guard received 16 letters discussing aspects of this definition. Most comments said that the definition of "other approved means" was too restrictive, depriving vessel owners and operators of a chance to ensure that the required resources are available through means less rigid than a formal contract. However, there were a few comments suggesting that we should require contracts "or a more legally binding and fully detailed self-certification process' in every instance. In discussions at the last Committee session, most of the members suggested we should consider any means acceptable to "ensure" the availability of response resources if the owner or operator and the resource provider create a document that: (1) Clearly identifies the goods and services to be provided; (2) sets out the parties' acknowledgement that the resource provider intends to commit its resources in the event of a response; and (3) permits the Coast Guard to verify the response resources identified through tests, inspection, and exercise.

The Coast Guard agrees with the comments that "other means approved by the President" implies that there are permissible alternatives to contracts. We believe that a document which contains the three elements listed above provides acceptable assurance that the response resource provider has the capability to respond. We have required further that the owners or operator's agreement with the resource provider be referenced in the response plan.

The Coast Guard also revised the definition so that written consent of an oil spill removal organization, with specified equipment and personnel which are available within stipulated response times in the specified geographic areas, is "other approved means" for a vessel to meet the resource requirements in §§ 155.1052(c) and 155.1054(c).

Great Lakes. The definition of the Great Lakes has been changed to be consistent with 33 CFR 160.203.

Maximum Extent Practicable. The Coast Guard received 30 comments on the definition of "maximum extent practicable" (MEP). The greatest number of comments stated that the definition was too vague, and needed to be better defined. These comments did not say what the writers considered "vague," nor did they offer alternative definitions. The Coast Guard has revised the definition to clarify and better reflect the meaning of "maximum extent practicable."

Regarding a number of comments stating that the definition did not reflect the Committee consensus, the Coast Guard notes that its regulatory negotiation agreement committed the Coast Guard to capturing the substance and effect of the Committee's recommendations, and we believe we have in this instance.

Many comments on this definition addressed the question of whether the Coast Guard must consider costs as an essential element of the concept of "practicability." There were comments supporting and opposing the proposition. The Coast Guard believes that we have discretion to determine whether to include cost as an element of MEP, and we have used that discretion to factor costs into the definition. For example, in determining what is "practicable," the interim final rule sets caps on the amount of on-water response resources for which a vessel owner or operator must contract or ensure by other approved means.

The interim final rule also sets out less onerous planning requirements for secondary carriers as a recognition of the reduced risk of potential damage posed by these carriers, and indexes by volume of bulk oil carried the level of detail of the response plan and drill frequency. The interim final rules tier arrival times for response resources so that a vessel owner or operator does not have to plan for all required resources to be located in the area where the vessel is operating.

Some comments stated that MEP should not assume an instant release of the entire cargo. The Coast Guard did not assume an instant release, but a rapid one. At the same time, however, we did not include release rate as a separate factor in calculating planning volumes because the FWPCA requires vessel owners and operators to plan for a worst case discharge. Further, adding a release rate factor to the calculations would also add another level of complexity.

Nonpersistent or Group I oil. One comment stated that the rule must specify what oils fall within this definition. Three comments were opposed to classifying non-petroleum oils as non-persistent because OPA does not address these oils and the response for these oils would be different from petroleum oil or petroleum-based oils. In addition, one comment indicated that the specific gravity criteria for petroleum oils was not applicable to non-petroleum oils and suggested using distillation characteristics.

Because specific gravity criteria do not apply to non-petroleum oils, the Coast Guard agrees that non-petroleum oils should be excluded from the definition of "non-persistent" or "group I" oil. Therefore, we have deleted this portion of the definition. The Coast Guard disagrees that a list of all non-persistent oils should be included in the definition because the characteristics provided are sufficient guidelines to help owners or operators establish whether an oil is non-persistent.

Oil spill removal organization. This definition was amended to alleviate some concerns that it was too narrow, seeming to apply only to existing organizations in certain locations.

On-scene Coordinator. One comment suggested that we define this term to make the rule more clear. The Coast Guard has added a definition of on-scene coordinator that is consistent with the definition in 33 CFR V part 153.

Operating in compliance with the plan. The Coast Guard has added this definition to clarify what this term means.

Operator or vessel operator. Two comments supported the concept that the operator of a towing vessel is not the "operator" of the vessel being towed within the meaning of OPA 90. Two comments were opposed to the definition. One of those suggested deleting the language "but not limited to" because it is inconsistent with the definition of operator under the FWPCA.

The FWPCA does not define the term "operator." "Owner or operator" is the term defined in the FWPCA most nearly applicable to the vessel response plan definition of "operator or vessel operator." In the FWPCA, "owner or operator" is defined with respect to a vessel as "any person owning, operating, or chartering (a vessel) by demise." If we eliminate the words "but not limited to" from the definition of "operator or vessel operator," we may leave the impression that only an owner or demise charter could be an operator under the interim final rule, and that interpretation would be too narrow. For reasons stated in the NPRM, the Coast Guard continues to agree that a towing vessel operator should not fall within the definition. Therefore, we have not amended the definition.

Further, this definition and the definition of "owner or vessel owner" apply only in these vessel response plan regulations, and are inapplicable to any other regulation or statute.

Persistent oils. Four comments objected to the proposed three classes of

persistent oils because the Committee only recommended using persistent and non-persistent oils and because two categories of oil (persistent and non-persistent) are sufficient planning tools for selecting equipment and gauging dissipation. Three comments agreed with the proposal because it avoids penalizing vessels that carry less persistent oils and requires a different level of planning for heavier oils. Two comments added that non-petroleum edible oils should be in their own category because they are biodegradable and have no toxic residuals.

As discussed in the NPRM, the Committee originally recommended using two oil categories: Persistent and non-persistent. They also recommended that the Coast Guard consider the relative persistence of oils and emulsification. We divided persistent oil into four groups, based on a protocol developed by the International Tanker Owners Pollution Federation (ITOPF) to account for the differences in persistence. We have defined oil in five groups: Non-persistent and four other groups based on their specific gravity. Because specific gravity criteria does not apply to non-petroleum oils, non-petroleum oils have been deleted from this definition as suggested.

One comment stated that oil-based mud should not be classified as "oil" because it does not behave like an oil product, is difficult to recover from the water, and historically has not been spilled very much. Section 311 of the FWPCA defines "oil" to be oil of any kind or in any form, which includes oil-based mud. The Coast Guard does not have the authority to define "oil" differently for the purpose of that statute.

Qualified individual and alternate qualified individual. The Coast Guard has revised the definition of qualified individual to state that the qualified individual and alternate qualified individual means a shore-based representative of the vessel owner or operator who meets the requirements of § 155.1026. In the NPRM, we proposed requiring an owner or operator to designate an alternate qualified individual. The Coast Guard has retained this requirement in the interim final rule and has revised the definition to be consistent with this requirement. The designation of an alternate qualified individual is necessary to provide a reasonable assurance of 24-hour availability. Additionally, if an alternate qualified individual were not identified, the owner or operator would have to notify the Coast Guard every time the primary qualified individual went on vacation or was otherwise unavailable. The interim final rule does not limit the number of alternate qualified individuals whom an owner or operator may designate.

We have added a new § 155.1026, which includes the requirements for the qualified individual and alternate qualified individual that were previously listed in the proposed definition. The Coast Guard determined that the proposed definition contained substantive requirements that would be more appropriately placed in a separate section of the interim final rule.

Some comments stated that we should allow the qualified individuals for Canadian flag vessels to be based in Canada. The Coast Guard has determined that Canadian vessels may identify Canadian-based qualified individuals if these individuals meet the same requirements for U.S.-based individuals under § 155.1026(b). This provision only applies to Canadian flag vessels while they are operating on the Great Lakes, the Strait of Juan de Fuca, and Puget Sound, WA. In any other environment, the qualified individual must be based in the United States. The close proximity, reliable communication, and the common water boundary shared by the United States and Canada create a unique situation, which allows a Canadian-based qualified individual to be as effective as a U.S.-based qualified individual.

Several comments objected to the requirement for qualified individuals to have "unconditional" authority to implement the vessel response plan. These comments argued that vessel owners or operators will have difficulty identifying qualified individuals with unconditional authority without making them potentially liable for spill cleanup. The Coast Guard has revised new § 155.1026 of the interim final rule to better describe the authority and responsibilities of the qualified individual. The requirement for "unconditional authority" has been eliminated from § 155.1026.

Of the 44 comments the Coast Guard received on this definition, most asked us to clarify in the interim final rule that a "qualified individual" also is a person exempt from liability for response actions under section 311(c)(4) (33 U.S.C. 1321(c)(4)) of the FWPCA. These comments stated that the failure to identify the qualified individual as a person exempt from liability will hamper the efforts of vessel owners and operators to identify persons with the required qualifications.

A person does not become a responsible party under the FWPCA by being designated a qualified individual for response plan purposes. Under section 1321(c)(4), a person other than a responsible party is not liable for removal costs or damages which result from actions taken or omitted in the course of rendering care, assistance, or advice consistent with the NCP or as otherwise directed by the President. Notwithstanding, such a person whose acts or omissions are grossly negligent, or who engages in willful misconduct may, as a result, become liable for the resulting removal costs or damages. The qualified individual is not, however, responsible for the adequacy of response plans prepared by the owner or operator, nor is the qualified individual responsible for contracting response resources beyond the full authority delegated from the owner or operator.

The Coast Guard does not wish to restrain the appropriate activities of a qualified individual and an alternate qualified individual to hamper owners or operators in identifying such individuals. However, the Coast Guard has no authority to grant immunity to any person, including qualified individuals designated for response plan purposes.

To better define the responsibilities of the qualified individual, the Coast Guard has revised the proposed rule by adding to § 155.1026 a paragraph which states that the qualified individual is not responsible for the adequacy of the response plans, nor for contracting response resources beyond the authority delegated from the owner or operator.

A new section has also been added which allows the vessel's owner or operator to designate an organization to carry out the responsibilities of the qualified individual. However, the designated organization must have identified specific individuals to act as the qualified individual and the alternate. Finally, the proposed rule has been revised to require the qualified individual to be familiar with the implementation of the vessel response plan and to be trained in the responsibilities of the qualified individual under the response plan.

Response Activities. The Coast Guard has revised this definition in the interim final rule by adding the words "public health or welfare." This revision strengthens the definition and makes it consistent with the definition of "removal" contained in section 311(a) of the FWPCA.

Response Area. One comment stated that the proposed definition does not reflect the negotiated rulemaking agreement because the definition encompasses a much greater (or potentially much smaller) area than that contemplated by the Committee. That comment stated that the response area

should be determined on a case by case basis by the Federal on-scene coordinator (OSC) during an actual spill. Another comment suggested that the definition should make it clear that the "response area" may encompass more than one COTP zone.

The Committee recommended using "planning sectors" to define the areas in which dedicated response vessels could operate without a response plan, but the Committee did not suggest a definition. The Coast Guard has reconsidered the definition and agrees with the comment that a "response area" should be determined case by case, depending upon the exigencies of a spill. The Federal OSC is the person with the expertise and authority to make this determination. Therefore, we have revised this definition by stating that the Federal OSC determines what constitutes the response area. The revised definition allows a Federal OSC the flexibility to define the response area as necessary, based on the actual spill size and location.

Rivers and canals. Several comments opposed defining rivers and canals as 12 feet or less in depth because many rivers are greater than 12 feet in depth. One comment recommended that the depth should be increased to 30 feet. The Coast Guard proposed that rivers and canals be defined as 12 feet deep or less because we intended the definition to only cover narrow, inland bodies of water that are reasonably protected and typically have wave heights of one foot or less. It was also our intent to limit this definition to those areas where only shallow draft vessels would operate.

Creation of the limited definition for rivers and canals permitted the development of unique oil spill planning requirements for shallow draft vessels that transit these waters. The Coast Guard disagrees with the recommendation to increase the depth from 12 feet to 30 feet because it would change the characteristics of the operating environment upon which the planning requirements for rivers and canals was based.

Other comments requested that we clarify the term "controlled navigable depth," and one suggested using the "authorized depth." The Coast Guard has revised the definition by deleting the term "controlled navigable depth" and replacing it with "project depth." The project depth is indicated on most navigational charts and represents the design dredging depth of channels maintained by the U.S. Army Corps of Engineers. Unlike the "controlled navigable depth" that may change frequently due to shoaling, the "project depth" is a fixed design standard independent of the actual depth existing in the channel.

Spill management team. One comment requested that the Coast Guard make it clear whether this function can be fulfilled by an organization outside the COTP zone of the spill. The interim final rule does not prevent the spill management team from being located outside of the response area, as long as the plan remains functional for the area where the vessel is operating. Under § 155.1030, the plan must identify a team for each COTP zone, but the plan may identify the same team for all zones.

Substantial threat of a discharge. Two comments objected to using "fuel" in the definition because OPA 90 does not specifically address fuel. MARPOL Regulation 26 recommends that certain vessels carrying oil as "fuel" or as "cargo" carry an approved oil pollution emergency plan. If the owner or operator intends the plan to satisfy the MARPOL Regulation 26 recommendations, the plan should address oil carried as fuel, as well as oil carried as cargo.

Tanker. The Coast Guard added the definition of tanker which is consistent with the definition in 46 U.S.C. 2101.

Vessels carrying oil as primary cargo. In response to comments, the Coast Guard has amended the definition to clarify that it includes only vessels carrying oil in bulk as cargo and has included cargo residue in the definition to make it consistent with § 155.1015.

Vessels carrying oil as secondary cargo. In response to comments, the Coast Guard has amended the definition to clarify that it includes only vessels carrying oil in bulk as cargo or cargo residue. This definition has also been amended to eliminate the possibility that a vessel carrying oil as primary cargo could simultaneously be considered a vessel carrying oil as a secondary cargo. For further discussion on these vessels, see "Discussion of general issues."

Vessel of opportunity. One comment stated that the preamble to the NPRM implied that a vessel of opportunity must carry a response plan if it operated outside of the response area. The Coast Guard agrees that the preamble is misleading, but § 155.1015 specifically exempts vessels of opportunity from the requirements of this subpart. The definition in the interim final rule is clear that these vessels must be engaged in response activities, but it does not limit vessel operations to the response area. The definition has been changed to clarify that a vessel carrying oil as a primary cargo is excluded from the definition.

Section 155.1025 Operating Restrictions and Interim Operating Authorization

The Coast Guard received twenty-one comments on this section. Two comments agreed with the NPRM, one requested clarification on single voyages, and the remainder suggested revisions. The following summarizes the suggestions and the Coast Guard's reasons for accepting or rejecting them. The Coast Guard made minor changes to the interim final rule for clarification.

The Coast Guard has amended paragraph 155.1025(a)(3) to make its text consistent with applicability statements for lightering operations in other Coast Guard regulations.

Three comments recommended that the Coast Guard and not vessel owners or operators be responsible for certifying or approving shore-based spill response contractors. The regulations do not require such a certification or approval. To avail themselves of the provision contained in § 155.1025(c), an owner or operator must simply certify to the Coast Guard that they have identified and ensured the availability of, through contract or other approved means, the response resource required by the interim final rule.

Several comments asked how an owner or operator could certify on February 18, 1993, that the required response resources would be in place on August 18, 1993, when they are not currently in place. If an owner or operator has made reasonable arrangements, such as a contract with an oil spill removal organization, for the necessary response capability to be available for use no later than August 18, 1993, the owner or operator may properly certify, on or before February 18, 1993, that it has identified and ensured the availability of the necessary private response resources. The certification should be submitted with the response plan. It is not necessary to list in the certification those resources that are not currently in place. However, all necessary response resources must be in place by August 18, 1993 for the vessel to continue to operate past that date.

As discussed in the NPRM, the certification can be submitted either at the time of plan submission or in a separate submittal. The Coast Guard encourages owners or operators to submit the certification with the plan. The vessel will not be permitted to continue to operate past August 18, 1993 unless the owner or operator has received written authorization from the Coast Guard to do so. By including the certification at the time of plan

submission, the owner or operator can assure receipt of the required written Coast Guard authorization in a timely manner.

The Coast Guard is still studying the issue of whether the two-year provision provided for in section 311(j)(5) of the FWPCA is for initial submissions only or if it will also apply to future plan revisions and required resubmissions. The Coast Guard intends to clarify this issue prior to publishing the final rule.

Five comments suggest an extension of the February 18, 1993 deadline for filing plans until the ACP and NCP are updated. The Coast Guard has no authority to extend the statutory deadline. Plans submitted by the February 18, 1993 deadline must be consistent with the local contingency plans (LCPs) and the NCP in effect on August 18, 1992. Vessel owners or operators will not have to modify their plans until the five-year review solely for the purpose of making their plans consistent with a subsequently issued ACP or an updated NCP.

The remaining comments deal with the single-voyage exemption. The proposed rule permits the COTP to authorize a vessel to make one voyage to transport or handle oil in a port or geographic area not covered by a response plan if the vessel owner or operator certifies that they have met certain criteria. After further consideration, the Coast Guard has determined that the term "geographic area" is not specific enough, and may lead to confusion over where and when this provision applies. The Coast Guard has revised the interim final rule by eliminating the words "or geographic area" from paragraph 155.1025(e). For the purposes of the single voyage exemption provision, the Coast Guard will consider an offshore lightering area to be a port.

One comment asks whether the exemption is an annual exemption; it is not. Each vessel owner or operator is allowed a total of one exemption for each port. An owner or operator may request single voyage exemptions for multiple ports. For example, a vessel owner or operator could request and receive a separate single voyage exemption for each of several ports contained within one COTP zone.

Another comment asks whether individual COTP's have the authority to allow inland barges without plans to enter ports unexpectedly. A vessel in distress is entitled to seek safe harbor, subject to appropriate controls imposed by the COTP which may be less than all requirements of these regulations. Otherwise, the requirements of the regulations, including response plan requirements, apply.

One comment suggested that single-voyage exemptions should not be granted. Another supported the exemption only for foreign vessels, if the Secretary of DOT reviewed and approved the vessel's manning, qualification, and watchstanding standards. The Coast Guard has determined that a single-voyage exemption is warranted because it will allow vessels a one-time opportunity to call on a port for which they have not submitted a geographic-specific appendix. However, these vessels must have a response plan that meets all of the VRP requirements (except for the applicable geographic-specific appendix) or have a plan approved by the flag state as meeting the requirements of MARPOL Regulation 26; and have designated a qualified individual and ensured the availability of response resources.

Two comments suggested that the exemption will be of little help to vessel owners and operators, because they are still required to ensure response resources. Section 311 of the FWPCA does not provide an exemption for vessels making a one-time call on a port. The Coast Guard has provided the maximum flexibility for these vessels to meet the statutory requirements to ensure the availability of response resources.

One comment suggested that vessels visiting ports infrequently should be subject to the same exemption as those making a single voyage. The Coast Guard disagrees. The exemption is intended for a truly unexpected diversion, for which it is unreasonable to require an owner or operator to plan in advance.

Another comment mentioned that it will be a significant administrative burden to maintain geographic-specific information aboard a vessel that visits numerous ports. The Coast Guard believes that it is appropriate to have all area specific information contained in one section of the plan and carried onboard. This will facilitate reference for the vessel crew during an emergency and assist the local COTP in reviewing the information during routine boardings.

One comment suggested that owners or operators of time-charter vessels in service before February 18, 1993, with an approved response plan should have 90 days to submit a new geographic-specific appendix if a vessel changes its regular port of call. The comment suggested that the vessel be allowed to operate during that 90 days. The Coast Guard disagrees. The interim final rule already permits the COTP to grant a single-voyage exemption in such cases.

Section 155.1026 Qualified Individual and Alternate Qualified Individual

The Coast Guard has added this section to set out the requirements for the qualified individual and the alternate qualified individual. To clarify the interim final rule, we have incorporated in this section the substantive information previously included in the definition of qualified individual.

Section 155.1030 General Response Plan Requirements

This section of the interim final rule outlines general response plan requirements for all vessels. Most comments on this section addressed the plan format and where the plan must be located.

A new section has been added to the interim final rule that describes the procedure that an owner or operator can follow to address the provisions of Regulation 26 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL). See "Discussion of general issues" for additional details.

One comment stated that copies of the plans should be kept at Coast Guard Marine Safety Offices and Coast Guard District offices to ensure that information is readily available to State and Federal agencies in case a spill occurs. The Coast Guard will retain a copy of the plans at one central location and believes that one copy is sufficient. Response plans must include procedures for coordinating with State and Federal agencies, but these plans are for the vessel owner or operator and its agents or employees who will have primary responsibility to mitigate and clean up a spill.

One comment stated that the Coast Guard should write a model plan that vessel owners could modify for their vessels. As discussed, response plans are for the owner or operator and its agents or employees. Therefore, we think it appropriate to give owners or operators as much flexibility as reasonably possible to determine what level of complexity and substance addresses their needs. A "cookbook" plan would unnecessarily restrict these owners or operators from devising the best plans for their operations and may unnecessarily increase their paperwork burden.

One comment stated that the plans should identify who to call for protection of environmentally sensitive areas and identify protection strategies.

The Coast Guard does not agree because that information is included already in the LCPs and will be included in the ACPs.

One comment objected to the wording used in proposed paragraph 155.1030(a) concerning the requirement for plans to be written in a language understood by "crew members responsible for carrying out the plan," because the wording implies that crew members must carry out the plan. The Coast Guard has changed the text of this paragraph to require the plan to be written in English and in a language understood by those crew members "with responsibilities under the plan."

Two comments stated that on-board plans should be concise and deal with only those issues specific to the ship. One other comment stated that a detailed and complex plan would be useless to shipboard personnel in an emergency. The Coast Guard agrees that only certain portions of the plan are needed for shipboard response operations.

Consequently, to minimize the paperwork burden on vessel crew members and to help ensure that the plan is useful during a spill, the Coast Guard has amended § 155.1030 to divide the plan into shipboard and shore components. The interim final rule specifies what must be in each component and requires the vessel to carry the shipboard component. The plan must include all of the required sections, but the owner or operator can tailor the length and complexity of the plan as appropriate for the vessel's operations.

One comment stated that the plan should identify communication methods and spill-tracking equipment and procedures. The Coast Guard already requires the owner or operator to identify their response command and control organizational structure in the plan. Communication procedures are an integral part of that structure. The ACPs will address equipment and procedures for spill-tracking, and the Coast Guard is studying the issue as the Committee recommended.

One comment recommended that the vessel response plans should assure the compatibility of communications among all responding private parties and agencies. The Coast Guard agrees that efficient and reliable communications is essential during an oil spill recovery operation. However, it is not possible for each vessel owner or operator to establish a common communications plan with all parties that may respond to an oil spill. This is the role of the NCP, ACPs, and OSC during a spill.

One comment stated that the Coast Guard should require vessel owners or operators to distribute to company personnel a separate document that summarizes key notification and response information. The Coast Guard is requiring owners or operators to use checklists and diagrams in certain parts of their plan. The Coast Guard believes owners or operators should have the flexibility to distribute this information to company personnel as necessary and has not made this a requirement. Requiring distribution of lists or diagrams may increase the paperwork burden on organizations with relatively limited operations.

One comment stated that the Coast Guard should require a vessel owner or operator to include in each plan, a letter authorizing the qualified individual to commit response resources when a plan is activated. The Coast Guard believes requiring an owner or operator to submit an unconditional letter of commitment creates a redundant requirement. An owner or operator already must name a qualified individual who must be notified in the event of a spill. That individual must have the authority to commit response resources.

One comment stated that the rule should require the qualified individual to implement the response plan and activate all resources for a worst case discharge unless the OSC says otherwise. The Coast Guard has sufficient authority to direct the responsible party to clean up a spill. The response plan is largely a planning document, covering such items as preparation of lists and compilation of data, training, and drills. The resources used in the event of an actual spill will depend on the specifics of the incident.

One comment stated that a dedicated response vessel should not be required to have a response plan if the vessel is released from its dedicated area to respond to a spill in another area, and is not transporting oil to or from the spill site. The Coast Guard agrees. A dedicated response vessel is only required to have a shipboard response plan when operating outside a response area and carrying oil in bulk as cargo.

Several comments stated that it was impossible to make the vessel response plans consistent with the unrevised NCP and incomplete ACPs. Most of these comments argued that the Coast Guard should delay the filing deadline for vessel response plans until the NCP and ACPs are finished.

The Coast Guard already has addressed this issue under "Discussion of general issues." In the absence of the revised NCP and completed ACPs, the Coast Guard will evaluate response plans based on the existing NCP published in 40 CFR part 300 and the ACP in effect on August 18, 1992.

There were a number of comments suggesting that we consider the proper content, format, and other issues when developing the ACPs. These comments are beyond the scope of this rulemaking.

In the NPRM, we proposed that a response plan that was completed prior to the effective date of the rule follow any format so long as the plan was supplemented with a cross-reference section to identify the location of the applicable sections required in the rule. The Coast Guard revised the interim final rule to clarify that the cross-reference section must address all required information and not simply the sections.

One comment indicated that owners or operators cannot "complete" their plans before they are submitted because the rule will require some elements that are not yet finalized. The Coast Guard agrees and changed the provision to address plans submitted on or before February 18, 1993.

The purpose of this provision is to reduce the initial burden on owners or operators who already have begun developing a response plan. The Coast Guard eliminated the requirement that a plan completed prior to the effective date of the interim final rule and using a cross reference must be submitted in the required format at the next required resubmission date. The Coast Guard intends to work with the various States to develop a universal format by the time the 5 year resubmittal is due. At that time, a plan utilizing a cross-reference section may be required to be resubmitted in a universal formal. See "Discussion of general issues" for information on submitting response plans based on the NVIC.

Several comments opposed a strict format and suggested allowing companies flexibility to create plans that fit their operation. These comments also suggested allowing owners or operators to submit a State approved plan to meet Federal requirements. Four comments stated that the Coast Guard should allow owners or operators to use their own or a State plan format if they cross-reference the format required under the VRP rules.

The Coast Guard made a number of small changes to the interim final rule to provide an owner or operator with more flexibility in organizing and submitting their plan. We have deleted the proposed requirement for the plan sections to be in a specific order. We added a provision to allow an owner or operator with multiple vessels to submit

one plan with separate vessel-specific appendices to satisfy the plan requirements for each of its vessels.

The revised interim final rule will permit the owner or operator to insert sections as necessary to satisfy any additional State or IMO requirements. However, the required sections and specific information required in those sections must remain distinct, and the appendix or table of contents must provide sufficient detail on the location of these distinct sections. As many comments recognized, this standard format will ease the administrative burden in reviewing the plans and create uniformity for responders who may not be familiar with a particular plan.

Three comments argued that the plan format was inconsistent with the recommendations of MARPOL Regulation 26. Three other comments stated that the plan format was useful in implementing Regulation 26 of MARPOL. The Coast Guard recognizes that OPA 90 plan standards exceed MARPOL standards but does not believe that these requirements are inconsistent with Regulation 26 standards. U.S. courts have recognized that Congress may direct the Coast Guard to set a stricter standard than the international standard as a condition of port entry. Although these requirements meet and exceed the MARPOL recommendations, the Coast Guard believes they are a logical extension of the IMO concept.

After reviewing the NPRM, the Coast Guard amended § 155.1030 by adding the requirement for the vessel owner or operator to maintain and make available copies of the submitted and approved plan. This provision was previously in § 155.1065, but we have determined that it is placed more appropriately in § 155.1030(i). This section has been revised to make it clear that it is the responsibility of the owner or operator to ensure that the qualified individual is provided with a current copy of the entire plan.

Sections 155.1035(a), 155.1040(b), and 155.1045(b) General Information and Introduction

The Coast Guard revised §§ 155.1035(a), 155.1040(b), and 155.1045(b) to require the call sign to be included in the response plan for each vessel covered by the plan. The Coast Guard is adopting this requirement to reflect a recommendation in the MARPOL Regulation 26 emergency plan guidelines.

The Coast Guard has moved the requirement in §§ 155.1035(a) and 155.1040(b) for owners and operators to identify the geographic areas covered by the plan to the appropriate geographic-specific appendix.

Sections 155.1035(b), 155.1040(c), and 155.1045(c) Notification Procedures

Several comments addressed the type and extent of the notification requirements. Four expressed concerns that the amount of notification requirements are cumbersome, and stated that the vessel owner or operator should have to report the discharge only to the National Response Center or the Coast Guard. Some of these comments also suggested including the requirements for State and local reports only in the Area Contingency Plans. One comment suggested that the Coast Guard maintain a centralized list of all notification requirements, with the COTP and Area Committees updating the list.

Two other comments stated that MARPOL Regulation 26 requirements should be used for contacts because a proposed notification checklist could be confusing in a disaster. Finally, one comment opposed descriptions of notification requirements and primary and secondary communication methods because descriptions are unnecessary and add complexity to the requirements.

The interim final rule requires that only the qualified individual be notified. However, other statutes and regulations establish oil spill reporting requirements, and the Coast Guard believes that owners or operators should set procedures for these notifications in their response plans. To minimize the burden on vessel owners and operators and facilitate rapid notification of a spill, most of this information can be provided in a checklist, which is consistent with MARPOL Regulation 26. To clarify that we need only a listing of notification procedures, we deleted the requirements in proposed §§ 155.1035(b)(2), 155.1040(c)(2), and 155.1045(c)(2) for owners or operators to "discuss" in the response plans notification requirements that apply in the vessel's area of operation.

The Coast Guard also revised the interim final rule to eliminate the requirement for response plans to include local notification requirements and for this information to be duplicated in the geographic-specific appendix. Under the revised notification sections, a response plan must describe primary communications methods for all vessel types and secondary methods if they are available.

To ensure consistency with IMO Resolution A648(16), the Coast Guard has revised the interim final rule to require response plans to include various additional items that must be identified in the initial notification and to establish guidelines for follow-up reports.

Sections 155.1035(c), 155.1040(d), and 155.1045(d) Shipboard Spill Mitigation Procedures

Two comments disagreed with the use of the term "fuel" in § 155.1035(c) because OPA 90 refers to "cargo" and not "fuel." The Coast Guard has deleted the term fuel from these sections. See the preamble discussion of "General issues" and "Section 155.1030" for further information on how U.S. vessels can meet the MARPOL Regulation 26 requirements.

To make § 155.1035 consistent with § 155.1040, the Coast Guard has moved to § 155.1035(j) (vessel-specific appendix) the requirement in § 155.1035(c)(1) for the response plan to identify the volumes of cargo that would be involved in the maximum most probable discharge and the worst case discharge. We have revised this provision to require that the response plan also identify the type(s) of oil cargo involved.

A few comments stated that owners or operators should not have to identify responsibilities of named personnel in the plan under proposed § 155.1035(c). Because identifying individual personnel responsibilities is cumbersome and goes beyond OPA 90, these comments suggested using a checkoff sheet.

Section 311(j)(5)(C)(iv) of the FWPCA states that in a response plan, the owner or operator must describe "the response actions of persons on the vessel." Section 155.1035(c) states that an owner or operator must identify the vessel crew's responsibilities by job title for these scenarios: transfer system leak, tank overflow, or suspected cargo tank, fuel tank, or hull leak.

Two comments opposed the requirement in § 155.1035(c) for the response plan to detail crew responsibilities for keeping records on and sampling of spilled products. The comments stated that vessel crews do not presently sample spilled products, and they objected to exposing personnel to safety and health hazards. The comments also noted that spill sampling is a government enforcement responsibility.

Section 155.1035(c) does not require or recommend that the crew take spill samples. We have revised the interim final rule to require owners or operators to identify only those procedures that the vessel already has in place for spill sampling. The interim final rule is also consistent with MARPOL, which recommends that response plans

include crew responsibilities, if any, for recordkeeping and sampling of spilled products.

One comment stated that the plans should include spill mitigation requirements for owners or operators to carry sorbent boom and to train crew members how to deploy the boom. Another comment stated that the onboard equipment requirements should be kept to a minimum. The Coast Guard is developing a separate rule to set out the types and amounts of equipment which must be onboard a vessel.

One comment stated that the vessel owner or operator should maintain the information on the availability, location, and contact numbers for lightering equipment because this information will benefit shore-based personnel more than shipboard personnel. The Coast Guard agrees and has deleted this requirement from §§ 155.1035(c) and 155.1040(d), and added it to §§ 155.1035(e) and 155.1040(f), the list of contacts section of the response plan. If more appropriate, the information may be included in the geographic-specific appendix and referenced in the list of contacts.

Sections 155.1035(d), 155.1040(e), and 155.1045(e) Shore-Based Resources

A number of comments stated that the vessel crew should not be responsible for supervising shore-based resources because their primary goal is to ensure the safety of the crew, vessel, and cargo. These comments recommended that the crew "advise" rather than "supervise" shore-based resources pending the arrival of the qualified individual. Many also argued that it is the Coast Guard's responsibility to remove a spill.

The interim final rule does not require the crew to supervise shore-based operations. We revised the interim final rule to clarify that crew responsibilities for supervising shore-based resources should be identified in the plan only if the owner or operator assigns such responsibilities to the crew. The Coast Guard has also deleted the term "pending arrival of qualified individual" to eliminate the perception that the qualified individual must be on scene. Under section 311 of the FWPCA, the Coast Guard has authority to ensure the effective and immediate removal of a spill, but it remains the owner's or operator's responsibility to remove the spill.

To ensure that the crew is aware of any responsibilities they may have to initiate a response and supervise shore-based resources, the Coast Guard has determined that this information should be kept onboard the vessel. We have deleted the requirement to identify these responsibilities from §§ 155.1035(d), 155.1040(e), and 155.1045(e) and added it to §§ 155.1035(c), 155.1040(d), and 155.1045(d) (shipboard spill mitigation).

Two comments stated that the requirements for shore-based response activities go beyond the scope of the onboard plan and do not need to be carried on the vessel. The Coast Guard agrees and will allow response plans to be divided into shipboard and shore components. The vessel does not have to carry the section on shore-based resources.

Five comments stated that the interim final rule should clarify who sets up the command center because setting up the command center is beyond the facilities and resources available to many independent shipowners. These comments felt that the command center was the Coast Guard's responsibility.

The interim final rule does not require that the vessel owner or operator set up a command center, but a command center may be part of the organizational structure of a response plan. The Coast Guard has determined that the owner or operator should identify the organizational structure that will be used to manage the response actions.

Many comments stated that the Coast Guard should require the use of the Incident Command System (ICS) under the National Interagency Incident Management System (NIIMS). These comments argued that NIIMS would facilitate cleanup efforts by creating a standard management system and allowing the operator to draw upon local community resources. One comment stated that we should not require the use of the NIIMS ICS.

The interim final rule does not require the use of the NIIMS ICS, but vessel owners and operators may choose to use this system or any organizational structure, as long as the response plan identifies the structure and the structure addresses the elements required in the interim final rule.

One comment stated that the number of shore-based management teams should be limited to one per COTP zone and these teams should be ad hoc committees to Area Committees. Some suggested that Federal, State, and private resources should fund the ad hoc committees. The comment rationalized that such a team would be used to working together and could coordinate with the OSC during spills to support area plan process, reduce costs, manage the qualified individual, and increase efficiency.

It is the responsibility of the vessel owners or operators to set up spill management teams. The Coast Guard will not specify the number of teams or fund the teams. The Area Committee membership is limited to members of Federal, State, and local governments. The COTP will determine the types and numbers of subcommittees involved in the Area Committee planning process.

Two comments stated that the requirements to identify oil spill removal organizations and list equipment and supplies in this section of the response plan duplicate the requirements for the geographic-specific appendix and § 155.1050. The comments suggested deleting the provisions under shore-based response activities in §§ 155.1035, 155.1040, and 155.1045 because they are unnecessary.

The Coast Guard agrees the requirements are duplicative and has revised the interim final rule so that a vessel owner or operator needs to identify these resources only in the geographic-specific appendix. We revised the interim final rule by deleting proposed §§ 155.1035(d)(6), 155.1040(e)(5), and 155.1045(e)(5), and by clarifying the existing requirements in §§ 155.1035(i), 155.1040(j), and 155.1045(j). Section 155.1050 is not duplicative because it defines the operating criteria of required response resources.

Some comments also expressed concern about the owner or operator having to identify sufficient resources to staff the oil spill removal organization for seven days. Three comments objected to this provision because owners will not have resources to run a major response for seven days. One comment suggested including this provision in a supplement or annex to a plan to reduce the burden of updating and reapproving the plan each time the personnel identification changes.

The Coast Guard is not requiring the owner or operator to name specific individuals of the oil spill management team or oil spill removal organizations in the response plan. The plan must contain a list with the name and number of the organization(s) that will supply personnel to staff a response for seven days, and the owner or operator must ensure that this organization has adequate resources to staff the response. To clarify the requirements, we now instruct the owner or operator to list the "sources of" trained personnel in the plan. Personnel changes are not "significant," therefore, the Coast Guard does not require the plan to be reapproved if personnel changes occur. However, the owner or operator must update the plan and send the changes in sources to the Coast Guard.

Two comments stated that the Coast Guard should list approved oil spill response organizations in the rule. Other comments stated that the Coast Guard should ensure that resources are available and capable. One comment disagreed with the need for pre-contracting resources.

Under section 311(j)(5), the responsible party must ensure, through contract or other approved means, that sufficient resources are available to respond to a worst case discharge or threat of such a discharge. The Coast Guard is not responsible for securing or listing the services available for the owner or operator. The Coast Guard expects to issue guidance on classification of oil spill removal organizations.

One comment stated that the rule should define "OSC" because the response plan must provide for coordination with that official. Another comment indicated the need for responders to coordinate with other levels of government that have responsibilities during a spill, not just the OSC.

The Coast Guard agrees and has added a definition of "OSC" to the interim final rule. The OSC's responsibilities include coordination with other appropriate government agencies. We have revised the interim final rule to make it clear that the plan must identify the qualified individual's responsibilities for immediate communication with the OSC.

