PRINCE WILLIAM SOUND RCAC
REGIONAL CITIZENS' ADVISORY COUNCIL

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Citizens promoting the environmentally safe operation of the Alyeska terminal and associated tankers.

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October 20, 2023

Melissa Woodgate
Alaska Department of Environmental Conservation, SPAR/PPRP
PO Box 1709
Valdez, AK 99686
Via email: Melissa.Woodgate@alaska.gov

Re: Comments and Requests for Additional Information on the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan Major Amendment and associated Vessel Response Plans submitted September 11, 2023

Dear Ms. Woodgate:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent, non-profit corporation promoting environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 and our contract with Alyeska Pipeline Service Company. PWSRCAC's member organizations are communities in the region affected by the 1989 *Exxon Valdez* oil spill, as well as commercial fishing, aquaculture, Alaska Native, recreation, tourism, and environmental groups.

PWSRCAC provides the enclosed comments and requests for additional information (RFAI) on the application for a major amendment to the Prince William Sound Tanker Oil Discharge and Contingency Plan, SERVS Technical Manual, and associated vessel response plans submitted by Alaska Tanker Company, LLC; Andeavor, LLC; Crowley Alaska Tankers, LLC; Hilcorp North Slope, LLC; and Polar Tankers, Inc. submitted on September 11, 2023. In addition to uploading these comments and RFAI for individual TAPS trade vessel response plans, these combined comments and requests for additional information are being submitted directly to you.

PWSRCAC provides these comments based on our understanding that upon applying for a major amendment after August 4, 2023, the plan holders are required to meet all Article 4 requirements of 18 AAC 75 that took effect February 5, 2023 as explained in the Frequently Asked Questions on the ADEC website.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Donna Schantz

Donna Schantz
Executive Director

Cc: Andres Morales, Alyeska Pipeline Service Company
Mike Day, Alyeska Pipeline Service Company/SERVS
Klint VanWingerden, Alyeska Pipeline Service Company
CDR Sarah Rousseau, USCG MSU Valdez
Andrea West, RPG Administrator, Polar Tankers, Inc.
Angelina Fuschetto, RPG Chair, Crowley Alaska Tankers
Karen Hays, Alaska Tanker Company
Bruce Jackman, Andeavor
Brett Lowe, ConocoPhillips
Kurt Gibson, Hilcorp North Slope

Comments and Requests for Additional Information on the Proposed Major Amendment to the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan dated September 11, 2023

Submitted by the
Prince William Sound Regional Citizens' Advisory Council

October 20, 2023

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Introduction

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) provides the following requests for additional information (RFAI) to the Alaska Department of Environmental Conservation (ADEC) on the proposed major amendment to the Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Core Plan) and associated documents. Our RFAI relate to new or modified text and areas that we found to be missing based on our understanding of compliance with the ADEC Article 4 regulations that took effect February 5, 2023, since the delayed implementation phase concluded as of August 4, 2023 as described in 18 AAC 75.402(a).

In preparing these RFAI, PWSRCAC reviewed the amended pages of the following documents posted on the ADEC website in September 2023:

- Prince William Sound Tanker Oil Discharge Prevention and Contingency Plan (Core Plan)
- Ship Escort Response Vessel System SV-140 (SERVS Technical Manual)
- Alaska Tanker Company, LLC's Integrated Vessel Response Plan (21-CP-4039)
- Andeavor LLC's Prince William Sound Vessel Oil Discharge Prevention and Contingency Plan (21-CP-2222)
- ConocoPhillips/Polar Tankers Vessel Response Plan and Shipboard Oil Pollution Emergency Plan (21-CP-4038)
- Crowley Alaska Tankers Vessel Response Plan – State Specific – Prince William Sound, ALASKA (21-CP-4046)
- Hilcorp North Slope, LLC Tank Vessel Operations Oil Discharge Prevention and Contingency Plan (21-CP-5216)

RFAI Related to Core Plan

PART 1 – RESPONSE ACTION PLAN

Storage and Decanting (Section 1.6)

Table 1-6 (546 Scenario), that summarizes the required elements of the response scenario, has been updated with new regulatory citations. However, PWSRCAC believes the information provided does not meet the current regulatory requirements. The row titled, "Transfer of and Storage of Recovered Oil/Water; Volume Estimating Procedure" (p. 1-38) now references 18 AAC 75.449(a)(6)(J). The content of that row points to SERVS Technical Manual tactics related to decanting (PWS-WM-3), requesting approval for decanting (PWS-LP-12), and recovering liquid wastes (PWS-WM-2).

