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NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 10-94

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Subj: GUIDANCE FOR DETERMINATION AND DOCUMENTATION OF THE OIL POLLUTION ACT OF 1990 (OPA 90) PHASE-OUT SCHEDULE FOR EXISTING SINGLE HULL VESSELS CARRYING OIL IN BULK

1. PURPOSE. The purpose of this Circular is to provide guidance regarding the determination and documentation of phase-out dates for single hull vessels subject to chapter 37 of Title 46, U.S. Code, constructed or adapted to carry or that carry oil in bulk as cargo or cargo residue and operating on waters subject to the jurisdiction of the United States. The double hull design standards are located at Title 33, Code of Federal Regulations (CFR), Part 157.10d. Vessels not meeting the requirements of 33 CFR 157.10d are considered to be single hull vessels.
2. BACKGROUND. Section 4115 of OPA 90 (Pub. L. 101-380) amended chapter 37 of Title 46, U.S. Code, by adding section 3703a, "Tank Vessel Construction Standards." With certain exceptions, section 3703a establishes dates by which vessels, subject to chapter 37 of Title 46, U.S. Code, constructed or adapted to carry or that carry oil in bulk as cargo or cargo residue and operating on waters subject to the jurisdiction of the United States must be equipped with double hulls. The double hull requirement does not apply to a tank vessel used only to respond to a discharge of oil or a hazardous substance nor to a vessel subject to chapter 37 of Title 46, U.S. Code, of less than 5,000 gross tons equipped with a double containment system determined by the Coast Guard to be as effective as a double hull for the prevention of a discharge of oil. Prior to January 1, 2015, the double hull requirement does not apply to a tank vessel unloading oil in bulk at a deepwater port licensed under the Deepwater Port Act or to a delivering tank vessel that is of floating in lightering activities within a lightering zone which has been established under 46 U.S.C. 3715(b)(5) and which is located more than 60 miles offshore.

For purposes of the double hull requirement, waters subject to the jurisdiction of the United States means the navigable waters of the United States and the Exclusive Economic Zone of the United States.

The application of the double hull requirement for all other vessels subject to chapter 37 of Title 46, U.S. Code, constructed or adapted to carry, or which carry, oil in bulk as cargo or cargo residue is dependent upon the age of the vessel. The age of the vessel, for this purpose, is determined from the later of the date on which the vessel was delivered after original construction, was delivered after completion of a major conversion, or had its appraised salvage value determined by the Coast Guard under 46 App. U.S.C. 14.

3. DISCUSSION. This Circular provides guidance to ensure consistency of determination and documentation of Coast Guard Marine Inspection and Safety Office actions regarding the determination of a tank vessels phase-out date in accordance with 33 CFR 157 Appendix G, where applicable. The determination of when an affected single hull tank vessel will phase-out is based on the tank vessel's size in gross tons, age, and hull configuration (single hull, or single hull with double side or double bottom).

Specific areas of interest are:

- a. Determination and documentation of phase-out dates for individual single hull tank vessels on their Certificates of Inspection for U.S. tank vessels or Tank Vessel Exam Letters for foreign tank vessels.
- b. Enforcement of U.S. trade limitations for single hull tank vessels contracted for after June 30, 1990, or delivered after January 1, 1994.
- c. Limitation of service in U.S. trade for single hull tank vessels after they are affected by 46 U.S.C. 3703a.
- d. U.S. position on Regulations 13F and 13G of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78).
- e. Appeal process for tank vessel owners or operators on the determination of a phase-out date for a specific single hull tank vessel.