Sections 155.1035(e), 155.1040(f), 155.1045(f) List of Contacts

Two comments disagreed with the requirement to list phone numbers (except for the qualified individual) in a public document because of privacy concerns. The comments suggested that the numbers could be "blacked out" in copies sent to Coast Guard. The Coast Guard disagrees. We believe that the phone numbers are essential to the overall effectiveness of the plan. We are not requiring that the 24-hour contact number be a personal or home phone number.

One comment stated that requiring owners or operators to update their response plan each time the vessel's insurance representative or agent changes is an unreasonable burden. The Coast Guard does not anticipate that keeping current the insurance representatives and vessel agent information will be a large burden. This requirement is consistent with MARPOL Regulation 26 and is generally known by vessel personnel. The Coast Guard will not require that the plan be reapproved whenever that information changes.

One comment disagreed with listing an alternate for the qualified individual because most owners will designate more than one qualified individual. The Coast Guard has determined that identifying an alternate will ensure that a qualified individual is accessible if the primary qualified individual cannot be reached.

One comment stated that Protection and Indemnity (P and I) Clubs publish lists of correspondents who are available to act for and assist shipowners, but it will be difficult for the vessel owner or operator to identify representatives of the individual P and I Clubs.

The proposed rule had a requirement to identify the vessel's P and I Club representative and a separate requirement to identify other applicable insurance representatives. Realizing that a P and I Club is one of many types of insurers, the interim final rule combines these two requirements together. The Coast Guard recognizes that individual P and I Club representatives may not exist for each vessel. In this situation, it would be permissible for an owner or operator to include a listing of the P and I Club organizational contact.

Sections 155.1035 (f) and (g), 155.1040 (g) and (h), and 155.1045 (g) and (h) Drills and Training

Sections 155.1055 and 155.1060 set out specific training and drill requirements. Two comments stated that the requirements for "drills" and "training" in §§ 155.1035, 155.1040, and 155.045 duplicate the requirements in §§ 155.1055 and 155.1060. The requirements in §§ 155.1035 and 155.1040 are not redundant because they only require that drill and training procedures be included in the vessel response plan. Section 155.1045 has unique training and drill requirements that do not reference §§ 155.1055 and 155.1060.

Sections 155.1035(i), 155.1040(j), 155.1045(j) Geographic-Specific Appendices

The Coast Guard has added two provisions to §§ 155.1035(i) and 155.1040(j) to facilitate plan preparation and review. First, as discussed in the preamble discussion of "Sections 155.1035(a) and 155.1040(b)," we have included the requirement for the plan to identify geographic areas covered by the plan. The owner or operator need only list the general area(s) (i.e., port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, or open ocean) in which the vessel intends to handle, store, or transport oil. This allows an owner or operator the flexibility to plan only for those areas of the COTP zone in which the vessel will transit.

Second, the Coast Guard has added a requirement to identify the volume and type of oil on which the required level of response resources are calculated. This information must be included only if it differs from that identified in §§ 155.1035(j) and 155.1040(k). This provision allows the owner or operator to plan only for the quantity of oil actually handled, stored, or transported within the applicable COTP zone.

The Coast Guard received a number of comments on geographic-specific appendices. One comment agreed that plans should contain a geographic-specific appendix because ACPs cannot anticipate all available resources. The appendices should be consistent with ACPs. Another comment expressed concerns that having such an appendix implies that the rule will be applied inconsistently. This comment stated that plans must be consistent within the U.S. and with the international Oil Pollution Emergency Plans (OPEPs).

To ensure consistency among the plans, the Coast Guard will review the plans centrally and will provide COTPs with standard guidance for developing the ACPs.

One comment stated that if a vessel stays in the open ocean, it should not need an appendix. The Coast Guard disagrees. The information contained in the geographic-specific appendix is important for an effective response and for plan review.

One comment stated that developing a geographic-specific appendix is onerous for vessels operating on the spot market. Section 155.1025 allows a vessel a single-voyage exemption to this requirement for vessels making only one voyage to a port.

Three comments stated that some of these requirements duplicate those for shore-based response activities and suggested that they should be deleted. The Coast Guard deleted the duplicate provisions under shore-based response activities and made it clear that the appendix must identify the oil spill removal organizations which will provide the equipment and supplies required in §§ 155.1050, 155.1052, and 155.1054, as applicable.

We added §§ 155.1035(i)(7) and 155.1040(j)(7) to require the owner or operator to list in the appendix the response resources and related information required in the response plan. As an alternative, we added §§ 155.1035(i)(8) and 155.1040(j)(8) to allow owners or operators to identify only the organization(s) and their

applicable classification if the organization(s) have been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel. This alternative may reduce the burden on owners or operators in detailing their response resources. The Coast Guard is currently developing guidance for classifying oil spill removal organizations.

To be consistent with the requirements in §§ 155.1050, 155.1052, and 155.1054, the Coast Guard has added a paragraph to §§ 155.1035(i) and 155.1040(j) requiring the appendix to contain a separate list of identified companies that will provide salvage, vessel firefighting, lightering, and, if applicable, dispersant capabilities.

One comment stated that these appendices will cause plans to be out of date continuously. The Coast Guard requires owners or operators to amend their plan and submit for approval only significant changes to the plan. The appendices should change very infrequently.

One comment opposed requiring owners or operators to identify response resources for every geographic zone. The comment stated that owners or operators should rely on local response contractors who can identify environmentally sensitive locations and describe the best response strategies for these areas. OPA 90 requires owners or operators to plan for any area in which their vessel(s) will handle, store, or transport oil. Further, owners or operators must identify response resources in their plans. The ACP will identify response strategies.

Section 155.1035(j) and 155.1040(k) Vessel-Specific Appendices

One comment stated that the requirement under vessel-specific information for vessels to maintain damage stability data conflicts with the option for either the shore-based personnel or vessel personnel to maintain the data. We have revised the requirements to allow owners or operators to maintain the damage stability data apart from the plan if the plan identifies the location of the data.

Two comments opposed identifying the location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo and fuel aboard the vessel. The interim final rule allows vessels to use Material Safety Data Sheets (MSDSs) to meet this requirement. Some stated that vessels do not usually carry MSDSs for fuel because its hazards are well-understood. Other comments stated that safety data sheets are not available for physical, chemical characteristics, or health and safety hazards for different crudes. Those comments proposed referencing the International Safety Guide for Oil Tankers and Terminals (ISGOTT) by OCIMF and requiring the cargo owner to supply the information on the cargo or fuel before it is taken aboard.

Vessels already are required under 33 CFR 155.750 to carry information on their cargo. Sections 155.1035(j) and 155.1040(k) will ensure that a plan user will know where to find this information. The Coast Guard has revised the interim final rule by deleting the requirement for owners or operators to identify this information for fuel. The interim final rule requires the plan to state only the location of this information for the oil cargo and the location of the cargo and fuel stowage plan. ISGOTT does not provide the detail of cargo information necessary to satisfy this requirement.

Section 155.1040 Requirements for Unmanned Tank Barges

Most comments supported requiring the barge to carry a checklist with emergency information. However, a few stated that towing vessels should also carry plans or written information for each barge they tow to facilitate access to those plans in the event of a spill. Others opposed dividing the plans for unmanned barges into a two part format because first responders would need access to the entire plan.

The Coast Guard has determined that requiring the towing vessel to carry individual plans for each barge it may tow is unreasonably burdensome. The owner or operator of the barge must inform the towing vessel operator of the plan location and any responsibilities the towing vessel operator may have under the plan. These plans are intended for use by the towing vessel's crew and spill management team, who will coordinate with the first responders.

A few comments objected to the requirements for barges to provide damage stability, emergency towing, and salvage plans. Others said that barges should not have to maintain a barge diagram or create lines plans or tables of offsets for the response plan.

The interim final rule requires the vessel owner or operator to provide emergency towing plans, damage stability information, lines plans, or tables of offsets only if they are available. If these documents already exist, the plan must reference the existing manual and note where the manual is located. The Coast Guard has determined that a tank barge plan must state the location of general arrangement plans, midship section plans, and tank tables. The Coast Guard revised § 155.1040 to make these requirements clear.

Three comments stated that a barge plan should not have to identify lightering resources because of the cost to barge owners or operators. One comment indicated that barges already have transfer procedures and these should not be repeated in the vessel response plans.

The Coast Guard has determined that barge owners or operators need to identify lightering resources because barges pose a risk to the environment similar to tankers. The response plan may reference any existing vessel transfer procedure that meets the requirements of the interim final rule. We have deleted the requirement for barges to follow the OCIMF Guide because the Guide does not specifically address barge operations.

One comment stated that the requirement to identify procedures for certain casualties was too cumbersome, and the circumstances, not the type of casualty, will ultimately dictate appropriate procedures. The Coast Guard recognizes that the incident circumstances will ultimately dictate appropriate response, but it has determined that identifying procedures for responding to various casualties is an important planning tool.

One comment opposes any implication in the interim final rule that the tankerman may have responsibility to mitigate spills because the barge owner or operator is the responsible party. Under 46 CFR 35.35, the tankerman is the person in charge of an unmanned barge during a transfer operation; and in an emergency, the tankerman must judge and pursue the most effective action to rectify the conditions causing the emergency. However, the barge owner or operator remains the responsible party.

One comment stated the requirement in proposed § 155.1040(e)(1) to identify the responsibilities of the towing vessel's crew duplicates the requirements under spill mitigation. The Coast Guard has moved the requirement for identifying crew responsibilities from § 155.1040(e)(1) to § 155.1040(d)(8). Section 155.1040(d)(8) states that the responsibilities need to be identified only if the vessel owner or operator requires the towing vessel crew to take action under the plan during a response.

We have revised § 155.1040(k)(2) to require that the response plan also identify the type(s) of oil cargo in

addition to the volumes of oil cargo involved in the maximum most probable discharge and worst case discharge.

Section 155.1045 Requirements for Vessels Carrying Oil As a Secondary Cargo

A number of comments disagreed with using 50% of the fuel capacity plus the cargo tank volume to derive the cargo volume for which an owner or operator must plan. Most comments said that 25% of the fuel capacity is a more appropriate amount to use for this calculation.

Based on the data these comments presented, the Coast Guard agrees. Based on an evaluation of actual transfer data, we changed paragraph 155.1045(a). For vessels that transfer a portion of their fuel as cargo, 25% of the fuel capacity of the vessel plus the capacity of any cargo tank(s) will be assumed to be the cargo volume for determining applicable response plan requirements, unless the vessel owner or operator indicates otherwise. If the actual volume transferred is greater than 25%, the interim final rule requires the owner or operator to plan for the greater volume. A vessel owner or operator may use a volume less than 25% if the owner or operator submits historical data showing that the vessel transfers a lower percentage of its fuel capacity as cargo between refuelings.

A number of comments addressed the issue of non-contractual written agreements with shore-based responders. Some opposed non-contractual written agreements, recognizing that contractors need incentive to maintain and improve their response capability. These comments stated that an owner or operator should not have to obtain letters of consent because the owner or operator already must provide a list of contractors in the response plan.

OPA 90 specifically requires owners or operators to identify and ensure the availability of response resources through contract or other approved means. The Coast Guard has determined that for secondary carriers, a written letter of consent constitutes "other approved means" to ensure the availability of the response resources. The interim final rule does not preclude these vessel owners or operators from contracting for these resources. (See the preamble discussion on the definition of "contract or other approved means" for further information.)

In proposed § 155.1045(j)(3), the Coast Guard required that response plans for vessels carrying oil as a secondary cargo list the required response resources. We have revised § 155.1045(j)(3) to require that the geographic-specific appendix list the oil spill removal organizations available to respond to the vessel's worst case discharge. The identified oil spill removal organizations must be capable of commencing oil spill containment and on-water recovery within the tier 1 response times.

One comment opposed requiring refresher training because already trained individuals would have to drill even if the individuals were not assigned to a vessel. Other comments argued that maintaining training records on the vessel imposes an undue burden on the vessel crew and only a logbook should be required onboard.

The interim final rule requires refresher training only as necessary. We have revised the interim final rule by adding a provision that allows the owner or operator to count documented work experience toward training. Only individuals onboard the vessel at the time of a drill must participate in the drill. We also have revised the interim final rule so that drill records may be maintained on the vessel, at the U.S. location of the spill management team, or with the qualified individual. However, the plan must specify the location of the records.

Paragraph 155.1045(i) of the proposed rule discusses the procedures for plan review and update. The Coast Guard has determined it appropriate to expand this paragraph in the interim final rule and include a new provision for revising the plan to address deficiencies identified by the Coast Guard. A provision has also been added to provide an appeals process for owners or operators. The title of this paragraph has been renamed "Plan revision, update, and appeal procedures."

The Coast Guard has revised paragraph (i) to require resubmission of the plan for approval 6 months before the end of the Coast Guard approval period. This replaces the proposed requirement for resubmission exactly five years from date of approval. The Coast Guard has also revised this paragraph to require, under certain circumstances, a resubmission of the plan when there is a change in the owner or operator of the vessel.

Section 155.1050 Response Plan Development and Evaluation Criteria for Vessels Carrying Groups I Through IV Petroleum Oil as a Primary Cargo

The Coast Guard has renamed this section and made many changes to the text to limit § 155.1050 to vessels that carry group I through IV petroleum oil as a primary cargo. We have done this to account for the new sections §§ 155.1052 and 155.1054, which address primary carriers of new group V petroleum oil and non-petroleum oils respectively. Some comments questioned whether § 155.1050 applied to vessels that carry oil as a secondary cargo. Only portions of § 155.1050 apply to secondary carriers, and these portions are specifically referenced in § 155.1045(j).

Section 155.1050(a)

This paragraph directs the vessel owner or operator to use specific criteria to evaluate the operability of response resources identified in a response plan under certain conditions. Six comments were received on this paragraph and the corresponding section in appendix B. Two comments requested that we make it clear that owners or operators should use the referenced criteria only for planning purposes and should not consider the criteria as limitations on the equipment used during a response.

Evaluating equipment under § 155.1050(a) is intended only to identify that equipment which the owner or operator expects to operate in the significant wave heights in Table 1. It does not restrict certain equipment to the geographic areas specified in the plan. Paragraph (a)(1)(ii) of the interim final rule has been modified to reflect better the intended use of the criteria.

For evaluating equipment, one comment recommended that we consider the categories of calm water, protected water, and open water as used in the "World Catalog of Oil Spill Response Products—Third Edition" instead of the geographic-based criteria. ASTM is also considering this approach The Coast Guard has determined that the World Catalog approach is burdensome because it would require all bodies of water to be evaluated before the owner or operator would know what type equipment would be required. The classification based on the four geographic areas (ocean, inland, river, Great Lakes) sets a baseline that an owner or operator can use without additional action. The procedures that allow the COTP to reclassify specified bodies of water using significant wave height frequency will address variations in conditions similar to those addressed by the World Catalog.

Section 155.1050(b)

Six comments addressed the criteria included in paragraph (a)(3) of the NPRM for the COTP to reclassify a body of water to a more or less stringent operating environment that better reflects the local conditions. These comments requested that we clarify the process for reclassifying bodies of water;

how affected interests would be notified and involved in the process; and when the reclassifications might happen. One comment requested that we reclassify Prince William Sound from "inland" to "ocean."

To make this provision clear in the interim final rule, we have included this provision in a renumbered paragraph (b). (Note: Because we have added a new paragraph to § 155.1050, proposed paragraphs (b) through (p) have been renumbered as paragraphs (c) through (q) in the interim final rule. The preamble discussion will refer to the paragraphs as numbered in the interim final rule.)

Paragraph (b) allows the COTP to evaluate bodies of water using historical data available from the National Weather Service, port authorities, or other sources, and reclassify a body of water or any portion of a body of water. The COTP will give information to potentially affected entities by including the reclassification in the area contingency plan, by responding to specific inquiries, and by informing the maritime community through appropriate local methods.

Four comments offered alternative percentages to the criteria included in the proposed rule. Some suggested using the more stringent operating environment if prevailing wave heights exceeded the significant wave height criteria in Table 1 for more than 5 percent of the year. Others wanted the COTP to reclassify a less stringent operating environment if the prevailing wave heights were less than the significant wave height criteria in Table 1 for more than 65 percent of the year. Some comments were confused about how the COTP would reclassify a body of water from a stringent operating environment to a less stringent operating environment.

The Coast Guard has retained the percentages from the proposed rule. The 35 percent threshold provides balance between anticipated area environmental conditions and equipment available to operate in those conditions. Setting a lower threshold would require new areas to stockpile equipment with the capability of operating in unlikely conditions.

Regarding reclassification to a less stringent operating environment, a COTP could reclassify an area only if the significant wave heights in the area do not exceed the wave heights for a less stringent operating environment for more than 35 percent of the year. For example, to reclassify a body of water from ocean to inland, the significant wave heights in the body of water could not exceed 3 feet over 35 percent of the year. The COTP would use a similar approach in reclassifying an area to a more stringent environment.

Note also that any COTP reclassification of a body of water affects only the type of equipment that an owner or operator must identify in a plan for a given area in which a vessel may operate, and does not affect the other planning criteria.

Section 155.1050(c)

This new paragraph includes the proposed requirement for an owner or operator to identify only that equipment in a response plan meeting the specific design criteria included in Table 1 of appendix B. The identified equipment must be capable of functioning in the applicable operating environment. The Coast Guard received one comment on this paragraph. This comment requested we make it clear that Table 1 of appendix B criteria are used for planning and not equipment operations. The Coast Guard agrees and has deleted the reference to "operating" in subparagraph (c)(1) of the interim final rule.

A new requirement has been added to new paragraph (c) of the interim final rule requiring response equipment to be appropriate for the petroleum oil carried. "Appropriate" in this paragraph means the response equipment identified must be capable of performing its assigned task and not be in violation of any existing regulations. For example, any certificated recovery vessel identified for credit in the vessel response plan, must be certificated for recovery of the grade of oil spilled. This requirement was contained in § 155.1050(e)(2)(3) of the proposed rule, and has been moved to paragraph (c) to consolidate the discussion of response equipment in one location and to make it applicable to all spill scenarios.

Section 155.1050(d)

This paragraph requires an owner or operator of a vessel carrying oil as a primary cargo to identify resources for a response to the average most probable discharge (50 barrels) at the point of an oil transfer. We received twenty comments on this paragraph and the corresponding section in appendix B. Five comments supported the requirement as proposed. Three comments opposed the requirement arguing, among other things, that the cost to comply was unreasonable, that providing resources in remote areas was difficult, and that addressing a discharge other than a worst case discharge was beyond our authority under OPA 90.

One comment argued that planning for an average most probable discharge should not be subject to the statutory deadlines in OPA 90 because planning for anything less than the worst case discharge goes beyond the OPA 90 mandate. The deadline for complying remains the same in the interim final rule as in the proposed rule. Applying the same implementation dates for the worst case discharge and the average most probable discharge reduces the burden on the marine transportation industry to comply with the requirements of this interim final rule. Having different implementation dates would add to the burden by requiring multiple submission dates for plan components. See the preamble discussion under "Discussion of general issues" for Coast Guard authority to require planning for an average most probable discharge.

The Coast Guard received seven comments concerning subparagraph (d)(1) requirements for containment boom, oil recovery devices, and temporary storage capacity to be available at or near the point of oil transfer within specified time frames. One comment recommended excluding transfers of non-persistent oils from this requirement because the characteristics of these oils may hamper oil containment and recovery. The Coast Guard disagrees. When discharged, non-persistent oils tend to dissipate more rapidly than persistent oils, but in many instances, spills of such products can be contained and recovered. Even if the containment equipment is not used for recovering the spilled product, responders could use the boom to protect sensitive areas or to minimize the spread of the product.

One comment stated that subparagraph (d)(1) does not apply to unmanned barges. This is incorrect. The provision applies to all vessels carrying groups I through IV petroleum oil as a primary cargo, including unmanned tank barges. Subparagraph (d)(1) also applies to transfers of oil from a barge or tanker to another vessel for use as fuel because the fuel is "cargo" for the delivering vessel.

One comment indicated that it might be impossible to meet the proposed response times on inland rivers. The Coast Guard believes that compliance will be the same in inland rivers as in other areas of the country. Therefore, we have not changed the requirement in the interim final rule.

Two comments indicated that it was unclear how long it could be for the necessary containment boom to be on scene and recommended one hour be used. The Coast Guard agrees and has

modified subparagraph (d)(1)(i) in the interim final rule to state that an owner or operator must plan for deploying the containment boom at the site of oil transfer operations within one hour of detection of an oil discharge. The equipment must be sited to meet this criteria.

Three comments were received concerning equipment sharing by multiple vessels in a lightering area as proposed in subparagraph (d)(2). Two comments asked that this provision be extended to multiple vessels moored at a common facility and one comment asked whether equipment could be staged to cover transfers involving vessels at nearby facilities. The Coast Guard has modified the language in the interim final rule to permit the use of common equipment for any location with multiple vessel transfers, whether at a facility or in a lightering area. The purpose of the requirement is to ensure that the equipment is available and deployable at the point of oil transfer within the indicated times. If the equipment is located so that it can arrive within those times, then the planning criteria have been met.

Eight comments were received concerning proposed subparagraph (c)(3) that authorizes a vessel owner or operator to contract with a facility to provide the average most probable discharge response capability. Four comments indicated that the facility, not the vessel, involved in the transfer should be required to provide the response capability. Three comments also supported this, further noting that response resources were limited on the inland river system and the facility at which the transfer occurs should provide the average most probable capability. One comment supported the requirement as proposed, noting that many facilities are not equipped to provide this capability, but should be able to contract with a vessel.

The Coast Guard considered these comments. In the interim final rule, we are not requiring the owner or operator of a vessel conducting transfer operations at a facility required to submit a response plan under 33 CFR 154.1017 to identify and ensure the availability of response resources to respond to an average most probable discharge. The Coast Guard has determined that it is not necessary to require both the facility and vessel owners or operators to plan for resources to respond to an average most probable discharge. Requiring the facility to plan for and ensure the availability of these resources is consistent with 33 CFR 154.545, which already requires facilities to have access to discharge containment equipment to control an oil discharge from operations from that facility. If the facility has identified these response resources, the Coast Guard believes that they will be readily available to respond to an average most probable discharge from the vessel occurring during transfer operations.

Section 155.1050(e)

This paragraph addresses the requirements for the vessel response plan to identify the response resources to prepare for the maximum most probable discharge (MMPD) (2500 barrels or 10% of the cargo capacity, whichever is less). Fifty-nine comments were received on this paragraph and the corresponding section appendix B. Two comments supported the requirement as proposed.

Three comments opposed the requirement arguing, among other things, that the cost to comply was unreasonable, providing resources in remote areas was difficult, and addressing a discharge other than a worst case discharge was beyond our authority under OPA 90. See the preamble discussion of these issues under "Section 155.1050(c)" and "Discussion of general issues."

Two comments specifically opposed applying the requirement in remote areas of Alaska and the islands in the Pacific. For reasons stated earlier in the preamble discussion of "Discussion of general issues," the Coast Guard made no changes to the interim final rule to address remote areas.

One comment asked whether the owner or operator needed to identify and ensure separate resources to respond to a maximum most probable discharge and a worst case discharge. Response resources identified in a response plan must reflect a continuum in capability to respond to anything from minor operational discharges up to worst case discharges. With the exception of the Great Lakes, the response times for the maximum most probable discharge are the same as those for a tier 1 worst case discharge. Therefore, the Coast Guard does not require an owner or operator to identify separate resources for a maximum most probable discharge and a worst case discharge, unless the identified tier 1 oil spill removal organization is limited by charter or contractual agreement to responding to discharges that exceed the owner's or operator's MMPD planning volume.

On the Great Lakes, the response times for a MMPD are less than those for a tier 1 worst case discharge (WCD). The owner or operator will have to take into consideration the different response times when identifying resources for a MMPD and a WCD.

Nineteen comments addressed the response times in subparagraph (e)(1). Of these, many recommended that the times be reduced to periods ranging from 2 hours to 6 hours in higher volume port areas and 12 hours in all other areas. Others supported the times as proposed. Except for the open ocean, the Coast Guard has retained the times as proposed. The response times represent the maximum time needed for resources to arrive on scene at the farthest distance from port in the geographic planning area. The closer a vessel is operating to a port, the quicker the response resources should arrive on scene.

We received four comments on the open ocean response times. One comment believed that on-water recovery capability should not be required in the open ocean, eliminating the need for a response time. One comment supported the time as proposed, and one comment believed that travel time to the open ocean should be measured from shore and not from 50 miles offshore.

The Coast Guard has revised the interim final rule to indicate that the response time for open ocean areas will be 24 hours plus travel time from shore. This travel time is measured from the closest shoreline area; not the closest port, effectively adding 5–10 hours (depending on travel speed assumptions) to the response times in these areas. This change should further increase the incentive for vessel owners to operate their vessels greater than 50 miles from shore.

Seven comments stated that the Great Lakes should be treated like all other water bodies and allowed a 24-hour maximum response time for the MMPD because the spill history and oil traffic in the Great Lakes is completely different from that in higher volume port areas. The Coast Guard disagrees and retained the 12-hour requirement for response to a maximum most probable discharge. The Great Lakes are unique, self-contained, bodies of fresh water especially vulnerable to spills. Because spills occur infrequently, it is especially important that the response capability be available to respond rapidly. The maximum most probable discharge response capability provides a base capability that can be deployed rapidly to the scene of a discharge to mitigate its effects.

One comment asked that we make it clear that the response time clock starts to run when the responsible party discovers the discharge and not a third

party. Another comment asked that the response time be measured from the notification of the response resources, not from discovery of the discharge.

We did not change the proposed requirement that for planning, the response time clock starts at discovery of a spill by a person with responsibility under the plan to initiate notice and to mobilize resources. To encourage planners to incorporate provisions in the plan for rapid notice, discovery is the baseline for measuring response times. During the planning and resource identification process, owners or operators must factor in the time necessary to notify the identified oil spill removal organizations.

Two comments stated that requiring the response plan to include specific information on the oil recovery devices identified for response plan credit is burdensome. The Coast Guard believes that this information is necessary for plan review. As discussed under "General Issues," the Coast Guard is considering classifying oil spill removal organizations to minimize the burden on owners or operators.

The Coast Guard received thirty-nine comments concerning the condition in subparagraph (e)(5) for the MMPD response resources to remain prepositioned in an area, unless the COTP approves moving the identified response resources to the scene of another spill outside the area. One comment stated that the response plan should remain valid only if the owner or operator identified and ensured other sources of response capability to replace the released resources.

Thirty-five comments were concerned with the vessel owner's or operator's potential liability if the Coast Guard "directed" response resources to another spill, and some requested that we make it clear that a vessel owner or operator would not have additional liability under OPA 90 if the response was delayed because the COTP approved resources for use in another spill. One comment challenged the COTP's authority to disapprove the movement of private equipment. Three comments also asked that we require the COTP to identify public and private resources available when the COTP "approves" moving response resources.

The Coast Guard modified subparagraph (e)(5) in the interim final rule to address these concerns. The required resources must be capable of meeting the planned arrival times in subparagraph (e)(1) of this section, but the resources may be located in an adjacent COTP zone. Our intention in requiring the COTP to "approve" the mobilization of equipment to another spill was to keep the COTP apprised of the port's overall readiness and ability to respond to discharges; it was not intended to control the movement of equipment. We have made this clear by changing the interim final rule to require that the COTP be "notified" whenever the identified response resources are not capable of meeting planned arrival times.

If the COTP is notified, a vessel response plan will remain valid. The Coast Guard will not require a vessel owner or operator to identify alternate sources of response resources. However, it may be prudent for a vessel owner or operator to plan for alternate sources of spill response capability with a response resource identified in the plan. We cannot exclude owners or operators from their statutory responsibility to clean up a spill or from potential liability if their identified resources are unavailable.

Section 155.1050(f)

This paragraph requires response plans to identify and ensure the availability, through contract or other approved means, of resources necessary to respond to the worst case discharge volume of the oil cargo to the maximum extent practicable.

Three comments supported the general approach for determining equipment requirements for responding to a worst case discharge. Nine comments argued that there is no precedent for a worst case discharge and therefore it is unnecessary to plan for one. Numerous comments suggested that the vessel response plan should plan for cleaning up a "maximum most probable spill" rather than the worst case discharge. One comment suggested that a most likely spill scenario of ⅓ the dead weight tonnage would be reasonable. Another comment recommended that all planning factors in appendix B be revised down because the discharge will not be instantaneous.

Six comments recommended that the Coast Guard give various types of credit against response capability required for a worst case discharge. For example, five comments recommended that up to a 50% credit be given for double hulls. One comment recommended that credit should be given for all preventative measures, not just double hulls.

As amended by OPA 90, section 311(j)(5)(C) of the FWPCA requires an owner or operator to prepare and submit a plan that identifies and ensures the availability of, by contract or other approved means, private personnel and equipment necessary to remove, to the maximum extent practicable, a worst case discharge. A worst case discharge is defined as "a discharge in adverse weather of a vessel's entire cargo."

The Coast Guard acknowledges that there are many valuable actions and measures that can be taken that reduce the likelihood of an accident occurring, or that potentially reduce the volume of oil that may be spilled after a grounding or collision. These include double hulls, measures to improve navigation, and measures to reduce human error such as training and manning procedures. However, it is difficult to quantify the benefit of these measures, and they do not guarantee that a worst case discharge will not still occur. Therefore it is still necessary to plan for a worst case discharge. and to identify adequate spill response resources. Under certain conditions, the Coast Guard will grant credit against on-water recovery capability for dispersants, effectively replacing oil-recovery equipment (skimmers, containment, and temporary oil storage) with a mitigating technology (dispersants). Applying the credit will not diminish the on-water spill recovery capability.

One comment suggested that vessels planning for the Great Lakes area should receive credit against required response capability because most major spills on the Great Lakes have historically occurred in locks where containment equipment already exists. The Coast Guard does not agree with this recommendation. Although a lock may provide a high level of oil spill containment, a vessel spends a relatively short transit time inside a lock. The probability of a spill occurring while the vessel is outside of a lock is much greater, and therefore it would be inappropriate to rely on locks for oil spill containment.

One comment specifically asked if the resources required by § 155.1050(f) have to be retained within the applicable geographic area. There is no requirement that the equipment identified in a vessel response plan to respond to a worst case discharge must remain within the geographic area. The resources necessary to respond to a worst case discharge must be located to meet the response times for the applicable geographic area(s).

Twelve comments recommended that the rule direct the owner or operator to plan for nearshore spills. Several comments suggested that an owner or operator plan for spill response equipment capable of operating in 6 to 12 feet of water. The Coast Guard agrees and has added a new subparagraph to § 155.1050(f) describing the requirements for close-to-shore response activities in shallow water. The amount of equipment required to be capable of

operating in waters of 6 feet or less diminishes as the distance from shore increases. The requirement reflects that for open ocean spills, there will usually be time to obtain oil spill recovery equipment with shallow water capability before the spill arrives in shallow water.

For higher volume ports, one comment recommended oil spill removal capability of 20,000 bbl per day on vessels capable of operating in 12 feet of water or less. The Coast Guard did not adopt this recommendation because it is excessive for this planning area and inconsistent with the response capability caps.

One comment recommended that the planning criteria for a worst case discharge should not apply to chemical tankers carrying less than 5,000 metric tons of petroleum oil as cargo because these tankers are typically double-hulled and highly subdivided with small cargo tanks. The comment argued alternatively that if owners or operators were required to plan for these tankers, the vessel response plan should be deferred until the rules for hazardous substances are developed. The statute is explicit that chemical tankers carrying oil in bulk as cargo must prepare and submit a vessel response plan under the requirements of this interim final rule.

One comment recommended that we exempt vessels carrying non-persistent edible oil from the planning requirements for a worst case discharge because these vessels do not pose a significant threat to the environment. The Coast Guard disagrees that non-persistent petroleum oils do not pose a significant threat to the environment.

One comment suggested that vessels carrying edible oils should be subject to reduced requirements because edible oils pose less relative risks to the environment. The Coast Guard disagrees. There is insufficient data to support a finding that a spill of a large quantity of edible oil will have less adverse impact on the environment than a spill of other kinds of oil. A new section has been added to the interim final rule in recognition of the unique characteristics of non-petroleum oils. Section 155.1054 specifies the response plan development and evaluation criteria for vessels carrying non-petroleum oils as a primary cargo.

One comment asked that we clarify the circumstances in which an owner or operator can ensure the availability of resources necessary to respond to a worst case discharge with written consent from a response organization.

We have revised the definition of "contract or other approved means" in § 155.1020 to indicate clearly that written consent of an oil spill removal organization is an acceptable alternative under the 9 situations described in § 155.1020.

Section 155.1050(g)

This paragraph sets out three tiers of response times for the worst case discharge response resources to arrive on scene. Tiering resources allows the owner or operator to identify resources outside the geographic area to meet the requirements.

Three comments supported the response times and the tiering of equipment. Six comments argued that the response times were too long. Most comments recommended that all geographic-specific response times be reduced by half. One comment requested clarification and rationale for the response time frames.

The Coast Guard does not concur with the recommendations to decrease the response times. The response times, although not specifically recommended by the Committee, are based largely on discussions of the Committee. It must be possible to have the required response equipment arrive on scene within the stated response times, and these times take into account the outermost boundaries of the applicable area. For locations closer to shore within the applicable area, the achievable response time may be less than the required response time.

The Coast Guard believes that the response times are appropriate because they represent the planned arrival time at the outermost boundaries of the applicable area and recognize the need to cascade additional equipment as time progresses.

For example, in a higher volume port area, the equipment required for tier 1 must be capable of arriving on scene within 12 hours at a location 50 miles seaward of the entrance to the higher volume port. For a vessel operating in the offshore area (12 to 50 miles from the shore), the equipment required for tier 1 must be capable of arriving on scene at the most distant point of this zone in which the vessel plans to transit, within 24 hours of discovery of a discharge. Resources for tiers 2 and 3 must be capable of arriving in 24-hour increments. This approach ensures a steady stream of spill response resources arriving during the first 3 days of the spill when oil recovery is most likely. The 24-hour interval permits resources to cascade in from increasingly distant locations.

One comment recommended a 6-hour response time for rivers and the nearshore area. Another comment recommended that rivers should have shorter response times because longer response times may result in the progression of oil into drinking water intakes.

Six comments stated that a worst case discharge would not be instantaneous, and therefore the required clean up resources could be planned for over a 30 day period (the vessel response plan has a 3 to 10 day planning window). One comment further argued that because the worst case discharge would not be instantaneous, response times should be directly related to the size of the vessel. One comment stated that historically less than 30% of tanker capacity is instantaneously discharged. Numerous comments noted that the tiered response times for the worst case discharge ignored the Committee's recommendation that the Coast Guard consider that a worst case discharge from any vessel is likely to occur over time and not instantaneously.

There is historical precedent for the near instantaneous discharge of a vessel's entire cargo. However, the Coast Guard acknowledges that a worst case discharge is more likely to occur over time, and has established the response tiers accordingly. The Committee recognized the importance of early equipment arrival at the scene of a discharge and recommended that equipment mobilization occur within the first 3 days of a discharge when oil recovery is most likely. The tiered response times accomplishes this Committee recommendation and requires the vessel owner or operator to plan for the early arrival of equipment.

Two comments recommended that the tiered response times should be measured from notification instead of discovery of the discharge, and one argued that the response times should be increased by 30 minutes to allow for notification. The Coast Guard believes that measuring the response times from the time of discovery will encourage owners or operators to establish expedient spill reporting procedures. The Coast Guard does not agree with the recommendation that the response time tiers should be increased to take into consideration the 30 minutes allowed for notification, because we have already factored the time required for notification and mobilization into the tiered response times.

One comment recommended that owners or operators should be able to calculate the travel time for open ocean response resources from shore rather than from a point 50 miles from shore. The comment argued that this would encourage vessels to stay fifty miles or more offshore and, therefore minimize potential harm to the shoreline from an

oil spill. The Coast Guard concurs and has revised § 155.1050(e), § 155.1050(g), and section 7.2.3 of appendix B to allow greater travel time for open ocean response resources.

One comment stated that the term "tier" has a different meaning in certain industry publications, and suggested that we use a different term in § 155.1050 to avoid confusion. The Coast Guard believes that no confusion exists within the context of this regulation and has not changed the interim final rule. We are establishing a consistent national standard and believe that adjusting terms to accommodate specific publications would create greater confusion in the interim final rule.

In the proposed rule, the Coast Guard solicited comments on whether to grant credit for the early arrival of oil recovery devices and other response equipment when determining overall capability required to be planned for. Four comments were received. Three comments stated that we should grant credit for the early arrival of equipment, but their proposed methodologies were either too general or would increase greatly the complexity in calculating required equipment. In the absence of a workable recommendation, the Coast Guard has decided not to recognize or give credit for the early arrival on-scene of oil recovery devices.

Response time tiers were the source of confusion for readers of the NPRM. The tiered response times in § 155.1050(g) apply only to the boom, oil recovery devices, and storage capacity identified for responding to a worst case discharge. The response time tiers do not apply to dispersants, salvage and firefighting resources, shoreline protection or cleanup resources, or any other types of oil spill recovery equipment or supplies. The Coast Guard has amended § 155.1050 to clarify these points.

Section 155.1050(h)

This paragraph identifies 14 areas designated as higher volume port areas. The Coast Guard selected these areas based on a weighted index of oil volumes and vessel traffic.

One comment requested clarification on how the area 50 nautical miles seaward of the entrance will be measured. The distance is measured as an arc from the entrance(s) to the higher volume port area. For most higher volume port areas, this distance will be measured from the appropriate COLREG demarcation, entrance buoy, or natural entrance into the port. For Prince William Sound, this distance would be measured from Seal Rock to be consistent with the definition of the Sound in subpart E.