18 AAC 75.449(a)(6)(J) requires,

> *(J) procedures for transfer and storage of recovered oil and oily water that* ***demonstrate adequate temporary storage and removal capacity to keep up with skimming and recovery operations****; for on-water recovery, this includes* ***procedures for offloading and***

> ***transfer of oil and oily water from temporary storage*** *at or near the spill site to shore- side storage; for on-land recovery, this includes procedures for transfer from onsite temporary storage to more secure storage; procedures must* ***include methods for estimating the amount of recovered oil****.*

As required in the above language, more comprehensive procedures should be included to explain the operations and offload of all storage vessels or containers, including the mini- and micro-barges with their internal pumps and how out of region equipment will be incorporated.

In addition, new regulation 18 AAC 75.449(a)(6)(L) requires,

> *(L) procedures for decanting if the plan holder intends to request approval for decanting during a spill response; this does not eliminate the requirement for the response strategies to include procedures for storage of recovered oil and oily water; if, at the time of a spill, the responsible party wants to decant, the responsible party must apply to the department's state on-scene coordinator for approval on a form supplied by the department.*

Subsection L is not referenced at all in the amendment, although information on decanting procedures *is* included in PWS-WM-3 as noted above.

RFAI #1: *PWSRCAC requests that missing information be added to the response scenario to demonstrate adequate temporary storage, describe procedures for offloading and transfer of oil and oily water, and methods for estimating the amount of recovered oil, as required by 18 AAC 75.449(a)(6)(J).*

RFAI #2: *PWSRCAC requests that information on decanting procedures for any/all storage for which decanting may be requested should be added to the response scenario as required by 18 AAC 75.449(a)(6)(L). Related to this, PWSRCAC requests information to ensure that sufficient tank-sounding tools (mentioned in PWS-WM-3) will be available and that the personnel who will use them are sufficiently trained and equipped to do so safely.*

Greatest Possible Discharge (Section 1.7)

Regulations at 18 AAC 75.449(a)(10) require a new section:

> *(10) the general procedures to be followed in responding to the greatest possible discharge that could occur at a facility – this information must be located in the plan immediately following the response planning standard scenario or scenarios required by (6) of this subsection.*

A new section referencing this regulation has been added to the plan at Section 1.7 (Greatest Possible Discharge Response), but it does not describe the procedures that would be necessary to respond to a spill of more than 1.3 million barrels (based on the largest tankers in the system as cited in Section 5.1, which is unchanged). Instead, in explaining how plan holders would respond to the greatest possible discharge that could occur, the new section simply says they would do more of the same as in the scenario which describes a much smaller response.

A response to the greatest possible discharge would involve significant resources from out of the region as well as resources in or near the region that are not already contracted, significant numbers of personnel, multiple locations for command and operations, and many and diverse affected stakeholders. A spill of this magnitude would, for example, significantly benefit from convening a Regional Stakeholder Committee. This section should explain how the plan holders will ensure access to these resources.

A recent study commissioned by PWSRCAC titled "Prince William Sound Out-of-Region Oil Spill Response Equipment Survey," September 2022, identified the availability of primary storage devices as a limiting factor in outfitting out-of-region nearshore task forces, as well as the need to contract for more out-of-region resources than there are resources for which contracts are already in place. This report was transmitted to Andres Morales of Alyeska Pipeline Service Company on December 22, 2022, with copies provided to other regulatory agencies (including ADEC) and Angelina Fuschetto, the administrator for the Response Planning Group at that time.

