

INTERNATIONAL CHAMBER OF SHIPPING
12 Carthusian Street,
London, EC1M 6EZ.
United Kingdom

November 30, 2009

Via Email: Federal Rulemaking Portal at <http://www.regulations.gov>

Docket ID No. USCG-2008-1070
United States Coast Guard
Docket Management Facility (M-30)
US Department of Transportation
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

RE: Nontank Vessel Response Plans and Other Vessel Response Plan Requirements. Proposed Rulemaking, Federal Register, August 31, 2009. Pages 44970-45001.

Dear Sir or Madam:

The International Chamber of Shipping (ICS) wishes to comment on the notice of proposed rulemaking regarding nontank vessel response plans and other vessel response plan (NTVRP) requirements in accordance with the Notice of Proposed Rulemaking as referenced above.

ICS was established in 1921 and is the principal international trade association for the shipping industry, representing all sectors and trades. ICS membership comprises the national shipowners' associations of 33 countries representing about 75% of the world's merchant tonnage. ICS interests cover all aspects of maritime affairs; in particular marine safety, ship design and construction, pollution prevention and maritime law.

ICS respectfully requests that comments submitted here be taken into account when considering the issues raised by this proposed rulemaking.

Whilst as matter of principle ICS would prefer national requirements to remain aligned with the relevant IMO regulations, ICS recognises and understands the US desire to establish vessel response activities and plan requirements that are in excess of international regulations in order to strengthen protection of its waters.

It is noted that the requirements contained in the proposed NTVRP rulemaking are substantially in excess of the international requirements stipulated in Regulation 26 of Annex 1 of MARPOL. Due to the diverse requirements contained in MARPOL and the proposed US NTRVP, ICS considers it unwise to require the amalgamation of both plans as prescribed in 155.5067 since the plan will also be required in jurisdictions where the additional US requirements are not applicable. ICS therefore recommends that the alternative be retained, particularly for non US Flag vessels, to permit the US NTVRP specific plans to be submitted directly to USCG Headquarters for separate approval.

ICS can see the advantage in a number of cases that a combined SOPEP plan would bring to shipowners who trade on a regular basis to the US, however it is also deemed beneficial for others to retain the option of a stand alone US specific SOPEP for reference in US waters. This arrangement is understood to work well in other areas where additional specific requirements for oil spill response are required, for example with the Panama Canal SOPEP. Such an arrangement for separate plans may be considered beneficial in that it removes the possibility of confusion between requirements in a situation where time will be important.

ICS has been privileged to receive an advance notice of the Chamber of Shipping of America (CSA) comments to this proposed rulemaking and also wishes to express support for the detailed commentary provided in the CSA submission where the comments relate to international shipping.

ICS appreciates the opportunity to provide comment on issues raised by this proposed rule.

Respectfully submitted,

for ICS.

David H. Tongue,
Marine Manager.
Tel: +44 7417 8844