Section 155.1050(h) also has been revised to accommodate those higher volume port areas with multiple entrances from the sea. In these areas, an owner or operator must plan for multiple 50 nautical mile entrance arcs.

One comment stated that certain parts of the Sacramento and Delaware Rivers extend far upstream into areas that, although still navigable, do not experience high volumes of traffic. The Coast Guard agrees with this observation and has amended § 155.1050(h) to create upstream boundaries for both these higher volume port areas. In redefining the description for the port of San Francisco and adjacent high volume traffic areas, we deleted the Sacramento River and replaced it with a more representative description of the higher volume port area. The Coast Guard established these upstream boundaries in consultation with the local COTPs and based the boundaries on observed traffic volumes and the location of primary shore-based facilities.

One comment observed that in the geographic boundary of the proposed higher volume port area of the Strait of Juan De Fuca and Puget Sound, WA, response equipment could not arrive at a point 50 miles seaward from the entrance to the Strait within the planning response times for a higher volume port area. The comment recommended that the geographic point from which 50 miles seaward is measured be the pilot station off Port Angeles, WA. The Coast Guard concurs with this recommendation and has revised § 155.1050(h) to make Port Angeles, WA the reference point for measuring the 50 nautical mile seaward arc for the Strait. We did this by revising the geographic description of the higher volume port area.

This change reflects the unique geography of the Strait of Juan De Fuca, including the lack of deep water ports in the western portion of the Strait and the practical limits on the transit speed of dedicated response vessels. Further, this designation is consistent with the designation of Port Angeles as the point at which State pilotage is required.

One comment observed that although the Louisiana Offshore Oil Port (LOOP) was not designated as a higher volume port area in the proposed rule, LOOP was indirectly captured as a higher volume port area because it is within the 50-mile seaward radius of the Mississippi River higher volume port area. The comment recommended that LOOP be exempted from the increased planning standards for higher volume port areas. The Coast Guard concurs with this recommendation and has amended § 155.1050(h)(6) accordingly.

Two comments recommended designating Cook Inlet, AK as a higher volume port area based on the environmental sensitivity, tidal range, ice, currents, and other risks in that area. One comment noted that the designation of higher volume ports ignored the issue of environmental sensitivity. That comment also recommended that the ACPs have the responsibility for determining response capability. For a uniform national standard, the Coast Guard continues to believe that the overall volume of shipped oil—and not environmental sensitivity—is the best indicator of those areas requiring an enhanced standard for response equipment. The ACPs may contain additional strategies based on unique local considerations, including environmental sensitivity.

One comment recommended that we designate the Florida Straits as a higher volume port area because virtually all the oil transported to or from seven of the fifteen identified higher volume port areas will transit within 50 miles of the environmentally sensitive Florida Straits. The Coast Guard does not have the data to support or refute this recommendation, and the comment does not supply a source for this assertion. The Coast Guard is conducting a study to determine if there is a need to establish Tanker Exclusion Zones (TEZs) in various areas, including the Florida Straits. In a TEZ, tankers must remain a predetermined distance offshore from environmentally sensitive areas.

Ten comments recommended that the Great Lakes should not be considered a higher volume port area. The Great Lakes are not a higher volume port area under these rules. The Great Lakes response times are based on considerations different from those used in determining the higher volume port areas. The response times for the Great Lakes have been revised as previously discussed in the preamble.

Section 155.1050 (i) and (j)

These sections describe the notification and mobilization criteria for tier 1, 2, and 3 resources. One comment asked that we require that all tier 1 resources to be "capable" of being mobilized within 2 hours after notification, but not require all to arrive on scene in the initial stages of a response. For example, an owner or operator must plan to mobilize temporary storage resources within 2 hours, but may not need them on scene until oil recovery has started. The Coast

Guard believes that the interim final rule as written is clear.

One comment stated that we should not require the same response for a threat of a spill as for a worst case discharge, and recommended deleting the phrase "* * * or substantial threat of discharge." The Coast Guard disagrees. The statute directs owners or operators to plan for "a worst case discharge or a substantial threat of such a discharge," and does not provide for reduced planning requirements for situations involving the substantial threat of a discharge.

Section 155.1050(k)

In the NPRM, we proposed requiring vessels carrying group II or III persistent oils as a primary cargo in offshore and open ocean areas to identify and ensure, through contract or other approved means, the availability of resources to apply dispersants. The NPRM also required the resources to be capable of arriving at the scene of a discharge within 24 hours.

We received a total of 68 comments on these proposed requirements. Most of the comments opposed the requirement to contract for dispersant capability in advance. The concerns ranged from the high cost of providing the necessary capability with no assurance of approval for use; the lack of existing capability to provide the volumes of dispersants proposed; the inability to meet the required response times in remote areas; and the general uncertainty of receiving approval for the use of dispersants during a spill response.

One comment supported the use of dispersants as a high-rate response strategy, essential during a response to a worst case discharge volume. Four comments supported planning for dispersant use, but opposed any requirement for contracting for capability until the decision making process under the National Contingency Plan was revised to improve the likelihood of approval for use. Twenty comments supported contracting for dispersant use only after pre-approval is received for an area. As discussed below, the Coast Guard has deleted the general requirement for vessels to contract for dispersant capability.

Twelve comments addressed the issue of credits for dispersants against response plan on-water oil recovery capacity requirements. Five comments supported the ability to receive a credit for dispersant capability in pre-approved areas. Three comments believed that any vessel that contracts for dispersant capability should be allowed to use that capability as a credit against on-water recovery capacity. Four comments objected to a credit for dispersant capability. Two comments argued that not enough information was available about dispersant effectiveness to make decisions on their use, and two comments opposed reducing the on-water requirements for any reason.

Thirteen comments addressed the proposed volumes of dispersant capability required and the response times. Eight comments indicated that the requirement to provide dispersant capability for the largest storage tank was unrealistic due to the massive volumes of dispersants that would be required. Some comments suggested a study be conducted to determine a practical volume of dispersant capability to plan for. Others suggested that the vessel owner or operator be allowed to decide what quantity of dispersants to plan for. As discussed below, the Coast Guard has modified the volume of oil to be used for planning in the interim final rule.

Five comments addressed the response times. All noted that allowing 24 hours of dispersant capability to arrive on scene was too long since dispersants are most effective early in a spill while the oil is still fresh and unweathered. Recommended arrival times on scene ranged from 6 hours to an unspecified time less than 24 hours. The Coast Guard agrees and has modified the interim final rule to require that dispersants be capable of being on scene within 12 hours of discovery of a discharge.

The Coast Guard has considered the comments and modified the interim final rule to delete the requirement for all vessels carrying group II or III petroleum oil in offshore and open ocean areas to contract for dispersant capability. The interim final rule provides that such vessels operating in any area with year-round pre-approval for dispersant use may identify in their response plan and ensure, through contract or other approved means, the availability of the necessary resources to apply dispersants. No vessel is required to provide this capability. Vessels operating in such areas may request a credit for up to 25 percent of their on-water oil recovery capacity for each worst case discharge tier required under this interim final rule if the owner or operator can document in its plan the availability of the necessary dispersant stockpiles, application equipment, and monitoring capability. The credit will be given only if the vessel owner or operator can identify sources of dispersant supplies to provide the equivalent daily dispersant application rate. The credit will only apply in those pre-approval areas; the owner or operator would still have to identify full mechanical recovery capacity in all other areas that the vessel operates.

The Coast Guard believes that such a credit in pre-approved areas is appropriate for those areas where the regional response team has considered the use of dispersants and made a decision to pre-authorize their year-round use as a primary response method. The interim final rule also retains the language indicating that identification of dispersant capability in a response plan provides no assurance that their use will be authorized during a spill response.

Section 155.1050(l)

As proposed, this paragraph requires vessel owners or operators to identify in their response plans and ensure, through contract or other approved means, the availability of private response resources for salvage and vessel firefighting. We received 66 comments on the proposed requirements for salvage in subparagraph (l)(1), and 68 comments on the proposed requirements for vessel firefighting capability in subparagraph (l)(2).

Most comments received on salvage capability opposed the requirement to contract in advance for the capability. Some reasons for opposing the requirement were that there was little existing capability in the United States, that contracting for this capability in advance was too expensive, and that such a requirement was inconsistent with the historical practice of arranging for such services when needed.

A few comments supported directing an owner or operator to identify potential sources of salvage capability, but opposed requiring them to contract in advance. One comment suggested that the United States government provide the required capability and charge vessels on a per visit basis. One comment noted that the Marine Board of the National Academy of Sciences is conducting a study on the status of the salvage industry in the United States and recommended that we delay any requirement for salvage and firefighting until the study is completed in 1993. Six comments supported only identifying sources of firefighting capability. Eleven comments supported the proposed requirement to contract for salvage capability, with some noting that requiring contracts for salvage capability could result in expanding salvage resources in the U.S. Two of those comments recommended specific salvage resource capabilities that should be identified, noting that it was better to

have no salvage resources rather than inadequate prepared resources.

Most comments on vessel firefighting opposed any requirement to contract for the capability. Thirty-five comments said that vessel firefighting was best left to local port (in most cases public) firefighting capabilities. Two comments challenged the Coast Guard's position that public resources could not be identified to meet the requirement.

Many comments were also concerned that private vessel firefighting capability in the United States is limited and that contracting for such capability in advance would be prohibitive. Eleven comments supported only identifying sources of firefighting capability. Eleven comments supported the proposed requirement to contract for private vessel firefighting capability in advance, and two recommended that we specify response times ranging from 12 to 36 hours and specify equipment.

In response to these comments, the Coast Guard has modified the requirements both for salvage and marine firefighting capability in the interim final rule. The Coast Guard has retained the requirement for a vessel owner or operator to identify private salvage and vessel firefighting capability in their response plan because this approach is consistent with Congressional intent that a vessel owner or operator plan for the resources that may be necessary to remove, prevent, or mitigate the effects of a worst case discharge or threat of such a discharge.

The Coast Guard does not agree that an owner or operator may identify public resources in a vessel response plan. First, public firefighting resources that are available within port areas may not be available to fight a fire aboard a vessel. Second, in most instances, these public firefighters will respond only to fires within the immediate port area; a vessel operating offshore and transiting from port to port may not be protected by such resources. Third, a private citizen cannot ensure the availability of a public resource. For these reasons, the Coast Guard retains the requirement that an owner or operator must identify private marine firefighting resources for each COTP zone in which the vessel operates. United States Navy salvage resources also are public resources, and whether these resources are available depends on their specific location and assignments.

The Coast Guard recognizes that public resources may be employed during an actual incident. The Area Contingency Plan will identify available public resources, the process to access those resources, and the integration of both public and private capability.

The Coast Guard has revised the interim final rule to permit an owner or operator to list private salvage or marine firefighting capability in a response plan if the salvage or firefighting resource provider gives its written consent. The resource provider's written consent is necessary to ensure that the provider has the necessary capability, and is willing to provide it in a response to an incident involving the owner's or operator's vessel. The plan does not need to include this written document. The certification by the vessel owner or operator that it has obtained written consent is sufficient for plan review. However, the Coast Guard may request a copy of this written consent during plan review.

The Coast Guard has left it up to vessel owners or operators to evaluate available salvage and firefighting resources and determine what capabilities they will need for their plan. In reviewing a response plan, the Coast Guard will assess whether the identified companies are capable of providing the necessary capability.

The Coast Guard recognizes that private salvage and marine firefighting capability is currently limited in the United States. Consequently, the interim final rule does not require owners or operators to specify response times for the resources identified in plans submitted before 1998. However, we have revised the interim final rule to require plans submitted or resubmitted for approval after March 1998 to identify salvage and firefighting resources and plan to deploy them to a port nearest the water area where the vessel operates within 24 hours of notification. The Coast Guard has determined that delaying this requirement until 1998 provides sufficient time for the industry to assess the existing capability fully and to take steps to address any shortfalls.

Section 155.1050(m)

As proposed, this paragraph requires a vessel owner or operator to identify in the response plan and ensure, through contract or other approved means, the availability of fendering, transfer hoses, and lightering pumps necessary to perform vessel-to-vessel lightering in an emergency within specified response times. We received 42 comments addressing this proposed requirement.

One comment specifically supported the requirement as proposed. One comment supported it, but recommended that we require owners or operators to contract in advance for mooring masters. Thirty-six comments said that identifying and ensuring the availability of lightering capability was too costly and burdensome. Some comments also believed that requiring a contract went beyond the recommendations of the Committee. The Coast Guard asked the Committee for additional input on this issue, but received differing views on what the Committee meant when it made its lightering recommendation. The Coast Guard has determined that this requirement is necessary and appropriate to meet the statutory intent that the availability of such resources be ensured.

We have reduced the burden of complying with this requirement by changing the definition of "contract or other approved means." The burden has been reduced further for tank barges that operate on rivers and canals by authorizing the barge owner or operator simply to identify resources in a response plan to meet this requirement with the written consent of the resource provider.

Four comments stated that extending the requirements to tank barges was inconsistent with the Committee recommendations. The Coast Guard reviewed the Committee's work and found no Committee determination to exclude tank barges from all lightering requirements. The Coast Guard believes that planning for lightering capability is as necessary for transfers from tank barges in an emergency as it is for transfers from other vessels. The Coast Guard has retained the requirement for tank barges in the interim final rule.

Six comments addressed what equipment arrangements should be planned in advance. Two comments recommended that we not require owners or operators to list specific equipment because the equipment needed will depend on the incident. Two comments recommended pumps ranging from a capacity to lighter the largest cargo tank in 24 hours to lightering the entire vessel in 96 hours. The Coast Guard has determined that the requirement for owners or operators to identify lightering equipment capable of off-loading the vessel's largest cargo tank in 24 hours of continuous operation results in sufficient pumping capacity for most emergency lightering situations. We also believe that a required pumping capacity will provide a basis for the owner or operator and the Coast Guard to evaluate lightering capability more effectively.

The Coast Guard has made three other revisions to this paragraph in the interim final rule. First, a plan for a tanker loading cargo at a TAPAA facility in Prince William Sound, Alaska does not need to address the response times in subparagraph (m)(2)(i) for inland

waters, because a separate response time for this capability is included in § 155.1130(h). Second, subparagraph (m)(2)(ii) has been revised to include a response time of 18 hours for rivers and canals. Third, the Coast Guard inadvertently did not address rivers and canals in the NPRM and believes that using the 18-hour response time for these areas is reasonable and practical. The Coast Guard has revised the interim final rule to permit barges operating in rivers and canals areas to meet the requirements of this paragraph by ensuring availability of response resources through written consent from the oil spill removal organization.

Section 155.1050(n)

This paragraph requires planning for boom for shoreline protection according to criteria set out in Table 2 of appendix B.

In Table 2 of appendix B, the Coast Guard proposed a minimum amount of boom for shoreline protection based on the general environment in which the vessel operates. The Coast Guard considered setting a planning requirement for boom based on vessel size, but discarded that approach because equipment necessary to protect shoreline areas is generally the same regardless of the size of the vessel that may be the source of the discharge. A discharge from a larger vessel has the potential to affect more shoreline area than one from a smaller vessel. However, in general, there is not a one-for-one relationship between the quantity of oil spilled and the number of miles of shoreline contaminated.

We received many comments on the best way to determine how much boom to require for shoreline cleanup. Six comments agreed that until the ACPs are published, owners or operators should plan for an amount of boom based on the geographic area of vessel operation rather than vessel size. Nearly an equal number of comments argued that an owner or operator should plan for protective boom based on vessel size, cargo capacity, and type of cargo. None of the comments suggested a methodology to account for these factors.

Many comments addressed the quantity of boom proposed in Table 2 of appendix B. Two comments supported the proposed quantity. Two comments argued that 30,000 feet of boom for persistent oils in the nearshore and inland areas was excessive. Two comments recommended that vessels with less risk of a spill should have to plan for a lesser quantity of boom for shoreline protection. One comment recommended requiring 50,000 feet of boom in higher volume port areas. One comment recommended that an owner or operator plan for sufficient boom to encircle the vessel only. Five comments recommended that there should be no planning requirements for shoreline protection until publication of the ACPs.

The Coast Guard has determined that it is appropriate to require a minimum level of response equipment based on the vessel's area of operation and believes that the quantity of boom specified in Table 2 of appendix B is reasonable.

The Coast Guard has determined not to tie adjustments to the boom requirements to the ACP, because the ACPs will set mostly response strategy rather than response resource requirements. However, we agree with the Committee that the methodology for determining an appropriate planning quantity of boom for shoreline protection is sound—look to the geographic-specific area of a potential spill. Therefore, the Coast Guard has deleted the instruction to adjust the boom planning amount according to the applicable ACP. Instead, when an Area Committee articulates a shoreline protection response strategy in its ACP, the Coast Guard may propose to adjust the boom requirements in 33 CFR part 155 accordingly.

We received three comments on boom requirements for rivers. One comment noted that it is impossible to protect a large section of river shoreline. For persistent oils, one comment questioned by an owner or operator must plan for more boom nearshore than for rivers. One comment asked that we require only a minimum quantity of boom until the ACPs are developed because the locks and dams help contain a spill, and boom is used largely to facilitate recovery by diverting oil into slow-moving water.

The Coast Guard recognizes that shoreline protection in rivers and canals may require different strategies than other areas. Although it may be difficult to protect river shoreline, boom is still required to protect sensitive areas, deflect oil from impacting the shoreline, or collecting it in other less sensitive areas. Locks and dams may be part of this overall strategy, but they are not sufficient by themselves because they may be far apart and not optimally located for the particular spill scenario.

The amount of boom required in Table 2 reflects the relative amount of shoreline that must be protected from persistent and non-persistent oils. The relative difference in boom quantities between nearshore and river areas is based on the differences in shoreline protection strategies employed in rivers and the fact that a spill occurring in the nearshore area (up to 12 miles off shore) has the opportunity to spread and impact a large section of shoreline as it travels towards the shore.

For non-persistent oils discharged into a river operating area, it is likely that the oil will encounter shoreline before it has dissipated into the air and water column. In the nearshore operating area, a larger amount of non-persistent oil is likely to dissipate before encountering shoreline. Consequently, more shoreline is likely to be affected in the river operating area than in the nearshore area.

In Table 2 of appendix B, the Coast Guard has eliminated the requirement that an owner or operator must identify shoreline protection boom in a plan for a vessel that operates in the open ocean and carries persistent oil, and for a vessel that operates offshore and carries non-persistent oils. This change reflects the low relative risk that oil discharged from these vessels will impact shorelines. For reasons stated earlier in this discussion, we have eliminated Table 2 references to the ACPs.

Many comments recommended that for shoreline protection requirements, vessels using the Louisiana Offshore Oil Port (LOOP) and vessels lightering in the open ocean (greater than 50 miles offshore) should be treated the same. Under the proposed rule, an owner or operator does not have to plan for shoreline protection for vessels transiting or lightering more than 50 miles offshore. The comments stated that using LOOP was a preferred alternative to lightering in the open ocean, and that the proposed rule would be a disincentive for vessels to use LOOP. The comments noted that offshore lightering of large tankers require off-taking shuttle ships to transport the crude oil from the lightering area into the inland waters for final unloading at terminals and refineries, and that this increase in traffic on inland waters increases the risk of collisions and groundings and resulting oil spills. The comments point out that LOOP offloads the large tankers offshore and delivers the crude oil via buried pipeline, thus eliminating the shuttle ship traffic and attendant risk of collisions, groundings, and oil spills. We received similar comments on § 155.1050(o) for planning for shoreline clean-up operations.

For the reasons stated in the comments, and because Congress wishes to encourage the use of deep-water ports, the Coast Guard agrees that regarding shoreline protection, vessels using LOOP should be treated the same

as vessels lightering in the open ocean. Consequently, the Coast Guard has changed this section of the interim final rule to allow vessels under certain circumstances to call at LOOP without having to ensure the availability of shoreline protection resources through contract or other approved means. This provision applies only when the vessel is approaching or departing the LOOP terminal within the LOOP Shipping Safety Fairway, and when either moored at the terminal or anchored in the designated anchorage area. Making this opportunity available only when a vessel is using this obstruction free Safety Fairway will provide an extra measure of safety for these vessels.

Two comments noted that Table 2 of appendix B did not include the Great Lakes and requested clarification on whether the Great Lakes should be in the table. We have revised Table 2 of appendix B to include the Great Lakes in the nearshore and inland classification because oil spilled and not recovered on the Great Lakes, like oil spilled in any essentially closed system, in highly likely to come ashore.

Two comments expressed concern that this section established a performance standard rather than a planning standard. One comment recommended we revise this section to make it clear that it is a planning standard only, and another comment requested a revision to make it clear that the owner or operator is ultimately responsible for shoreline protection and cleanup, irrespective of the amount of response equipment for which the owner or operator must plan.

The appendix B criteria referenced in this section are for planning purposes only. Section 155.1010 already clearly makes this point.

Six comments are received on how the ACP strategies for shoreline protection should be phased in to replace the temporary requirements of Table 2 of appendix B. Two comments agreed that the ACP requirements should be phased in by 1998, as proposed in the NPRM. All other comments recommended that the ACP requirements become effective at some calculable time after the publication of the applicable ACPs. The recommended phase-in time ranged from immediately to three years.

For the reasons stated earlier in this discussion, the Coast Guard has decided against using the ACPs to set adjustments for response resource requirements. The Coast Guard will evaluate the shoreline protection response strategy provided for in the various ACPs when they are issued and may adjust vessel response plan requirements as warranted.

Many comments confused requirements under this section for protective boom with requirements under §§ 155.1050 (d) through (f) for containment boom. Any owner or operator of a vessel subject to these regulations must plan for a quantity of containment boom and a quantity of protective boom.

For determining the planning amount of protective boom, the owner or operator of a vessel carrying group I through IV petroleum oil as primary cargo must use Table 2 for the geographic area where the vessel operates. For containment boom, these owners or operators should identify sufficient boom to handle the average most probable discharge, the maximum most probable discharge, and a worst case discharge.

One comment questioned whether an ACP can revise a regulatory requirement without complying with the notice and comment requirements of the Administrative Procedure Act. For reasons stated earlier in this discussion, this comment is moot.

Section 155.1050(o)

This paragraph establishes the requirement to plan for shoreline cleanup operations. It is impossible to articulate detailed requirements for shoreline response resources in advance, because the need for these resources is intricately connected to the geography of the shore and its environmental sensitivity. Therefore, the NPRM proposed to use a qualitative evaluation based on a planning volume of oil that could reach the shoreline.

Four comments supported the qualitative planning approach. Two comments argued that the requirements were too vague and that it was unclear how the Coast Guard would evaluate shoreline cleanup resources. Three comments expressed concern that it was either impracticable or infeasible to plan to simultaneously cleanup vast reaches of shoreline. One comment recommended that the applicable ACPs address shoreline cleanup requirements—not the vessel response plan rules.

The vessel response plan rules give an owner or operator maximum flexibility to develop an operations strategy for shoreline clean up, restrained only by the NCP and the local plan in any area where its vessels operate. Appendix B supplies a formula by which an owner or operator may calculate a volume of emulsified oil that may reach the shore. The Coast Guard will evaluate the sufficiency of shoreline response planning based on the planning volume and the strategic consistency with the NCP and any applicable local plan.

The owner or operator must identify and ensure by contract or other approved means, an oil spill removal organization who is capable of conducting a shoreline cleanup based on the planned worst case volume of emulsified oil that will reach the shore. Using our criteria, the Coast Guard does not believe an owner or operator will have to plan for the simultaneous cleanup of all shoreline along the vessel's planned route.

One comment expressed concern that the regulation would require an excessive number of contracts and asked whether an owner or operator could rely upon one principal contractor and require that principal to contract for any necessary, specialized equipment. The Coast Guard has set out an approved means other than a contract by which an owner or operator can ensure the availability of required resources. The owner or operator is free to make whatever arrangements it chooses as long as it ensures the required resources by contract or other approved means.

Nine comments recommended that there should be no requirement to contract for shoreline cleanup operations because the required equipment is generic, not specialized, generally available, and there is no urgency to immediately clean up the oil once it impacts the shoreline. The Coast Guard disagrees. The statute clearly requires an owner or operator of a vessel to ensure that private resources are available, by contract or other approved means, to "remove" to the maximum extent practicable a worst case discharge. In the statute "removal" or "remove" refers to the containment and removal of oil from the water or shorelines. The Coast Guard contends that the interim final rule properly reflects the statutory requirement to contract for resources to remove oil from the shoreline. Because we have added an "approved means" other than a contract, an owner or operator may ensure the availability of these resources without a contract.

One comment stated that we should require vessels operating in the open ocean to contract for shoreline cleanup operations. The NPRM exempted these vessels from the requirement to contract for this capability. The Coast Guard has made every effort to require only that level of planning which is appropriate for a reasonably likely spill scenario.

For oil discharged from a vessel greater than 50 miles from shore, it is unlikely that the spill will impact shorelines before the oil sinks,

evaporates, or is recovered. If conditions are such that the oil could foreseeably threaten the shoreline, there will be sufficient time to arrange for the necessary resources. For these reasons, the Coast Guard has eliminated the requirement for a response plan of a vessel operating in the open ocean to identify an oil spill removal organization capable of conducting shoreline cleanup operations.

One comment requested to know if the tier response times described in § 155.1050(g) apply to shoreline cleanup operations. The response time tiers do not apply to planning for shoreline clean-up. There are no response times in the interim final rule associated with planning for shoreline clean-up.

For the reasons cited in the discussion of shoreline protection under "Section 155.1050(n)," the Coast Guard has determined not to tie future adjustments of the shoreline cleanup requirements to the ACPs. We have eliminated this provision in the interim final rule. The Coast Guard will evaluate the ACPs when they are issued and may amend the vessel response plan rules as warranted.

For the same reasons cited in the discussion of shoreline protection under "Section 155.1050(n)," the Coast Guard has determined that regarding shoreline cleanup requirements, vessels using LOOP should be treated the same as vessels lightering in the open ocean. Consequently, the Coast Guard has revised this section to allow vessels to call at LOOP under certain circumstances without having to ensure the availability of, through contract or other approved means, response resources necessary to perform shoreline protection operations. This provision applies only when the vessel is approaching or departing the LOOP terminal within the LOOP Shipping Safety Fairway, and when either moored at the terminal or anchored in the designated anchorage area. Making this opportunity available only when a vessel is using this obstruction free Safety Fairway will provide an extra measure of safety for these vessels.

Section 155.1050(p)

This section and Table 6 of appendix B establish limits on the amount of response resources required. Many comments expressed uncertainty and confusion over the purpose and use of caps. The purpose of the caps is to recognize a practicable level of on-water removal capacity which an owner or operator reasonably can be required to ensure through contract or other approved means in planning for a worst case discharge.

Caps apply only to on-water recovery capacity for a worst case discharge, and not to other types of response resources or discharges. Further, caps apply only to vessels carrying group I through IV petroleum oil as a primary cargo.

We received over 200 comments on caps. Over 40 comments recommended that there be no caps, and that the owner or operator be required to identify and contract for whatever equipment is required to respond to an immediate discharge of a vessel's entire cargo in adverse weather. One comment noted that the caps do not adequately address the worst case discharge scenario, and that the manufacturers of oil spill recovery equipment have the capacity to deliver additional equipment before 1993.

Another comment strongly opposed the concept of caps, and argued that market availability of spill response resources should determine what is practicable. The comment argued that the caps may discourage growth of the oil spill response equipment industry.

The majority of the comments supported the basic concept of caps, but varied widely on an appropriate level for caps. Approximately 150 comments recommended that they be doubled, but did not address the issue of whether it was practicable for an owner or operator to plan a response for so great a quantity of oil. One comment stated that the current 1993 caps failed to set an equipment requirement based on the definition of "maximum extent practicable," and therefore was not in keeping with the intent of Congress. Several comments stated that in certain areas of the country, oil spill resources already exceed the proposed 1993 caps. Another comment argued that the proposed caps are too low because they would supersede the calculated worst case discharge planning volumes as determined in appendix B for 99% of all crude carriers. Several comments recommended that the caps should be set higher to establish ambitious targets for improving private response capability or to force an increase in those resources.

One comment observed that the proposed caps for 1993 were reasonable based on current manufacturing capacity, but that within 3 years it would be reasonable for manufacturers to triple the available equipment. One comment recommended that the five year cap increases should not be greater than 25%.

A number of comments supported the proposed caps as a reasonable method of recognizing technological and practical limitations, and one comment noted that without caps, complying with the regulations would be impracticable.

Through caps, the Coast Guard has established a quantity of oil for which a response is practicable given 1993 technology and response resources. Through two rulemaking documents and various public meetings, including Committee meetings, the Coast Guard sought data from environmentalists, industry, State governments, the general public, and response contractors on how we could assess what is practicable in 1993.

We learned that it is impracticable in 1993 to instruct a vessel owner or operator to plan for the discharge of a vessel's entire cargo for several reasons. First, in many geographic areas of the U.S., on-water recovery capability and containment and protection resources simply do not exist at any price for responding to a large spill—especially from a very large crude carrier or ultra large crude carrier. Second, we believe Congress did intend to encourage both developing and enlarging the response community, but not at the price of a significant adverse economic impact to oil markets. When we assess all these factors, the Coast Guard continues to believe that, with the exception of the Great Lakes, the proposed caps represent imperfect, but reasonable and practicable quantities to plan for given technology, existing capability, and costs.

The Coast Guard recognizes that in certain geographic areas the existing response capabilities already exceed the 1993 caps. The Coast Guard has established a nationwide standard rather than attempting to establish unique caps for every port or geographic region, because there is neither the time nor sufficient Federal resources to take account of the peculiarities of each port and region.

The caps also reflect that inherent in the concept of practicability is an acknowledgment of a reasonable and practicable limit to the amount of resources that can be constructively used during the first stages of a spill response. Therefore, the caps place a practical limit on the amount of response resources for which an owner or operator must ensure the availability of in advance, by contract or other approved means. Vessel owners or operators will be expected to activate the response resources necessary for the particular circumstances of the spill, regardless of what has been ensured by contract or other approved means.

Many comments recommended that caps for the Great Lakes should be lower than proposed. Some suggested that the Great Lakes caps should be the same as

those for rivers and canals. The reasons were that the risk of spills on the Great Lakes is small as demonstrated by historical spill data; that most tankers transiting the Great Lakes have small cargo capacities and are double-hulled; and that adequate private response capability does not exist in the Great Lakes. Many argued that a relatively small number of vessels would have to share the costs of establishing and maintaining response equipment to respond up to the cap for a number of propositioned sites large enough to cover the Great Lakes.

The Coast Guard agrees the caps for the Great Lakes should be reduced. The size of the Great Lakes and the relatively small number of affected vessels makes it impracticable for owners or operators to plan for the proposed level of private spill response capability. Therefore, the Coast Guard has revised Table 3 of appendix B and set a response capability cap for the Great Lakes based on the available private removal capability and the unique environment of the Great Lakes. For these reasons and other reasons discussed earlier in the preamble, we have also adjusted the response times for the Great Lakes in § 155.1050(g).

We received a great number of comments on the proposed cap increases for 1998 and 2003. Many argued that it was impractical and premature to establish cap increases and that a number of issues needed to be considered before increasing the caps, including changes or advances in: Oil spill recovery equipment; spill management techniques; daily sustainability factors; bioremediation techniques; and other research and development initiatives.

Some argued that setting cap increases now ignores benefits that OPA 90 will bring. One comment recommended that cap increases should be used as an incentive for research and development, and not as an instrument to add automatically to the quantity of equipment and other response resources. Several comments supported leaving the cap increases in the rule because fixed dates and quantities give ample notice of what will be required and encourage market forces to make greater response resource capability available.

The Coast Guard agrees with setting the 1998 cap now to provide a clear upper target for which the vessel owners or operators and the oil equipment response industry must plan. An increase of 25% will encourage the industry to increase its response capability. Consequently, it facilitates meeting this important goal of OPA 90.

Establishing caps for 2003 may be premature. Therefore, the caps for 2003 in Table 6 of appendix B have been eliminated and replaced with an entry indicating that they will be determined later. Section 155.1050(q) establishes the procedure for developing the 2003 cap.

Four comments noted that the Committee did not agree to either automatic or specific cap increases and argued that 25% cap increases were arbitrary. One of these comments further stated that setting future caps today is counterproductive and against the spirit of the Committee recommendation.

The Coast Guard believes that the proposed cap increases capture the substance and effect of the Committee recommendation. The Committee recommended response capability caps increase at appropriate intervals that roughly correspond to the review period for response plans. They also recommended factors that should be considered when evaluating the ability to meet this increase. The Committee recommendation left to the Coast Guard what the caps should be set at in 1993 and how this increase should be approached. The 25% cap increase selected by the Coast Guard falls within the range of values discussed by the Committee, and reflects what the Coast Guard believes is obtainable and desirable for 1998 and beyond. These caps also recognize the practical limit of how much equipment needs to be pre-contracted for and how much equipment can be productively deployed during the initial response. For the reasons discussed in other sections of the preamble, the Coast Guard did not consider public resources and the possible benefits of other provisions of OPA 90 in determining what was practicable.

Proposed section 5.3 of appendix B required the owner or operator whose vessel's calculated effective daily recovery capacity exceeds the applicable contracting caps in Table 6 of the appendix to identify sources of additional equipment. Several comments questioned the practicality of identifying additional resources beyond the caps, and requested we clarify how much more equipment had to be identified. Some comments interpreted proposed section 5.3 of appendix B to require the identification of equipment capable of responding to the entire worst case discharge planning volume and argued that sufficient capability did not exist to respond within the specified response time.

The Coast Guard agrees that this requirement was ambiguous, and has clarified the requirement in the interim final rule. Section 155.1050(p) of the interim final rule requires the owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo, whose required daily recovery capacity exceeds the applicable contracting caps in Table 6, to identify sources of additional equipment equal to twice the cap listed in tier 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The equipment so identified must be capable of arriving on scene no later than the tier 3 response times contained in § 155.1050(g). No contract is required for this equipment.

The Coast Guard concurred with a recommendation of the Committee that we evaluate the proposed cap increases before they become effective to determine if they remain practicable. The Coast Guard proposed to conduct these evaluations through a public notice and comment process approximately two years before the cap increases become effective.

Several comments supported this evaluation process, but one comment recommended that we conduct a review just before the effective date of the increase rather than two years in advance. Another comment opposed having the Coast Guard waive the proposed increases if they are found impracticable. The Coast Guard will review the proposed caps before their effective date to determine if they remain practicable. We have codified this approach in new § 155.1050(q). During this review, we will consider recent developments in oil spill recovery and reduce the caps if it is impracticable to plan a response for that quantity of oil.

Section 155.1050(q)

This new section establishes a procedure for systematic Coast Guard review of proposed cap increases and phased-in requirements for firefighting and salvage capabilities.

During the last session of the Committee, some members expressed concern that the scheduled cap increases for 1998 and 2003 would occur without benefit of a Coast Guard review. To address this concern, the Coast Guard has added language to this section that makes the effective date of the cap increase either the scheduled date (February 18, 1998 and 18 February 2003), or 90 days after public notification of the results of the review, whichever occurs later.

Section 155.1052

The Coast Guard has included a new § 155.1052 in the interim final rule. This new section covers the specific response

plan development and evaluation criteria for vessels carrying group V petroleum oil as a primary cargo. This new section was created to address concerns of some comments that many of the criteria proposed in § 155.1050 and appendix B were not applicable to petroleum oils such as asphalt and carbon black that, because of their specific gravity, would sink when discharged. The Coast Guard agrees and has included in this new section applicable portions of § 155.1050. The only portion of appendix B that remains applicable are sections 2.1 through 2.4 and Table 1.

Paragraph (a) of this section requires the owner or operator of a vessel that carries a group V petroleum oil as a primary cargo to include in their response plan procedures and strategies and sources of response resources that would be necessary to locate, contain, recover, or mitigate the effects of such oils. Because these oils behave differently than those that float, the response plan needs to address specific methods for responding to such spills.

Paragraph (b) of this section parallels the requirements in § 155.1050(a) that any equipment identified in the response plan to meet the requirements of this section be capable of operating in the specific conditions expected in the geographic area that the vessel will operate. The specifics of this requirement were discussed in the preamble to the proposed rule.

Paragraph (c) requires that the vessel owner or operator identify in the response plan and ensure, through contract or other approved means, the availability of response resources appropriate for oils that sink. The owner or operator may ensure the availability of these response resources by using the fifth element contained within the definition of "contract or other approved means." For details, see the preamble discussion of "Section 155.1020 Definitions."

The types of equipment include those necessary for locating, containing, and recovering oil from the water column or the bottom. Unlike the specific criteria for determining the quantity of resources included in § 155.1050, this section does not require minimum quantities of resources. The Coast Guard intends to evaluate information submitted by the vessel owner or operator to determine whether the resources identified are consistent with the volume of such oil carried as cargo.

Paragraph (d) of this section requires that the resources identified in a response plan be capable of being deployed to the port nearest the area where the vessel is operating within 24 hours. Because of the variability in the types of resources that may be required, the Coast Guard has determined that this is a better approach for these unique oils than using the specific response times that vary by location, as required in § 155.1050.

Paragraph (e) of this section requires that the vessel owner or operator identify in their response plan and ensure, through contract or other approved means, the availability of salvage and vessel firefighting capability. Paragraph (f) provides for the phased implementation of this requirement. These requirements parallel those in § 155.1050(l). The previous preamble discussion for that section also applies to this section.

Paragraph (g) of this section requires that the vessel owner or operator identify in the response plan and ensure, through contract or other approved means, the availability of certain equipment necessary to conduct vessel-to-vessel lightering in an emergency. This requirement parallels that in § 155.1050(m). The previous preamble discussion for that section also applies to this section.

The Coast Guard has not included a requirement to identify resources in the response plan for the average most probable and maximum most probable discharge. The resources identified in the plan will be expected to be capable of responding to any size spill up to and including the worst case discharge.