RFAI #3: *PWSRCAC requests that significant additional information and assurances be provided regarding the plan holders' ability to access adequate equipment, personnel, and out of region equipment and assurances regarding the quantity of equipment, personnel, and other facilities that will be available for a greatest possible discharge response in Prince William Sound to satisfy the requirement in the regulations.*

Non-mechanical Response Effects Monitoring (Section 1.8)

The regulatory citation for this section on non-mechanical response has been updated, but the language required is incomplete. Regulations at 18 AAC 75.449(a)(8)(C-D) require the following if non-mechanical response measures will be proposed for use:

> *(C) an assessment of potential environmental consequences, provisions for continuous monitoring and real-time assessment of environmental effects, and a description of the specific mechanisms in place for conducting these assessments; and*
>
> *(D) a description of specific procedures, methods, and resources in place for protecting environmentally sensitive areas, areas of public concern identified in18 AAC 75.451(k), and the public from adverse effects of the nonmechanical response option;*

However, the plan language does not explain how environmental effects will be monitored, only how the impact of the dispersants on the spilled oil will be monitored. It also does not discuss how environmentally sensitive areas (ESA) or areas of public concern will be protected; it simply says that plans will be developed within the Incident Command System (ICS) for dispersant application. While we appreciate that the considerations in (D) will be taken up when agencies

consider whether to approve non-mechanical response, examples of procedures for protecting ESAs should be added.[1]

RFAI # 4: *PWSRCAC requests that information be added to the plan to describe continuous monitoring of environmental effects from non-mechanical response use as required at 18 AAC 75.449(a)(8)(C) and information on how ESAs and areas of public concern might be protected from those impacts as required at 18 AAC 75.449(a)(8)(D).*

PART 2 – PREVENTION PLAN

Emergency Towing Arrangement (Section 2.1)

As expected with the regulation changes, this section removes reference to the Prince William Sound Tow Package. However, vessels over 20,000 dead weight tons (DWT) must have a towing arrangement that at least meets the requirements in federal regulations at 33 C.F.R. 155.235, and this commitment is not made in the plan text.

RFAI #5: *PWSRCAC requests that plan language be added to confirm that towing arrangements will meet federal regulatory requirements at 33 C.F.R. 155.235.*

Discharge History (Section 2.2)

Table 2-4 (History of Tank Vessel Spills Greater than 55 Gallons in Prince William Sound) lists past discharges greater than 55 gallons as required. However, the title of the table referring to the years 1977-2021 was removed.

RFAI #6: *PWRCAC requests that the removed text remain in the table title for clarity regarding both when the records begin and when they end.*

PART 3 – SUPPLEMENTAL INFORMATION

Incident Command System Description (Section 3.3)

We understand that information regarding personnel who will fill key ICS roles is no longer required for inclusion in the plan. However, 18 AAC 75.449(a)(2) does require that "environmental" positions be included along with command, financial, operations, planning, and logistics.

RFAI #7: *PWSRCAC requests that the Environmental Unit be added to the diagram in Section 3.3.3 Incident Command System Roles and Response Actions.*

[1] The SERVS Technical Manual describes the role of the spotter plane to direct dispersant application as it is happening, and the protocol for monitoring dispersant effectiveness, but this protocol does not monitor the fate, effects, or impacts of dispersed oil.

Bibliography (Section 3.12)

The only update to this section was to the year associated with the ADEC regulations. Given the number of edits made throughout the plan as part of this amendment, it is appropriate also to update the area and regional contingency plan references and to add the *Wildlife Protection Guidelines for Oil Spill Response in Alaska*, Version 2020.1, August 31, 2020 now adopted by reference in the regulations at 18 AAC 75.449(a)(6)(M).