4. IMPLEMENTATION.

- a. Shipowners and operators may use enclosure (1) as guidance to determine the impacts of the phase-out schedule of 46 U.S.C. 3703a on the trade of their existing single hull tank vessels which carry oil in bulk as cargo or cargo residue in waters subject to the jurisdiction of the United States.
- b. Officers-In-Charge, Marine Inspection (OCMIs) and Captains of the Port (COTPs) will use enclosure (1) as guidance for determining phase-out dates of single hull tank vessels and enforcement of requirements under 46 U.S.C. 3703a.
- c. An OCMI or COTP who has determined the phase-out date for a single hull tank vessel subject to chapter 37 of Title 46, U.S. Code, which carries oil in bulk as cargo or cargo residue shall document the phase-out date on the tank vessel's Certificate of Inspection or Tank Vessel Examination Letter to ensure a clear understanding of the date when the vessel must meet the double hull design standards or be taken out of unrestricted bulk oil transportation service in waters subject to the jurisdiction of the United States.



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End: (1) Guidelines for Determination and Documentation of 33 CFR 157 Appendix G

Guidelines for Determination and Documentation of
33 CFR 157 Appendix G
Time Tables for Application of Double Hull Requirements

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Guidelines for Determination and Documentation of
33 CFR 157 Appendix G

PART I

General

Purpose.

Section 3703a of Title 46, U.S. Code, provided the requirements and exemptions for vessels that are constructed or adapted to carry or that carry oil in bulk as cargo or cargo residue to meet the U.S. double hull design standards. These requirements and exemptions have been reflected in 33 CFR Part 157. The attached parts of this enclosure provide guidance to the OCMI or COTP when making decisions regarding inspection and documentation of dates for these single hull vessels.

This enclosure is broken down into the following parts: PART I - general information on international convention, domestic law and regulations for tank vessel design; PART II - discusses required actions and policy for U.S. flag vessels; PART III - discusses required actions and policy for foreign flag vessels; and PART IV - is a quick reference guide to 33 CFR 157 Appendix G, "Timetable for Application of Double Hull Requirements."

Vessels Required to meet the U.S. Double Hull Standards

With certain exceptions, all tank vessels that operate in U.S. waters are required to meet the U.S. double hull design standards of 33 CFR 157.10d, if they are constructed or adapted to carry or that carry oil in bulk as cargo or cargo residue in U.S. waters. The following vessels that carry oil in bulk as cargo or cargo residue are exempted or excluded from the double hull requirements (46 U.S.C. 2101 and 3703(a)):

- a. An oil spill response vessel.
- b. ***Before January 1, 2015 -***
 1. A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974; or
 2. A delivering vessel that is of floating oil in bulk as cargo in lightering activities within a lightering zone established under 46 U.S.C. 3715(b)(5), and more than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05-10.
- c. Vessels deemed not to be tank vessels for the purpose of any law, including 46 U.S.C. 3703a -
 1. An offshore supply vessel; or
 2. A fishing vessel or fish tender vessel of not more than 750 gross tons.
- d. Vessels of less than 5000 gross tons equipped with a double containment system as determined by the Commandant (G-MVI) to be as effective as a double hull for the prevention of discharge of oil.

At this time, the only deepwater port licensed under the Deepwater Port Act of 1974, available to be used until January 1, 2015, is the Louisiana Offshore Oil Port (LOOP). There are no designated lightering zones, 60 miles offshore, that have been designated under the requirements of 46 U.S.C. 3715(b)(5). The Coast Guard has initiated a regulatory project to consider the establishment of lightering zones under 46 U.S.C. 3715(b)(5) in the Gulf of Mexico.

Date Vessels must meet U.S. Double Hull Standards.

All tank vessels, including those that carry oil in bulk as a secondary cargo (i.e., break bulk freight vessels, container vessels, combination freight vessels, passenger vessels, ferries, etc.), that trade in U.S. waters, are required to meet the U.S. double hull standards. The dates that these vessels must meet the U.S. double hull standards fall into two categories. The first category is for a vessel:

- a. For which the building contract was awarded on or after June 30, 1990; or
- b. That was delivered on or after January 1, 1994; or
- c. That undergoes a major conversion for which:
 1. The contract was awarded on or after June 30, 1990; or
 2. Conversion was completed on or after January 1, 1994.