The Coast Guard has determined that the requirements of this new section are within the scope of those included in the proposed rule. However, because the specific provisions were not included in the proposed rule, the Coast Guard solicits comments on the specific provisions of this section. All comments will be considered and this section may be revised based on these comments.

Section 155.1054

The Coast Guard has included a new section 155.1054 in the interim final rule. This new section covers the specific response plan development and evaluation criteria for vessels carrying non-petroleum oil as a primary cargo. This new section was created to address concerns of some commenters that many of the criteria proposed in § 155.1050 and appendix B were not applicable to non-petroleum oils, such as edible oils.

One comment suggested that vessels carrying edible oils should be subject to reduced requirements because edible oils pose less relative risks to the environment. The Coast Guard disagrees. There is insufficient data to support a finding that a spill of a large quantity of edible oil will have less adverse impact on the environment than a spill of other kinds of oil. However, the Coast Guard acknowledges that non-petroleum oil may behave differently from a petroleum or petroleum-based oil.

The Coast Guard conducted a literature search on these oils and was unable to find much information on their behavior when spilled, their environmental persistence, or tendency to emulsify. Because it was unable to verify that the criteria and methodology used for petroleum oils would apply to non-petroleum oils, the Coast Guard has determined that the specific factors (natural dissipation, emulsification) included in appendix B for petroleum oils would not be applicable. Thus, a new section to address these oils has been added, and it includes applicable portions of § 155.1050. The only portion of appendix B that remains applicable are section 2.1 through 2.4 and Table 1.

Paragraph (a) of this section requires the owner or operator of a vessel that carries non-petroleum oil as a primary cargo to include in their response plan procedures and strategies and sources of response resources that would be necessary to contain, recover, or mitigate the effects of such oils. Because these oils may behave differently than petroleum oils when spilled, the response plan needs to address specific methods for responding to such spills.

Paragraph (b) of this section parallels the requirements in § 155.1050(a) that any equipment identified in the response plan to meet the requirements of this section be capable of operating in the specific conditions expected in the geographic area where the vessel will operate. The specifics of this requirement were discussed in the preamble to the proposed rule.

Paragraph (c) requires that the vessel owner or operator identify in the response plan and ensure, through contract or other approved means, the availability of response resources appropriate for the non-petroleum oils carried as cargo. The owner or operator may ensure the availability of these response resources by using the fifth element contained within the definition of "contract or other approved means." For details, see the preamble discussion of "Section 155.1020 Definitions."

The types of equipment include those necessary for containing and recovering these oils from the water and to protect shorelines from impact. Unlike the specific criteria for determining the quantity of resources included in § 155.1050, this section does not require minimum quantities of resources. The Coast Guard intends to evaluate

information submitted by the vessel owner or operator to determine whether the resources identified are consistent with the volume of such oil carried as cargo.

Paragraph (d) of this section requires that the resources identified in a response plan be capable of commencing an effective on-scene response within the applicable tier 1 response times in § 155.1050(g).

Paragraph (e) of this section requires that the vessel owner or operator identify in their response plan and ensure, through contract or other approved means, the availability of salvage and vessel firefighting capability. Paragraph (f) provides for the phased implementation of this requirement. These requirements parallel those in § 155.1050(l). The previous preamble discussion for that section also applies to this section.

Paragraph (g) of this section requires that the vessel owner or operator identify in the response plan and ensure, through contract or other approved means, the availability of certain equipment necessary to conduct vessel-to-vessel lightering in an emergency. This requirement parallels that in § 155.1050(m). The previous preamble discussion for that section also applies to this section.

The Coast Guard has not included a requirement to identify resources in the response plan for the average most probable and maximum most probable discharge. The resources identified in the plan will be expected to be capable of responding to any size spill up to and including the worst case discharge.

The Coast Guard has determined that the requirements of this new section are within the scope of those included in the proposed rule. However, because the specific provisions were not included in the proposed rule, the Coast Guard solicits comments on the specific provisions of this section. All comments will be considered and this section may be revised based on these comments.

Section 155.1055 Training

The Coast Guard received twenty-six comments on this section. Four comments agreed with the NPRM, and the remainder suggest revisions.

One comment suggested that it is impossible to train in advance the thousands of workers needed to clean up a major spill and to keep records on them. The Coast Guard has clarified the interim final rule by requiring that vessel owners and operators identify in the response plan the training to be provided only to specific individuals. For manned vessels carrying oil as a primary cargo, these individuals are members of the vessel crew having responsibilities under the plan, the qualified individual, and the spill management team. For unmanned tank barges carrying oil as a primary cargo, these individuals are the spill management team, the qualified individual, and other personnel with specific responsibilities under the plan.

Eleven comments stated that the owner or operator should not be responsible for training shore-based personnel. The comments recommend that either the Coast Guard or the response contractors should be responsible for training of these personnel. Several of these comments also stated that it is not possible for the owner or operator to check every contractor employee for compliance with the OSHA training requirements.

The owner or operator is not required to personally conduct any training. However, the owner or operator remains responsible for ensuring the training of the qualified individual, shore maintenance team, vessel crew with responsibilities under the plan, and other appropriate personnel, and ensuring that any oil spill removal organizations it identifies in the vessel response plan are capable of actually providing the resources identified in the plan. Part of these resources are the trained personnel to operate the response equipment. It is the responsibility of the owner or operator to ensure the availability of records sufficient to document any training.

The Coast Guard has revised § 155.1055 by adding a new paragraph (d) to make it clear that it is necessary to ensure the availability of training records.

Several comments noted that the Coast Guard is already developing rules for certification and approval of shorebased contractors for oil recovery, and stated that it was therefore not necessary for the owner or operator to ensure the training of contractors which will already be certified by the Coast Guard. The Coast Guard is developing a voluntary system for classifying oil spill response organizations by equipment capacity. The Coast Guard will assess whether an oil spill response organization has or has access to sufficient trained personnel to operate its equipment. However, Coast Guard classification of an oil spill removal organization cannot relieve the owner or operator of their ultimate statutory responsibility to ensure the adequacy of the spill response resources identified in a response plan.

One comment noted that it will be very difficult for foreigners to meet the OSHA training requirements. It was not clear if the comment was concerned about vessel personnel or shore-based personnel. As noted in the preamble to the ANPRM, the OSHA training requirements only apply to shore-based personnel and not to the vessel's crew.

In the NPRM, the Coast Guard requested comments on whether to include specific training requirements in the interim final rule. Only one comment suggested that they should be specific. One noted that training standards should be developed once a database is created based on early training records. One comment suggested that if requirements are specified, they must take into account the wide variety of vessels and cargo, and four suggested that specific requirements are impossible because of that variety.

The majority of comments addressing this issue gave reasons against creating strict training guidelines. One comment noted that more training may cause difficult contractual labor problems. Another suggested that traditional maritime skills will suffice. One comment mentioned that specifics should not be required because no legislation can ensure their effectiveness. Another mentioned that the Coast Guard should simply review the training plans together with the remainder of the response plan when the latter is submitted for review and approval.

The Coast Guard agrees that specific training requirements are inappropriate. The interim final rule grants vessel owners or operators maximum flexibility in choosing the training appropriate for their vessels and crew. Three comments mentioned that some companies already have training programs for specific vessels, cargos, or specific jobs. Nothing in the interim final rule prevents an owner or operator from identifying an existing training program to satisfy all or part of the training requirements of this section. Based on the comments, the Coast Guard has also amended the interim final rule to permit a vessel owner or operator to identifying equivalent work experience which fulfills specific training requirements.

Three comments suggest that training records should not be required to be kept aboard ship because personnel rotate too quickly, and the paperwork would be excessive. The Coast Guard agrees. We have revised the interim final rule to allow the records to be kept aboard the vessel, with the qualified individual, or at a U.S. location of the spill management team. The response plan must specify the chosen location.

Section 155.1060 Drills

The interim final rule requires a vessel owner or operator to have a drill program which ensures that persons with responsibility under the response plan are prepared to fulfill their responsibilities. This program must include both announced and unannounced drills conducted by the vessel owner or operator as necessary to ensure that a response plan will function in an emergency. The interim final rule does not require drills to cover specific sections of a response plan. Because response plans are to ensure that responsible parties are prepared for spill emergencies, the interim final rule allows a vessel owner or operator to tailor drills to exercise either components of a plan, or an entire plan, and to exercise those sections of the response plan that the owner or operator believes are most appropriate.

The interim final rule specifies a minimum frequency for drills for both the vessel's crew and the shore-based personnel with responsibilities under the plan. Additionally, a vessel owner or operator is required to conduct a drill which exercises the entire plan at least once every 3 years. This minimum frequency in no way intimates that vessel owners or operators may not need additional drills. Vessel owners or operators are required to conduct drills "as necessary" to ensure the response plan will work as intended.

The Coast Guard has revised §§ 155.1055 and 155.1060 to clarify that the owner or operator is required only to "ensure" the oil spill removal organization(s) conducts an annual drill and is adequately trained.

Several comments suggested that higher volume port areas should have at least one drill per year. We encourage this, but will not mandate it for vessel owners or operators. Each Area Committee will look at its drill program and take steps to enhance the overall port spill readiness posture. Coast Guard unannounced drills will also be conducted in all port areas on a sporadic basis, approximately twelve per year.

Some comments suggested that the Coast Guard verify oil spill removal organization drills and equipment deployment drills, and inform vessel owners and operators of the results. Although the Coast Guard intends to participate in about twelve unannounced drills a year, it will not "verify" the results. The thrust of OPA 90 is to develop private sector responsibility for all aspects of oil spill response planning. However, the Coast Guard's assessment of any drill it observes will be publicly available. Vessel owners or operators retain responsibility for implementation of their response plans and need to drill the various entities with responsibilities in the plan to the extent necessary to implement the plan. Accordingly, the interim final rule does not implement this suggestion.

Several comments said that the monthly shipboard emergency procedures and qualified individual notification drills requirements are too burdensome on industry. Considering crew turnovers, the routine unavailability of all members of the crew, and our experience with firefighting, lifesaving, and other shipboard emergency drills, the Coast Guard does not concur that these drills should happen less than once per month. The initial actions by a ship's crew to handle an emergency, and the notification of the qualified individual, can be critical to mitigate the effects of a spill, and vessel owners or operators need to ensure these events happen as planned.

Additional comments suggested that the drill requirements for unannounced drills will be too burdensome for vessel owners or operators, and that credit should be given for participation in other unannounced drills. Section 311(j)(7) of the FWPCA requires that the Coast Guard periodically conduct unannounced drills of removal capability in areas designated for development of Area Contingency Plans. The Coast Guard will involve vessels and facilities in these drills. These drills will be infrequent. A vessel owner or operator selected to participate in such a drill will be expected to activate the spill management team and oil spill removal organizations identified in the plan to the extent required by the COTP. The cost of activating these resources must be borne by the vessel owner or operator. The Coast Guard anticipates holding up to 12 drills per year throughout the country.

While the probability of any one vessel being involved in a drill is low, the Coast Guard has eased the potential burden of unannounced drills by allowing credit for participation in an unannounced Federal or State oil spill response drill within the last twenty-four months. To take advantage of this credit, the vessel owner or operator must immediately provide records of the unannounced drill to the Captain of the Port who is directing them to participate in a subsequent unannounced drill. This should allow the drill to proceed with other participants. The Coast Guard also does not envision that vessel operations will be significantly impacted when an unannounced drill does happen. Unannounced drills will be designed to stress response systems, including that of potential responsible parties. The focus of unannounced drills will be on those entities which the vessel owner or operator has identified to carry out its response plan, not the vessel itself.

One comment suggested that drill credit should be given for training. This is inappropriate because training and drills serve different purposes. Drills test the response organization of the potentially responsible party. They should be designed to stress the entire response system, or portions of the system. Training supplies individuals having assigned tasks with basic response knowledge and skills, and is a prerequisite for an effective drill.

Several comments stated that the owners or operators should not have to keep records of drills performed by shore-based personnel. The Coast Guard agrees that drill records need not be kept with the vessel owner or operator, but records still need to be maintained and available for Coast Guard examination. We have revised the interim final rule to require the records to be maintained, but they may be kept at the United States location of either the qualified individual, the spill management team, the vessel owner or operator, or the response organization. The response plan must specify the location of the drill records.

To further ease the potential burden of these rules, while still ensuring that response plans can be implemented as designed, the interim final rule allows vessel owners or operators to take credit for drills in which their spill management team or identified oil spill response organization(s) participate for the areas in which the vessel operates. The Coast Guard recognizes that many vessel owners and operators will rely on the same response resources. There is no need for these resources to be exercised continually to meet the requirements of individual owners and operators. Documented drills involving identified response resources can be used to meet the requirements of this section. This would also apply to vessel owners or operators with multiple vessels. Participation in one drill held by a common spill management team will meet the requirement for all vessels utilizing that team.

Section 155.1062 Inspection and Maintenance of Response Resources

OPA 90 amended the FWPCA to require the periodic inspection of containment booms, skimmers, vessels,

and other major equipment used to remove discharges. (See 311(j)(5).) These requirements were not included in the NPRM, and the Coast Guard has since determined that it is appropriate to implement them through this rulemaking.

A new § 155.1062 of the interim final rule requires vessel owners or operators to ensure that containment booms, skimmers, vessels, and other major equipment listed in a vessel response plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations and best commercial practices.

The Coast Guard may visit equipment locations listed in response plans to verify that the equipment inventories exist as represented and that the records of inspection and maintenance reflect the actual condition of the equipment. The Coast Guard may also inspect and require operational tests of equipment to verify readiness.

The Coast Guard considers these requirements to be a logical extension of the vessel response plan requirements contained in the NPRM. The Coast Guard assumes that responsible owners or operators would already require the periodic inspection and maintenance of the response equipment identified in their response plan. Otherwise they could not ensure that the equipment they have identified in their plan is capable of responding to a discharge.

The Coast Guard solicits comments on the specific provisions of this section. All comments will be considered, and this section may be revised based on these comments.

Section 155.1065 Plan Submission, Approval, and Appeal Procedures

There were 16 comments on this section. A number of these comments addressed the issue of who should review the plans. Three comments agreed that the Coast Guard should centralize the review of plans. One comment stated that plan review should be delegated by the Coast Guard to the individual States and that the Area Committees formed under section 4202(a) of OPA 90 should be involved in plan review. This comment also stated that a Coast Guard requirement for review was a duplication of effort because some States already require plans to be submitted and approved.

The Coast Guard has determined that the initial review and approval of plans will be done at Coast Guard Headquarters. A centralized review by the Coast Guard will ensure the consistency of administrative review. The Coast Guard cannot delegate a Federal function to an individual State. To eliminate any duplication of effort, States should consider accepting plans approved by the Coast Guard rather than requiring a separate submission to and review by the State.

The Coast Guard does not agree that Area Committees should be involved in the review and approval of vessel response plans. Area Committees were formed by Congress to develop Area Contingency Plans in conjunction with State and local officials to ensure effective preplanning for joint response efforts. Because at least one Area Committee will be formed to focus on local issues for each Captain of the Port zone, there will be a large number of Area Committees. Review by any number of Area Committees will be cumbersome and unnecessary.

Five comments stated that Regional Citizens Advisory Councils (RCACs) should be involved in the plan review. Section 5002(d)(6)(D) of OPA 90 requires that the RCACs of Prince William Sound and Cook Inlet should review the adequacy of contingency plans for crude oil tankers operating in these areas. The Coast Guard will coordinate with the appropriate RCAC the review of plans submitted by the vessels using those two areas.

One comment suggested that the interim final rule should include the address to which plans should be sent. The Coast Guard agrees and has provided the address in the interim final rule.

Two comments stated that there should be a time limit for the Coast Guard to approve the plans; 60 days was suggested. The Coast Guard anticipates a large initial influx of plans to approve and has determined that a 60-day time limit would be difficult for the Coast Guard to meet and, because the vessel will be permitted to continue to operate during the review period, would be unnecessarily restrictive. Section 155.1025 allows a vessel to continue to operate for up to two years after the date of submission of a response plan, pending approval of that plan, as long as the owner or operator certifies that resources have been identified and ensured available to respond to a worst case discharge. This provision effectively allows the Coast Guard two years to approve the plans without adversely affecting vessel operations.

Two comments stated that the Coast Guard should allow for appeals if a plan is disapproved. The Coast Guard has determined that appeals will be allowed and has added paragraph (d) in this section to specify how to appeal to the Chief, Office of Marine Safety, Security and Environmental Protection.

Five comments argued that more than 30 days is needed to correct deficiencies and resubmit the plan or corrected portions of the plan. The Coast Guard agrees and will provide up to 45 days depending on the scope of the deficiency. The person submitting the plan will be notified of the time frame allowed to correct the deficiency.

One comment noted that requiring vessels to carry and maintain the entire response plan was unnecessary. The comment stated that a vessel master should only maintain and have available those sections of the plan that contain information applicable to the vessel. The Coast Guard agrees that vessels should carry only those portions of the response plan that are applicable to shipboard operations or that the master may need to know. The sections of the plan that will be required to be carried on the vessel are identified in § 155.1030.

Section 155.1065 describes submission and approval procedures. In the NPRM, paragraph 155.1065(d) describes where the response plan must be kept and requires the master and qualified individual to maintain the plan. Because proposed paragraph 155.1065(d) is not pertinent to submission and approval procedures, that paragraph has been moved to § 155.1030, General response plan requirements.

The Coast Guard has added two new provisions to this section of the interim final rule. First, we revised § 155.1065(a) to require response plans submitted on or after August 18, 1993 to be submitted at least 60 days before the vessel intends to handle, store, transport, transfer, or lighter oil. This will provide the Coast Guard sufficient time to review the plan for compliance with the interim final rule. Second, the Coast Guard has added a provision for handling significant plan deficiencies for vessels temporarily authorized to operate without an approved plan pending final Coast Guard approval.

Section 155.1070 Plan Review, Revision, Amendment, and Appeal Procedures for Vessels Carrying Oil as a Primary Cargo

The Coast Guard has revised the title of this section to make it clear that the provisions only apply to vessels carrying oil as a primary cargo. For vessels carrying oil as a secondary cargo the provisions of § 155.1045(i) apply. We have also revised paragraph (c) of this section to require a resubmission of the plan when, under certain circumstances, there is a change in the owner or operator of the vessel.

There were 20 comments on this section. More than half of the comments stated that the time provided to correct deficiencies or submit appeals was insufficient. Many felt that the 3 day period permitted to correct deficiencies involving the identification of a qualified individual or response resources was particularly restrictive.

The Coast Guard wants deficiencies to be corrected quickly. Having a qualified individual and response resources ready and available to respond is a basic requirement that vessel owners or operators must meet in order to store, transfer, or handle oil in areas subject to the jurisdiction of the United States. The Coast Guard has determined that instead of fixed time periods during which deficiencies should be corrected, the COTP issuing the deficiency notice will determine the time allowed to correct the deficiency. The time allowed may range from immediate to longer periods depending on the significance of the deficiency. A provision has also been added to the interim final rule that requires the vessel owner or operator to notify the Coast Guard office that issued the deficiency whenever a deficiency has been corrected.

Owners of foreign vessels stated that they should be required to correct deficiencies only prior to the vessel's next visit to U.S. waters and not within the specified time frames. The Coast Guard recognizes that foreign vessels in waters not subject to U.S. jurisdiction do not need to correct the deficiencies unless they intend to return to U.S. waters. Foreign flag vessels must correct identified deficiencies before they return to U.S. waters or within the deadlines stated by the COTP if they continue to operate in areas subject to U.S. jurisdiction.

The Coast Guard has revised the interim final rule to require resubmission of the plan for approval 6 months before the end of the Coast Guard approval period. The approval period will be up to five years. This replaces the proposed requirement for resubmission exactly five years from date of approval.

Three comments stated that the proposed rule did not address what will happen if the Coast Guard did not complete the review of a plan submitted for its required 5 year review and the 5 year period expired during the review time. The comments were concerned that the vessel would not be allowed to operate between expiration and reapproval because it would no longer have an approved plan. As discussed above, the interim final rule has been revised to require resubmission of the plan for approval 6 months before the end of the Coast Guard approval period. Six months will provide sufficient time for the Coast Guard to review and reapprove the plan. The level of effort required by the Coast Guard to reapprove a plan should be considerably less than that required for the initial review of a new response plan.

One comment stated that the requirement to report an annual review is an excessive paperwork burden. The Coast Guard agrees and will only require that the annual review be noted on the page where changes to the plan are recorded.

One comment stated that reviews of plans should coincide with other State requirements, and therefore be resubmitted every 3 years rather than every 5 years, as proposed. The Coast Guard believes that the required annual review and the requirement for owners or operators to resubmit the plans for approval whenever there is a significant change is sufficient to ensure that the plans remain current for the approval period. Reapproval every 3 years would create an excessive burden with little benefit.

Four comments suggested revising the conditions in paragraph 155.1070(b) that trigger the need for a plan to be amended so that only significant changes would require a plan revision. The Coast Guard agrees that plans must be revised or amended only when significant changes are made and has revised the wording of the paragraph to make this clear.

One comment stated that the Coast Guard did not explain what guidelines it would use when considering appeals. The Coast Guard intends to use the requirements set forth in the interim final rule to guide its determination on whether or not a plan is deficient.

Subpart E—Additional Response Plan Requirements for Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

Section 155.1110 Purpose and Applicability

Since the publication of the proposed rule, section 352 of the FY93 DOT Appropriations Act amended section 5005 of OPA 90. The amendment changed which vessels operating within Prince William Sound (PWS) are subject to the additional response planning requirements of this subpart E.

Only tankers loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA) (43 U.S.C. 1651 *et seq.*) must comply with this subpart. Vessels operating on PWS that do not load cargo at a TAPAA facility and all tank barges operating on PWS are no longer subject to this subpart. Military Sealift Command (MSC) chartered vessels which off-load cargo at Whittier, AK are not subject to subpart E. Any public comments received on the applicability of the subpart to non-crude carriers have not been addressed in the preamble.

The Coast Guard revised subpart E by eliminating the definition of crude oil and non-crude oil, replacing all references to "vessel" with "tanker," and eliminating the requirements for vessels carrying non-crude oil. We also added the definition of "tanker" to § 155.1020 of subpart D.

Section 155.1115 Definitions

One comment recommended that the criteria for certifying equipment should not be based on the manufacturers' specifications. The comment reasoned that there is no review or approval process for manufacturer specifications, and therefore they are not necessarily correct or obtainable. The Coast Guard agrees and has revised the definition of "certification of equipment" by changing the criteria to be that the equipment must be in good operating condition. The new definition was incorporated in § 155.1125(a)(3)(iii) and was deleted from § 155.1115.

Section 155.1120 Operating Restrictions and Interim Operating Authorization

Four comments were received. Two recommended that approval of vessel response plans must be contingent on funding of citizens' advisory programs. The Coast Guard disagrees. There is no statutory basis to require this. Three comments stated that the owner or operator should be required to do more than simply "identify" the necessary response resources to remove a worst case discharge or 200,000 bbls in Prince William Sound. Because section 5005 of OPA 90 requires pre-positioned equipment within Price William Sound, it is reasonable to establish a higher standard. The Coast Guard has changed the term "identified" to "provided."

Section 155.1125 Additional Response Plan Requirements

One comment recommended an area-wide cooperative to serve as a single response organization. While the Coast Guard may agree that such an approach is logical, it does not have the discretion to mandate it. The Coast Guard amended the language of § 155.1125(a)(1)(ii) to state that training programs should include local residents and fishermen.

Numerous comments stated that it was not practicable to require the oil spill removal organization to, among other things, consist of sufficient numbers of trained personnel to remove a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater. The Coast Guard agrees and has amended § 155.1125(a)(1)(iii) to require that the oil spill removal organization identified in a response plan must consist of sufficient numbers of trained personnel with appropriate technical skills to respond to a worst case discharge, and has added a new § 155.1125(a)(iv) to require the identified oil spill removal organization to provide a plan for training sufficient numbers of additional personnel.

The oil spill removal organization should have in their employment, or under contract, a sufficient number of skilled personnel who can handle the technical aspects of responding to a worst case discharge. However, the unskilled laborers that will be required to respond to a worst case discharge can be trained in relatively short order and therefore do not need to be in the continual employment of the oil spill removal organization. It is the Coast Guard's opinion that this is a reasonable way of assuring that the desired number of trained individuals are available when needed. This change does not affect the requirement of § 155.1125(a)(1)(ii) to actually train personnel from certain locations in Prince William Sound.

The same comment recommended that a 200,000 bbl response capability should be available throughout Alaska. Section 5005 of OPA 90 only extends certain additional response plan requirements to Price William Sound.

One comment recommended that certification of equipment should be performed by contractual arrangement either through Coast Guard or State inspections or through routine updates of inventory requirements. In response to this, the Coast Guard added § 155.1125(a)(3)(iii) to state that an independent entity, with appropriate training and expertise, should certify that equipment is on-site and in good operating condition.

The Coast Guard has amended § 155.1125(a)(1)(ii) to remove the formal names of fish hatcheries listed in proposed § 155.1125(a)(1)(ii) (F)–(J). This action was taken because of the possibility of names changing or new hatcheries opening. By specifying the areas, rather than the names, the Coast Guard believes it has strengthened the applicability of the rulemaking.

There was a comment that training should be limited to on-water recovery and that training drills be limited to those people identified as having initial response duties in the response plan. The Coast Guard disagrees with both suggestions. To assure an effective spill response capability, all aspects of oil spill removal need to be addressed through training.

Another comment recommended that separate response criteria should be adopted for low density traffic areas. This issue has been addressed in other sections of the preamble.

Section 155.1130 Requirements for Pre-Positioned Response Equipment

One comment recommended that 200,000 bbl crude storage capacity be available within six hours of notification of discharge and 450,000 within 24 hours. Another recommended on-water crude oil recovery equipment with minimum daily recovery rate of 300,000 bbls/day within six hours; on-water storage capacity of 300,000 bbls/day within six hours; and additional storage of 600,000 bbls/day within 12 hours.

Based on these comments and upon review of oil spill recovery equipment that currently exists within Prince William Sound, the Coast Guard has amended this section. Section 155.1130(c) now requires additional on-water recovery equipment with a minimum daily recovery capacity of 40,000 barrels capable of being on-scene within 18 hours of notification of discharge. This revision brings the total required on-water daily capacity to 80,000 barrels after 18 hours, and 110,000 barrels at the end of 36 hours.

Numerous comments were received expressing the opinion that the proposed Federal response requirements were far below the limits mandated by the State of Alaska, and that the Federal standards should be raised to those of the State. This issue has been addressed in other sections of the preamble.

One comment recommended that shoreline protection equipment should include intermediate transfer devices to transfer large volumes of oil of various viscosities under various temperatures. Section 2.1 of appendix B already requires that all equipment identified in a response plan must be capable of operating in the conditions expected in the geographic area in which a vessel operates. This would include considering the effect of temperature on the viscosity of the oil that must be recovered.

Section 9.2 of appendix B also requires a vessel owner or operator to evaluate the availability of adequate temporary storage capacity to sustain the effective daily recovery capacities from the equipment identified in the plan. It is the opinion of the Coast Guard that this issue is already adequately addressed in the interim final rule, and additional requirements are not needed.

All comments received opposed the requirement in the proposed rule for two escort vessels, each fitted with skimming and onboard storage capabilities, for each oil-laden vessel transit. Based upon these comments, and a review of the statutory language, the Coast Guard has amended the requirement to state that of the two escort vessels, only one must be equipped with skimming and storage capabilities.

One comment noted that the lightering provisions in proposed §§ 155.1130 (f) and (h) were inconsistent with § 155.1035(c)(5) because they contained conflicting guidance on the required arrival times. Section 155.1050 has been amended to eliminate this conflict.

One comment recommended that the lightering resources should be sufficient to remove the entire cargo within 96 hours. The Coast Guard agrees that some planning standard should be provided. Section 155.1050(m) has been revised to require that the response plans identify sufficient portable pumps and ancillary equipment necessary to off load the vessel's largest cargo tank in 24 hours of continuous operation.

One comment recommended that it was not necessary to require the pre-positioning of skimmers at specific locations so long as the six-hour response requirement contained in § 155.1130(a) was met. The Coast Guard agrees that the owners or operators of tankers should be provided the flexibility to preposition this equipment in those locations that provide the best overall protection for Prince William Sound.

The existing requirement that a certain quantity of on-water recovery equipment must be capable of being on-scene within six hours of notification of a discharge will adequately guarantee an appropriate response capability for those locations identified in § 155.1125. A new § 155.1130(e) was added to require that on-water recovery devices and storage equipment be located in communities and at strategic locations within the Sound to meet the specified arrival times. Proposed § 155.1130(d)(1) of the NPRM was deleted.

One comment stated that the proposed rule imposed requirements that were impossible to meet, especially the identification of shoreline cleanup capabilities for Prince William Sound within 36 hours of a worst case

discharge. The comment recommended that shoreline capability should not be addressed in the regulation, because shoreline cleanup methods would be decided upon by the spiller, Coast Guard, and the State of Alaska on an incident-specific basis. The Coast Guard disagrees with this interpretation of the proposed rule. Section 155.1050 requires the owner or operator of certain vessels to identify and ensure the availability of an oil spill removal organization capable of effecting a shoreline cleanup operation commensurate with the quantity of emulsified oil to be planned for in shoreline cleanup operations. There are no specific time frames for this organization to be on scene or within which the cleanup operation must be completed. The Coast Guard acknowledges that the actual resources used to respond to a spill will depend on the specific circumstances encountered. This does not diminish the desirability of having the owner or operator pre-identify through his vessel response plan which resources he intends to utilize in the event of a spill.

Section 115.1135 Response Plan Development and Evaluation Criteria

Only two comments were received. One supported the tiered response requirements, and the other said that response times were meaningless in Prince William Sound and recommended deleting the section. The tiered response times contained in this section replace those contained in proposed § 155.1050(g) for tankers subject to the requirements of subpart E. They require a more rapid response and an accelerated tiering of resources to satisfy the statutory requirements of section 5005 of OPA 90.

Section 155.1140 Special Consideration for Vessels Contracting with a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

Three comments were received. Two protested the special consideration given to TAPS-trade tankers. One recommended that the provision be deleted until the Coast Guard can justify the implication that Alyeska's Ship Escort Response Vessel System (SERVS) meets the requirements of section 5005 of OPA 90 and only when Alyeska's response capability and contracts had met certification regulations.

The other comment agreed with this objection and asked that we consider other alternatives, such as the planned Alaska Nearshore Response Strike Teams and the concept of an Alaskan Coastal Community Cooperative. In addition, the COTP should be given more guidance and should be required to consult with the RCAC before making decisions. The third comment agreed with the section, saying that vessels could contract with Alyeska to meet any requirements of subpart E.

The Coast Guard disagrees that special consideration is being given to TAPAA trade tankers or to SERVs. Any vessel in any geographic location is permitted to contract with any capable organization, including marine transportation-related facilities, to ensure the availability of certain equipment or capabilities that is required to be identified in a vessel response plan. It will be up to the discretion of these various organizations (including any marine transportation related facility) whether they want to get into the business of being an oil spill removal organization. Section 155.1130 was included in subpart E to make it clear that each vessel owner or operator does not have to establish its own oil spill removal organization.

Section 155.1135 does not automatically pre-qualify SERVs as being capable of providing all or some of the requirements of either subpart D or E. The resources and capabilities of SERVs must be evaluated as would any other oil spill removal organization. The COTP will utilize the guidance contained in the IFR to evaluate the equipment and abilities of a facility permitted under the Trans-Alaska Pipeline Act.

The Coast Guard has amended this section to clarify the intent and purpose of this section. It has removed the words "Special consideration for * * *" from the title to eliminate the impression that this is a provision only applicable to certain vessels or facilities. It has also been changed to make it clear that an owner or operator may contract with a facility permitted under the Trans-Alaska Pipeline Act to meet some or all of the requirements of this subpart.

Section 155.1145 Submission and Approval Procedures

One comment stated that the plan approval process did not include RCAC approval as set forth in OPA 90 5002(d). The Coast Guard appreciates the importance of RCAC review of response plans under section 5002(d) of OPA 90 for vessels in Prince William Sound and the role of RCACs in advising, monitoring, and making recommendations to industry and the government. However, we do not believe that section 5002 grants authority for a RCAC to approve a vessel response plan.

Appendix B to Part 155—Guidelines for Determining and Evaluating Required Response Resources for Vessel Response Plans

We received many comments concerning Appendix B. One comment maintained that nothing in the appendix could be binding because it was not part of the rule.

The Coast Guard does not agree. Section 5 U.S.C. 552 sets out the minimum procedure that the Coast Guard must follow in issuing a rule. The Coast Guard's obligation under this law is to give interested parties notice which "affords (them) a reasonable opportunity to participate in the rulemaking process" (*Illinois Commerce Commission* v. *I.C.C.*, 776 F.2d 355 (D.C. Cir. 1985). This decision updated an ICC regulation published in the Code of Federal Regulations as an appendix, because "the proposal was clear on its face and the complainant had a full opportunity to address it." Further, Code of Federal Regulation format encourages the use of an appendix in a regulation when its use will improve the quality or utility of a regulation. Using an appendix is also appropriate for providing supplemental, background, or explanatory information or for detailed text or evaluation procedures which must be used with regulatory text.

Appendix B, Section 1

As proposed, this section of the appendix describes the purpose and use of the appendix. We received no comments on this section. However, the Coast Guard revised this paragraph to make it clear that the guidelines in the appendix also apply to evaluating response resources identified under subpart E. Subpart E sets out additional requirements for Prince William Sound, Alaska.

Appendix B, Section 2

This section of the appendix gives guidance and sets out procedures for an owner or operator to evaluate the readiness and operability of equipment to be identified in a response plan. We received seven comments on this section.

Two comments supported paragraph 2.1, which requires that equipment identified in a response plan be operable in the geographic area where the vessel operates. When we said in the proposed rule that an owner or operator must identify equipment "designed" for the geographic area where the vessel operates, we did not mean to exclude equipment designed for an area more demanding than the vessel's operating area. One comment questioned our use

of the term "designed" in this context. We have revised the interim final rule to state that equipment identified in a response plan must be "capable" of operating in the applicable area.

The Coast Guard has revised section 2.4 of the interim final rule to include procedures for demonstrating that the boom identified in a vessel response plan meets the criteria of Table 1. Demonstration will only be required if there is doubt over the suitability of the identified boom. The Coast Guard has also revised paragraph 2.6 to make it clear that the equipment evaluation criteria in the appendix also apply to the requirements in subpart E.

We received two comments concerning the on-water speed to be used for response planning. Both agreed that the proposed 10 knots was beyond the speed capability of towed barges and many self-propelled skimmers. The Coast Guard agrees. Therefore, we have reduced the on-water transit speed for response planning to 5 knots. The vessel owner or operator may provide information to show that a higher transit speed is appropriate for the specific response resources identified in a plan.

Four comments addressed section 2.7 of the proposed appendix. Two comments stated that the requirement to identify overall boom height should note that the term meant draft plus freeboard as was included in Table 1. The Coast Guard agrees and has added the specific reference in the paragraph.

Two comments addressed the requirements for providing information on response equipment, one stating that we asked for too much, and another stating that we asked for too little. The Coast Guard has required only that information which is necessary to evaluate whether the owner or operator has identified equipment in a response plan that reasonably correlates with the planning volume in quantity and capability and with the area where the vessel operates. Asking for more information would impose a burden not commensurate with the benefit.

The Coast Guard has also changed the term "effective daily recovery rate" to "effective daily recovery capacity," so that people understand we are establishing a planning standard—not a performance standard.

One comment stated it was inappropriate for the vessel owner or operator to be responsible for ensuring compatible connectors for boom, recommending that we require response contractors to do this. The FWPCA states that the owner or operator must ensure the availability of resources. Any requirements in the interim final rule are placed on those owners or operators. The vessel owner or operator and an oil spill response resource can settle this issue.

Appendix B, Section 3

This section of the proposed appendix provides information for determining the response resources required for the average most probable discharge. Three comments addressed this section, although many comments made on the proposed requirements in § 155.1050(d) apply to this section of the appendix.

Three comments questioned the amount of containment boom required to be available for deployment. As proposed, the interim final rule requires boom twice the length of the vessel. One comment believed that the amount should be less than the length of the vessel, but did not specify a length. One comment recommended that 1000 feet be the maximum amount required, and another said we should require boom sufficient to encircle two vessel(s) involved in a transfer.

The amount of boom required is based on an estimate of how much boom would be needed for initial containment of a 50 barrel oil discharge either alongside or between two vessels involved in an oil transfer operation. Because we want to require only that amount of boom for which it is practicable to plan, we will not revise this provision. A 50 barrel spill is the average most probable discharge (AMPD) volume.

One comment recommended that we increase the required oil recovery capacity in proposed paragraph 3.1.2 to 200 barrels per day. No change was made to the interim final rule. The 50 barrel per day recovery capacity reflects the average most probable discharge volume.

The Coast Guard has also deleted the requirement in the proposed paragraph 3.1.2 for vessels carrying oil as a secondary cargo to identify sources of equipment. We received many comments concerning the burden imposed on secondary carriers to identify these resources. Data provided indicated that the total volume of oil transferred by secondary carriers frequently was less than 50 barrels, and the transfers occurred in remote areas. Therefore, identifying recovery capacity for a 50 barrel spill may constitute planning for a discharge of the vessel's entire cargo.

Thus, § 155.1050 and this paragraph have been revised to delete the requirement for a secondary carrier to identify resources sufficient to respond to the average most probable discharge. However, we kept the requirement in § 155.1045(j)(3) for a secondary carrier to identify an oil spill removal organization in the area or areas where its vessels operate.

The Coast Guard has revised paragraph 3.1 to make it clear that an owner or operator must arrange for resources identified in a response plan to address the average most probable discharge through contract or other approved means. This phrase was left out of the proposed rule inadvertently.