RFAI #8: *PWSRCAC requests that the bibliography be updated to reference current documents including the Wildlife Protection Guidelines for Oil Spill Response in Alaska that is adopted by reference in the regulations.*

PART 4 – BEST AVAILABLE TECHNOLOGY

Best Available Technology for Escort Vessels (Section missing)

Section 4.6 (Operation of a Tank Vessel Under Escort and Escort Vessels [18 AAC 75.42(a)(3)(B) & 18 AAC 75.452(a)(3)(C)]) describes Best Available Technology (BAT) for the "Operation of Tank Vessel Under Escort." The proposed amendment adds the words "and Escort Vessels" at the end of the title. However, the new regulations at 18 AAC 75.452(a)(3) now require two separate sections:

> *(B) operation of a tank vessel under escort in a manner that permits an escort vessel to be available immediately to provide the intended assistance to the tank vessel as required under 18 AAC 75.027(e) ; and*
>
> *(C) escort vessels;*

The procedures of the overall system, as has long been the focus of the BAT discussion in this area, would seem to satisfy subsection (B), while additional detailed information comparing actual vessels and their equipment is clearly required to satisfy subsection (C). This can and should include current and comprehensive information about vessels suited to play the different roles in the escort system, such as consideration of seakeeping ability, power and maneuverability, and winches. Information from a recent analysis commissioned by PWSRCAC, titled, "Hinchinbrook Entrance ETV BAT Assessment Final Report," April 2021, for example, identified a vessel in Spain that should at minimum be included in the new BAT comparison (the *Luz de Mar)*, though purpose-built tugs using proven technology should also be considered.[2] This report was transmitted on July 14, 2021 to Andres Morales of Alyeska Pipeline Service Company and members of the Response Planning Group at that time, with copies provided to ADEC.

[2] See also, "Defining the best technology for emergency rescue tugs," (April 2021), available at: https://www.rivieramm.com/news-content-hub/defining-the-best-technology-for-emergency-rescue-tugsnbsp-67180

The new section must also consider BAT for the different tug roles that would still be described in (B) and the conditions which they may need to operate, recognizing that laden tankers do at times transit the route when conditions surpass closure conditions at Hinchinbrook Entrance by the time they get there. Additionally, it is well known that the weather conditions reported at Hinchinbrook Entrance are greatly underreported by the NOAA weather buoy at Seal Rocks,[3] due primarily to the buoy being somewhat sheltered in its location.

RFAI #9: *PWSRCAC requests that plan holders provide the required section on BAT for escort vessels including a detailed and current comparative analysis of current PWS escort/sentinel vessels to other offshore rescue vessels worldwide.*

PART 5 – RESPONSE PLANNING STANDARD

Oil Recovery Calculations (Section 5.2)

The tables have been updated to reflect the storage capacity of the OSRB 5 instead of the *Mineral Creek*. However, the tables should present the total volume of temporary storage available as required at 18 AAC 75.451(g)(7). The new regulations are also explicit on the formula used for determining oil recovery, which should be clearly presented in the plan. (See also related RFAI # 20 and 21.)

RFAI #10: *PWSRCAC requests that the total storage volume be shown, as required by 18 AAC 75.451(g)(7) and all calculations as required by 18 AAC 75.451(h)(3).*

In assessing the adequacy of storage, as the revised regulatory language seems to ask for, PWSRCAC strongly urges ADEC to re-evaluate the assumptions applied in the calculations regarding oil properties. As we noted during the 2021 plan renewal, it appears that the plan holders are not being consistent in the source of information they use to inform the assumptions that underlie their calculations. The plan holders explained in response to an RFAI in that process that, "Entrained water is assumed from the Oil Properties Work Group (Aug 16, 2013) that showed the potential for entrainment at 0 Celsius. 8.5% entrained water was the agreed upon assumption from the May 20, 2014 meeting with ADEC. The 2020 report verified that entrainment is still very likely after two weeks of weathering at 0 Celsius." What is not considered or mentioned is that while the 2020 report did find that entrainment is very likely once 35% of the oil has evaporated, this takes less than 24 hours (not two weeks as stated in the response above). The resulting emulsification will contain 26% to 62% water, far more than the 8% assumed. This has a significant effect on the amount of storage required. With more current information from their own analysis, it is not clear why the plan holders point to meetings from 2013 or 2014 when they had also incorporated the March 2020 SL Ross analysis as a minor amendment with ADEC's approval.

