



**REPUBLIC OF  
THE MARSHALL ISLANDS**  
**MARITIME ADMINISTRATOR**

**Marine Notice**

**No. 2-013-9**

**Rev. Aug/2016**

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**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

**SUBJECT: Vessel Response Plans for Vessels Operating in US Waters**

- References:**
- (a) U. S. Code of Federal Regulations: [33 CFR Part 155](#), *Oil or Hazardous Pollution Prevention Regulations for Vessels*
  - (b) [OSRO Guidelines](#), *Guidelines for the U. S. Coast Guard Oil Spill Removal Organization Classification Program*, published March 2016
  - (c) **USCG Navigation and Vessel Inspection Circular 2-10** ([NVIC 2-10](#)), *Guidance for Implementation and Enforcement of the Salvage and Marine Firefighting Regulations for Vessel Response Plans*, 27-Sep-2010, as amended
  - (d) [PREP Guidelines](#), *2016 National Preparedness for Response Exercise Program (PREP) Guidelines*, published by the USCG et al, 13 April 2016
  - (e) **MER Policy Letter 01-15 CH-1**, *Government Initiated Unannounced Exercise (GIUE) Policy*, issued 26 February 2016

**PURPOSE:**

This Notice supersedes Rev. 02/10 and revokes Republic of the Marshall Islands (RMI) Marine Guideline 2-13-5. This Notice has been streamlined substantially. It has been updated to reflect current United States Coast Guard (USCG) requirements for vessel response plans (VRPs), which are intended to prepare a vessel owner or operator and the vessel's crew to respond to an oil spill. Foreign-flag tank and nontank vessel owners or operators are required to prepare and submit for USCG approval VRPs for operations in waters of the United States (US).

**BACKGROUND:**

On 07 April 2016, the USCG published its final rule ([81 Federal Register \(FR\) 20247-20249](#)) requiring vessels carrying oil in bulk as cargo to carry discharge removal equipment, install spill prevention coamings, and install emergency towing arrangements. This final VRP rule is the culmination of many years of rulemaking, dating back to 30 August 1991. Subsequently, the USCG made salvage and marine firefighting requirements part of the VRP requirements in 2008 ([73 FR 80618-80654](#)) and updated oil-spill removal equipment requirements in 2009 ([74 FR 45004-45030](#)). The USCG also published its final rule ([78 FR 60100-60135](#)) for nontank vessel response plans on 30 September 2013.

The statutory mandate for tank and nontank vessel owners or operators to prepare and submit oil or hazardous substance discharge response plans for certain vessels operating on the navigable waters of the US stems from §311 (j)(5) of the Federal Water Pollution Control Act as amended by the Oil and Pollution Act of 1990; and the Coast Guard and Maritime Transportation Acts of [2004](#) and [2006](#). The regulations governing oil or hazardous pollution prevention for vessels operating in US waters are contained in the [US Code of Federal Regulations \(CFR\), Title 33, Part 155](#).

## **DEFINITIONS:**

“Contract or other approved means” is:

- .1 A written contractual agreement between the vessel owner or operator and resource provider, expressly providing that the resource provider is capable of, and intends to commit to, meeting the plan requirements;
- .2 A written certification that the personnel, equipment and capabilities are available and under the vessel owner or operator’s direct control; or
- .3 An alternative approved by the USCG.

“Nontank vessel” means a self-propelled vessel of 400 gross tons or more that carries oil of any kind as fuel for main propulsion, is not a tank vessel or is not certificated as a tank vessel and is not excepted under 33 CFR §155.5015(d).

“Resource provider” means, in part, an entity that provides personnel, equipment, supplies, and other capabilities necessary to perform salvage and/or marine firefighting services identified in the response plan. See 33 CFR §155.4025

“Tank vessel” means a vessel that is constructed or adapted to carry, or that carries, oil in bulk as cargo or oil cargo residue and is not excepted under 33 CFR §155.1015(c).

“Vessel carrying oil as a secondary cargo” means, a vessel carrying oil pursuant to a permit issued under 46 CFR §30.01-5, §70.05-30, or §90.05-35 or pursuant to an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance certificate required by 33 CFR §151.33 or §151.35, or any uninspected vessel that carries oil in bulk as cargo.

## **APPLICABILITY:**

33 CFR 155 applies to all RMI-flagged vessels while in the navigable waters of the US, or while at a port or terminal under the jurisdiction of the US. The applicability of the VRP requirements is specific to vessel type, vessel size, and category of oil carried and is found as follows:

- .1 Tank vessels carrying group I-V oils as a primary or secondary cargo and vessels lightering beyond the limits of the territorial sea when such cargo is destined for the US (33 CFR 155, subpart D, §155.1010 - §155.1070);
- .2 Vessels carrying animal fats and vegetable oils as a primary cargo (33 CFR 155, subpart F, §155.1210 - §155.1230);

- .3 Vessels carrying other non-petroleum oils as a primary cargo ([33 CFR 155](#), subpart G, §155.2210 - §155.2230); and
- .4 Nontank vessels that carry any petroleum oil product as a fuel for main propulsion or as oil as secondary cargo (33 CFR 155, subpart J, §155.5010 - §155.5075). Note: for nontank vessels that are mobile offshore drilling units (MODUs), additional oil spill planning standards are found in 30 CFR Part 254.