The Coast Guard has revised paragraph 3.1.1 to require that the containment boom identified in the response plan be capable of being deployed at the site of oil transfer operations within 1 hour of spill detection. This revision parallels a change in § 155.1050(d).

Appendix B, Section 4

This section of the proposed appendix provides information for determining the resources required for response to the maximum most probable discharge volume. We received three comments concerning this section. One comment fully supported the requirement as written. One comment recommended that the section be revised to make it clear that an owner or operator had to ensure this capability by contract or other approved means. The Coast Guard has so revised paragraph 4.1. This phrase was left out of the proposed rule inadvertently.

One comment recommended that we require additional storage capacity under paragraph 4.5 if the effective daily recovery capacity is limited by available storage capacity. No change has been made in the interim final rule. the purpose of the provision is to inform owners or operators that the Coast Guard will use available storage capacity in evaluating whether the response plan indicates sufficient capacity for the maximum most probable discharge planning volume. The vessel owner or operator will still need to identify storage capacity to meet the provisions of section 9.2 (twice the effective daily recovery capacity or less under certain circumstances) to have its response plan approved.

In addition to the above changes, the Coast Guard has made many other changes in the interim final rule to be consistent with revisions made to § 155.1050. We have revised the travel times for open ocean in paragraph 4.3 to match the revisions made in § 155.1050(e), and changed paragraph 4.4 to make it clear that the vessel owner or operator must ensure the availability of oil collection and containment boom through contract or other approved means.

Appendix B, Section 5

As proposed, this section of the appendix describes the methodology for determining the response resources required for the worst case discharge to the maximum extent practicable.

A number of format and content changes have been made to this section. As previously noted, the discussion of caps contained in section 5.3 of the proposed rule has been revised and moved to 155.1050(p). Section 5 has been renumbered to accommodate two new subsections. Section 5.5 has been added to describe the process for determining what percentage of on-water response equipment must be capable of operating in waters of 6 feet or less in support of close-to-shore response activities. Section 5.7 has been added to describe the process for determining the volume of emulsified oil that may impact the shoreline during a spill.

Section 5.6 has been revised to make it clear that boom is required for both shoreline protection and for oil containment and collection. Table 2 of Appendix B identifies specific quantities of boom for shoreline protection. The quantity of boom that is required for oil containment and collection is not explicitly stated, and is left to the owner or operator to determine based on the specific recovery equipment and strategies that will be employed. However, in both instances the boom's availability must be ensured through contract or other approved means.

Several comments were received concerning the basic planning methodology. Three comments supported the simple process by which vessel owners will plan for the worst case discharge. An equal number of comments argued that the calculations and procedures are too complicated and confusing.

The Coast Guard disagrees that the calculations are too complicated. Although numerous sequential steps must be followed, none of the individual calculations require more than simple arithmetic and the applications of factors contained in various tables. The example contained in section 7.3 has been modified to better explain the calculations and the use of the various tables.

Two comments recommended that the process be simplified by precalculating the requirements and placing them into one table. The Coast Guard has conducted a preliminary analysis and determined that it would require at least 16 tables to cover all of the needed information. However, these table(s) would become extremely complicated and difficult to maintain when the issues of caps, cap increases, and the identification of equipment above the caps were taken into consideration. If upon further review the Coast Guard deems it practicable and useful to prepare such tables, it will do so through a NVIC or some other form of policy guidance document, rather than in a rulemaking. This approach would provide the desired simplification, while preserving in the regulation the actual methodology of how the specific numbers were calculated.

Appendix B, Section 6

This section of the proposed appendix provides information for determining the effective daily recovery capacity for oil recovery devices. We received thirteen comments on this section.

One comment was concerned that the use of the term "effective daily recovery rate" could be misinterpreted as a performance standard and recommended that it be changed to "effective daily recovery capacity." Another comment said the "effective daily recovery rate" could be divided by 24 hours to obtain an "effective hourly recovery rate" for use in determining temporary storage capacity required.

The "effective daily recovery rate" is used as a planning criteria for determining whether sufficient on-water recovery capacity has been identified in a response plan and does not equate to an expected hourly recovery rate. An owner or operator must determine temporary storage capacity using an assumption of the number of hours per day that the oil recovery devices identified in a response plan can sustain operations. The factors used to estimate the daily rates include time of skimming, encounter rates, and other factors. To eliminate confusion, the Coast Guard has revised the phrase "effective daily recovery rate" to "effective daily recovery capacity" throughout the interim final rule.

Six comments were concerned that the method in paragraph 6.2 for calculating effective daily recovery capacities oversimplified the many complex factors by which you can assess the efficiency and effectiveness of oil recovery operations. Some of those comments stated that the method favors certain types of oil recovery devices and requested we use some alternative method to rate these devices. Others stated that the 20% derating factor was too low for some devices and too high for others. One comment said that oil encounter rate was the critical variable in oil recovery device performance and it should be a factor in determining the effective daily recovery rate.

The Coast Guard has considered these comments and has retained the methodology in the interim final rule. The effective daily recovery rate accounts for a number of variables, and facilitates identifying relative capacities of different recovery devices. The resulting "effective daily recovery capacity" will not predict how a device will perform during an actual response; there are too many variables to make such a prediction. The purpose of calculating an "effective daily recovery capacity" is to help an owner or operator plan for ensuring that there are sufficient oil recovery devices available to initiate a response action.

One comment asked that section 6.2.1 be revised to allow the Coast Guard to increase the standard efficiency factor above 20% if performance data supported an increase. The Coast Guard has determined that this change is unnecessary. Oil spill recovery technology is dynamic, and the Coast Guard may amend these rules whenever new information warrants making a change. In the meantime, if a vessel owner or operator can document that an oil recovery device has an effective daily recovery capacity greater than the formula in section 6.2.1 reflects, the owner or operator is free to submit data to document this different capacity under section 6.3.

Five comments were confused about the method proposed in section 6.2.3 for calculating throughput for mop or belt type oil recovery devices. After further review, the Coast Guard has determined that there are too many differences in these devices to develop a standard formula. Therefore, we have revised section 6.2.3 to indicate that an owner or operator should base the throughput rate on manufacturer's data for nameplate rated capacity. A new section 6.2.4 has been added so that a vessel owner or operator may submit data to support an alternative method for calculating a throughput rating if the vessel owner or operator includes in their response plan oil recovery devices, with capacities that cannot be measured using pump capacity (i.e., vacuum devices).

One comment stated that the formula in section 6.3.1 failed to account for equipment breakdowns, oil encounter rates, or the time needed to empty storage devices. Although all these factors affect performance during a response, the Coast Guard does not consider them applicable for use in this regulation, because effective daily recovery capacity is a planning criteria. These same factors will affect all

devices the same, thus adding an additional derating for them is not appropriate for response planning.

Regarding temporary storage capacity, the Coast Guard notes that the effective daily recovery capacity of an oil recovery device identified in a response plan is limited by the available temporary storage capacity which will sustain that device. In addition, the Coast Guard believes that the number of hours per day that recovery device operations can be sustained under spill conditions will account for these variables.

Two comments were concerned that decisions related to reducing the standard 20% derating factor would be arbitrary and recommended a central review location rather than having each COTP deciding. The Coast Guard agrees and has added a new section 6.5 indicating that the Commandant will make determinations of alternative efficiency factors under section 6.2 or alternative effective daily recovery capacity ratings under section 6.3.

One comment said that because an equipment manufacturer or response contractor is in the best position to provide the specific information in support of an alternative effective daily recovery capacity for a given oil recovery device, the vessel owner or operator should not have to provide the information. The Coast Guard agrees that the necessary information likely will come from the equipment manufacturer, but the responsibility to prepare and submit a response plan with the necessary information lies with the vessel owner or operator. However, the Coast Guard has included in the new section 6.5 a provision that allows an equipment manufacturer or response contractor to submit information directly to the Coast Guard on behalf of multiple vessel owners or operators that identify such equipment in their response plans.

Appendix B, Section 7

As proposed, this section of the appendix provides the procedure for calculating the worst case discharge planning volumes.

Section 7.2.3 has been changed to reflect the addition of unique response times for the Great Lakes. This section has also been amended to reflect the changes made in the calculation of the additional travel time permitted for spill resources responding to a spill in the open ocean area. As previously noted in the preamble, the assumed transit speed has been reduced from 10 kts to 5 kts, and the point of measurement has been changed from the point 50 miles from shore to the shoreline.

One comment stated that it was burdensome to require the owner or operator of a vessel that carries varying amounts of different types of oil to calculate the planning volume for each type of oil separately. The comment reasoned that the owner or operator would need to continually recalculate and possibly resubmit the vessel response plan for each trip if the quantity, mix, or type of oil changed from the previous trip.

It is permissible for an owner or operator of a vessel to create and submit a vessel response plan for each unique configuration of cargo their vessel may carry. However the Coast Guard suggests, that in the situation where the cargo mix changes frequently, the owner or operator of the vessel submit one vessel response plan based on the vessel cargo loading scheme that results in the largest foreseeable required planning volume. A vessel response plan submitted and approved using this planning volume, would also cover any situations that resulted in a lesser level of planning. It would remain the responsibility of the owner or operator to recalculate the required planning volume and the resulting on-water recovery capacity as necessary to assure that the submitted vessel response plan is adequate. The Coast Guard does not consider these calculations to be overly burdensome.

Section 7.2.4 has been clarified to indicate that for a vessel that carries multiple groups of oil, the required effective daily recovery capacity for each group is calculated and added together before applying the caps contained in Table 6.

Only two specific comments on the example provided in section 7.4 of Appendix B were received. One stated the example was confusing, the other noted that the examples was incorrect because the owner or operator would be required to contract with an oil spill removal organization capable of conducting shoreline cleanup operations only if the vessel came closer to shore than 12 miles and not 50 miles as stated in the example.

The Coast Guard has revised the example to make it easier to understand and to incorporate the revised planning factors used in this interim final rule. The example was correct in that when a vessel operates closer than 50 miles from shore the owner or operator must identify and ensure the availability of an oil spill removal organization capable of effecting a shoreline cleanup operation.

In the calculation for planning volumes for onshore recovery, the calculation for open ocean has been eliminated. This reflects the elimination of the open ocean requirement for shoreline cleanup planning contained in § 155.1050(o)(1) of the proposed rule. The paragraph following the onshore recovery calculations also has been revised accordingly.

A new paragraph has been added after the last table of calculations to discuss the new requirement for a certain percentage of on-water recovery capability to be capable of operating in water with a depth of 6 feet or less. This calculation must be done for all tiers and for all applicable geographic areas.

Appendix B, Section 8

This section of the proposed appendix provided information for evaluating high-rate response methods (for example, dispersants, in-situ burning) in a response plan. We received fifteen comments on this section. Most of these comments repeated issues raised and addressed in our discussion on proposed § 155.1050(k), and will not be repeated here.

Throughout Appendix B, we have revised the requirements for dispersant planning, response times, and methodology for receiving plan credit just as we did in § 155.1050(k).

The Coast Guard has revised section 8.2.2 of appendix B by adding section 8.2.3 to provide information on how we will assess whether to recognize a credit against required on-water recovery capability. Any dispersant capability identified for plan credit must include sufficient resources to sustain that capability for at least three days at the rate proposed for plan credit. This time period reflects the generally accepted "window of opportunity" to disperse oil before it becomes too weathered for dispersants to be effective. Section 8.2.3 provides an example of how this credit would be calculated and applied against tier 1, 2, or 3 resource requirements.

The Coast Guard has added a new section 8.5 to make it clear that any credit against a portion of the 1993 or 2003 cap increases based on dispersant capability will apply only to vessels that operate in areas where using dispersants has been pre-authorized by the Regional Response Team.

We received seven comments on using in-situ burning as a high-rate response method. As proposed, the rule would not allow an owner or operator to use in-situ burning as a response strategy for reducing required oil recovery capability in 1993. Four comments recommended that a vessel owner or operator receive a credit of up to 25 percent against mechanical recovery capacity for in-situ burning. None of the comments suggested what in-situ burning capability should be

demonstrated to obtain this credit. One comment suggested that all owners or operators identify resources for in-situ burning and for required mechanical recovery and dispersant capability. Three comments recommended that the Coast Guard study in-situ burning as a viable response option. These comments did not address using a credit against mechanical recovery as an incentive for developing this capability.

The Coast Guard will not permit an owner or operator to use in-situ burning as a planning response strategy for 1993. The use of in-situ burning is still being studied. The Coast Guard has added language to the renumbered section 8.6 (proposed 8.5) to indicate that we will evaluate in-situ burning as a permissible response strategy for capability increases required in 1998.

One comment opposed using bioremediation as an acceptable emergency response strategy, indicating that there was no evidence it was effective for treating floating oil. The Coast Guard continues to evaluate all potential high-rate response methods for use in spill response, but did not include bioremediation in appendix B because its effectiveness for use in emergency response is uncertain. Responders have used this technique mostly for shoreline treatment as part of the later stages of a shoreline cleanup. If new data show bioremediation or any other high-rate response method to be effective for emergency response, the Coast Guard will consider their application to response planning.

Appendix B, Section 9

This section of the proposed appendix provides information for determining the resources for which an owner or operator must plan to sustain response operations. The section covers trained personnel, temporary storage capacity, and other support equipment required for a response. We received thirty comments on this section.

One comment recommended that vessel response plans should require sorbent boom in addition to containment boom in a quantity sufficient to encircle the containment boom. The comment also recommended that the vessel owners or operators should plan for enough sorbents to sorb the statistically average shipboard spill. Section 9.1 already requires the vessel owner or operator to ensure that a sufficient quantity of sorbent material is available to sustain response operations to completion, and the Coast Guard believes that sorbent material includes sorbent boom. However, we have revised section 9.1 to explicitly mention sorbent boom.

Section 155.1050(o) requires certain owners or operators to identify and ensure the availability of shoreline cleanup resources in an amount commensurate with the planning volume of emulsified oil. The Coast Guard fully expects owners or operators to consider whether a resource has sorbent material and sorbent boom in determining if the resource is capable of effecting a shoreline cleanup operation.

In the NPRM on Discharge-Removal Equipment for Vessels Carrying Oil, we proposed requiring certain vessels to carry sorbent material. The Coast Guard believes that the section 9 requirements and the proposed equipment carriage requirements will ensure that sufficient sorbents are available to respond to a spill, and that no further requirements for sorbents are necessary.

Two comments supported the provision in section 9.1 that the vessel owner or operator also ensure the availability of support equipment and supplies to sustain response operations. One comment recommended that the support equipment also be capable of use in the same operating conditions as the oil recovery devices, boom, and temporary storage capability. The Coast Guard has revised this section in the interim final rule to state explicitly that the support equipment must be suitable for use with the primary equipment (oil recovery devices, boom, and temporary storage capability) identified in the response plan. The Coast Guard also has revised the last sentence of section 9.1 to make it clear that an owner or operator does not need to supply detailed information on the support equipment capability in the response plan.

Four comments supported the requirement in section 9.2 that an owner or operator identify temporary storage capability in the response plan. Three of those comments recommended that owners or operators plan for a defined initial storage capacity to arrive with an oil recovery device. One comment recommended that we evaluate oil recovery devices and temporary storage as a system. The Coast Guard has determined that requiring an owner or operator to identify a defined volume of storage capacity during the initial response is unnecessary. An owner or operator should match storage capacity to the types and quantities of oil recovery devices identified in the plan.

For example, each oil recovery device must have sufficient temporary storage capacity matched to its expected recovery capacity. If the planned response strategy is to operate ten such devices independently, each must have separate storage capacity. This storage capacity does not have to be dedicated for a given device. Most oil recovery devices have limited storage capacity because they are designed principally for recovery and emptied into a larger storage device. Although this is acceptable, the vessel owner or operator must assess how much time it takes to transfer oil from a recovery device to a storage device in calculating the effective daily recovery capacity.

Twenty-three comments opposed the requirement under section 9.2 to contract for temporary storage capacity as being too costly. The Coast Guard added an alternate approved means by which an owner or operator may ensure the availability of resources for which it must plan.

Five comments opposed requiring owners or operators to identify daily temporary storage capacity equivalent to double the effective daily recovery capacity, and recommended that storage capacity be equivalent to recovery capacity if the capability to decant water from the storage device exists. One comment recommended that the Coast Guard allow either twice the daily recovery rate or a lesser volume if the owner or operator provides a waste stream analysis to show that a volume less than the section 9.2 volume would need to be stored daily.

The Coast Guard has considered these comments and retained the requirement for storage capacity to equal twice the recovery capacity. All oil recovery devices collect some water with the oily material, and the volume of this water varies with the design of the device and the thickness of the oil on the water's surface. The factor of 2 accounts for recovering a volume of water with the recovered oil. In addition, we have revised section 9.2 so that a vessel owner or operator may identify storage capacity for less than the section 9.2 volume, if the owner or operator provides a waste stream analysis to show that the efficiencies of its identified recovery devices, the ability to decant water from the storage devices, or the availability of alternative storage or disposal locations in the area where the vessel operates result in reducing the volume of material requiring temporary storage.

Two comments requested that the vessel owner or operator be responsible for arranging for disposal of recovered product, and not the oil spill removal organization identified in a response plan. Section 9.3 as proposed reflected industry practice that the spill response contractor arrange for the disposal on behalf of the responsible party. However, because OPA 90 makes the vessel owner or operator responsible for

ensuring that its plan addresses disposal, we have revised the interim final rule to make that clear.

Appendix B, Table 1

As proposed, this table provided operating and design criteria to use in evaluating oil recovery devices and booms identified in a response plan. Table 1 is based on information for equipment selection in the 'World Catalog of Oil Spill Response Products—Third Edition." The American Society of Testing and Material (ASTM) used the World Catalog as the starting point for its pending oil recovery equipment standard. We received five comments on this table.

One comment recommended that we delete the Great Lakes data from the table and apply river or inland criteria for the Great Lakes. The Coast Guard disagrees. The Great Lakes criteria derive from unique conditions there. The equipment operating and design criteria are consistent with World Catalog specifications for oil recovery operations in areas like the Great Lakes. Nothing in the comment indicated that this data was incorrect.

Four comments provided various drafts of the ASTM standard for boom performance and standard environmental conditions. The draft standard has categories of information and criteria similar to the VRP rule. Because ASTM has yet to reach consensus on this standard, the Coast Guard has determined it premature to incorporate all or any part of the draft ASTM standard. The Coast Guard is involved in the ASTM committee developing these standards, and we note the similarities between the ASTM drafts and this rule. The Coast Guard will consider the need to change Table 1 once the final ASTM standards are published.

The Coast Guard has made 3 minor changes to Table 1 in the interim final rule. The term "rivers" was changed to "rivers and canals" to be consistent with the use of this term throughout the interim final rule. We changed the symbol used to describe significant wave height from "less than" (<) to "less than or equal to" (≤) to clarify better the intended meaning of significant wave height.

A footnote was added to the table to explain that the oil recovery device and boom must be at least capable of operating in a significant wave height up to and including the value listed in the table for each environment. The lower value for permissible boom height for rivers and canals has been decreased from 10 inches to 6 inches. This change was based on further assessment of available boom types and potential uses within the operating environment.

One comment was concerned that existing stockpiles of boom would be unusable in the open ocean area because the proposed boom heights are greater than boom heights used routinely in open ocean responses. Although the Coast Guard recognizes the comment's concern, the boom height reflects the statutory requirement to plan for responding to a worst case discharge in adverse weather. For ocean areas, "adverse weather" could be seas with significant wave heights of up to 6 feet.

Appendix B, Table 2

Table 2 sets out shoreline protection requirements. The Table has been revised to reflect the changes discussed in the preamble for § 155.1050(n): Eliminating all requirements to identify boom, adding the Great Lakes to the nearshore and inland category for both persistent and non-persistent oils.

Appendix B, Table 3

This table sets out factors needed to calculate the planning volumes for response resource identification. Because of loss to the environment, potential for shoreline impact, and potential for on-water recovery varies by the oil type and location, we have included a factor (percentage) for each.

One comment recommended that Table 3 should have a separate category for edible oils. Another comment recommended that the table should have a separate category for asphalt because it sinks and can't be recovered by conventional methods. The Coast Guard has revised the rule in recognition of the unique characteristics both of nonpetroleum oils and of oils heavier than water. We have addressed issues and comments for these oils in the preamble discussion of §§ 155.1052 and 155.1054. Table 3 is inapplicable.

Eight comments argued that the percentages in the table have no technical basis, that there is no justification for the wide variances in the additive values, and that the percentages for a specific geographic area should not exceed 100% when summed together.

The values in Table 3 were drawn from deliberations among the Negotiated Rulemaking Committee. They are based on the general behavior of oil that has been observed during actual discharges. The variances in values reflect the amount of oil most likely to be available for recovery.

As noted in the preamble to the NPRM, in the inland, nearshore, and offshore portions of the table, the percentages do not add up to 100%. This reflects an adjustment in the on water percentage to increase the quantity of resources that are planned for mobilization in the first 3 days of the response. Because the oil may rapidly impact the shoreline in these areas, quick mobilization is essential.

One comment expressed concern that having the percentages exceed 100% could be construed as setting a performance standard. The Coast Guard disagrees. The preamble to the NPRM clearly stated why the percentages exceeded 100%. Additionally, we have restated in many places in both the IFR and this preamble that these are not performance standards.

One comment noted that the percentages should not exceed 100% because the effect of emulsification has already been taken into consideration. The Coast Guard disagrees. The application of an emulsification factor recognizes the very real fact that the volume of oil that must be recovered may increase due to the effects of emulsification. The intended purpose of having the percentages exceed 100% was to increase the quantity of on water resources that are planned for mobilization in the first 3 days of the response. The two issues are not directly related.

One comment recommended that the percentages in the table for "recovered floating oil" should be increased because oil which comes onshore has the potential of becoming floating oil again through either tidal or human action. The Coast Guard concurs that this is a possibility, but does not agree that it is a phenomenon that can realistically be taken into consideration. It is not practical to estimate the amount of oil that will reenter the water after it has been deposited on the shore line. Additionally, tidal ranges vary widely making the establishment of one national standard difficult.

One comment recommended that if emulsification is taken into consideration, then evaporation should also be taken into consideration as recommended by the Committee. The effect of evaporation is included in Table 3. The percentage attributed to natural dissipation is not explicitly used to determine the planning volume for on water recovery capacity or shoreline cleanup capacity. However, the relative effect of natural dissipation in different environments and for different oil groups was taken into consideration when determining what percentage of the planning volume would be available for on-water or on shore recovery.

Numerous comments noted that the Great Lakes were not included in any of

the spill locations contained in Table 3 of the proposed rule. This oversight has been corrected in the interim final rule. The Great Lakes have been expressly added to the nearshore and inland category.

Table 3 of the proposed rule included percentages for oil on shore for the open ocean. However, § 155.1050(o) exempts vessel response plans for vessels operating in the open ocean areas from having to plan for shoreline cleanup. To avoid any confusion that Table 3 contradicts the intent of § 155.1050(o) the appropriate entries in table 3 have been annotated to indicate that they are included in the table for continuity, and that no planning is required.

Appendix B, Table 4

Twelve comments addressed the emulsification factors listed in table four. Two comments supported the factors used in the table but the others stated that the levels were too high for a variety of reasons. Case histories, distance from shore, type of water body, fresh water, weather and temperature variables, and discharge rates were all cited as factors that should be considered when setting the emulsification factors. Two comments indicated that the scientific data is insufficient or not available to support the high emulsification factors listed.

Numerous comments argued that emulsification is already taken into consideration through the 20% rating factor applied to oil recovery devices in section 6 of appendix B. The Coast Guard disagrees. The emulsification factors listed in Table 4 are to account for emulsification that occurs to the oil prior to the oil being encountered by the skimming equipment. The 20% rating factor includes, among other things, consideration of the efficiency of the actual skimming device to remove oily material from water. The two issues are unrelated.

One comment recommended that the plan holder should have the option of demonstrating that a lower factor is appropriate. The Coast Guard disagrees. This would introduce an unnecessary level of detail and not be consistent with the desired practicality of maintaining one nationwide standard.

The Coast Guard recognizes that emulsification depends on a variety of factors. The proposed Table 4 values were derived from ITOPF data and reflected the maximum amount of emulsification that could occur over a prolonged period of time in environmental conditions that favored the emulsification process. There was no other method suggested to account for the variables although the Coast Guard has been convinced by the comments that the emulsification factors listed in Table 4 of the NPRM were too high. Consequently, the emulsification factors in Table 4 have been revised. All of the factors that were greater than 1 in the original table have been reduced.

Appendix B, Table 5

Seven comments discussed Table 5, Mobilization Factors. One comment supported the factors, one comment stated the factors were too low at the beginning of the operation, and one comment stated the factors were too high for river operations. Three comments stated the table should be deleted because the mobilization factors created a performance standard and not a planning standard. One comment suggested incorporating Table 5 with Table 4 to simplify this portion of the rule.

Table 5 provides mobilization factors to assist in planning for the recovery of a worst case discharge. The Coast Guard recognizes that oil recovery operations are most effective in the initial stages but also acknowledges that it is unrealistic to plan for the majority of the response equipment to be immediately available. In rivers, where spills are spread rapidly, it is most important to plan for a strong initial response to contain and recover a spill and consequently these planning factors are higher than for other areas. The Coast Guard recognizes that the wording of the preamble that explained Table 5 in the NPRM could have been misunderstood to constitute a performance factor. However, the Coast Guard has indicated repeatedly elsewhere in this rule that this rule sets forth planning criteria and does not establish performance standards. The Coast Guard believes that this table is fairly straightforward and although one comment suggested a way to simplify it, no one commented that it is confusing. Consequently, Table 5 has not been changed.

Appendix B, Table 6

Table 6 provides response capability caps by geographic area. The Table has been revised to reflect the changes discussed in the preamble for § 155.1050(p). Specifically, a unique cap has been created for the Great Lakes, and all explicit caps for 2003 have been eliminated and replaced with the comment that they will be determined in the future. The caps for 2003 will be established during the Coast Guard review of the proposed caps for 1998. For consistency and continuity, the effective date of the caps has been changed from March 18th to February 18th for 1993, 1998, and 2003.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 155.140 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. The material is available as indicated in that section.

Regulatory Evaluation

This interim final rule is major under Executive Order 12291 and is significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979).

This rulemaking will cost the oil transportation industry and the general public more than $100 million annually. It may also affect domestic and international shipments of oil to and from the United States and may generate substantial public interest and controversy. These regulations will also impact cleanup contractors, oil spill cooperatives, and other not-for-profit cleanup organizations.

The interim final rule contains requirements for vessel response plans, as well as additional requirements for certain vessels operating in Prince William Sound, Alaska. The impact of these requirements has been analyzed separately and is summarized below.

In the NPRM, the Coast Guard solicited public comment on the draft Regulatory Impact Analysis (RIA) for vessel response plans and the draft Regulatory Evaluation (RE) for Prince William Sound. A summary of the public comments received appear later in this discussion.

The Coast Guard has revised the RIA and RE based on public comments received, revisions made to the IFR, and two recent legislative changes which significantly affected the applicability of the interim final rule. As discussed in the "Regulatory History" section of the preamble, OSVs and certain fish vessels and fish tenders are no longer required to prepare vessel response plans, and the additional requirements for PWS now apply only to tankers loading cargo at a TAPs facility. Both changes will reduce the number of entities affected.

The Interim Final RIA and Interim Final RE are available in the docket for inspection or copying, as indicated under "**ADDRESSES.**" They have also been placed in a separate docket (CGD 91–047) established to facilitate review of the programmatic RIA for titles IV and V of OPA 90.

Vessel Response Plans

In performing the regulatory impact analysis, the following four response plan alternatives were considered:

(1) No requirements,

(2) Comprehensive requirements for all tank vessels,

(3) Reduced requirements for vessels carrying oil as a secondary cargo, and

(4) Reduced requirements for inland barges only.

In response to public comments on the Draft RIA, and to reflect changes and improvements in cost estimates, numerous modifications have been made to the Interim Final RIA. Principal changes made include:

- Estimates of the costs of qualified individuals have been included.
- Estimates of costs for spill response capabilities in the Great Lakes have been developed.
- Impacts on costs of the future increases in contracting caps have been assessed.
- Revised cost data for major cost items have been incorporated.
- Cost/benefit has been calculated in terms of the cost per barrel of oil saved.
- Discount rate has been reduced from 10 percent to 7 percent, reflecting the latest OMB guidelines.
- Off Shore Supply Vessels have been eliminated from the Industry Profile and subsequent analysis.

VRP Industry Profile

The vessels that are subject to these requirements are divided into four distinct groupings: (1) Oil tankships in international trade, (2) coastal trading U.S. tankships and tank barges, (3) inland tank barges, and (4) other vessels not certificated under 46 CFR subchapter D, which carry oil in bulk as a secondary cargo. The distinct industry groups comprise the majority of these other vessels. They are certain fishing vessels and certain towing vessels.

Approximately 363 companies owning 1,050 vessels constitute the international tankship sector. The number of vessels held by any one company varies from 1 to over 50 vessels. The assets of the publicly held tankship operating firms vary from $28 million to $95 billion.

The coastal fleet consists of U.S. owned tankships and coastal trading tank barges. The coastal fleet is comprised of 147 tankships owned by 28 companies and 190 tank barges owned by 52 companies. The number of vessels owned by any one company varies from 1 to over 10 vessels. The assets of the independent, publicly-held companies engaged in operating the coastal fleet vary from $50 million to over $1 billion.

The inland barge fleet is comprised of 409 companies with 3,461 active barges. Of these, 219 companies own only 1 vessel or 6 percent of the fleet. The assets of publicly traded firms in this industry vary from $23 million to $13 billion.

The fishing vessel industry consists of 5,422 vessels owned by 4,587 companies. In addition, 22,371 documented fishing vessels are owned by individuals. The vast majority of these are owners or operators of one vessel. Approximately 80 to 100 of these vessels or 0.4 percent will potentially be impacted by this regulation because they carry oil as a secondary cargo. Virtually all of these vessels are privately owned.

The towing vessel industry consists of 5,703 vessels owned by 2,156 companies. Of these, two companies own over 50 vessels while 1,357 owners have only one vessel. Approximately 2.5 percent of the fleet or 150 vessels are engaged in the transfer of oil to other vessels. This interim final rule would not be applicable to the majority of these vessels because the oil carried would not be considered cargo due to the nature of their operation.

VRP Costs

In the aggregate, the requirement for vessel response plans will result in substantial costs to the industries affected. The present value cost of this regulation for the period 1992 through 2015 is estimated at $2.7 billion. The bulk of this cost entails large capital and operating expenditures to ensure adequate shore-based response capability. This accounts for 53 percent of the total incremental cost, or $1.4 billion. The next most costly items are drills and training with costs of $410 million for the 24-year period examined, or 15 percent of the total cost. The incremental cost of the entire regulation is $318 million for 1992, but declines to $226 million annually for the period 2005 through 2015.

For individual tankship or coastal trading tank barge owners or operators, the cost of compliance will vary slightly. The owners or operators of large fleets can spread the costs of response plan development over many vessels. The annual cost per vessel to major oil companies is estimated to be $6,500 per vessel. However, the small independent operators are not placed at a significant cost disadvantage over larger independent operators, as they have been able to find cost effective means to develop and maintain plans. The cost to small independent vessels owners or operators is estimated to be $6,900 per vessel.

For individual inland tank barge owners or operators, however, the cost per tank barge will vary widely according to the number of barges owned. Large operators are expected to gain economies of scale on a cost-per-barge basis, as they are able to spread the costs of plan development, maintenance, revision, and drills over a larger number of barges. For companies with more than 80 barges, the annual cost is estimated to be less than $2,900 per barge for development and maintenance of the plan, drill costs, and inland response capability. In contrast, the cost for companies with 1 to 9 barges is estimated between $7,500 and $17,300 per barge per year. The wide variance of costs within the inland tank barge industry is a direct result of fleet size.

For fleets of approximately equal size, the annual costs per tank barge is expected to be lower than the annual costs per tank vessel. This is due to a number of factors including reduced drill frequency, no requirement for comprehensive on-board response plans, and the ability to prepare one vessel-specific appendix for a large number of nearly identical barges. Additionally, it is expected that most barge owners or operators will submit one basic plan with separate vessel specific and geographic specific appendices.

The costs for certain fishing vessel and certain towing vessel owners or operators are estimated to be about $1,000 per year. As with other vessels, there would be economies of scale for owners or operators of multiple vessels.

VRP Summary of Benefits

The principal benefit of the vessel response plan requirement is a potential reduction in oil spilled with a corresponding reduction in natural resource damages and cleanup costs. Vessel response plans are expected to influence: Oil outflow volumes when an incident occurs; spill preparedness; and response management. The requirements of the interim final rule should result in: improved notification and communications; quicker mobilization and reduced response times; and clearer procedures and guidelines for onboard transfers, lightering, and towing. The potential benefits of vessel response plans were calculated by conducting detailed analyses of historical cases and by assessing the effectiveness they might have had in reducing outflows, cleanup costs, and damages. This analysis showed that VRPs can be expected to result in environmental improvements ranging from 7 to 22 percent.

Quantifying benefits of avoided natural resource damages associated with the vessel response plan regulations is difficult. The ideal methodology would be to conduct a multiple case study of historical spill data that would include natural resource damage assessments. The results would represent the range of benefits from avoided natural resource damages. This could not be done for two reasons. First, there are a limited number of claims actually settled which established a resource damage and restoration claim. Second, although models and methodologies are being developed which may better quantify natural resource damages, there is a lack of standardized models to do these assessments.

The Coast Guard is undertaking further work to refine and expand its database of oil spill cleanup and damage cost information and is further studying the matter of natural resource damage valuation, which is currently the subject of comprehensive research and evaluation by NOAA. This will facilitate development of more accurate, representative and consistent spill-unit values to serve as the basis for reevaluating benefit estimates in this and other regulatory evaluations undertaken for the implementation of OPA 90.

Public Comments on the Draft VRP RIA

Several comments stated that the VRP requirements cannot be analyzed in isolation of other requirements contained in OPA 90, particularly the double hull requirement. The Coast Guard acknowledges that some of the rules required by sections IV and V of OPA will interact with each other. For example, the beneficial impact of the double hull rule is the reduced amount of oil spilled after certain goundings or collisions. This reduction in the volume of oil spilled may reduce the calculated "cost effectiveness" of vessel response plans for these vessels.

The Coast Guard intends to conduct a comprehensive, programmatic RIA for all title IV and V OPA rules. This comprehensive RIA will evaluate the interaction of the rules relative to each other, and assess their impacts in total. However, since the rules will be developed and issued individually over several years, each rule will undergo an interim evaluation against a baseline that assumes no other OPA 90 requirements are implemented.

Several comments also stated that the RIA did not take into consideration macroeconomic impacts and the fact that current economic market conditions are poor. The RIA considers the costs of this rule on GNP, inflation, employment and balance of payments. It also takes into consideration economic conditions when examining the impact of this rule.

Many comments argued that the RIA underestimated costs. The oil spill response industry is undergoing a significant change as a result of OPA 90. New corporations are emerging in response to these regulations. When new industries develop, costs are initially high as companies gear up and buy new equipment. As demand increases and economies of scale are created, costs tend to drop. For example, the Marine Preservation Association which funds the Marine Spill Response Corporation (MSRC) has reduced its annual dues for vessel owners and operators from $50,000 to $10,000. In addition, the Natural Resource Corporation (NRC) offers vessel owners and operators spill response contracts on a per voyage basis. In the near future, with more companies entering the spill response market, costs of contracting should continue to decline as a result of intensified competition.

Comments noted that the RIA did not capture certain cost elements, including the costs of cap increases in 1998 and 2003, the cost of recruiting, training, and drilling qualified individuals and response teams, the additional costs of NRC, the cost of establishing Great Lakes spill capabilities, and the cost of assessing contractor capability. One comment stated that the cost of company specific table-top drills were underestimated. Another comment stated that the costs to the inland barge industry were underestimated. In response to the comments, additional analysis has been included in the Interim Final RIA to evaluate these costs. Several cost estimates were increased, and incremental costs assumptions were reviewed, in light of additional cost information provided in the comments.

Several comments presented arguments concerning which industry costs should be included in the cost calculations. Several comments argued that costs incurred prior to, but in anticipation of, OPA 90 should be included in the calculations. Others argued that it was incorrect to include costs for response activities that preceded passage of OPA 90. The Coast Guard determined that it was appropriate to include in the RIA those costs that industry spent in anticipation of the rule. The Coast Guard considered that after the Exxon Valdez spill, there was strong sentiment in Congress for developing comprehensive spill prevention regulations, resulting in promulgation of OPA 90. Industry, anticipating this action, took many preliminary actions including the development of MSRC. The Coast Guard could have begun costing this rule using a later date. However, the cost/benefit ratio of this rule is not dependent on where the RIA chose to begin costing. If the cost projections began in a later year, related benefit estimates would be reduced. The ratio of costs to benefits would be relatively unaffected by choice of the year costing begins.

One comment noted that the costs incurred by oil spill cooperatives should be included in the RIA. The interim final RIA has been revised to include the appropriate incremental portion of cooperatives budgets that can be directly accredited to the VRP requirements.

Several comments noted that the RIA did not account for firefighting, salvage and lightering costs. The interim final rule permits the owner or operator of a vessel to meet the firefighting and salvage requirements by obtaining the written consent of the provider before listing the provider in the VRP as an available resource. The interim final rule also permits the owner or operator of a barge which operates on rivers and canals to meet the lightering requirements by obtaining the written consent of the provider. These are changes from the NPRM, which required the more rigorous forms of "contract or other approved means." The interim final RIA concludes that due to competition in the salvage and firefighting industry, salvage and firefighting companies will not charge retainer fees for a listing in a vessel response plan. The interim final rule does not require advance contracting for dedicated lightering vessels. Therefore, the RIA is correct in not including these costs.