[3] Zingone, NOAA WFO, 2014; Sentinel Tug Requirements for Gulf of Alaska: Ship Drift Study, 2016.

RFAI #11: *PWSRCAC requests that ADEC ensure there is a clear process for obtaining current information regarding oil properties and applying these to planning assumptions. Adopting a new oil properties analysis as a minor amendment but then not incorporating the results as a planning assumption is problematic, especially when the plan holders are committing to ADEC that updated information is being used.*

RFAI Related to SERVS Technical Manual

References to Different Vessel Types (throughout)

Text was changed in Table 4.5-1 (Equipment and Personnel for One Gated "U" Boom System) that lists the resource needs for the Gated "U" Boom system to refer to "Support Vessels" instead of "work boats." This change is acceptable given that "Support Vessels" is somewhat more specific. Unlike work boats, which are not defined nor inventoried, un-changed plan language in Table 12.5-4 (Support Vessels) specifies that there are seven (7) Support Vessels and defines these as "Support vessels are described as, but not limited to; work boats, skiffs, jitneys, rigid hull inflatable or inflatable's [*sic*], tenders, crew boats, and landing craft."

However, while "Support Vessels" has replaced it in some places, the term "work boats" is still used in several other sections, including the introduction to open-water tactics, dispersant application, Sensitive Area Protection (SAP), and wildlife response. Jitneys, another sub-set of "Support Vessels," are discussed in some detail in Section 12.7.11, Use of Jitneys. This section also shows photos of example vessels in the Fishing Vessel Program, which are similar, but not identical to, the types of Support Vessels listed.

In recent years, the terminology for these diverse, smaller vessels has changed frequently and seemingly inconsistently. While there are many types of vessels in PWS and we understand the need for flexibility in the event of a spill, the inconsistent and overlapping terms defy ready calculation as to the number needed and available at any given time. This also provides inadequate information – especially to anyone coming from outside the area during a response – regarding the suitability of different types of vessels for vastly different functions. Looking just at wildlife response, for example, a vessel may need to be maneuverable, have a certain amount of shelter or deck space, or may even need freezer capacity depending on what function it serving. Applying consistent vessel typing, e.g., based on length and tolerated wave conditions (rather than a combination of terms that may variably relate to the vessel's role in a response or its role outside of a response) would greatly enhance the clarity of the plan. ADEC's Spill Tactics for Alaska Responders (STAR) Manual provides a relevant example which could be applied here.

RFAI #12: *PWSRCAC requests the plan holders define and ensure consistent use of terms for smaller vessels involved in the response (e.g., fishing vessel, Support Vessel, work boat, jitney), with the suggestion that a standardized vessel typing system could be created.*

Spotter Role in Dispersant Air Control (Section 8.1 – PWS-NM-1 Dispersant Treatment)

In Section 8.1 (PWS-NM-1, Dispersant Treatment) it is stated that, "All Dispersant Application Task Forces benefit from spotter aircraft and monitoring vessels." While the use of spotter aircraft remains in the plan, PWSRCAC is concerned about some of the important commitments proposed for removal:

- Edits to 8.1.3.5 (Dispersant Operations Support Equipment) remove the statement that logistical support for dispersant operations, "is not limited to the dispersant spraying platform and equipment; other factors such as spotter and command-and-control aircraft support, flight crew support, and inclement weather plans must also be considered."
- Edits to Section 8.1.3.8 (Dispersant Air Control) remove the statement that "The pilot-in-command of the spotter aircraft is not to serve as the Mission Spotter."
- Text describing spotter aircraft criteria is removed, also from Section 8.1.3.8 (Dispersant Air Control).

Combined, these edits reduce commitments and specificity, seeming to allow the pilot-in-command of the spotter aircraft to also serve as the Mission Spotter.