## **REQUIREMENTS:**

### **1.0 General**

- 1.1 RMI-flagged vessels while in the navigable waters of the US, or while at a port or terminal under the jurisdiction of the US are required to comply with the relevant VRP requirements of 33 CFR Part 155.
- 1.2 VRPs prepared by the owner or operator must meet all required elements, including that for a Geographic Specific Appendix under 33 CFR §155.1030(c)(10), or §155.5030(c)(9) for non-tank vessels.
- 1.3 The VRP must be kept onboard the vessel along with the USCG letter of approval in accordance with 33 CFR §155.1030(i)(1), or §155.5030(g)(1) for nontank vessels.
- 1.4 In addition to an approved VRP, RMI-flagged tank vessels must carry a Shipboard Oil Pollution Emergency Plan (SOPEP) and/or Shipboard Marine Pollution Emergency Plan (SMPEP) as required by the International Convention for the Prevention of Pollution from Ships (MARPOL) (See RMI Marine Notice [2-013-4](#)).

### **2.0 Response Time Frames**

- 2.1 It is the responsibility of the owner or operator to ensure that listed oil spill removal organizations (OSROs) and resource providers are capable of providing services within the response timeframes and have been arranged, where required to do so, by contract or other approved means. Utilizing an OSRO classified by the USCG relieves plan holders of the burden of providing extensive lists of response resources in their VRPs. Moreover, if an OSRO is classified by the USCG, it means its capacity has been determined to equal or exceed the response capability needed by the plan holder for compliance. See [Guidelines for the U. S. Coast Guard Oil Spill Removal Organization Classification Program](#), published March 2016. These Guidelines provide the frame work for the classification of OSROs, including those seeking classification for dispersants or to clean up non-floating oils.
- 2.2 The response timeframes are intended as planning criteria, not performance standards. According to the USCG, compliance with the regulations shall be based upon whether a covered response plan ensures that adequate response resources are available, not on whether the actual performance of those response resources after an incident meets specified arrival times or other planning criteria. The USCG also states that failure to meet specified criteria during an actual spill response does not necessarily mean that the

planning requirements of the Federal Water Pollution Control Act and regulations were not met and that it will exercise its enforcement discretion in light of all facts and circumstances.

- 2.3 The RMI Maritime Administrator (the “Administrator”) requests RMI-flagged vessels to take precautions and if an actual incident occurs, to be prepared to explain to the USCG why timeframes for response and equipment in an actual incident differed from those planned.

### **3.0 Salvage and Marine Firefighting**

- 3.1 All tank vessels and nontank vessels carrying group I-IV oils must comply with the requirements of [33 CFR](#) 155, subpart I, in addressing the salvage and marine firefighting (SMFF) aspects of their VRPs.
- 3.2 Nontank vessels that do not carry group I-IV oils must meet the SMFF requirements contained in 33 CFR 155, subpart J.
- 3.3 See USCG Navigation and Vessel Inspection Circular No. 2-10, [Guidance for Implementation and Enforcement of the Salvage and Marine Firefighting Regulations for Vessel Response Plans](#).

### **4.0 Training**

- 4.1 A VRP must identify the training to be provided to persons having responsibilities under the plan, including the vessel crew, qualified individual (QI) and spill management team. Appendix C to 33 CFR Part 155, Training Elements for Oil Spill Response Plans, is to be used as guidance to assist in the preparation of the training section of the VRP.

### **5.0 Drills and Exercises**

- 5.1 A vessel owner/operator must conduct both announced and unannounced exercises to ensure that the VRP will function in an emergency. In addition, the exercise program must be designed so that all components of the VRP are exercised at least once every three (3) years. Designing a drill and exercise program in accordance with the [National Preparedness for Response Exercise Program \(PREP\) Guidelines](#) (or an alternative, approved program) will satisfy these exercise requirements.
- 5.2 Additionally, any vessel may be subject to a Government Initiated Unannounced Exercise (GIUE) in accordance with [USCG MER Policy Letter 01-15 CH-1](#) and its Implementation Workbook. The USCG considers unsatisfactory completion of a GIUE as *prima facie* evidence of non-compliance and the agency will initiate enforcement actions such as suspending transfer operations until the plan holder can demonstrate Average Most Probable Discharge coverage.

### **6.0 VRP Review and Approval**

- 6.1 Review and approval of VRPs are conducted by the USCG.

6.2 VRPs must be submitted (electronically or by mail) to the USCG at least 60 days before the vessel intends to handle, store, transport, transfer, or lighter oil in areas subject to US jurisdiction.

6.3 Plans are valid for a period of up to five (5) years from the date of approval.

## **7.0 One-Time Waiver**

7.1 An owner or operator may request from the USCG a one-time waiver to transport oil cargo within a Captain of the Port (COTP) zone not already approved. The COTP for the zone not previously approved in the VRP may issue a waiver in accordance with [33 CFR §155.1025\(e\)\(1-4\)](#), or §155.5025 for nontank vessels, provided:

- .1 the owner or operator has a valid VRP or SOPEP; **and**
- .2 the plan is onboard the vessel; **and**
- .3 a QI has been identified to the Master of the vessel; **and**
- .4 the owner or operator has identified through contract or other approved means the private resources necessary to respond to the maximum extent practicable to a worst case discharge from the vessel in that zone.

Meeting all these requirements does not guarantee that the waiver will be issued; the COTP has the final decision authority.

## **8.0 Contact Information**

8.1 Extensive information on the USCG VRP Program, including contact information for subject matter specialists, can be found on their “homeport” [website](#).

8.2 General questions on the VRP Program may be sent to the USCG at: [vrp@uscg.mil](mailto:vrp@uscg.mil).