Several comments noted that the RIA did not include the costs of dispersants. The interim final rule does not require the owner or operator of a vessel to ensure through contract or other approved means the availability of dispersants. Rather, the identification of dispersants is optional in certain areas where year-round use of dispersants has been approved. Because identification of dispersants is allowed but not required, the cost of dispersants has correctly been omitted from the RIA.

One comment noted that costs are inaccurate because the full impact of the NCP and ACPs on the vessel response plans are unknown. In NVIC No. 8–92, the Coast Guard announced that it will evaluate whether a response plan is consistent with the NCP by using the existing NCP published in 40 CFR part

300. Further, the local oil and hazardous substances contingency plans in effect on August 18, 1992 will be used to evaluate whether or not a response plan submitted to meet the February 18, 1993 deadline is consistent with the ACP. The Coast Guard does not anticipate significant additional costs in making a vessel response plan consistent with the revised NCP and ACPs. However, if there are significant costs, they will be captured in the final RIA.

Several comments stated that the Coast Guard should have considered costs in the determination of "Maximum Extent Possible". As previously discussed in "Section 155.1020 Definitions" the Coast Guard did consider costs in the development of this rule making.

A few comments claimed that the costs of training were underestimated. The Coast Guard has used the best available data on training costs and believes the RIA is accurate.

One comment stated that the costs of revisions of names and phone numbers was not included in the draft RIA. Another comment stated that the costs of making copies were underestimated. It is anticipated that these costs will be small and are adequately captured in the paperwork costs and effort estimates.

Several comments stated that the benefit estimates used in the draft RIA were too low, specifically the natural resource damage assessment (NRDA) estimates. Others stated the NRDA estimates were too high. The interim final RIA does not place a dollar value on the benefits of avoided natural resource damages associated with the vessel response plan regulations. The Coast Guard has determined that there are insufficient data and no standardized models with which to reliably value these benefits. The Coast Guard and NOAA are conducting further research and evaluation to facilitate the development of more accurate, representative and consistent spill-unit values to serve as the basis for reevaluating the benefits estimates.

For purposes of the interim final RIA, benefits have been estimated on the basis of the volume of oil spills prevented. This provides the basis for a "cost effectiveness" analysis rather than a benefit-cost assessment. The Coast Guard and OMB have determined that this is the most appropriate approach until revised NRDA estimates can be developed.

One comment stated that using historical spill data underestimates the benefits of the regulation because the historical costs do not take into consideration the new liability regimes established in FWPCA as amended by OPA 90. As discussed above, there is an ongoing effort to improve the estimation of benefits. Another comment stated that the draft RIA overestimated future spill volumes. The Coast Guard believes using historical spill data is the most accurate method currently available to estimate future spills.

Several comments thought that the effectiveness rates for vessel response plans are too high. The potential benefits of VRPs were quantified by conducting detailed analysis of historical cases and assessing the effectiveness VRPs might have had in reducing outflows, cleanup costs, and damages. This analysis showed that VRPs can be expected to result in environmental improvements ranging from 7 to 22 percent. The interim final RIA used an effectiveness measure of 15 percent. The Coast Guard considers this to be a reasonable measure, based on the best information currently available.

One comment noted that the RIA did not include the benefits of positive job gains in the oil spill recovery industry. The Coast Guard was unable to precisely estimate the number of jobs that will be developed as a result of this rule. To the extent that jobs are in fact being created, this will have a positive effect on employment in some parts of the country.

One comment noted that the time horizons for benefits estimates were too short. The Coast Guard and OMB commonly use a 10 year horizon for the analysis of costs and benefits. The vessel response plan RIA uses a 23 year time horizon. This time horizon was chosen for this rule to coincide with the time horizon used with the double hull rule.

Additional Response Plans Requirements for Certain Vessels Operating in Prince William Sound, Alaska

PWS Industry Profile

Vessel traffic in Prince William Sound is dominated by large crude tankers calling at the Trans-Alaska Pipeline (TAPS) terminal near Valdez, Alaska. The terminal is operated by the Alyeska Pipeline Service Company, a consortium of seven major oil companies. This trade consists of approximately 900 tanker loadings accounting for approximately 700 million barrels of Alaskan North Slope crude annually. However, North Slope oil production is now declining and is expected to continue to drop about 6–7% per year. The vast majority of tankers calling at the TAPs terminal are U.S. flagged, single hulled vessels. The operators are large oil companies, including Alyeska consortium members and independent U.S. vessel operators.

Tankers loading cargo at a TAPS facility are the only vessels subject to the special requirements of section 5005 of OPA 90. The draft RE addressed all tank vessels operating on PWS, including barges and relatively small, single-hull tankships. As previously discussed, the interim final rule now applies only to tankers loading at a TAPS facility. Other vessels have been eliminated from the PWS Industry Profile and subsequent analysis in the interim final RE.

PWS Costs

Over the 10-year period (1993–2002), costs for compliance for TAPS vessels will be $232 million. It is estimated that compliance with section 5005 will cost tankers loading cargo at a TAPs facility an average of $47,000 for each cargo load transferred and transported in the Sound during the 10-year period. This will increase unit cost per barrel by approximately 6 cents (or 0.15 cents per gallon). This small price increase would likely have a negligible impact on this market.

PWS Summary of Benefits

OPA 90 places additional requirements on the spill response capability of tankers loading cargo at a TAPS facility. These added requirements are intended to provide additional response capability to protect the unique, environmentally sensitive area of PWS. Specifically, section 5005 of OPA 90 requires: Prepositioned response equipment; establishment of an oil spill removal organization; training of local citizens and fish hatchery employees in oil spill removal techniques; periodic testing and certification of equipment; and exercises to test the capability of the equipment and trained personnel.

Prepositioned equipment, including escort response vessels, improves the effectiveness of offensive operations (i.e., containment and recovery of oil in the general vicinity of the spill site). Prepositioning serves to put containment and removal capability on scene very rapidly, making the response more effective. It has been estimated that prepositioned equipment alone has the capability of recovering up to 256,000 barrels of crude in the first three days following a spill. Quick recovery of oil from the environment has the effect of reducing the net size of the spill, thereby reducing environmental and other harmful consequences, the amount of the

shoreline threatened, and overall cleanup costs.

Quantified benefits for the TAPs traffic in present value were estimated in total barrels of oil recovered. Oil spillage during the period 1993–2002 is projected to be about 285,000 barrels of crude and is based on spill probabilities for the types of vessels and numbers of movements characteristic of TAPS traffic. Of that spillage, it is estimated that prepositioned equipment can recover nearly 58,000 barrels of oil in the three days following a spill.

There are additional benefits which are not quantifiable. Effectiveness of defense operations is enhanced both by the training of citizens and hatchery employees so they may assist in nearshore and onshore operations, and by prepositioning containment and cleanup equipment near where it would be utilized. Also, area drills are expected to improve the proficiency of both offensive and defensive operations.

For the TAPs traffic, quantified benefits in present value from the regulations are estimated at approximately 42,000 barrels of oil recovered over the 10-year study period. Discounted costs over the same period amount to $164 million. This regulation is therefore expected to cost $3,899 for every barrel of oil recovered.

Public Comments on the Draft PWS RE

Most comments questioned the assumptions underlying the costs and benefits. Many of the comments received on the draft VRP RIA may also be applicable to the PWS RE. Several comments were received on the cost and benefits of extending the requirements of Section 5005 of OPA 90 to Non-Taps vessels. As previously noted, non-TAPs vessels are no longer subject to the additional requirements of Section 5005.

One comment stated that the RE significantly underestimated the cost of compliance by failing to consider the costs of response resources that have been added since 1989 to meet the requirements of Section 5005 of OPA 90 and similar legislation in Alaska. Two comments stated that the cost associated with a proposed regulation should be measured from the time of the rule, not from an earlier point, and that the cost that should be assessed to Section 5005 are those that will be incurred after the rules are finalized. As previously discussed in the public comments regarding the VRP RIA, the Coast Guard has included in the RE those costs that industry spent after the Exxon Valdez spill in anticipation of the rule.

One comment stated that the RE has obscured an accurate cost-benefit analysis by including the cost of existing prepositioned response equipment already required by State law and already procured by PWS vessel operators. This comment stated that the costs of implementing the regulations for Section 5005 should be zero because the Federal regulations would impose no additional major expenses to private business beyond what has already been incurred. Another comment argued that no costs should be attributed to the Federal regulations because of the existence of the State of Alaska's regulations.

There is no guarantee that Alaska's state laws will not be amended or repealed in the future. If the Coast Guard were to regard the OPA 90 requirements as having no costs, because of already implemented State response programs, then it would also have to conclude there are no benefits, either. Therefore, the Coast Guard does not agree that the costs should be decreased.

One comment noted that the draft RE did not consider the human health effects in PWS including the psychological and social effects on the community. There are no specific costs and the Coast Guard was unable to quantify these benefits. To the extent that this rule would improve human health, the identifiable benefits would thus outweigh costs.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard has considered whether this interim final rule would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). This evaluation was carried out as part of the Interim Final RIA and the Interim Final RE for this interim final rule. Copies are available in the docket for inspection or copying where indicated under "ADDRESSES."

Small Entity Impact of Vessel Response Plans

The impact of vessel response plan requirements will be distributed differently across various sectors of the U.S. waterborne oil transportation industry. There are a number of companies meeting the definition of a small business operating in each sector of the industry.

Some small owners or operators of international flag tankers, which call infrequently in U.S. waters, may choose to discontinue U.S. trade. However, they will be able to use their vessels in other trades. The requirements are not expected to place more burdensome financial strains on these operators than on larger independent operators.

Small operators of coastal tankers and tank barges will incur a minor competitive disadvantage versus larger operators. However, the requirement for a response plan, by itself, should not force these companies to exit the business.

These regulations may impact noticeably on small operators of inland barges. The cost to develop plans for the inland barge fleet is considerably lower than for coastal barges. However, costs spread over one or two barges in an individual firm's fleet may comprise a comparatively higher percentage of the total cost of operating these barges. This regulation may further contribute to the current consolidation taking place within this industry. The Coast Guard anticipates that many of these smaller operators will share the costs of plan development on an industry-wide basis, thus reducing their individual costs.

The annual cost of compliance for certain fishing vessels and towing vessels that carry oil in bulk as a secondary cargo is expected to be approximately $1,000. Although the cost per gallon of oil carried as cargo may be relatively high, the total annual cost is relatively small. A number of these operators (particularly of tug/tow boats) may cease to carry oil in bulk as cargo. This would not necessarily prevent them from continuing to operate in their capacity as tug/tow boats. The interim final rule subjects these vessels to reduced requirements in accordance with the recommendation of the Negotiated Rulemaking Committee. It is estimated that the costs to meet these reduced response plan requirements for secondary carriers is 10 percent of the cost to meet the comprehensive standards if the latter were required.

Although the Initial Regulatory Flexibility Analysis indicates that some small businesses may be impacted, the Coast Guard believes that the existing exemption provisions contained in § 155.130 will minimize the impact on small entities. Section 155.130 allows for exemptions or partial exemptions from compliance with any requirement in 33 CFR 155 if among other things, compliance with a specific requirement is economically impractical. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Public Comments With Respect to Small Entities

Several vessel owners on the Great Lakes stated that small businesses would be disproportionately impacted because of the small number of vessel owners available on the Great Lakes to share the costs of supporting the needed oil spill response infrastructure. This situation is aggravated by the large size and relative remoteness of the Great Lakes, and the lack of a preexisting oil spill response network prior to the passage of OPA 90. Several comments were also received from the asphalt industry located on the Great Lakes who stated that the cost of the VRP requirements may require them to abandon the use of small barges to transport asphalt. It is believed that some of the affected barge owners would fall within the classification of small entities.

After considering all comments received on the NPRM, we reassessed our proposed requirements for the Great Lakes. As a result, the interim final rule has been revised to lower the planning requirements for vessels carrying groups I through IV petroleum oil as a primary cargo on the Great Lakes. The worst case discharge caps have been reduced by 50 percent and the corresponding response times have been increased by 6 hours.

The interim final rule also establishes unique planning criteria for vessels carrying group V oil as a primary cargo. The planning requirements for group V oils, which includes asphalt, take into consideration the unique characteristics of these oils and also recognizes that existing response capabilities for these oils are not as well developed as for other oil groups. Caps do not apply to Group V oils. Additionally, most of the required response equipment can be identified in the VRP with the written consent of the provider, eliminating the more costly types of "contract or other approved means". Most of the equipment that must be identified must only be capable of being deployed with 24 hours of discovery of the spill to the nearest port, rather than being on-scene within a shorter time frame.

Taken collectively, the Coast Guard believes that these changes to the interim final rule will reduce at least partly the burden on small entities operating within the Great Lakes. For those vessel owners and operators who still find it physically or economically impracticable to comply with the VRP regulations, they will be permitted under 33 CFR 155.130 to request a compliance exemption from portions of the requirements.

A number of comments were concerned that the cost of the VRP requirements for vessels operating in remote areas might be prohibitively high. The identified areas include the Aleutian Islands and other areas of Alaska, Guam, American Samoa, and other remote areas in the Pacific. It is believed that a number of the vessel owners operating in these remote areas are small entities. As noted above, these small entities will be permitted under 33 CFR 155.130 to request a compliance exemption from portions of the requirements.

Small Entity Impact of Additional Response Plan Requirements for Certain Vessels Operating in Prince William Sound, Alaska

Many operators of TAPS vessels are subsidiaries of large, integrated petroleum companies, such as ARCO Marine, Chevron Shipping, and Exxon Shipping. While other operators are independent ocean carriers, none could be identified whose current employment (including that of corporate affiliates) was below the 500-employee threshold used by the Small Business Administration for identification of small enterprises in deep-sea freight transportation.

Because it expects the impact of section 5005 of OPA 90 to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains collection of information requirements. The Coast Guard has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The OMB approvals for each subpart of the interim final rule are discussed separately.

Subpart D Vessel Response Plans

The section numbers are §§ 155.1025, 155.1035, 155.1045, 155.1055, 155.1060, 155.1065, and 155.1070, and the corresponding OMB Control Number 2115–0595. This is a provisional approval which expires on September 30, 1993. The Coast Guard has made several changes to the interim final rule that will reduce the information collection burdens. These changes have been discussed in the preamble. The Coast Guard will consider comments received in response to the interim final rule and may further revise the final rule to reduce the paperwork burden. Final approval will be obtained from OMB prior to publication of the final rule.

As indicated elsewhere in the preamble, commenters submitted extensive comments on the paperwork burden in the rule to OMB and to the docket. Many commenters believe that the paperwork cost burdens were underestimated and as a result, the interim final RIA currently estimates approximately $29 million in initial year costs to the industry (approximately 10 percent of the total first year costs).

Given the statutory deadline for February 18, 1993, it has been difficult to assess the validity of all comments received that would serve to balance the cost of reporting and recordkeeping against the practical utility of the information to the Coast Guard for plan review and by affected companies and individuals in responding to discharges. Many commenters, for example, questioned the usefulness of detailed information required in initial response plans—the detailed list in § 154.1035 of equipment by location, make, model, and effectively daily recovery rates, for example. Where such requirements have been retained in this interim final rule, the Coast Guard believes the information is essential in order to evaluate objectively the adequacy of a response plan. However, the Coast Guard is also working to set in place supplementary procedures that could reduce some of these requirements. To this end, on December 4, 1992, it promulgated Navigation and Vessel Inspection Circular (NVIC) 12–92 entitled, "Guidelines for the Classification and Inspection of Oil Spill Removal Organizations (OSROs)."

There may be cases where owners or operators submitting response plans will not have adequate information regarding the oil spill removal organization(s) or the private personnel and equipment or both by February 18, 1993, to meet all the specific requirements in this interim final rule. In the initial submittal, they should acknowledge what information is lacking, explain why, and request a waiver with regard to submittal of such information. Upon good cause shown in the waiver request, the Coast Guard may grant a waiver for a reasonable period, not to extend beyond August 18, 1993, for submittal of information regarding the oil spill removal organization(s) or the private personnel and equipment or both.

Where owners or operators believe the existing information burdens continue to be unduly burdensome, the Coast Guard actively solicits comments and

suggestions for further amendments that will reduce information collection burdens while meeting the requirements of OPA 90 and the need for adequate information for plan review and discharge response.

Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under "ADDRESSES".

Subpart E Additional Requirements for Certain Vessels Operating in Prince William Sound, Alaska

The section numbers are §§ 155.1125 and 155.1130, and the corresponding OMB Control Number 2115–0594.

As discussed in the "Regulatory History" section of the preamble the additional requirements for PWS now apply only to tankers loading cargo at a TAPs facility. Non-Taps vessels are no longer subject to these additional requirements. As a result, only one oil spill removal organization will be required to provide the additional requirements of this subpart. The effect on the Collection of Information Requirements is a reduction in the number of respondents from 2 to 1, and a reduction in the overall burden estimate. The Coast Guard has submitted a revised collection of information request to OMB reflecting this reduced burden.

Federalism

The Coast Guard has analyzed this interim final rule according to the principles and criteria contained in Executive Order 12612 (Federalism, October 26, 1987), and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The Coast Guard received four letters addressing the issue of State-Federal jurisdiction in oil spill contingency planning.

Four comments expressed concern that State planning requirements may overlap, be inconsistent with, or be more stringent than Federal requirements; and encouraged the Coast Guard either to evaluate Federal and State regulations periodically for consistency so that there would not be "conflicting" requirements, or prepare a Federalism Assessment to address issues arising from concurrent State and Federal jurisdiction. The Federalism Executive Order and the FWPCA emphasize the President's and Congress's intent to preserve State authority to address matters of pollution prevention and response. Executive Order 12612 directs a Federal Executive branch agency (which includes the Coast Guard) to encourage states to develop their own policies to achieve program objectives. Consequently, a Federalism Assessment would be necessary only if the vessel response plan rules unduly impinged on a State's authority to establish its own regulatory structure, or imposed undue costs on a State.

The FWPCA provides convincing evidence of Congress's intent that, within three miles of shore, the protection of the marine environment should be a collaborative Federal and State effort. *Chevron et al* v. *Hammond, Governor of the State of Alaska et al,* 726 F2d 483, cert. den., 471 U.S. 1140, 105 S.Ct. 2686 (9th Cir. 1984). For example, section 402 of the statute (33 U.S.C. 1342) establishes the National Pollutant Discharge Elimination System, a regulatory program for regulating the discharge of pollutants into U.S. navigable waters. Minimum Federal standards apply to the discharge of certain pollutants, but the States have authority to establish and administer their own permit systems and to set standards stricter than the Federal ones. 33 U.S.C. sections 1342(b), 1370. Further, in the Declaration of Goals and Policy contained in section 101 of the FWPCA (33 U.S.C. 1251), Congress states that it is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution of land and water resources.

United States courts have long recognized the rights of States to make both U.S.-flag and foreign-flag vessels conform to "reasonable, nondiscriminatory conservation and environmental protection measures * * * imposed by a State." *Ray* v. *Atlantic Richfield,* 435 U.S. 151, at 164, 98 S.Ct. 988, at 997 (1973) (citations omitted). Also, section 311(o)(3) of the FWPCA contains express nonpreemption language. Therefore, a State standard setting more stringent planning requirements for tank vessel owners and operators in the regulating State's waters is encouraged under the FWPCA and is valid as long as the State requirement does not preclude compliance with the Federal requirements. Similarly, if a State chose to establish performance requirements for response to an oil spill, the Federal vessel response plan rules would not preclude that option. The Federal vessel response plan rules preempt State rules only to the extent that State rules may make it impossible to comply with Federal requirements. *Florida Lime and Avocado Growers* v. *Paul,* 373 U.S. 132, 83 S.Ct. 1210 (1963).

Two comments asked us to make it clear that the Federal On Scene Coordinator has ultimate authority to direct a Federally-managed spill response. Because we do not address performance criteria in the event of an actual response, this issue is beyond the scope of the vessel response plan rulemaking. The subject is better raised in the context of the Coast Guard and Environmental Protection Agency efforts to revise the National Contingency Plan.

One comment expressed concern that although the Coast Guard intends the vessel response plan rules to set out planning standards, a State may make the standard a performance standard. The comment cites § 88.46.070 Revised Code of Washington (West 1992) as an example of a State statute that allows the State to compel specific performance from an owner or operator under the Federal plan. The Washington State law says that any State-approved prevention or contingency plan is legally binding on the persons submitting it, and may be enforced in the State courts. The interpretation of Washington State laws and regulations is a matter for judicial resolution and is outside the scope of these regulations.

One comment noted that its existing response plans cost approximately $3,400 per vessel, that the State of Virginia charged $3,353 for plan review, and that a State review should be unnecessary once a plan is approved at the Federal level. The Coast Guard has addressed the cost of the vessel response plan rules in its Regulatory Impact Analysis. We note, however, that Congress has encouraged a State-Federal partnership regarding oil pollution prevention and response, and that the Coast Guard has not proposed a user fee for review of Federal response plans.

Environment

The Coast Guard prepared a preliminary Environmental Assessment (EA) for requirements under 311(j) of the FWPCA, and a separate one for Prince William Sound requirements under 5005. These documents were prepared in accordance with the Council on Environmental Quality regulations (40 CFR parts 1500–1508) and Commandant Instruction M16475.1B implementing the provisions of the National Environmental Policy Act (NEPA).

The Prince William Sound EA was revised entirely when section 352 of the Department of Transportation Appropriations Act dated 6 October 1992, in effect, made section 5005 of OPA 90 inapplicable to non-TAPS-trade vessels. The original language of section

5005 created special response plan provisions applicable to all tank vessels operating in Prince William Sound, including non-TAPS vessels. The EA prepared for 311(j) requirements was amended when section 5209(b) of the Coast Guard Authorization Act of 1992 date 4 November 1992, declared offshore supply vessels and certain fishing vessels not to be "tank vessels" for purposes of implementing the vessel response plan rule. We received no comments on the EAs.

The Coast Guard has identified and studied the relevant environmental issues and alternatives, and based on its assessment, does not expect this interim final rule to result in a significant impact on the quality of the human environment. Therefore, Findings of No Significant Impact (FONSIs) have been prepared. The revised and amended EAs and the FONSIs are available in the public docket. They will be revised if necessary based on the final rule.

List of Subjects in 33 CFR Part 155

Hazardous substances, Incorporation by reference, Oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the U.S. Coast Guard amends 33 CFR part 155 as follows:

1. The authority citation for part 155 is revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46. §§ 155.100–155.130, 155.350–155.400, 155.430, 155.440, 155.470, and 155.1010–155.1070 also issued under 33 U.S.C. 1903(b); and §§ 155.1110–155.1150 also issued under 33 U.S.C. 2735.

2. Section 155.140 is added to subpart A of part 155 to read as follows:

§ 155.140 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register** and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Marine Environmental Protection Division (G-MEP), room 2100, 2100 Second Street, SW., Washington, DC 20593–0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are as follows:

American Society for Testing and Materials (ASTM) 1916 Race Street, Philadelphia, PA 19103.

ASTM F 631–80 (Reapproved 1985), Standard Method for Testing Full Scale Advancing Spill Removal Devices.	Appendix B.
ASTM F 715–81 (Reapproved 1986), Standard Methods of Testing Spill Control Barrier Membrane Materials.	Appendix B.
ASTM F 808–83 (1988), Standard Guide for Collecting Skimmer Performance Data in Uncontrolled Environments.	Appendix B.
ASTM F 989–86, Standard Test Methods for Spill Control Barrier Tension Members.	Appendix B.

Oil Companies International Marine Forum (OCIMF) 6th Floor, Portland House, Stag Place, London SW1E 5BH England.

Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988	155.1035

3. Part 155 is amended by adding new subparts D and E to read as follows:

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

* * * * *

Subpart D—Response Plans

Sec.

155.1010 Purpose.
155.1015 Applicability.
155.1020 Definitions.
155.1025 Operating restrictions and interim operating authorization.
155.1026 Qualified individual and alternate qualified individual.
155.1030 General response plan requirements.
155.1035 Resonse plan requirements for manned vessels carrying oil as a primary cargo.
155.1040 Response plan requirements for unmanned tank barges carrying oil as a primary cargo.
155.1045 Response plan requirements for vessels carrying oil as a secondary cargo.
155.1050 Response plan development and evaluation criteria for vessels carrying groups I through IV petroleum oil as a primary cargo.
155.1052 Response plan development and evaluation criteria for vessels carrying group V petroleum oil as a primary cargo.
155.1054 Response plan development and evaluation criteria for vessels carrying non-petroleum oil as a primary cargo.
155.1055 Training.
155.1060 Drills.
155.1062 Inspection and maintenance of response resources.
155.1065 Plan submission, approval, and appeal procedures.
155.1070 Plan review, revision, amendment, and appeal procedures for vessels carrying oil as a primary cargo.

Subpart E—Additional Response Plan Requirements for Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

Sec.

155.1110 Purpose and applicability.
155.1115 Definitions.
155.1120 Operating restrictions and interim operating authorization.
155.1125 Additional response plan requirements.
155.1130 Requirements for prepositioned response equipment.
155.1135 Response plan development and evaluation criteria.
155.1140 Tankers contracting with a facility permitted under the Trans-Alaska Pipeline Authorization Act.
155.1145 Submission and approval procedures.
155.1150 Plan revision and amendment procedures.

Subpart D—Response Plans

§ 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 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 cargo residue, are not storing or carrying oil in bulk as cargo or cargo residue.

(3) Dedicated response vessels when conducting response operations in a response area.

(4) Vessels of opportunity.

(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 that transfer oil in bulk, without charge, to a fishing vessel owned by the same person who owns the transferring vessel.

(7) Foreign flag vessels engaged in innocent passage.

(d) Vessels of the United States 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;

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

(e) A foreign flag vessel transiting internal waters of the United States en route to or from a Canadian port is not required to have a United States approved vessel response plan if the vessel—

(1) Is not conducting lightering or other oil transfer operations;

(2) Is not proceeding to or from a United States port or place;

(3) Submits to the United States Coast Guard a vessel response plan which has been approved by the Canadian Government under criteria which are substantially similar to those contained in this subpart; and

(4) Certifies in writing to the United States Coast Guard that—

(i) The Canadian Government has approved the plan;

(ii) The plan covers all geographic areas in the United States in which the vessel intends to transport oil in bulk as cargo; and

(iii) The identified spill response resources are capable and available to respond to a discharge of oil in United States waters.

§ 155.1020 Definitions.

Except as otherwise defined in this section, the definitions in § 155.110 apply to this subpart. 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 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.

Average most probable discharge means a discharge of 50 barrels of oil from the vessel during oil transfer operations.

Bulk means any volume of oil carried in an integral tank of the vessel and oil transferred to or from a marine portable tank or independent tank while on board a vessel.

Captain of the Port (COTP) Zone means a zone specified in 33 CFR part 3 and, for coastal ports, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ).

Cargo means oil that is transported to and off-loaded at a destination by a vessel. It does not include—

(1) Oil carried in integral tanks, marine portable tanks, or independent tanks for use by machinery, helicopters, and boats carried aboard the vessel, or for use by helicopters that are directly supporting the vessel's primary operations; or

(2) Oil transferred between a towing vessel and a vessel in its tow to operate installed machinery.

Contract or other approved means includes—

(1) A written contractual agreement between a vessel owner or operator and an oil spill removal organization. The agreement must identify and ensure the availability of specified personnel and equipment required under this subpart within stipulated response times in the specified geographic areas;

(2) Certification by the vessel owner or operator that specified personnel and equipment required under this subpart are owned, operated, or under the direct control of the vessel owner or operator, and are available within stipulated response times in the specified geographic areas;

(3) Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment required under this subpart that are available to respond to a discharge within stipulated response times in the specified geographic areas;

(4) A document which—

(i) Identifies the personnel, equipment, and services capable of being provided by the oil spill removal organization within stipulated response times in the specified geographic areas;

(ii) Sets out the parties' acknowledgment that the oil spill response organization intends to commit the resources in the event of a response;

(iii) Permits the Coast Guard to verify the availability of the identified response resources through tests, inspections, and drills; and

(iv) Is referenced in the response plan; or

(5) With the written consent of the oil spill removal organization, the identification of an oil spill removal organization with specified equipment and personnel which are available within stipulated response times in the specified geographic areas. This paragraph is another approved means only for—

(i) A vessel carrying oil as secondary cargo to meet the requirements under § 155.1045(j)(3);

(ii) A barge operating on rivers and canals to meet the requirements for lightering capability under §§ 155.1050(m), 155.1052(g), and 155.1054(g);

(iii) A vessel to meet the salvage and firefighting requirements in §§ 155.1050(l), 155.1052(f), and 155.1054(f); and

(iv) A vessel to meet the resource requirements in §§ 155.1052(c) and 155.1054(c).

Dedicated response vessel means a vessel whose service is limited exclusively to oil and hazardous substance spill response-related activities, including spill recovery and transport, response-related escorting, deployment of spill response equipment, supplies, and personnel, and spill response-related training, testing, drills, and research.

Exclusive economic zone means the zone contiguous to the territorial sea of United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Higher volume port area means an area specified in § 155.1050(h).

Inland area means the area shoreward of the boundary lines defined in 46 CFR

part 7, except that in the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) as defined in §§ 80.740 through 80.850 of this chapter. The inland area does not include the Great Lakes or rivers and canals.

Maximum extent practicable means the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets criteria in this subpart or in a specific plan approved by the Coast Guard.

Maximum most probable discharge means a discharge of—

(1) 2,500 barrels of oil for vessels with an oil cargo capacity equal to or greater than 25,000 barrels; or

(2) 10% of the vessel's oil cargo capacity for vessels with a capacity of less than 25,000 barrels.

Nearshore area means the area extending seaward 12 miles from the boundary lines defined in 46 CFR part 7, except that in the Gulf of Mexico, it means the area extending seaward 12 miles from the line of demarcation (COLREG lines) as defined in §§ 80.740 through 80.850 of this chapter.

Non-persistent or Group I oil means a petroleum-based oil that, at the time of shipment, consists of hydrocarbon fractions—

(1) At least 50% of which by volume, distill at a temperature of 340 degrees C (645 degrees F); and

(2) At least 95% of which by volume, distill at a temperature of 370 degrees C (700 degrees F).

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal and vegetable oils.

Ocean means the open ocean, offshore area, and nearshore area as defined in this subpart.

Offshore area means the area up to 38 nautical miles seaward of the outer boundary of the nearshore area.

Oil spill removal organization means an entity that provides response resources.

On-scene coordinator or OSC means the Federal official predesignated by the Coast Guard or Environmental Protection Agency to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR part 300.

Open ocean means the area from 38 nautical miles seaward of the outer boundary of the nearshore area, to the seaward boundary of the exclusive economic zone.

Operating in compliance with the plan means operating in compliance with the provisions of this subpart including, ensuring the availability of the response resources by contract or other approved means and conducting the necessary training and drills.

Operator or vessel operator means any person, including, but not limited to, an owner or a demise charterer, responsible for operation of a vessel. The operator of a towing vessel is not, per se, considered the operator of a vessel being towed.

Owner or vessel owner means any person holding legal or equitable title to a vessel; provided, however, that a person holding legal or equitable title to a vessel solely as security is not the owner. In a case where a Certificate of Documentation has been issued, the owner is the person or persons whose name or names appear on the vessel's Certificate of Documentation provided, however, that where a Certificate of Documentation has been issued in the name of a president or secretary of an incorporated company under 46 U.S.C. 15, such incorporated company is the owner.

Persistent oil means a petroleum-based oil that does not meet the distillation criteria for a non-persistent oil. For the purposes of this subpart, persistent oils are further classified based on specific gravity as follows:

(1) Group II—specific gravity less than .85.

(2) Group III—specific gravity between .85 and less than .95.

(3) Group IV—specific gravity .95 to and including 1.0.

(4) Group V—specific gravity greater than 1.0.

Qualified individual alternate qualified individual means a shore-based representative of a vessel owner or operator who meets the requirements of 33 CFR 155.1026.

Response area means the area designated by the Federal On-Scene Coordinator in which spill response activities are occurring.

Response resources means the personnel, equipment, supplies, and other capability necessary to perform the response activities identified in a response plan.

Rivers and canals means bodies of water confined within the outer boundaries of the inland area, including the Intracoastal Waterways and other waterways artificially created for navigation, that have a project depth of 12 feet or less.

Spill management team means the personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Substantial threat of such a discharge means any incident involving a vessel that may create a significant risk of discharge of cargo oil. Such incidents include, but are not limited to groundings, standings, collisions, hull damage, fire, explosion, loss of propulsion, flooding, on-deck spills, or other similar occurrences.

Tanker means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

Vessels carrying oil as a primary cargo means all vessels except dedicated response vessels carrying oil in bulk as cargo or cargo residue that have a Certificate of Inspection issued under 46 CFR subchapter D, Certification of Compliance, or Tank Vessel Examination Letter.

Vessels carrying oil as a secondary cargo means vessels, other than vessels carrying oil as a primary cargo, carrying oil in bulk as cargo or cargo residue pursuant to a permit issued under 46 CFR subchapter D (30.01–5), 46 CFR subchapter H (70.50–30), or 46 CFR subchapter I (90.05–35), an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by 33 CFR 151.33 or 151.35; a dedicated response vessel carrying oil as cargo outside a response area; or any uninspected vessel that carries oil in bulk as cargo or cargo residue.

Vessel of opportunity means a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo.

Worst case discharge means a discharge in adverse weather conditions of a vessel's entire oil cargo.

§ 155.1025 Operating restrictions and interim operating authorization.

(a) Beginning on February 19, 1993, the owner or operator of each vessel to which this subpart applies shall submit or have submitted a response plan meeting the requirements of § 155.1030 prior to—

(1) Handling, storing, or transporting oil on the navigable waters of the United States;

(2) Transferring oil in any other port or place subject to U.S. jurisdiction; or

(3) Engaging in 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.

(b) Beginning on August 19, 1993, vessels subject to this subpart may not perform the functions listed in paragraph (a) of this section unless operating in compliance with a plan approved under § 155.1065.

(c) Notwithstanding the requirements of paragraph (b) of this section, a vessel may continue to handle, store, transport, transfer, or lighter oil for 2 years after the date of submission of a response plan, pending approval of that plan, if the vessel owner or operator has received written authorization for continued operations from the U.S. Coast Guard. To receive this authorization, the vessel owner or operator must certify in writing to the U.S. Coast Guard that the owner or operator has identified and ensured the availability of, through contract or other approved means, the necessary private response resources to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge from their vessel as described in §§ 155.1050, 155.1052, or 155.1054, as appropriate.

(d) With respect to paragraph (c) of this section, a vessel may not continue to handle, store, transport, transfer, or lighter oil if—

(1) The U.S. Coast Guard determines that the response resources identified in the vessel's certification statement do not meet the requirements of this subpart;

(2) The contracts or agreements cited in the vessel's certification statement are no longer valid;

(3) The vessel is not operating in compliance with the submitted plan; or

(4) The period of this authorization expires.

(e) An owner or operator of a vessel may be authorized by the applicable COTP to have that vessel make one voyage to transport or handle oil in a port not covered by the vessel's response plan. All requirements of this subpart must be met for any subsequent voyages to that port. To be authorized, the vessel owner or operator shall certify to the COTP in writing, prior to the vessel's entry into the COTP zone, that—

(1) A response plan meeting the requirements of this subpart (except for the applicable geographic specific appendix) or a shipboard oil pollution emergency plan approved by the flag state that meets the requirements of 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), is aboard the vessel;

(2) 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

(3) 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, or 155.1054, 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.

(b) The qualified individual and alternate—

(1) speak fluent English;

(2) Except as set out in paragraph (c) of this section, be located in the United States;

(3) Be available on a 24-hour basis;

(4) Be familiar with the implementation of the vessel response plan; and

(5) 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 or 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);

(2) Act as a liaison with the predesignated Federal On-Scene Coordinator (OSC); 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, 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 response plan for a vessel carrying oil as a primary or a secondary cargo under §§ 155.1035 and 155.1045 and a response plan for an unmanned tank barge under § 155.1040 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) Drill procedures.

(8) Plan review and update procedures.

(9) Onboard notification checklist and emergency procedures (unmanned tank barges only).

(10) Geographic-specific appendix for each COTP zone in which the vessel operates.

(11) For vessels carrying oil as a primary cargo and unmanned tank barges, an appendix for vessel-specific information for each vessel covered by the plan.

(d) A vessel owner or operator with multiple vessels may submit one plan 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 dedicated response vessel operating outside of the response area must follow the same format as that for a vessel carrying oil as a secondary cargo under § 155.1045.

(g) A response plan must be divided into the sections described in paragraph (c) of this section unless the plan was submitted on or before February 18, 1993. A plan submitted on or before February 18, 1993 that is not divided into the sections described in paragraph (c) of this section must be 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 six 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 U.S. Coast Guard 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. 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 U.S. Coast Guard approval letter are maintained aboard the barge.

(2) 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) An owner or operator may address the provisions of Regulation 26 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL) if the owner or operator—

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

(2) Expands the plan to cover discharges of all oils defined under MARPOL, including fuel oil (bunker) carried onboard. 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. 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 for authorization prior to undertaking mitigating actions.

§ 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 or registry, call sign, and official number. 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 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.

(5) The information that is to be provided in the initial and any followup 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". It must include at least the following information:

(A) Vessel name, country of registry, call sign, and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil onboard;

(H) Nature and detail of defects, deficiencies, and damage (e.g. grounding, collision, hull failure, etc.);

(I) Details of pollution, including estimate of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel; and

(N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported in a follow-up report. This information must include—

(A) Additional details on the type of cargo onboard;

(B) Additional details on the condition of the vessel and ability of transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution

and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship.

