



TECHNICAL CIRCULAR No. 160 of 10th November 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	USCG Notice of Arrival Requirements Non-tank Vessels - VRP
Reference	USCG -VRP

NTVRP Final Rule - Clarification of Implementation Date and Notice of Arrival Requirements

Background

The "Nontank Vessel Response Plans and Other Response Plan Requirements" (NTVRP) final rule, which was published in the Federal Register on September 30, 2013, requires vessel owners or operators of nontank vessels 400 gross tons and above to prepare and submit oil spill response plans for vessels operating on the navigable waters of the United States. Additionally, the final rule requires the submission of a Vessel Response Plan (VRP) Control Number with the vessel's advance notice of arrival.

Since August 2008, the Coast Guard has been enforcing the statutory requirement to prepare and submit oil spill response plans for nontank vessels 1,600 gross tons or greater and has been issuing 2-year Interim Operating Authorization (IOA) letters to demonstrate compliance.

Effective Date vs. Implementation Date

The NTVRP final rule has both an effective date and implementation (compliance) date. The effective date of October 30, 2013 is when the final rule enters into force. The final rule also establishes January 30, 2014 as the date of compliance by which a vessel owner or operator is required to submit and operate under a vessel response plan that meets the new regulatory requirements of Title 33, Code of Federal

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Page 1 of 3

Regulations (CFR), Part 155, Subpart J.

As a result, existing IOAs will remain valid until the compliance date of January 30, 2014, or until they are replaced with a new approval letter or IOA that specifically refers to compliance with "Title 33, Code of Federal Regulations, Part 155, Subpart J." Nontank vessels with existing IOAs must resubmit their plan, with required revisions, for approval before the compliance date in order to receive a Subpart J compliant approval letter or IOA.

Notice of Arrival Requirements

This final rule also requires the submission of VRP Control Numbers for both tank and nontank vessels as part of already required notice of arrival information listed in Title 33, Code of Federal Regulations, Part 160.206(a). The Coast Guard's electronic notice of arrival (eNOA) online form already requires a submitter to check a box when they have a nontank (emphasis added) VRP and provides a control number entry field when the box is checked in the affirmative. Nontank vessels should continue to submit their VRP Control Number in this manner. At this time, no such prompt or entry field exists for tank vessels. Therefore, until an entry field is added to the eNOA submission form for tank vessels, the Coast Guard advises tank vessel owner or operators to list their tank VRP Control Numbers in the eNOA comments field.

Since the October 30, 2013 effective date of this requirement does not align with the January 30, 2014 compliance date for submission of nontank VRPs, and to ensure consistency with our previous enforcement policy for nontank vessels 1,600 gross tons and above, the Coast Guard will enforce this new notice of arrival submission requirement by the following eNOA submission timelines:

1. October 30, 2013 - Tank Vessels
2. October 30, 2013 - Nontank Vessels (1,600 gross tons or greater; use VRP Control Number listed in existing IOAs)
3. January 30, 2014 - Nontank Vessels (400 - less than 1,600 gross tons)

Additional questions regarding this matter should be forwarded to the Office of Commercial Vessel Compliance, VRP Program by email at vrp@uscg.mil.

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Kindest Regards,

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Page 3 of 3