This first category of vessels that are new or have had a major conversion completed must immediately meet the U.S. double hull standards. If they do not meet the standards, these single hull vessels will be restricted to offload oil in bulk to deepwater ports or designated lightering zones more than 60 miles off the U.S. coast *only*, before January 1, 2015.

As of January 1, 2015, these single hull vessels ***will not be allowed to operate carrying oil in bulk as cargo or cargo residue, on waters subject to the jurisdiction of the U.S.. including lightering in the U.S. Exclusive Economic zone (EEZ)***

The second category is single hull vessels that do not meet the U.S. double hull standards and were built under a contract awarded before June 30, 1990, or delivered before January 1, 1994, or on which a major conversion was completed under a contract awarded before June 30, 1990, or delivered before January 1, 1994, or was qualified as a wreck, rebuilt and documented under section 4136 of the Revised Statutes of the U.S. (46 U.S.C. app. 14). This second category of single hull vessels must meet the U.S. double hull standards per the dates provided by the phase-out schedule of 33 CFR 157 Appendix G, beginning January 1, 1995. Part IV of this enclosure includes a breakdown of 33 CFR 157 Appendix G in six tables which list the phase-out dates by gross tonnage, date of build or major conversion, and hull configuration (single hull or single hull with double side or double bottom). These easy reference tables were developed to ensure consistency in determining phase-out dates for existing single hull vessels, as 33 CFR 157 Appendix G requires a tabulation of age which could incur error due to the complexity of the schedule.

Applicability.

A vessel's compliance with these requirements is based on three factors of applicability: is a vessel constructed or adapted to carry or carries oil in bulk as cargo or cargo residue; the vessel's age; and the vessel's gross tonnage.

Determining a vessel is constructed or adapted to carry or carries oil in bulk as cargo or cargo residue should not be hard to determine from the vessel's certification. Determining if the product the vessel is authorized to carry includes oil, as defined in 33 CFR 157.03(n):

“ oil of any kind or in any form including. but not limited to. petroleum, fuel oil. sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.”

The Commandant (G-MTH-1) can be contacted if assistance is required to determine if a specific commodity is defined as oil for the purpose of applying OPA 90 double hull requirements.

The next factor of applicability is the vessel's age and when must it meet the U.S. double hull standards of 33 CFR 157.10d. This is based upon what the vessel's age is from when it was built, or completed a major conversion. This condition is based on the date contracted or delivered for vessel construction, or when a major conversion is contracted or delivered on an existing vessel. This would seem to be a simple condition to determine, but specific problems may arise in determining exact dates for awarding of contracts or when a vessel is delivered or conversion is completed.

U.S. vessel contract or delivery dates can be determined from the vessel's Certificate of Documentation (COD) CG-1270. As the COD is based upon the information determined at the time of the vessel's initial admeasurement, following construction, it should be used to determine the vessel's date of construction. The date of contract is not used normally as the basis of the date construction on the COD. There will be times when two dates of construction are placed on the COD, as one or more shipyards were involved in the vessel's completion. The COD date should be considered the date of delivery, and if two dates are on the COD for delivery, the later of the two dates should be used to determine the vessel's date of delivery. If questions arise on this date for a specific vessel, the Coast Guard documentation office that issued the vessel's current COD should be contacted by telephone. The documentation office can be determined by entering the Vessel File (VFEL) section of MSIS and reviewing the list of documents (VFLD).

Foreign vessels' contract or delivery dates can be determined from the vessel's Certificate of Registry and International Oil Pollution Prevention (IOPP) Certificate Supplements. Since 1975, Annex I of MARPOL 73/78, has required the date of contract, keel laying, delivery, and major conversion (if completed), be marked on the "Particulars of Ship" section of Supplement Forms A or B of the IOPP Certificate.