(6) Identification of the person(s) to be notified of a vessel casualty potentially affecting the seaworthiness of a vessel and the information to be provided by the vessel's crew to shore-based personnel to facilitate the assessment of damage stability and stress.

(c) *Shipboard spill mitigation procedures.* This section of the response plan must include—

(1) Procedures for the crew to mitigate or prevent any discharge or a substantial threat of such discharge of oil resulting from shipboard operational activities associated with internal or external cargo transfers. Responsibilities of vessel personnel should be identified by job title. These procedures must address personnel actions in the event of a—

(i) Transfer system leak;

(ii) Tank overflow; or

(iii) Suspected cargo tank or hull leak;

(2) Procedures in the order of priority for the crew to mitigate or prevent any discharge or a substantial threat of such a discharge in the event of the following casualties or emergencies:

(i) Grounding or stranding.

(ii) Collision.

(iii) Explosion or fire, or both.

(iv) Hull failure.

(v) Excessive list.

(vi) Equipment failure (e.g. main propulsion, steering gear, etc.).

(3) Damage stability and hull stress considerations when performing shipboard mitigation measures. This section must identify and describe—

(i) Activities in which the crew is trained and qualified to execute absent shore-based support or advice; and

(ii) The information to be collected by the vessel's crew to facilitate shore-based assistance;

(4) Location of vessel plans necessary to perform salvage, stability, and hull stress assessments. A copy of these plans must be maintained ashore by either the vessel owner or operator or the vessel's recognized classification society unless the vessel has prearranged for a shore-based damage stability and residual strength calculation program with the vessel's baseline strength and stability characteristics pre-entered. The response plan must indicate the shore location and 24-hour access procedures of the calculation program or the following plans:

(i) General arrangement plan.

(ii) Midship section plan.

(iii) Lines plan or table of offsets.

(iv) Tank tables.

(v) Load line assignment.

(vi) Light ship characteristics;

(5) The procedures for both internal and ship-to-ship transfers of cargo in an emergency:

(i) The format and content of the ship-to-ship transfer procedures must be consistent with the Ship to Ship Transfer Guide (Petroleum) published jointly by the International Chamber of Shipping and the Oil Companies International Marine Forum (OCIMF).

(ii) The procedures must identify the response resources necessary to carry out the transfers, including—

(A) Fendering equipment (ship-to-ship only);

(B) Transfer hoses and connection equipment;

(C) Portable pumps and ancillary equipment;

(D) Lightering and mooring masters (ship-to-ship only); and

(E) Vessel and barge brokers (ship-to-ship only).

(iii) Reference can be made to a separate oil transfer procedure and lightering plan carried aboard the vessel, provided that safety considerations are summarized in the response plan.

(iv) The location of all equipment and fittings, if any, carried aboard the vessel to perform such transfers must be identified;

(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment aboard the vessel;

(7) The location, crew responsibilities, and procedures for use of shipboard equipment which may be carried to mitigate an oil discharge;

(8) The crew responsibilities, if any, for recordkeeping and sampling of spilled oil. Any requirements for sampling must address safety procedures to be followed by the crew; and

(9) The crew's responsibilities, if any, to initiate a response and to supervise shore-based response resources.

(d) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal OSC and notification of the oil spill removal organization(s) identified in the plan.

(2) If applicable, procedures for transferring responsibility for direction of response activities from vessel personnel to the shore-based spill management team.

(3) The procedures for coordinating the actions of the vessel owner or operator or qualified individual with the predesignated Federal On-Scene Coordinator responsible for overseeing or directing those actions.

(4) The organizational structure that will be used to manage the response actions, including—

(i) Command and control;

(ii) Public information;

(iii) Safety;

(iv) Liaison with government agencies;

(v) Spill response operations;

(vi) Planning;

(vii) Logistics support; and

(viii) Finance.

(5) The responsibilities and duties of each oil spill management team member within the organizational structure identified in paragraph (d)(4) of this section.

(e) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this section of the response plane or, if more appropriate, in a geographic-specific appendix and referenced in this section of the plan:

(1) Vessel owner or operator.

(2) Qualified individual and alternate qualified individual for the vessel's area of operation.

(3) Applicable insurance representatives or surveyors for the vessel's area of operation.

(4) The vessel's local agent(s) for the vessel's area of operation.

(5) Person(s) to notify for activation of the oil spill removal organization(s) and the spill management team for the three spill scenarios identified in paragraph (i)(5) of this section for the vessel's area of operation.

(6) Person(s) to obtain the equipment listed in paragraph (c)(5)(ii) of this section.

(f) *Training procedures.* This section of the response plan must address the training procedures and programs of the vessel owner or operator to meet the requirements in § 155.1055.

(g) *Drill procedures.* This section of the response plan must address the drill program to be carried out by the vessel owner or operator to meet the requirements in § 155.1060.

(h) *Plan review and update procedures.* This section of the response plan must address—

(1) The procedures to be followed by the vessel owner or operator to meet the requirements of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(i) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific

appendix must be included for each COTP zone identified. The appendices must include the following information:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the vessel intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and type of oil on which the required level of response resources are calculated if different from that identified in § 155.1035(j)(3).

(3) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) and the spill management team that are identified and ensured available, through contract or other approved means, to respond to the following spill scenarios:

(i) Average most probable discharge.

(ii) Maximum most probable discharge.

(iii) Worst case discharge.

(6) The organization(s) identified to meet the requirements of paragraph (i)(5) of this section must be capable of providing the equipment and supplies necessary to meet the requirements of §§ 155.1050, 155.1052, and 155.1054, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first 7 days of the response.

(7) The appendix must list the response resources and related information required under §§ 155.1050, 155.1052, 155.1054, and 155.1125 and appendix B of this part, as appropriate.

(8) If an oil spill removal organization(s) has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (i)(7) of this section.

(9) The appendix must also separately list the companies identified to provide the salvage, vessel firefighting, lightering, and, if applicable, dispersant capabilities required in this subpart.

(j) *Appendices for vessel-specific information.*.This section of the response plan must include for each vessel covered by the plan the following information:

(1) List of the vessel's principal characteristics.

(2) Capacities of all cargo, fuel, lube oil, ballast, and fresh water tanks.

(3) The total volume and type(s) of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(4) Diagrams showing location of all tanks.

(5) General arrangement plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(6) Midships section plan (can be maintained separately aboard the vessel providing the response plan identifies the location).

(7) Cargo and fuel piping diagrams and pumping plan, as applicable (can be maintained separately aboard the vessel providing the response plan identifies the location).

(8) Damage stability data (can be maintained separately providing the response plan identifies the location).

(9) Location of cargo and fuel stowage plan for vessel (normally maintained separately aboard the vessel).

(10) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, cargo information required by 33 CFR 154.310, or equivalent will meet this requirement and can be maintained separately.

§ 155.1040 Response plan requirements for unmanned tank barges carrying oil as a primary cargo.

(a) *Onboard notification checklist and emergency procedures.* This portion of the response plan must be maintained in the documentation container aboard the unmanned barge. The complete response plan, including the additional sections described in paragraphs (b) through (k) of this section may be maintained elsewhere. The owner or operator of an unmanned tank barge subject to this section shall provide the personnel of the towing vessel, fleeting area, or facility that the barge may be moored at with the information required by this paragraph (a) and the responsibilities that the plan indicates will be carried out by these personnel. The onboard notification checklist and emergency procedures must include—

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

(2) The name and procedures for contacting a primary qualified individual and at least one alternate on a 24-hour basis;

(3) The toll-free number of the National Response Center;

(4) The list of information to be provided in the notification by the reporting personnel; and

(5) A statement of responsibilities of and actions to be taken by reporting personnel after an oil discharge or substantial threat of such discharge.

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

(1) A list of tank barges covered by the plan and their official numbers;

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

(3) A list of the COTP zones in which the tank barges covered by the plan intend 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 used to record information on plan reviews, updates or revisions.

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

(1) A checklist with all notifications in the order of priority and the information required for those notifications to be made by the—

(i) Towing vessel;

(ii) Vessel owner or operator; or

(iii) Qualified individual.

The checklist must include notifications required by 33 CFR part 153 and 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 the location of the barge, 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 the towing vessel; and

(ii) The individual(s) or organization(s) to be notified by the barge owner or operator.

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

(4) Identification of the primary and, if available, secondary communications methods by which the notifications will be made.

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

(i) The initial notification information must include at least the following information:

(A) Towing vessel name (if applicable);
(B) Tank barge name, country of registry, and official number;
(C) Date and time of the incident;
(D) Location of the incident;
(E) Course, speed, and intended track of towing vessel (if applicable);
(F) Radio station(s) frequencies guarded by towing vessel (if applicable);
(G) Date and time of next report;
(H) Type and quantity of oil onboard;
(I) Nature and details of defects, deficiencies, and damage (e.g., grounding, collision, hull failure etc.);
(J) Details of pollution, including estimate of oil discharged or threat of discharge;
(K) Weather and sea conditions on scene;
(L) Barge size and type;
(M) Actions taken or planned by persons on scene;
(N) Current condition of the barge; and
(O) Details of injuries, if any.
(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported in a follow-up report. This information must include:
(A) Additional details on the type of cargo onboard;
(B) Additional details on the condition of the barge and ability to transfer cargo, ballast, and fuel;
(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;
(D) Any changes in the on-scene weather or sea conditions; and
(E) Actions being taken with regard to the discharge and the movement of the ship.

(d) *Shipboard spill mitigation procedures.* This section of the response plan must include—
(1) Procedures to be followed by the tankerman, as defined in 46 CFR 35.35–1, to mitigate or prevent any discharge or a substantial threat of such a discharge of oil resulting from operational activities and casualties. These procedures must address personnel actions in the event of a—
(i) Transfer system leak;
(ii) Tank overflow; or
(iii) Suspected cargo tank or hull leak;
(2) Procedures in the order of priority for the towing vessel or barge owner or operator to mitigate or prevent any discharge or a substantial threat of such a discharge of oil in the event of the following casualties or emergencies:
(i) Grounding or stranding.
(ii) Collision.
(iii) Explosion or fire, or both.
(iv) Hull failure.
(v) Excessive list.
(3) Damage stability, if applicable, and hull stress considerations when performing onboard mitigation measures. This section must identify and describe—
(i) Activities in which the towing vessel crew or tankerman is trained and qualified to execute absent shore-based support or advice;
(ii) The individuals who shall be notified of a casualty potentially affecting the seaworthiness of the barge; and
(iii) The information that must be provided by the towing vessel to facilitate the assessment of damage stability and stress;
(4) Location of barge plans necessary to perform salvage, stability, and hull stress assessments. A copy of these barge plans must be maintained ashore by either the barge owner or operator or the vessel's recognized classification society. The response plan must indicate the shore location and 24-hour access procedures of the following plans:
(i) General arrangement plan.
(ii) Midship section plan.
(iii) Lines plan or table of offsets, as available.
(iv) Tank tables;
(5) The procedures for both internal and ship-to-ship transfers of cargo in an emergency;
(i) The procedures must identify the response resources necessary to carry out the transfers, including—
(A) Fendering equipment (ship-to-ship only);
(B) Transfer hoses and connection equipment;
(C) Portable pumps and ancillary equipment; and
(D) Lightering vessels (ship-to-ship only).
(ii) Reference can be made to separate oil transfer procedures or a lightering plan provided that safety considerations are summarized in the response plan.
(iii) The location of all equipment and fittings, if any, to perform such transfers must be identified;
(6) The procedures and arrangements for emergency towing, including the rigging and operation of any emergency towing equipment aboard the barge;
(7) The location and procedures for use of equipment stowed aboard either the barge or towing vessel to mitigate an oil discharge; and
(8) The responsibilities of the towing vessel crew and facility or fleeting area personnel, if any, to initiate a response and supervise shore-based response resources.

(e) *Shore-based response activities.* This section of the response plan must include the following information:
(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal On-Scene Coordinator (OSC) and notification of the oil spill removal organization(s) identified in the plan.
(2) The procedures for coordinating the actions of the barge owner or operator or qualified individual with the action of the predesignated Federal OSC responsible for overseeing or directing those actions.
(3) The organizational structure that will manage the barge owner or operator's response actions including—
(i) Command and control;
(ii) Public information;
(iii) Safety;
(iv) Liaison with government agencies;
(v) Spill response operations;
(vi) Planning;
(vii) Logistics support; and
(viii) Finance.
(4) The responsibilities and duties of each oil spill management team member within the organizational structure identified in paragraph (e)(3) of this section.

(f) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals and organizations must be included in this section of the response plan or, if more appropriate, in a geographic-specific appendix and referenced in this section of the plan:
(1) Barge owner or operator.
(2) Qualified individual and alternate qualified individual for the tank barge's area of operation.
(3) Applicable insurance representatives or surveyors for the barge's area(s) of operation.
(4) Person(s) to notify for activation of the response resources identified in paragraph (j)(5) of this section for the barge's area(s) of operation.
(5) Person(s) to obtain the equipment listed in paragraph (d)(5)(ii) of this section.

(g) *Training procedures.* This section of the response plan must address the training procedures and programs of the barge owner or operator to meet the requirements in § 155.1055.

(h) *Drill procedures.* This section of the response plan must address the drill program carried out by the barge owner or operator to meet the requirements in § 155.1060.

(i) *Plan review and update procedures.* This section of the response plan must address—
(1) The procedures to be followed by the barge owner or operator to meet the requirements of § 155.1070; and

(2) The procedures to be followed for any post-discharge review of the plan to evaluate and validate its effectiveness.

(j) *Geographic-specific appendices for each COTP zone in which a tank barge operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendices must include the following information:

(1) A list of the geographic areas (port areas, rivers and canals, Great Lakes, inland, nearshore, offshore, and open ocean areas) in which the barge intends to handle, store, or transport oil within the applicable COTP zone.

(2) The volume and type of oil on which the required level of response resources are calculated if different from that identified in § 155.1040(k)(2).

(3) Required Federal or State notifications applicable to the geographic areas in which the barge operates.

(4) Identification of the qualified individuals.

(5) Identification of the oil spill removal organization(s) and spill management team that are identified and ensured available, through contract or other approved means, to provide the response resources necessary to respond to the following spill scenarios;

(i) An average most probable discharge.

(ii) A maximum most probable discharge.

(iii) A worst case discharge to the maximum extent practicable.

(6) The organization(s) identified to meet the provisions of paragraph (j)(5) of this section must be capable of providing the equipment and supplies necessary to meet the provisions of §§ 155.1050, 155.1052, and 155.1054 of this subpart, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first seven days of the response.

(7) The appendix must list the response resources and related information required under §§ 155.1050, 155.1052, 155.1054 and appendix B of this part, as appropriate.

(8) If the oil spill removal organization(s) providing the necessary response resources has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel, the appendix may identify only the organization and their applicable classification and not the information required in paragraph (j)(7) of this section.

(9) The appendix must also separately list the companies identified to provide the salvage, barge firefighting, lightering, and, if applicable, dispersant capabilities required in this subpart.

(k) *Appendices for barge-specific information.* Because many of the tank barges covered by a response plan may be of the same design, this information does not need to be repeated provided the plan identifies the tank barges to which the same information would apply. The information must be part of the response plan unless specifically noted. This section of the plan must include for each barge covered by the plan the following information:

(1) Capacities of all cargo, fuel, lube oil, and ballast tanks.

(2) The total volumes and types(s) of oil cargo that would be involved in the—

(i) Maximum most probable discharge; and

(ii) Worst case discharge.

(3) Diagrams showing location of all tanks aboard the barge.

(4) General arrangement plan (can be maintained separately providing that the location is identified).

(5) Midships section plan (can be maintained separately providing that the location is identified).

(6) The organization(s) identified to meet the provisions of paragraph (j)(5) of this section must be capable of providing the equipment and supplies necessary to meet the provisions of §§ 155.1050, 155.1052, and 155.1054 of this subpart, as appropriate, and sources of trained personnel to continue operation of the equipment and staff the oil spill removal organization(s) and spill management team identified for the first seven days of the response.

(7) Damage stability data, if applicable.

(8) Location of cargo and fuel stowage plan for barge(s) (normally maintained separately).

(9) Location of information on the name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the barge. A material safety data sheet meeting the requirements of 29 CFR 1910.1200, cargo information required by 33 CFR 154.310, or equivalent will meet this requirement and can be maintained separately.

§ 155.1045 Response plan requirements for vessels carrying oil as a secondary cargo.

(a) The vessel owner or operator must develop their plan based on the total volume of oil carried in bulk as cargo. For vessels that transfer a portion of their fuel as cargo, 25% of the fuel capacity of the vessel plus the capacity of any oil cargo tank(s) will be assumed to be the cargo volume for determining applicable response plan requirements unless the vessel owner or operator indicates otherwise. A vessel owner or operator can use a volume less than 25% if he or she submits historical data with the plan that substantiates the transfer of a lower percentage of its fuel capacity between refuelings.

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

(1) The vessel's name, country of registry, call sign, and official number. 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) Identification of the geographic areas covered by the plan. The plan must identify the COTP zones that it covers. The plan must cover all COTP zones in which the vessel intends to handle, store, or transport oil, including port areas and offshore transit areas within the exclusive economic zone. A geographic-specific appendix must be included for each COTP zone identified;

(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 used to record information on plan updates or revisions.

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

(1) A checklist with all notifications in the 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 discharge of oil. If notifications vary due to vessel location, the person(s) 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 and alternate qualified individual.

(4) Descriptions of the primary and, if available, secondary communication methods by which the notifications will be made.

(5) The information that is to be provided in the initial and any follow-up notifications required by paragraph (c)(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". It must include at least the following information:

(A) Vessel name, country of registry, call sign, and official number (if any);

(B) Date and time of the incident;

(C) Location of the incident;

(D) Course, speed, and intended track of vessel;

(E) Radio station(s) and frequencies guarded;

(F) Date and time of next report;

(G) Type and quantity of oil onboard;

(H) Nature and detail of defects, deficiencies, and damage (e.g. grounding, collision, hull failure etc.);

(I) Details of pollution, including estimate of oil discharged or threat of discharge;

(J) Weather and sea conditions on scene;

(K) Ship size and type;

(L) Actions taken or planned by persons on scene;

(M) Current conditions of the vessel; and

(N) Number of crew and details of injuries, if any.

(ii) After the transmission of the initial notification, as much as possible of the information essential for the protection of the marine environment as is appropriate to the incident must be reported in a follow-up report. This information must include:

(A) Additional details on the type of cargo onboard;

(B) Additional details on the condition of the vessel and ability to transfer cargo, ballast, and fuel;

(C) Additional details on the quantity, extent and movement of the pollution and whether the discharge is continuing;

(D) Any changes in the on-scene weather or sea conditions; and

(E) Actions being taken with regard to the discharge and the movement of the ship.

(d) *Shipboard spill mitigation procedures.* This section of the response plan must identify the vessel's total volumes of oil carried in bulk as cargo and meet the applicable requirements of this paragraph (d).

(1) For vessels carrying 100 barrels or less of oil in bulk as cargo, the plan must include a basic emergency action checklist for vessel personnel including notification and actions to be taken to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel.

(2) For vessels carrying over 100, but less than 1,000 barrels of oil in bulk as cargo, the plan must include—

(i) General information on actions to be taken by vessel personnel to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel due to operational activities or casualties;

(ii) General information on damage control procedures to be followed by vessel personnel;

(iii) General information on procedures for internal or external transfer of oil in bulk as cargo in an emergency; and

(iv) Procedures for use of any equipment carried aboard the vessel for spill mitigation.

(3) For vessels carrying from 1,000 to 5,000 barrels of oil in bulk as cargo, the plan must include—

(i) Detailed information on actions to be taken by vessel personnel to prevent or mitigate any discharge or substantial threat of such a discharge of oil from the vessel due to operational activities or casualties;

(ii) Detailed information on damage control procedures to be followed by vessel personnel;

(iii) Detailed procedures for internal or external transfer of oil in bulk as cargo in an emergency; and

(iv) Procedures for use of any equipment carried aboard the vessel for spill mitigation.

(4) For vessels carrying over 5,000 barrels of oil as a secondary cargo, the plan must provide the information required by § 155.1035(c) for shipboard spill mitigation procedures.

(5) For all vessels, the plan must include responsibilities and actions to be taken by vessel personnel, if any, to initiate a response and supervise shore-based response resources.

(e) *Shore-based response activities.* This section of the response plan must include the following information:

(1) The qualified individual's responsibilities and authority, including immediate communication with the Federal OSC and notification of the oil spill removal organization(s) identified in the plan.

(2) The procedures for coordinating the actions of the vessel owner or operator with the actions of the predesignated Federal OSC responsible for overseeing or directing those actions.

(3) The spill management team to be used by the vessel owner or operator to manage response plan implementation.

(f) *List of contacts.* The name, location, and 24-hour contact information for the following key individuals or organizations must be included in this section of the response plan or, if more appropriate, in a geographic-specific appendix and referenced in this section of the plan:

(1) Vessel owner or operator, and, if applicable, charterer.

(2) Qualified individual and alternate qualified individual for the vessel's area of operation.

(3) Vessel's local agent(s), if applicable, for the vessel's area of operation.

(4) Applicable insurance representatives or surveyors for the vessel's area of operation.

(5) Person(s) to notify for activation of the oil spill removal organization(s) identified in paragraph (j)(3) of this section for the vessel's area of operation.

(g) *Training procedures.* This section of the response plan must address the training procedures and programs of the vessel owner or operator. The vessel owner or operator shall ensure that—

(1) All personnel with responsibilities under the plan receive training in their assignments and refresher training as necessary, and participate in drills required under paragraph (h) of this section. Documented work experience can be used instead of training; and

(2) Records of this training are maintained aboard the vessel, at the U.S. location of the spill management team, or with the qualified individual. The plan must specify where the records are located.

(h) *Drill procedures.* This section of the response plan must address the drill program carried out by the vessel owner or operator to evaluate the ability of vessel and shore-based personnel to perform their identified functions in the plan. The required drill frequency for each category of vessel is as follows:

(1) For vessels carrying 100 barrels or less of oil as cargo—

(i) Onboard spill mitigation procedures and qualified individual notification drills must be conducted annually; and

(ii) Shore-based oil spill removal organization drills must be conducted biennially.

(2) For vessels carrying over 100 barrels and up to 5,000 barrels of oil in bulk as cargo—

(i) Onboard emergency procedures and qualified individual notification drills must be conducted quarterly; and

(ii) Shore-based oil spill removal organization drills must be conducted annually.

(3) Vessels carrying over 5,000 barrels of oil in bulk as cargo mut meet the drill requirements of § 155.1060.

(i) *Plan review, update, and appeal procedures.*

(1) The owner or operator of a vessel covered by this section shall resubmit the plan to the U.S. Coast Guard for approval—

(i) Whenever there is a significant change in the vessel's configuration affecting the cargo capacity or layout of the vessel;

(ii) Six months before the end of the Coast Guard approval period identified in § 155.1065(b); and

(iii) Whenever there is a change in the owner or operator of the vessel, if that owner or operator provided the certifying statement required by § 155.1065(a). If this occurs, a new statement certifying that the plan continues to meet the applicable requirements of subparts D and E of this part must be submitted.

(2) The owner or operator of a vessel covered by this section shall notify the U.S. Coast Guard and other plan holders, and provide updated information as appropriate when significant changes occur in any of the following:

(i) Cargo systems.

(ii) Operating area.

(iii) Qualified individuals.

(iv) Identified response resources.

(v) Emergency response procedure.

(vi) Nature of vessel's operations.

(3) The U.S. 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 U.S. Coast Guard will notify the vessel owner or operator in writing of any deficiencies.

(i) Deficiencies must be corrected within the time period specified in the written notice provided by the Coast Guard. If deficiencies are not corrected within the specified time period, 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 FWPCA.

(ii) A vessel owner or operator must advise the U.S. Coast Guard office that provided the initial notice when a deficiency has been corrected.

(4) A vessel owner or operator who disagrees with a deficiency determination may submit a request for reconsideration within the time period required for compliance or within 7 days from the date of receipt of the U.S. Coast Guard notice, whichever is less. After considering all relevant material presented, the U.S. Coast Guard will notify the vessel owner or operator of the final decision.

(i) Unless the vessel owner or operator petitions for a review of the U.S. Coast Guard decision, the vessel's owner or operator must correct the response plan deficiencies within the period specified in the Coast Guard's final determination.

(ii) If the vessel owner or operator petitions the District Commander, the effective date of the U.S. Coast Guard notice may be delayed pending a decision by the District Commander. Petitions to the District Commander must be submitted in writing, via the U.S. Coast Guard official who issued the requirement to amend the response plan, within five days of receipt of the notice.

(j) *Geographic-specific appendices for each COTP zone in which a vessel operates.* A geographic-specific appendix must be included for each COTP zone identified. The appendix must include the following information:

(1) Required Federal or State notifications applicable to the geographic areas in which a vessel operates.

(2) Identification of the qualified individuals.

(3) A list of the oil spill removal organization(s) available to respond to the vessel's worst case oil discharge in each COTP zone in which a vessel operates. The oil spill removal organization(s) identified must be capable of commencing oil spill containment and on-water recovery within the response times listed for tier 1 in § 155.1050(g) of this subpart; providing temporary storage of recovered oil; and conducting shoreline protection and cleanup operations. An oil spill removal organization may not be identified in the plan unless the organization has provided written consent to being identified in the plan as an available resource.

§ 155.1050 Response plan development and evaluation criteria for vessels carrying groups I through IV petroleum oil as a primary cargo.

(a) The following criteria must be used to evaluate the operability of response resources identified in the response plan for the specified operating environment:

(1) Table 1 of appendix B of this part.

(i) The criteria in table 1 of appendix B of this part are to be used solely for identification of appropriate equipment in a response plan.

(ii) These criteria reflect conditions used for planning purposes to select mechanical response equipment and are not conditions that would limit response actions or affect normal vessel operations.

(2) Limitations that are identified in the Area Contingency Plans for the COTP zones in which the vessel operates, including—

(i) Ice conditions;

(ii) Debris;

(iii) Temperature ranges; and

(iv) Weather-related visibility.

(b) The COTP may reclassify a specific body of water or location within the COTP zone. Any reclassifications will be identified in the applicable Area Contingency Plan. Reclassifications may be to—

(1) A more stringent operating environment if the prevailing wave conditions exceed the significant wave height criteria during more than 35% of the year; or

(2) A less stringent operating environment if the prevailing wave conditions do not exceed the significant wave height criteria for the less stringent operating environment during more than 35% of the year.

(c) Response equipment must—

(1) Meet or exceed the criteria listed in table 1 of appendix B of this part;

(2) Be capable of functioning in the applicable operating environment; and

(3) Be appropriate for the petroleum oil carried.

(d) The owner or operator of a vessel that carries groups I through IV petroleum oil as a primary cargo shall identify in the response plan and ensure the availability of, through contract or other approved means, the response resources that will respond to the vessel's average most probable discharge.

(1) For a vessel that carries groups I through IV petroleum oil as its primary cargo, the response resources must include—

(i) Containment boom in a quantity equal to twice the length of the largest vessel involved in the transfer and capable of being deployed at the site of oil transfer operations within one hour of detection of a spill; and

(ii) Oil recovery devices and recovered oil storage capacity capable of being at the transfer area within two hours of the detection of a spill during transfer operations.

(2) For locations of multiple vessel transfer operations, a vessel may identify the same equipment as identified by other vessels, provided that each vessel has ensured access to the equipment through contract or other approved means.

(3) The owner or operator of a vessel conducting transfer operations at a facility required to submit a response plan under 33 CFR 154.1017 is not required to identify and ensure the availability of the response resources

required in paragraph (d)(1) of this section.

(e) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to a discharge up to the vessel's maximum most probable discharge volume.

(1) These resources must be positioned such that they can arrive at the scene of a discharge within—

(i) 12 hours of the discovery of a discharge in higher volume port areas and the Great Lakes;

(ii) 24 hours of the discovery of a discharge in all rivers and canals, inland, nearshore and offshore areas; and

(iii) 24 hours of the discovery of a discharge plus travel time from shore for open ocean areas.

(2) The necessary response resources include sufficient containment boom, oil recovery devices, and storage capacity for any recovery of up to the maximum most probable discharge planning volume.

(3) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(4) The response resources identified for responding to a maximum most probable discharge must be positioned to be capable of meeting the planned arrival times in this paragraph (e). The COTP with jurisdiction over the area in which the vessel is operating must be notified whenever the identified response resources are not capable of meeting the planned arrival times.

(f) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the response resources necessary to respond to the worst case discharge volume of the oil cargo to the maximum extent practicable.

(1) The location of these resources must be suitable to meet the response times identified for the applicable geographic area(s) of operation and response tier.

(2) The response resources must be appropriate for—

(i) The capacity of the vessel;

(ii) Group(s) of petroleum oil carried as cargo; and

(iii) The geographic area(s) of vessel operation.

(3) The resources must include sufficient boom, oil recovery devices, and storage capacity to recover the planning volumes.

(4) The response plan must identify the storage location, make, model, and effective daily recovery capacity of each oil recovery device that is identified for plan credit.

(5) The guidelines in appendix B to part 155 of this chapter must be used for calculating the quantity of response resources required to respond at each tier to the worst case discharge to the maximum extent practicable.

(6) When determining response resources necessary to meet the requirements of paragraph (f), a portion of those resources must be capable of use in close-to-shore response activities in shallow water. The following percentages of the response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

(i) Open ocean—none.

(ii) Offshore—10 percent.

(iii) Nearshore, inland, Great Lakes, and rivers and canals—20 percent.

(g) Response equipment identified to respond to a worst case discharge must be capable of arriving on scene within the times specified in paragraph (g) for the applicable response tier in a higher volume port area, Great Lakes, and in other areas. Response times for these tiers from the time of discovery of a discharge are:

	Tier 1	Tier 2	Tier 3
Higher volume port area (except tankers in Prince William Sound covered by § 155.1135).	12 hrs	36 hrs	60 hrs.
Great lakes	18 hrs	42 hrs	66 hrs.
All other rivers & canals, inland, nearshore, and offshore areas.	24 hrs	48 hrs	72 hrs.
Open Ocean (plus travel time from shore).	24 hrs+ ...	48 hrs+ ...	72 hrs+

(h) The following areas are designated as higher volume port areas. These areas include any water area within 50 nautical miles seaward of the entrance(s) to the specified port:

(1) Boston, MA.

(2) New York, NY.

(3) Delaware Bay and River to Philadelphia, PA.

(4) St. Croix, VI.

(5) Pascagoula, MS.

(6) Mississippi River from Southwest Pass, LA to Baton Rouge, LA. Note: Vessels destined for, departing from, or offloading at the Louisiana Offshore Oil Port are not considered to be operating in this higher volume port area.

(7) Lake Charles, LA.

(8) Sabine-Neches River, TX.

(9) Galveston Bay and Houston Ship Channel, TX.

(10) Corpus Christi, TX.

(11) Los Angeles/Long Beach Harbor, CA.

(12) San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay to Antioch, CA.

(13) Strait of Juan De Fuca at Port Angeles, WA, to and including Puget Sound, WA.

(14) Prince William Sound, AK.

(i) For the purposes of arranging for response resources through contract or other approved means, response equipment identified for tier 1 plan credit must be capable of being mobilized and en route to the scene of a discharge within two hours of notification. The notification procedures identified in the plan must provide for notification and authorization for mobilization of identified tier 1 response resources—

(1) Either directly or through the qualified individual; and

(2) Within 30 minutes of a discovery of a discharge or substantial threat of discharge.

(j) Response resources identified for tier 2 and tier 3 plan credit must be capable of arriving on scene within the time listed for the applicable tier.

(k) The response plan for a vessel carrying group II or III persistent petroleum oils as a primary cargo that operates in areas with year-round pre-approval for dispersant use may request a credit against up to 25 percent of the on-water oil recovery capability for each worst case discharge tier necessary to meet the requirements of this subpart in 1993. To receive this credit, the vessel owner or operator shall identify in the response plan and ensure, through contract or other approved means, the availability of necessary resources to apply dispersants appropriate for the type of oil carried and to monitor the effectiveness of the dispersants. The extent of the credit will be based on the volumes of dispersant available to sustain operations at manufacturers' recommended dosage rates. Resources identified for plan credit must be capable of being on scene within 12 hours of discovery of a discharge.

Note: Identification of these resources does not imply that they will be authorized for use. Actual authorization for use during a spill response will be governed by the provisions of the National Contingency Plan and the applicable Area Contingency Plan.

(l)(1) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, the following resources:

(i) A salvage company with expertise and equipment.

(ii) A company with vessel firefighting capability that will respond to casualties in the area(s) in which the vessel will operate.

(2) Vessel owners or operators must identify intended sources of the resources required under paragraph (l)(1) of this section capable of being deployed to the areas that the vessel will operate in. Provider(s) of these services may not be listed in the plan unless they have provided written consent to be listed in the plan as an available resource.

(3) To meet this requirement in a response plan submitted for reapproval on or after February 18, 1998, the identified resources must be capable of being deployed to the port nearest to the area that the vessel operates within 24 hours of notification.

(m) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, certain response resources required by § 155.1035(c)(5)(ii) or § 155.1040(d)(5)(i), as appropriate.

(1) These 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) These resources must be capable of reaching the locations in which the vessel operates within the stated times following notification:

(i) Inland (except tankers in Prince William Sound covered by (§ 155.1130), 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 on rivers and canals as defined in this subpart, the requirements of this paragraph (m) may be met by listing resources capable of meeting the response times in paragraph (m)(2) of this section. Such resources may not be identified in a plan unless the response organization has provided written consent to be listed in a plan as an available resource.

(n) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo must identify in the response plan and ensure the availability of, through contract or other approved means, response resources necessary to perform shoreline protection operations.

(1) The response resources must include the quantities of boom listed in table 2 of appendix B of this part, based on the areas in which the vessel operates.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph (m) when they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway, as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(o) The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo that operates in offshore, nearshore, inland, or rivers and canal areas, the response plan must identify and ensure the availability of, through contract or other approved means, an oil spill removal organization capable of effecting a shoreline cleanup operation commensurate with the quantity of emulsified petroleum oil to be planned for in shoreline cleanup operations.

(1) The shoreline cleanup resources required must be determined as described in appendix B of this part.

(2) Vessels that intend to offload their cargo at the Louisiana Offshore Oil Port (LOOP) marine terminal are not required to comply with the requirements of this paragraph (o) when they are within the offshore area and under one of the following conditions:

(i) Approaching or departing the LOOP marine terminal within the LOOP Shipping Safety Fairway as defined in 33 CFR 166.200.

(ii) Moored at the LOOP marine terminal for the purposes of cargo transfer operations or anchored in the designated anchorage area awaiting discharge.

(p) Appendix B of this part sets out caps that recognize the practical and technical limits of response capabilities that an individual vessel owner or operator can contract for in advance. Table 6 in appendix B lists the contracting caps that will apply on February 18, 1993 and February 18, 1998. Caps for 2003 will be developed during a subsequent review process. The owner or operator of a vessel carrying groups I through IV petroleum oil as a primary cargo, whose required daily recovery capacity exceeds the applicable contracting caps in Table 6, shall identify sources of additional equipment equal to twice the cap listed in tier 3 or the amount necessary to reach the calculated planning volume, whichever is lower. The equipment so identified, must be capable of arriving on scene no later than the tier 3 response times contained in § 155.1050(g). A response plan must identify the specific sources, locations, and quantities of this additional equipment. No contract is required.

(q) 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 shall include but is not limited to:

(i) Increases in skimming efficiencies and design technology.

(ii) Oil tracking technology.

(iii) High rate response techniques.

(iv) Other applicable response technologies.

(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.

§ 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 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) 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 using the criteria in table 1 of appendix B of this part. 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;

(4) Equipment necessary to assess the impact of such discharges; and

(5) 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 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 firefighting 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 that the vessel will operate in. 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 reapproval 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(d)(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) may be met by listing resources capable of being deployed in an area within the response times in subparagraph (2) of this paragraph. 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.

§ 155.1054 Response plan development and evaluation criteria for vessels carrying non-petroleum oil as a primary cargo.

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

(1) Procedures and strategies for responding to a worst case discharge of non-petroleum oils to the maximum extent practicable; and

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

(b) An owner or operator of a vessel carrying non-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 using the criteria in table 1 of appendix B of this part. 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 non-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) Containment boom, sorbent boom, or other methods for containing oil floating on the surface or to protect shorelines from impact;

(2) Oil recovery devices appropriate for the type of non-petroleum oil carried; and

(3) Other appropriate equipment necessary to respond to a discharge involving the type of non-petroleum oil carried.

(d) Response resources identified in a response plan under paragraph (c) of this section must be capable of commencing an effective on-scene response within the applicable tier 1 response times in § 155.1050(g) of this subpart. 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 non-petroleum oil as a primary cargo must 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.

(2) A company with vessel firefighting 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 that the vessel will operate in. 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 reapproval 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 non-petroleum oil as a primary cargo must identify in the response plan and ensure the availability of certain resources required by § 155.1035(c)(5)(ii) and § 155.1040(d)(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) 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.

§ 155.1055 Training.

(a) A response plan submitted to meet the requirements of § 155.1035 must identify the training to be provided to members of the vessel crew having responsibilities under the plan, 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. The training program must differentiate between that training provided to vessel personnel and that training provided to shore-based personnel.

(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 U.S. 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) Aboard 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 which fulfills specific training requirements.

(d) The vessel owner or operator shall ensure that any oil spill removal organization identified in a response plan to meet the requirements of this part maintain records sufficient to document training for the organization's personnel. These records must be available for inspection upon request by the U.S. Coast Guard. Records must be maintained for 3 years following completion of training.

(e) Nothing in this section relieves the vessel owner or operator from the responsibility to ensure that all private shore-based response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120.

§ 155.1060 Drills.

