



Circular

Ref: 28/13

JANUARY 2014

OUTLINE

- VRP requirements for Alaska now allow enrolment with Alaska Maritime Prevention and Response Network (AK-MPRN)
- AK-MPRN indicates the owner's QI may be required to contract with as yet unidentified resources without any prior opportunity to review the contract terms, as well as contracting with Alaska Chadux
- It is currently impossible to ascertain the risk of such contractual terms falling outside the scope of Club cover
- Alaska Chadux' contract continues to be in non-conformity with the IG VRP guidelines
- US Coast Guard has revised its guidance on Pacific Region - D14 Remote Zone, the previous references to specified OSROs for Guam have been deleted
- This circular refers to Circulars 12/13, 14/13, 18/13, 19/13, 21/13 & 27/13 advising Members that non-tank vessel owners are required to submit VRPs to USCG by 30 January 2014

TO THE MEMBERS

Dear Sirs

US Non Tank Final Rule – Vessel Response Plans

Alaska & Pacific Region Alternative Planning Criteria (Non Tank vessels)

Alaska Maritime Prevention and Response Network

Members are referred to Circular No 27/13, and in particular the vessel response planning requirements for Western Alaska, which at present require shipowners to enrol with the Alaska Maritime Prevention and Response Network (AK-MPRN). In that circular the attention of Members was drawn to the fact that the terms of the enrolment agreement do not conform with International Group Guidelines on Vessel Response Plans. We have been informed that a further change will be made to the enrolment agreement to make specific reference to Alaska Chadux in tick box 3. The enrolment agreement can be viewed by following the link www.ak-mprn.org and clicking on 'Enrollment'. However, concerns remain about tick box 3 which, even if amended to refer to Alaska Chadux, still continues to refer to unidentified resources. The box currently reads as follows:

“ I/we affirm that our Qualified Individual is duly authorized to execute and enter into a response action contract for oil spill response resources, as set forth in the APC NTV, on behalf of Planholder in the event requested to do so by Planholder or designated Federal On Scene Coordinator.”

The Alternative Planning Criteria for non-tank vessels (APC NTV), currently only refers to one resource – “Alaska Chadux”. However, AK-MPRN has stated its intention to add other resources which are as yet unidentified and for which the owner's QI is required to enter into a contract as described in the tick box above **without any prior opportunity for the owner to review the contracts of those other resources**. It is therefore impossible to ascertain the risk of the contractual terms falling outside the scope of Club cover.

There seems little likelihood that the AK-MPRN will clarify the position prior to 30 January, the deadline for submission of non-tank vessel response plans. Members therefore have no option but to enrol with the Network.

Position with regard to P&I cover

As stated in the previous circular the terms of the Alaska Chadux contract do not conform with International Group guidelines and there is the potential that owners may be exposed to risks falling outside the scope of Club cover, for which additional insurance will be needed. Those Members wishing to obtain further details of the insurance are advised to contact the Club. Moreover, the possibility of AK-MPRN adding additional response resources to their APC which also do not conform with International Group guidelines provide an additional risk to liabilities falling outside Club cover which at present cannot be ascertained.

Pacific Region - Remote Zone D14

The US Coast Guard has revised its guidance on D14 Remote Zone. Reference to the names of the OSROs in Guam have been deleted. In place of the names of OSROs, there is reference to an OSRO that meets the interim APC measures for Guam/CNMI. As stated in the previous circular, members whose vessels may be calling at Guam or ports in the Commonwealth of Northern Marianas islands should contact the Coast Guard or their plan writers. However, the club remains ready to answer questions concerning the relevant OSRO contracts if necessary.

Yours faithfully

THE MANAGERS**CONTACT**

- Members requiring further information should contact Dr. Chao Wu (chao.wu@thomasmiller.com or telephone +44 20 7204 2157).