



# Circular

Ref: 7/12

MAY 2012

## OUTLINE

- Ships carrying oil as cargo are now required to comply with new vessel response planning criteria (APC) when visiting Alaskan ports
- Certification from the Alaska Maritime Prevention and Response Network and a contract with Alaska Chadux must be evidenced in vessel response plans
- Alaska Chasux contracts do not comply with the International Group guidelines, liabilities under that contract may arise that are outside P&I cover

## TO THE MEMBERS

Dear Sirs

### **NEW REQUIREMENTS AFFECTING OIL TANK VESSEL OWNERS AND OWNERS OF VESSELS CARRYING OIL AS “SECONDARY CARGO”<sup>1</sup> OPERATING IN CERTAIN AREAS OF WESTERN ALASKA WHEN GOING TO OR FROM A PORT IN THE UNITED STATES**

As from 14 May 2012 the US Coast Guard (USCG) will require compliance with new Alternative Planning Criteria (APC) for certain vessels operating in Western Alaska.

Historically it has not been possible for tank owners operating in Western Alaska carrying oil to comply fully with the vessel response planning requirements of the Oil Pollution Act 1990 and the USCG allowed waivers of the regulations (see USCG letter of 12 August 2009 attached). In 2010 the USCG announced that shipowners would be required to fully comply with the Regulations or adhere to approved Alternative Planning Criteria. On May 2011 the Alaska Marine Exchange published proposals for new Alternative Planning Criteria (<http://www.ak-mprn.org/pdfs/WA-APC-T-2011.pdf>). The criteria have now been finalised. Oil tank vessel owners and owners of vessels carrying oil as secondary cargo in certain areas of Western Alaska while going to or from a port in the United States will be required to comply with the new requirements with effect from 14 May 2012. These areas are the areas of Western Alaska outside Cook Inlet and Prince William Sound regions and within 200 miles of the US coastline. (See link above).

#### **The new requirements**

In order to meet the new requirements owners will be required to obtain a Certificate of Participation from Alaska Maritime Prevention and Response Network and to contract with the OSRO, Alaska Chadux. This evidence should be included in the relevant Vessel Response Plan.

<sup>1</sup> Oil as defined under OPA '90 carried in bulk as non-primary cargo on any type of vessel, i.e. oil intended for carriage as cargo from one port to another for reward, not for use onboard the vessel for its own machinery.

**Alaska Maritime Prevention and Response Network (AMPRN)**

ANPRM was established to administer the operational and equipment procurement requirements of the APC. Full details of how to obtain a Certificate of Participation are to be found on the AMPRN website ([www.ak-mpnrn.org](http://www.ak-mpnrn.org)). The fees charged by AMPRN are USD 6,000 per vessel per calendar year for oil tankers and USD 1,800 per vessel per calendar year for vessels carrying oil as a secondary cargo.

**Alaska Chadux**

A copy of the Alaska Chadux contract can be obtained from Mr J Allen ([jallen@chadux.com](mailto:jallen@chadux.com)). However, Members should note that the contract does not comply with International Group (IG) guidelines on vessel response plans and therefore the liabilities under the contract may not be fully covered under standard P&I insurance. For the IG guidelines see Circular Ref. 06/09 (June 2009). It is possible for Members to gain access to additional cover in the market. Those wishing for such cover are advised to contact the Club.

The USCG has published FAQs (a set of Frequently Asked Questions) which can be seen via the following link: (<http://homeport.uscg.mil/anchorage>). These are also attached for ease of reference.

Please note that it is only necessary for owners to enrol with AMPRN when their existing Interim Operating Authorisation (IOA) obtained from the USCG headquarters expires.

A similar circular is being sent by the other members of the International Group of P&I clubs.

Yours faithfully

**THOMAS MILLER (BERMUDA) LTD.**

**CONTACT**

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