(a) A vessel owner or operator required by §§ 155.1035 and 155.1040 to have a response plan shall conduct drills as necessary to ensure that the plan will function in an emergency. Both announced and unannounced drills must be included. The response plan submitted to meet the requirements of this subpart must identify the planned drill program. The following are the required drill frequencies for vessels covered by this section:

(1) Manned vessel onboard emergency procedures and qualified individual notification drills must be conducted monthly.

(2) Unmanned barge emergency procedures and notification of the qualified individual drills must be conducted quarterly.

(3) Shore-based spill management team tabletop drills must be conducted yearly.

(4) Oil spill removal organization field equipment deployment drills must be conducted yearly.

(b) Drills may be designed by the vessel owner or operator to exercise either components of or the entire response plan. The vessel owner or operator shall conduct a drill that exercises the entire plan at least once every three years.

(c) The vessel owner or operator shall ensure the maintenance of adequate records of drills. The following records are required:

(1) All drills conducted aboard the vessel must be documented in the ship's log.

(2) Records of any off-vessel drills of the response organization and resources identified in the response plan must be maintained at the United States location of either the qualified individual, spill management team, the vessel owner or operator, or the response organization. Response plans must indicate the location of these records.

(3) Records must be maintained and available to the Coast Guard for three years following completion of the drills.

(d) A vessel owner or operator shall participate in unannounced drills as directed by the applicable COTP. During these drills, the oil spill removal organization and spill management team identified in the vessel's response plan shall be activated to the extent required by the COTP. A vessel owner or operator need not participate if he or she has participated in an unannounced Federal or State oil spill response drill within the last 24 months, and the vessel owner or operator shall immediately provide records of this drill to the Coast Guard COTP.

(e) The requirements in paragraphs (a)(3) and (a)(4) of this section are met if the oil spill removal organization identified in the response plan participates in an equipment deployment exercise and is drilled during the period required to conduct such drills.

§ 155.1062 Inspection and maintenance of response resources.

(a) The owner or operator of a vessel required to submit a response plan under this part must ensure that—

(1) Containment booms, skimmers, vessels, and other major equipment listed or referenced in the plan are periodically inspected and maintained in good operating condition, in accordance with manufacturer's recommendations and best commercial practices; and

(2) All inspections and maintenance are documented and that these records are maintained for three years.

(b) For equipment which must be inspected and maintained under this section the Coast Guard may—

(1) Verify that the equipment inventories exist as represented;

(2) Verify the existence of records required under this section;

(3) Verify that the records of inspection and maintenance reflect the actual condition of any equipment listed or referenced; and

(4) Inspect and require operational tests of equipment.

(c) This section does not apply to containment booms, skimmers, vessels,

and other major equipment listed or referenced in the plan and ensured available through the written consent of an Oil Spill Removal Organization, as provided for in the definition of "contract or other approved means."

§ 155.1065 Plan submission, approval, and appeal procedures.

(a) An owner or operator of a vessel to which this subpart applies shall submit two complete English language copies of a vessel response plan to Commandant (G–MEP–6), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001. All plans submitted on or after August 19, 1993 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. The owner or operator shall include a statement certifying that the plan meets the applicable requirements of subparts D and E of this part.

(b) If the U.S. Coast Guard determines that the plan meets all requirements of this subpart, the U.S. Coast Guard will notify the vessel owner or operator and return one copy of the approved plan along with an approval letter. The plan will be valid for a period of up to five years from the date of approval.

(c) If the U.S. Coast Guard reviews the plan and determines that it does not meet all of the requirements, the U.S. Coast Guard will notify the vessel owner or operator of the response plan's deficiencies. The vessel owner or operator must then resubmit two copies of the revised plan, or corrected portions of the plan, within 45 days.

(d) 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) and (d) will also apply.

(e) Within 21 days of notification that a plan is not approved, the vessel owner or operator may appeal that determination to the Chief, Office of Marine Safety, Security and Environmental Protection. This appeal must be submitted in writing to Commandant (G–M), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

§ 155.1070 Plan review, revision, amendment, and appeal procedures for vessels carrying oil as a primary cargo.

(a) A vessel response plan must be reviewed annually by the owner or operator.

(1) This review must occur within one month of the anniversary date of U.S. Coast Guard approval of the plan.

(2) The owner or operator shall submit any plan amendments to the U.S. Coast Guard for information or approval.

(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 entire plan must be resubmitted to the Coast Guard for re-approval 6 months before the end of the Coast Guard approval period identified in § 155.1065(b).

(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 owner or operator of the vessel, if that owner or operator provided the certifying statement required by § 155.1065(a). If this occurs, a new statement certifying that the plan continues to meet the applicable requirements of subparts D and E of this part must be submitted;

(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 if a new geographic-specific appendix is submitted for approval and the vessel's owner or operator provides the certification required in § 155.1025(c);

(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 cargo carried aboard (oil group) that affects the required response resources;

(5) A change in the identification of the oil spill removal organization(s) required by § 155.1050, 155.1052 or 155.1054, as appropriate;

(6) A significant change in the vessels's emergency response procedures; or

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

(d) The U.S. 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 U.S. Coast Guard will notify the vessel owner or operator in writing of any deficiencies.

(1) Deficiencies must be corrected within the time period specified in the written 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 FWPCA.

(2) Vessel owners or operators must advise the U.S. Coast Guard office that provided the initial notice when a deficiency has been corrected.

(e) A vessel owner or operator who disagrees with a deficiency determination may submit a request for reconsideration within the time period required for compliance or within 7 days from the date of receipt of the U.S. Coast Guard notice, whichever is less. After considering all relevant material presented, the U.S. Coast Guard will notify the vessel owner or operator of the final decision.

(1) Unless the vessel owner or operator petitions for a review of the U.S. Coast Guard decision, the vessel's owner or operator must correct the response plan deficiencies within the period specified in the Coast Guard's final determination.

(2) If the vessel owner or operator petitions the District Commander, the effective date of the U.S. Coast Guard notice may be delayed pending a decision by the District Commander. Petitions to the District Commander must be submitted in writing, via the U.S. Coast Guard official who issued the requirement to amend the response plan, within five days of receipt of the notice.

(f) 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 U.S. Coast Guard approval. The U.S. Coast Guard and all other holders of the response plan shall be advised of the revisions and provided a copy of the revisions as they occur.

Subpart E—Additional Response Plan Requirements for Tankers Loading Cargo at a Facility Permitted Under the Trans-Alaska Pipeline Authorization Act

§ 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. 165 *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 § 155.1015 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.

§ 155.1120 Operating restrictions and interim operating authorization.

The owner or operator of a tanker to which this subpart applies may not load cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act unless the requirements of this subpart and § 155.1025 have been met. The owner or operator of such a tanker shall certify to the U.S. Coast Guard that they have provided, through an oil spill removal organization required by § 155.1125, the necessary response resources to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater, in Prince William Sound, AK.

§ 155.1125 Additional response plan requirements.

(a) The owner or operator of a tanker subject to this subpart shall include the requirements of this section in the Prince William Sound geographic-specific appendix required by subpart D of this part.

(1) The response plan must include identification of an oil spill removal organization that shall—

(i) Perform response activities;

(ii) Provide oil spill removal and containment training, including training in the operation of prepositioned equipment, for personnel, including local residents and fishermen, from the following locations in Prince William Sound—

(A) Valdez;

(B) Tatitlek;

(C) Cordova;

(D) Whittier;

(E) Chenega;

(F) Fish hatcheries located at Port San Juan, Main Bay, Esther Island, Cannery Creek, and Solomon Gulch; and

(G) Other locations in Prince William Sound, to be determined by the COTP;

(iii) Consist of sufficient numbers of trained personnel with the necessary technical skills to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater;

(iv) Provide a plan for training sufficient numbers of additional personnel to remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater; and

(v) Address the responsibilities required in § 155.1035(d)(4).

(2) The response plan must include drill procedures that must—

(i) Provide two drills of the oil spill removal organization each year to ensure prepositioned equipment and trained personnel required under this subpart perform effectively;

(ii) Provide for both announced and unannounced drills; and

(iii) Provide for drills that test either the entire appendix or individual components.

(3) The response plan must identify a testing, inspection, and certification program for the prepositioned response equipment required in § 155.1130 that must provide for—

(i) Annual testing and equipment inspection in accordance with the manufacturer's recommended procedures, to include—

(A) Start-up and running under load of all electrical motors, pumps, power packs, air compressors, internal combustion engines, and oil recovery devices; and

(B) Removal of no less than one-third of required boom from storage annually, such that all boom will have been removed and examined within a period of three years;

(ii) Records of equipment tests and inspection; and

(iii) Use of an independent entity to certify that the equipment is on-site and in good operating condition and that required tests and inspections have been performed. The independent entity must have appropriate training and expertise to provide this certification.

(4) The response plan must identify and give the location of the prepositioned response equipment required in § 155.1130 including the make, model, and effective daily recovery rate of each oil recovery resource.

(b) The owner or operator shall submit to the COTP for approval, no later than September 30th of each calendar year, a schedule for the training and drills required by the geographic-specific appendix for Prince William Sound for the following calendar year.

(c) All records required by this section must be available for inspection by the U.S. Coast Guard and must be maintained for a period of 3 years.

§ 155.1130 Requirements for prepositioned response equipment.

Except as permitted under § 155.1140, the owner or operator of a tanker subject to this subpart shall provide the following prepositioned response equipment, located within Prince William Sound, in addition to that required by § 155.1035:

(a) On-water recovery equipment with a minimum effective daily recovery capacity of 30,000 barrels, capable of being on scene within 6 hours of notification of a discharge.

(b) On-water storage capacity of 100,000 barrels, capable of being on scene within 6 hours of notification of a discharge.

(c) Additional on-water recovery equipment with a minimum effective daily recovery capacity of 40,000 barrels capable of being on scene within 18 hours of notification of a discharge.

(d) On-water storage capacity of 300,000 barrels for recovered oily material, capable of being on scene within 24 hours of notification of a discharge.

(e) On-water oil recovery devices and storage equipment located in communities and at strategic locations.

(f) Equipment as identified below, for the locations identified in § 155.1125(a)(1)(ii), sufficient for the protection of the environment in these locations—

(1) Boom appropriate for the specific locations;

(2) Sufficient boats to deploy boom and sorbents;

(3) Sorbents including booms, sweeps, pads, blankets, drums and plastic bags;

(4) Personnel protective clothing and equipment;

(5) Survival equipment;

(6) First aid supplies;

(7) Buckets, shovels, and various other tools;

(8) Decontamination equipment;

(9) Shoreline cleanup equipment;

(10) Mooring equipment;

(11) Anchored buoys at appropriate locations to facilitate the positioning of defensive boom; and

(12) Other appropriate removal equipment for the protection of the environment as identified by the COTP.

(g) For each oil-laden tanker, two escort vessels, one of which is fitted with skimming an onboard storage capabilities practicable for the oil recovery planned for a cleanup operation, as identified by the oil spill removal organization.

(h) Ligthering resources required in § 155.1050(m) capable of arriving on scene within 6 hours of notification of a discharge.

§ 155.1135 Response plan development and evaluation criteria.

For tankers subject to this subpart, the following response times must be used in determining the on-scene arrival time in Prince William Sound, for the

response resources required by § 155.1050:

	Tier 1	Tier 2	Tier 3
Prince William Sound.	12 hrs ...	24 hrs ...	36 hrs.

§ 155.1140 Tankers contracting with a facility permitted under the Trans-Alaska Pipeline Authorization Act.

A tanker owner or operator may meet some or all of the requirements of this subpart by contracting with a facility permitted under the Trans-Alaska Pipeline Authorization Act. The extent to which these requirements are met by the contractual arrangement will be determined by the COTP.

§ 155.1145 Submission and approval procedures.

An appendix prepared under this subpart must be submitted and approved in accordance with § 155.1065.

§ 155.1150 Plan revision and amendment procedures.

An appendix prepared and submitted under this subpart must be revised and amended, as necessary, in accordance with § 155.1070.

4. Part 155 is amended by adding an appendix B to read as follows:

Appendix B to Part 155—Guidelines for Determining and Evaluating Required Response Resources for Vessel Response Plans

1. Purpose

1.1 The purpose of this appendix is to describe the procedures for identifying response resources to meet the requirements of subparts D and E of this part. These guidelines will be used by the vessel owner or operator in preparing the response plan and by the Coast Guard to review vessel response plans.

2. Equipment Operability and Readiness

2.1 All equipment identified in a response plan must be capable of operating in the conditions expected in the geographic area in which a vessel operates. These conditions vary widely based on the location and season. Therefore, it is difficult to identify a single stockpile of response equipment that will function effectively in every geographic location.

2.2 Vessels storing, handling, or transporting oil in more than one operating environment as indicated in table 1 must identify equipment capable of successfully functioning in each operating environment. For example, vessels moving from the ocean to a river port must identify appropriate equipment designed to meet the criteria for ocean, inland, and rivers and canals. This may be equipment that is designed to operate in all of these environments or, more likely, different equipment designed for use in each area.

2.3 When identifying equipment for response plan credit, a vessel owner or operator must consider the inherent limitations in the operability of equipment components and response systems. The criteria in table 1 must be used for evaluating the operability in a given environment. These criteria reflect the general conditions in certain operating areas.

2.4 Table 1 lists criteria for oil recovery devices and boom. All other equipment necessary to sustain or support response operations in a geographic area must be designed to function in the same conditions. For example, boats which deploy or support skimmers or boom must be capable of being safely operated in the significant wave heights listed for the applicable operating environment. The Coast Guard may require documentation that the boom identified in a response plan meets the criteria in table 1. Absent acceptable documentation, the Coast Guard may require that the boom be tested to demonstrate that it meets the criteria in table 1. Testing must be in accordance with ASTM F 715, ASTM F 989, or other tests approved by the Coast Guard.

2.5 A vessel owner or operator must refer to the applicable Area Contingency Plan to determine if ice, debris, and weather-related visibility are significant factors in evaluating the operability of equipment. The Area Contingency Plan will also identify the average temperature ranges expected in a geographic area in which a vessel operates. All equipment identified in a response plan must be designed to operate within those conditions or ranges.

2.6 The requirements of subparts D and E of this part establish response resource mobilization and response times. The location that the vessel operates farthest from the storage location of the response resources must be used to determine whether the resources are capable of arriving on scene within the time required. A vessel owner or operator shall include the time for notification, mobilization, and travel time of resources identified to meet the maximum most probable discharge and tier 1 worst case discharge requirements. Tier 2 and 3 resources must be notified and mobilized as necessary to meet the requirements for arrival on scene. An on-water speed of 5 knots and a land speed of 35 miles per hour is assumed unless the vessel owner or operator can demonstrate otherwise.

2.7 In identifying equipment, the vessel owner or operator shall list the storage location, quantity, and manufacturer's make and model, unless the oil spill removal organization(s) providing the necessary response resources has been evaluated by the Coast Guard and their capability has been determined to equal or exceed the response capability needed by the vessel. For oil recovery devices, the effective daily recovery capacity, as determined using section 6 of this appendix, must be included. For boom, the overall boom height (draft plus freeboard) must be included. A vessel owner or operator is responsible for ensuring that identified boom has compatible connectors.

3. Determining Response Resources Required for the Average Most Probable Discharge

3.1 A vessel owner or operator shall identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to the 50 barrel average most probable discharge at the point of an oil transfer involving a vessel that carries oil as a primary cargo. The equipment must be designed to function in the operating environment at the point of oil transfer. These resources must include:

3.1.1 Containment boom in a quantity equal to twice the length of the largest vessel involved in the transfer capable of being deployed within 1 hour of the detection of a spill at the site of oil transfer operations.

3.1.2 Oil recovery devices with an effective recovery capacity of 50 barrels per day or greater available at the transfer site within two hours of the detection of an oil discharge.

3.1.3 Oil storage capacity for recovered oily material indicated in section 9.2 of this appendix.

4. Determining Response Resources Required for the Maximum Most Probable Discharge

4.1 A vessel owner or operator shall identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to discharges up to the maximum most probable discharge volume for that vessel. This will require resources capable of containing and collecting up to 2,500 barrels of oil. All equipment identified must be designed to operate in the applicable operating environment specified in table 1.

4.2 To determine the maximum most probable discharge volume to be used for planning, use the lesser of—

4.2.1 2500 barrels; or

4.2.2 10% of the total oil cargo capacity.

4.3 Oil recovery devices necessary to meet the applicable maximum most probable discharge volume planning criteria must be located such that they arrive on scene within 12 hours of the discovery of a discharge in higher volume port areas and the Great Lakes, 24 hours in all other rivers and canals, inland, nearshore, and offshore areas, and 24 hours plus travel time from shore in all open ocean areas.

4.3.1 Because rapid control, containment, and removal of oil is critical to reduce spill impact, the effective daily recovery capacity for oil recovery devices must equal 50% of the planning volume applicable for the vessel as determined in section 4.2 of this appendix. The effective daily recovery capacity for oil recovery devices identified in the plan must be determined using the criteria in section 6 of this appendix.

4.4 In addition to oil recovery capacity, the vessel owner or operator must identify in the response plan and ensure the availability of, through contract or other approved means, sufficient boom available within the required response times for oil collection and containment, and for protection of shoreline areas. While the regulation does not set required quantities of boom for oil collection and containment, the owner or operator of a vessel must still identify in a response plan and ensure, through contract or other

approved means, the availability of the boom identified in the plan for this purpose.

4.5 The plan must indicate the availability of temporary storage capacity to meet the requirements of section 9.2 of this appendix. If available storage capacity is insufficient to meet this requirement, the effective daily recovery capacity must be derated to the limits of the available storage capacity.

4.6 The following is an example of a maximum most probable discharge volume planning calculation for equipment identification in a higher volume port area:

The vessel's cargo capacity is 10,000 barrels, thus the planning volume is 10 percent or 1,000 barrels. The effective daily recovery capacity must be 50% of this, or 500 barrels per day. The ability of oil recovery devices to meet this capacity will be calculated using the procedures in section 6 of this appendix. Temporary storage capacity available on scene must equal twice the daily recovery capacity as indicated in section 9 of this appendix, or 1000 barrels per day. This is the information the vessel owner or operator would use to identify and ensure the availability of, through contract or other approved means, the required response resources. The vessel owner would also need to identify how much boom was available for use.

5. Determining Response Resources Required for the Worst Case Discharge to the Maximum Extent Practicable

5.1 A vessel owner or operator shall identify and ensure, by contract or other approved means, that sufficient response resources are available to respond to the worst case discharge of oil cargo to the maximum extent practicable. Section 7 of this appendix describes the method to determine the required response resources.

5.2 Oil spill recovery devices identified to meet the applicable worst case discharge planning volume must be located such that they can arrive at the scene of a discharge within the time specified for the applicable response tier listed in § 155.1050(g).

5.3 The effective daily recovery capacity for oil recovery devices identified in a response plan must be determined using the criteria in section 6 of this appendix. A vessel owner or operator shall identify the storage locations of all equipment that must be used to fulfill the requirements for each tier.

5.4 A vessel owner or operator shall identify the availability of temporary storage capacity to meet the requirements of section 9.2 of this appendix. If available storage capacity is insufficient to meet this requirement, then the effective daily recovery capacity must be derated to the limits of the available storage capacity.

5.5 When selecting response resources necessary to meet the response plan requirements, the vessel owner or operator must ensure that a portion of those resources are capable of being used in close-to-shore response activities in shallow water. The following percentages of the on-water response equipment identified for the applicable geographic area must be capable of operating in waters of 6 feet or less depth:

(i) Open ocean—none.

(ii) Offshore—10 percent.

(iii) Nearshore, inland, Great Lakes, and rivers and canals—20 percent.

5.6 In addition to oil spill recovery devices and temporary storage capacity, a vessel owner or operator shall identify in the response plan and ensure the availability of, through contract or other approved means, sufficient boom that can arrive on scene within the required response times for oil containment and collection. The specific quantity of boom required for collection and containment will depend on the specific recovery equipment and strategies employed. Table 2 lists the minimum quantities of additional boom required for shoreline protection that a vessel owner or operator shall identify in the response plan and ensure the availability of through contract or other approved means.

5.7 A vessel or operator shall also identify in the response plan and ensure, by contract or other approved means, the availability of an oil spill removal organization capable of responding to a shoreline cleanup operation involving the calculated volume of emulsified oil that might impact the affected shoreline. The volume of oil that should be planned for is calculated through the application of factors contained in tables 3 and 4. The volume calculated from these tables is intended to assist the vessel owner or operator in identifying a contractor with sufficient resources. This planning volume is not used explicitly to determine a required amount of equipment and personnel.

6. Determining Effective Daily Recovery Capacity for Oil Recovery Devices

6.1 Oil recovery devices identified by a vessel owner or operator must be identified by manufacturer, model, and effective daily recovery capacity. These capacities must be used to determine whether there is sufficient total capacity to meet the applicable planning criteria for the average most probable discharge; maximum most probable discharge; and worst case discharge to the maximum extent practicable.

6.2 For the purposes of determining the effective daily recovery capacity of oil recovery devices, the following method will be used. This method considers potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material. The Coast Guard may assign a lower efficiency factor to equipment listed in a response plan if it determines that such a reduction is warranted.

6.2.1 The following formula must be used to calculate the effective daily recovery capacity:

R=T×24×E

R—Effective daily recovery capacity
T—Throughput rate in barrels per hour (nameplate capacity)
E—20% efficiency factor (or lower factor as determined by the Coast Guard)

6.2.2 For those devices in which the pump limits the throughout of liquid, throughput rate will be calculated using the pump capacity.

6.2.3 For belt or mop type devices, the throughput rate will be calculated using data provided by the manufacturer on the nameplate rated capacity for the device.

6.2.4 Vessel owners or operators including in the response plan oil recovery devices whose throughput is not measurable using a pump capacity or belt/mop capacity may provide information to support an alternative method of calculation. This information must be submitted following the procedures in paragraph 6.5 of this appendix.

6.3 As an alternative to section 6.2 of this appendix, a vessel owner or operator may submit adequate evidence that a different effective daily recovery capacity should be applied for a specific oil recovery device. Adequate evidence is actual verified performance data in spill conditions or tests using ASTM F 631, ASTM F808, or an equivalent test approved by the Coast Guard.

6.3.1 The following formula must be used to calculate the effective daily recovery capacity under this alternative:

R=D×U

R—Effective daily recovery capacity
D—Average Oil Recovery Rate in barrels per hour (Item 26 in ASTM F 808; Item 13.1.15 in ASTM F 631; or actual performance data)
U—Hours per day that a vessel owner or operator can document capability to operate equipment under spill conditions. Ten hours per day must be used unless a vessel owner or operator can demonstrate that the recovery operation can be sustained for longer periods.

6.4 A vessel owner or operator submitting a response plan shall provide data that supports the effective daily recovery capacities for the oil recovery devices listed. The following is an example of these calculations:

A weir skimmer identified in a response plan has a manufacturer's rated throughput at the pump of 267 gallons per minute (gpm).
267 gpm=381 barrels per hour
R=381×24×.2=1,829 barrels per day

After testing using ASTM procedures, the skimmer's oil recovery rate is determined to be 220 gpm. The vessel owner or operator identifies sufficient resources available to support operations 12 hours per day.
220 gpm=314 barrels per hour
R=314×12=3,768 barrels per day

A vessel owner or operator will be able to use the higher capacity if sufficient temporary oil storage capacity is available.

6.5 Determinations of alternative efficiency factors under paragraph 6.2 or alternative effective daily recovery capacities under paragraph 6.3 of this appendix will be made by Commandant (G–MEP–6), Coast Guard Headquarters, 2100 Second Street SW, Washington, DC 20593. Oil spill removal organizations or equipment manufacturers may submit required information on behalf of multiple vessels owners or operators.

7. Calculating the Worst Case Discharge Planning Volumes

7.1 A vessel owner or operator shall plan for a response to a vessel's worst case discharge volume of oil cargo. The planning for on-water recovery must take into account

a loss of some oil to the environment due to evaporations and natural dissipation, potential increases in volume due to emulsification, and the potential for deposit of some oil on the shoreline.

7.2 The following procedures must be used to calculate the planning volume used by a vessel owner or operator for determining required on-water recovery capacity:

7.2.1 The following must be determined: The total volume of oil cargo carried, the appropriate cargo group for the type of petroleum oil carried [persistent (groups II, III, IV) or non-persistent (group I)], and the geographic area(s) in which the vessel operates. For vessels carrying mixed cargoes from different petroleum oil groups, each group must be calculated separately. This information is to be used with table 3 to determine the percentages of the total cargo volume to be used for removal capacity planning. This table divides the cargo volume into three categories: oil lost to the environment; oil deposited on the shoreline; and oil available for on-water recovery.

7.2.2 The on-water oil recovery volume must be adjusted using the appropriate emulsification factor found in table 4.

7.2.3 The adjusted volume is multiplied by the on-water oil recovery resource mobilization factor found in table 5 from the appropriate operating area and response tier to determine the total on-water oil recovery capacity in barrels per day that must be identified or contracted for to arrive on scene within the applicable time for each response tier. Three tiers are specified. For higher volume port areas, the contracted tiers of resources must be located such that they can arrive on scene within 12, 36, and 60 hours of the discovery of an oil discharge. For the Great Lakes, these tiers are 18, 42, and 66 hours. For all other rivers and canals, inland, nearshore, offshore areas these tiers are 24, 48, and 72 hours. For the open ocean area, these tiers are 24, 48, and 72 hours with an additional travel time allowance of one hour for every additional 5 nautical miles from shore.

7.2.4 The resulting on-water recovery capacity in barrels per day for each tier is used to identify response resources necessary to sustain operations in the applicable geographic area. The equipment must be capable of sustaining operations for the time period specified in table 3. A vessel owner or operator shall identify and ensure the availability of, through contract or other approved means, sufficient oil spill recovery devices to provide the effective daily oil recovery capacity required. If the required capacity exceeds the applicable cap described in table 6, then a vessel owner or operator must contract only for the quantity of resources required to meet the cap, but shall identify sources of additional resources as indicated in § 155.1050(p). The owner or operator of a vessel whose planning volume exceeds the cap in 1993 should plan for additional capacity to be under contract by 1998 or 2003, as appropriate. For a vessel that carries multiple groups of oil, the required effective daily recovery capacity for each group is calculated and summed before applying the cap.

7.3 The following procedures must be used to calculate the planning volume for identifying shoreline cleanup capacity:

7.3.1 The following must be determined: the total volume of oil cargo carried; the appropriate cargo group for the type of petroleum oil carried [persistent (groups II, III, IV) or non-persistent (group I)]; and the geographic area(s) in which the vessel operates. For a vessel carrying cargoes from different oil groups, each group must be calculated separately. Using this information, table 3 must be used to determine the percentages of the total cargo volume to be used for shoreline cleanup resource planning.

7.3.2 The shoreline cleanup planning volume must be adjusted to reflect an emulsification factor using the same procedure as described in section 7.2.2 of this appendix.

7.3.3 The resulting volume will be used to identify an oil spill removal organization with the appropriate shoreline cleanup capability.

7.4 The following is an example of the procedure described above:

A vessel with a 100,000 barrel capacity for #6 oil (specific gravity .96) will move from a higher volume port area to another area. The vessel's route will be 70 miles from shore.

Cargo carried: 100,000 bbls. Group IV oil
Emulsification factor (from Table 4): 1.4
Areas transited: Inland, Nearshore, Offshore, Open ocean
Planned % on-water recovery (from Table 3): Inland 50%; Nearshore 50%; Offshore 40%; Open ocean 20%
Planned % oil onshore recovery (from Table 3): Inland 70%; Nearshore 70%; Offshore 30%; Open ocean 30%

General formula to determine planning volume:

(planning volume) = (capacity) × (% from table 3) × (emulsification factor from table 4)

Planning volumes for on water recovery:
Inland 100,000×.5×1.4=70,000 bbls
Nearshore 100,000×.5×1.4=70,000 bbls
Offshore 100,000×.4× 1.4=56,000 bbls
Open ocean 100,000×.2× 1.4=28,000 bbls

Planning volumes for on shore recovery:
Inland 100,000×.7×1.4=98,000 bbls
Nearshore 100,000×.77× 1.4=98,000 bbls
Offshore 100,000×.3×1.4=42,000 bbls

The vessel owner or operator must contract with a response resource capable of managing a 98,000 barrel shoreline cleanup in those areas where the vessel comes closer than 50 miles to shore.

Determine required resources for on water recovery for each tier using mobilization factors: (Barrel per day on water recovery requirements) = (on water planning volume as calculated above) × (mobilization factor from table 5).

			Tier 1	Tier 2	Tier 3
Inland/Nearshore	70,000	×	.15	.25	.40
Offshore	56,000	×	.10	.165	.21
Open ocean	28,000	×	.06	.10	.12
			equals (barrels per day)		
Inland/Nearshore			10,500	17,500	28,000
Offshore			5,600	9,240	11,760
Open ocean			1,680	2,800	3,360

Since the requirements for tier 1 for inland and nearshore exceed the caps, the vessel owner would only need to contract for 10,000 bpd for tier 1. No additional equipment would be required to be identified because the required tier 3 resources are below the tier 3 caps.

10% of the on-water recovery capability for off shore, and 20% of the capability for inland/nearshore, for all tiers, must be capable of operating in water with a depth of 6 feet or less.

The vessel owner or operator would also be required to identify or contract for quantities of boom identified in table 2 for the areas in which the vessel operates.

8. Determining the Availability of High-Rate Response Methods

8.1 Response plans for a vessel carrying group II or III persistent oil as a primary cargo that operates in an area with year-round pre-approval for dispersant use may receive credit for up to 25 percent of their required on-water recovery capacity in that area in 1993 if the availability of these resources are ensured by contract or other approved means. For response plan credit, these resources must be capable of being on scene within 12 hours of the discovery of a discharge.

8.2 To receive credit against any required on-water recovery capacity, a response plan must identify the locations of dispersant stockpiles, methods of transporting to a shoreside staging area, and appropriate aircraft or vessels to apply the dispersant and monitor its effectiveness at the scene of an oil discharge.

8.2.1 Sufficient volumes of dispersants must be available to treat the oil at the dosage rate recommended by the dispersant

manufacturer. Dispersants identified in a response plan must be on the NCP Product Schedule maintained by the U.S. Environmental Protection Agency. (Some States have a list of approved dispersants and within State waters only they can be used.)

8.2.2 Dispersant application equipment identified in a response plan for credit must be located such that it can be mobilized to shoreside staging areas to meet the time requirements in 8.1 of this appendix. Sufficient equipment capacity and sources of appropriate dispersants must be identified to sustain dispersant operations for at least 3 days.

8.2.3 Credit against on-water recovery capacity in pre-approved areas will be based on the ability to treat oil at a rate equivalent to this credit. For example, a 2,500 bbls/day credit against the tier one 10,000 bbls/day on-water cap would require the vessel owner or operator to demonstrate the ability to treat 2,500 bbls/day of oil at the manufacturers' recommended dosage rate. Assuming a dosage rate of 10:1, the plan would need to show stockpiles and sources of 750 bbls of dispersants that would be available on scene at a rate of 250 bbls per day and the ability to apply the dispersant at that daily rate for 3 days in the area in which the vessel operates. Similar data would need to be provided for any additional credit against tier 2 and 3 resources.

8.3 In addition to the equipment and supplies required, a vessel owner or operator shall identify a source of support to conduct the monitoring and post-use effectiveness evaluation required by applicable Local and Area Contingency Plans.

8.4 Identification of the resources for dispersant application does not imply that the use of this technique will be authorized. Actual authorization for use during a spill response will be governed by the provisions of the NCP and the applicable Local or Area Contingency Plan.

8.5 In addition to the credit identified above, a vessel owner or operator that operates in an area pre-approved for dispersant use may reduce their required on water recovery cap increase for 1998 and 2003 by up to 50% by identifying non-mechanical methods.

8.6 The use of in-situ burning as a non-mechanical response method is still being studied. Because limitations and uncertainties remain for the use of this method, it may not be used to reduce required oil recovery capacity in 1993. Use of this or other alternative high-rate methods for a portion of the required cap increase in 1998 will be determined during the cap increase review 1996.

9. Additional Equipment Necessary To Sustain Response Operations

9.1 A vessel owner or operator is responsible for ensuring that sufficient numbers of trained personnel and boats, aerial spotting aircraft, sorbent materials, boom anchoring materials, and other supplies are available to sustain response operations to completion. All such equipment must be suitable for use with the primary equipment identified in the response plan. A vessel owner or operator is not required to list these resources in the response plan, but shall certify their availability.

9.2 A vessel owner or operator shall evaluate the availability of adequate temporary storage capacity to sustain the effective daily recovery capacities from equipment identified in the plan. Because of the inefficiencies of oil spill recovery devices, response plans must identify daily storage capacity equivalent to twice the effective daily recovery capacity required on scene. This temporary storage capacity may be reduced if a vessel owner or operator can demonstrate by waste stream analysis that the efficiencies of the oil recovery devices, ability to decant water, or the availability of alternative temporary storage or disposal locations in the area(s) the vessel will operate will reduce the overall volume of oily material storage requirements.

9.3 A vessel owner or operator shall ensure that their planning includes the capability to arrange for disposal of recovered oil products. Specific disposal procedures will be addressed in the applicable Area Contingency Plan.

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TABLE 1

RESPONSE RESOURCE OPERATING CRITERIA

OIL RECOVERY DEVICES

Operating Environment	Significant Wave Height[1]	Sea State
Rivers & Canals	≤ 1 foot	1
Inland	≤ 3 feet	2
Great Lakes	≤ 4 feet	2-3
Ocean	≤ 6 feet	3-4

BOOM

Boom Property	Use			
	Rivers & Canals	Inland	Great Lakes	Ocean
Significant Wave[1] Height (feet)	≤1	≤3	≤4	≤6
Sea State	1	2	2-3	3-4
Boom height - in. (draft plus freeboard)	6-18	18-42	18-42	>42
Reserve Buoyancy to Weight Ratio	2:1	2:1	2:1	3:1 to 4:1
Total Tensile Strength - lbs.	4,500	15-20,000	15-20,000	>20,000
Skirt Fabric Tensile Strength - lbs.	200	300	300	500
Skirt Fabric Tear Strength - lbs.	100	100	100	125

[1] Oil recovery devices and boom must be at least capable of operating in wave heights up to and including the values listed in Table 1 for each operating environment.

TABLE 2

Shoreline Protection Requirements

PERSISTENT OILS

Location	Boom ensured by contract or other approved means (ft.)	Availability hours	
		Higher Volume Port Area	Other Areas
Open Ocean	/	/	/
Offshore	15,000	24	48
Nearshore/ Inland/ Great Lakes	30,000	12	24
Rivers & Canals	25,000	12	24

NON-PERSISTENT OILS

Open Ocean	/	/	/
Offshore	/	/	/
Nearshore/ Inland/ Great Lakes	10,000	12	24
Rivers & canals	15,000	12	24

Spill Location	Nearshore/Inland/ Great Lakes			River		
Sustainability of on-water oil recovery	4 days			3 days		
Oil Group	% Natural Dissipation	% Recovered Floating oil	% Oil on shore	% Natural Dissipation	% Recovered Floating oil	% Oil on shore
I Non-persistent oils	80	20	10	80	10	10
II Light crudes and fuels	50	50	30	40	15	45
III Medium crudes and fuels	30	50	50	20	15	65
IV Heavy crudes /residual fuels	10	50	70	5	20	75

Note: Percentage may not sum to 100; reflects enhanced on-water recovery capacity

Table 3 Removal Capacity Planning Table

Spill Location	Open ocean			Offshore		
Sustainability of on-water oil recovery	10 days			6 days		
Oil Group	% Natural Dissipation	% Recovered Floating oil	% Oil on shore	% Natural Dissipation	% Recovered Floating oil	% Oil on shore
I Non-persistent oils	100	/	/	95	5	/
II Light crudes	90	10	/	75	25	5
III Medium crudes and fuels	75	20	[5]*	60	40	20
IV Heavy crudes /residual fuels	50	20	[30]*	50	40	30

* Included in table for continuity; no planning required.

Table 3 Removal Capacity Planning Table

TABLE 4

EMULSIFICATION FACTORS FOR PETROLEUM OIL CARGO GROUPS

NON-PERSISTENT OIL	
GROUP I	1.0
PERSISTENT OIL	
GROUP II	1.8
GROUP III	2.0
GROUP IV	1.4

TABLE 5

ON-WATER OIL RECOVERY RESOURCE MOBILIZATION FACTORS

Area	Tier 1	Tier 2	Tier 3
Rivers & Canals	.30	.40	.60
Inland/Nearshore/Great Lakes	.15	.25	.40
Offshore	.10	.165	.21
Ocean	.06	.10	.12

Note: These mobilization factors are for total resources mobilized, not incremental resources.

TABLE 6

RESPONSE CAPABILITY CAPS BY GEOGRAPHIC AREA

	Tier 1	Tier 2	Tier 3
February 18 1993			
All except rivers & canals & Great Lakes	10K bbls/day	20K bbls/day	40K bbls/day
Great Lakes	5K bbls/day	10K bbls/day	20K bbls/day
Rivers & canals	1,500 bbls/day	3,000 bbls/day	6,000 bbls/day
February 18 1998			
All except rivers & canals, & Great Lakes	12.5K bbls/day	25K bbls/day	50K bbls/day
Great Lakes	6.35K bbls/day	12.3K bbls/d	25K bbls/day
Rivers & canals	1,875 bbls/day	3,750 bbls/day	7,500 bbls/day
February 18 2003			
All except rivers & canals, & Great Lakes	TBD	TBD	TBD
Great Lakes	TBD	TBD	TBD
Rivers & canals	TBD	TBD	TBD

Note: The caps show cumulative overall effective daily recovery capacity, not incremental increases.

TBD = To Be Determined

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Dated: January 19, 1993.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

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