



16450

MARINE SAFETY INFORMATION BULLETIN 01-15

August 21, 2015

Review of Alternative Planning Criteria for Alaska

- Ref:
- (a) Title 33 Code of Federal Regulations (CFR) Part 155, Subpart D
 - (b) Title 33 Code of Federal Regulations (CFR) Part 155, Subpart J
 - (c) COMDT (CG-543) letter 16711 of 12 Aug 09/CG-543 Policy Letter 09-02
 - (d) Captain of the Port, Western Alaska MSIB 03-14

This bulletin provides information on alternative planning criteria (APC) for tank and non-tank vessels (400 gross tons and above) operating within the Captain of the Port (COTP) zones located within the state of Alaska. This bulletin details the way ahead for both existing APCs, which will be extended, and new APC applications, which must follow the regulations and, until the new nontank (NTV) and tank vessel APC guidance is finalized, existing guidance.

Background

The system for assembling, mobilizing, and controlling response resources is extremely complex, therefore, in order to meet the statutory requirements, each response plan holder must identify the means for accomplishing these tasks. References (a) and (b) detail vessel response plan (VRP) requirements for both NTV and tank vessels. Specifically, any NTV or tank vessel bound for or departing from a port or place of the United States shall hold a valid VRP and a valid Geographic Specific Appendix (GSA) for each Alaskan COTP zone, as defined in 33 CFR 3.85-10 and 3.85-15, in which the vessel operates. Plan holders are required to submit VRPs to the Coast Guard that identify and ensure, by contract or other approved means, the availability of response resources (personnel and equipment) necessary to remove, to the maximum extent practicable a worst case discharge (WCD), including a discharge resulting from fire or explosion, and to mitigate or prevent a substantial threat of such a discharge. References (a) and (b) also provide NTV or tank vessel owner / operators an alternative to full WCD capabilities in areas where the national vessel response planning criteria are not appropriate for the respective COTP zone in which the vessel intends to operate. The COTP must endorse this alternative prior to Coast Guard Headquarters approval. See 33 CFR 155.5067(a).

Alternative Planning Criteria

References (a) and (b) provide basic requirements for APC requests; however, more information is necessary regarding the APC request submission process. Therefore, in 2009 the Coast Guard released reference (c) for developing tank vessel APCs. The Coast Guard released reference (d) in 2014 to facilitate the implementation of newly promulgated NTV planning standards. References (c) and (d) provide a specific process for tank and NTV APC applications. These references are the currently effective guidance for the APC request submission process in Alaska.

Way Ahead

As previously mentioned, the process for obtaining the approval for an APC remains within the construct of references (a), (b), (c), and (d). Specifically, an APC must continue to address the five minimum elements:

1. Reason for needing the APC.
2. Identification of regulations not being met.
3. Alternative but equivalent capability option(s).
4. Prevention and mitigation strategies with adequate response measures.
5. Environmental and economic impact assessments.

The Coast Guard is diligently working to develop new guidance for tank and nontank vessel APC applications and will implement the following actions in the near future to ensure this process is as thorough and complete as possible.

1. Review and approve new APCs under the existing framework until new guidance is released. Extend existing APCs through a period sufficient to allow the development, evaluation and implementation of revised tank and nontank vessel APC guidance.
2. Consider comments received from the D17 “request for comments” on the draft NTV APC guidance.
3. Develop a robust national-level policy document that incorporates both updated NTV APC guidance and revised tank vessel APC application guidance.
4. Submit the draft combined tank and nontank vessel APC guidance to the Federal Register for a comment period not to exceed 90 days. Incorporate the discussion of APCs into the Area (Subarea) Committee process to ensure an active and engaged planning process that will build response capabilities in Alaska.
5. Release final APC guidance for tank and nontank vessels that will ensure accurate, fair and consistent review of APC submissions and provide additional transparency as the Coast Guard reviews newly proposed APCs.

The Coast Guard believes it is important to publish this updated guidance within a timeframe that allows a thorough review of the challenges associated with the state of Alaska. Expediency is not necessarily the primary focus given the extent of this project and the Coast Guard’s desire to involve industry experts, state, local, and NGO representatives to ensure the most thorough product is released within a reasonable timeframe.

Please contact the Office of Marine Environmental Response Policy (CG-MER) or (202) 372-2234 with any questions or concerns regarding the information contained within this MSIB.