It is not appropriate to have the pilot also serve as Mission Spotter. As explained in the plan, the Mission Spotter has at least five key functions (a sixth, related to having tactical control of all aircraft, is proposed for removal). The Mission Spotter's responsibilities include, but are not limited to, characterizing and documenting oil on water, directing technical adjustments to dispersant treatment, documenting and relaying information to the Unified Command, evaluating the dispersed oil plume, and noting changes to the slick. This is far more than can be done safely by the pilot flying the plane and requires not only technical experience but careful and practiced coordination with the dispersant application platform.

It is not appropriate to remove important criteria describing the spotter plane; if anything, this section should be made more specific by listing suitable aircraft types from among those that could possibly be used. The criteria proposed to be removed (having a long range, large windows, and relatively low operating speeds) are critical along with having adequate seating (including for agency personnel) with good visibility.

As noted above, regulations at 18 AAC 75.449(a)(8)(C) require the plan to describe how real-time monitoring of both the <u>effectiveness</u> and <u>effects</u> of non-mechanical response applications will be achieved.

RFAI #13: *PWSRCAC requests information to be added how regulatory requirements for real-time monitoring of both the <u>effectiveness</u> and <u>effects</u> of non-mechanical response applications will be achieved as required at 18 AAC 75.449(a)(8)(C). In addition, the criteria for spotter aircraft should be made more specific, not be removed, the pilot of the plane should not be the same person fulfilling the Mission Spotter role. Spotter aircraft operators must exercise this role and ensure the ability to seamlessly coordinate with all possible dispersant application platforms.*

Equipment Inventory – Wildlife Kits (Section 12.5, PWS-LP-5)

Information has been removed describing the bird and otter capture and stabilization kits.

RFAI #14: *PWSRCAC requests that information on the number, location, and contents of the bird and otter capture and stabilization kits be retained if these kits will still be used. If there are training requirements for their use, these should be explained.*

RFAI #15: *PWSRCAC requests clarification as to whether Tangle Net kits – also removed – are no longer used.*

Equipment Inventory – Barge Equipment (Section 12.5, PWS-LP-5)

The Deluge Systems have been removed from the list of barge equipment in Table 12.5-25. These systems are important both for shoreline cleanup and removing snow from the barges.

RFAI #16: *PWSRCAC requests clarification regarding where the deluge systems and components will be kept and how shoreline washing and deluge (see tactics PWS -OS-2, PWS-SA-11) will be conducted if these systems are not on the barges.*

Fishing Vessel Availability (Table 12.7.6)

To track the status of fishing vessels available, plan holders use a system of categories for determining when action is needed to ensure sufficient vessels will be available. The threshold for action has been lowered for all tiers of vessels in the proposed amendment. For example, action is not needed now until the number of available vessels falls *below* the required number, which is contradictory to the intent of ensuring there are adequate vessels available for a response. This is particularly true for the Tier 1 Rapid Response vessels. If no action is taken until there are only three of four known to be available through status tracking, then the plan does not demonstrate how to meet the required response planning standard.

RFAI #17: *PWSRCAC requests that the vessel numbers in the "Red (Action)" status category be increased rather than decreased to support prudent planning and assumptions that support the plan holders' ability to meet their response planning standard.*

Fishing Vessel Training (Section 12.7.9.2 and 12.7.9.5)

Language has been removed describing the details of the fishing vessel training for Tier III, II, and I vessel crews and how this information is maintained. This language represents a commitment to the fishing vessel owners and public that Fishing Vessel Program participants will receive the necessary training to safely and effectively support a spill response as described in the required response scenario.

RFAI #18: *PWSRCAC requests that information about the contents, delivery, and tracking of Fishing Vessel Program trainings be retained in the plan. New content should be provided if appropriate, but it should not be removed.*

Fishing Vessel Activation (Section 12.7.10)

Proposed edits to this section state that Fishing Vessel Administrators (FVA) will have tools to recruit vessels in the event of a "worst-case spill." (Language used to refer to a "significant" spill.)

RFAI #19: *PWSRCAC opposes changing the language as proposed. FVAs should be able to recruit additional vessels any time they need to, not only in a "worst-case" spill.*

New Barge Information (Appendix A.1 Vessels and Storage)

Information was added to Appendix A about the new OSRB 5, replacing information about the *Mineral Creek*. However, information was not provided about the barge's storage capacity even though this had, appropriately, been provided for the *Mineral Creek* previously and the *450-7* before that. This is critical information given the intended uses of the new barge for both lightering and to support nearshore response. This information is needed for each element of the temporary storage system to meet the total volume required in 18 AAC 75.451(g)(7) and should be presented consistently in both the Core Plan and SERVS Technical Manual.

Accurate information on storage volumes is key to supporting response planning assumptions. In 2007, the plan holders identified and disclosed a discrepancy between the information in the plan and the allowable deadweight tonnage per the barges' Certificates of Inspection (COI).[4] That discrepancy meant that the storage capacity in the plan was vastly over-estimated.[5] Verifying this information is prudent as a significant new asset comes into the system.

RFAI #20: *PWSRCAC requests that storage information be included in this section for the new barge as it was included previously for the Mineral Creek, and to ensure that information is consistent in both the Core Plan and SERVS Technical Manual.*

RFAI #21: *PWSRCAC requests that the plan holders provide the OSRB 5's Certificate of Inspection and barge load-line requirements for the waters in which it will operate (including outside Prince William Sound).*

RFAI Related to Individual Company Plans

Our comments related to individual company plans focus on the issue of primary operational control. As at, 18 AAC 75.990 (203), "primary operational control" means the person that exercises control over a vessel while the vessel is in state waters; this includes control over the port of call, arrangement for loading or unloading of oil, setting out the parameters of the

[4] Thomas Colby, Response Planning Group, letter to John Kotula, ADEC (March 12, 2007)
[5] Thomas Colby, Response Planning Group, letter to John Kotula, ADEC (March 29, 2007)

approved prevention and response plan including speed, transfer procedures, tug escort, and crew standards and response to spills; primary operational control may be established for the purpose of holding and implementing a plan through a binding agreement between the party wishing to establish control and the vessel owner, operator, or charterer.

Andeavor LLC

Prince William Sound Vessel Oil Discharge Prevention and Contingency Plan

This plan covers vessels operated by Intrepid Ship Management Inc. and SeaBulk Tankers, Inc. The plan and the major plan amendments do not include a binding primary operational control agreement or establish how Andeavor has primary operational control of the vessels covered by the plan. The plan does not establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).

RFAI #22: *PWSRCAC requests that information be added to establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).*

Crowley Alaska Tankers, LLC

State Specific – Prince William Sound, Alaska, Vessel Response Plan

This plan does not establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).

RFAI #23: *PWSRCAC requests that information be added to establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).*

Hilcorp North Slope

Tanker Vessel Operations Oil Discharge Prevention and Contingency Plan

The Hilcorp North Slope major plan amendment does not establish it has or will have primary operational control of the vessels covered by the plan. Appendix A, Vessel Information and Procedures, has not been updated to reflect the requirements of 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1). Appendix A's description of a statement of contractual terms between Hilcorp and the vessel does not state that it will contain the required elements for establishing primary operational control as defined in 18 AAC 75.990(203).

RFAI #24: *PWSRCAC requests that information be added to establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).*

ConocoPhillips/Polar Tankers

Vessel Response Plan and Shipboard Oil Pollution Emergency Plan

This plan notes that Appendix 1 to the Plan covers procedures to include additional chartered vessels in the Plan. Appendix 1 and the Indemnification Agreement for Chartered Tankers were not included in the major amendment. The plan and the major plan amendments do not include a binding primary operational control agreement or establish how Polar Tankers will establish primary operational control of these chartered vessels covered by the plan. The plan needs to establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).

RFAI #25: *PWSRCAC requests that information be added to establish the required elements of primary operational control in 18 AAC 75.400(a)(2) as required by the February 2023 regulation implementation provisions of 18 AAC 75.402(d)(1).*