The final factor of applicability is the vessel's gross tonnage. *All* vessels that are constructed or adapted to carry or that carry oil in bulk as cargo or cargo residue operating in U.S. waters must meet the U.S. double hull standards if contracted after June 30, 1990, or delivered after January 1, 1994. Vessels contracted or delivered before this date that are single hull or single hull with double bottom or double sides, must meet the U.S. double hull standards by the phase-out schedule of 33 CFR 157 Appendix G, or be taken out of oil carriage trade in U.S. waters. The phase-out date for these vessels is determined by their hull design, date of build, and gross tonnage. The gross tonnage for U.S. vessels can be found on the COD and for foreign vessels on their IOPP Certificate. If questions arise regarding U.S. tonnage determinations, refer to NVIC 11-93, "Applicability of Tonnage Measurement Systems to U.S. Flag Vessels," for guidance.

Operation of Single Hull Vessel after Phase-Out Date.

The U.S. double hull standards are applicable to any vessel that carries oil in bulk as cargo or cargo residue which operates on waters under the jurisdiction of the United States. Under OPA 90, single hull vessels are restricted from operating on U.S. waters if they do not meet the U.S. double hull standards by their phase-out date, as determined by the OPA 90 timetable. If a single hull vessel wishes to continue operating in U.S. waters after its phase-out date, it will only be allowed to offload oil to a

deepwater port licensed under the Deepwater Port Act of 1974, or to a designated lightering zone, more than 60 miles offshore, that has been designated under the requirements of 46 U.S.C. 3715(b)(5). As of January 1, 2015, such vessels will not be able to operate carrying oil in waters under the jurisdiction of the U.S.

U.S. Position on International Standards for Tank Vessel Design.

On March 6, 1992, the 32nd session of the International Maritime Organization's (IMO) Marine Environment Protection Committee (MEPC 32) adopted Regulations 13F and 13G to Annex I of the International Convention for the Prevention of Pollution of Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78). Regulation 13F requires new tank vessels be designed and constructed with a double hull or mid-deck configuration. Regulation 13F is applicable to tank vessels of 600 deadweight tons (DWT) or greater constructed on or after July 6, 1993, or that are delivered on or after July 6, 1996.

Regulation 13G establishes a phase-out schedule that begins on July 6, 1995, for single hulled tank vessels to be removed from service or converted into a double hull or mid-deck configuration. Regulation 13G is applicable to existing crude oil carriers of 20,000 DWT or greater, or product carriers of 30,000 DWT or greater. (For the convenience of the reader, regulations 13F and 13G appeared as an appendix in the Interim Final Rule (57 FR 36236)).

On December 23, 1992, the U.S. Embassy in London deposited a declaration with IMO stating that the express approval of the U.S. Government will be necessary before Regulations 13F and 13G of MARPOL 73/78, would enter into force for the U.S. In this declaration, the U.S. cited the technical differences between MARPOL amendments for new and existing tankers, and OPA 90.

Compliance with Regulation 13F's double hull standards alone will not be sufficient to trade in the U.S. All foreign vessels that wish to operate in U.S. trade must document their compliance with OPA 90's double hull design standards by completing the requirements of 33 CFR 157.24(c).

PART II

Guidelines for surveying U.S. Vessels that Carry Oil in Bulk and Issuance of Certificates of Inspection

General.

This part provides Coast Guard marine inspectors with guidance to determine when and if a U.S. vessel, that is certificated to carry oil in bulk as cargo or cargo residue is designed to meet 33 CFR 157.10d or must meet the phase-out schedule of 33 CFR Appendix G. This part also specifies the procedures that shall be followed to document that a vessel meets the U.S. double hull requirements, or to identify the date of phase-out. This documentation will be made on the vessel's Certificate of Inspection (COI) and the data entered into the vessel's file within the Marine Safety Information System (MSIS).

Inspection of U.S. Vessels.

In most cases, determining applicability of the U.S. double hull standards occurs when the vessel's master, owner or operator requests an inspection for certification or midperiod reinspection. The first steps for the Coast Guard marine inspector assigned to inspect the vessel is to examine the Application for Inspection (CG-3752) and answer the following questions:

- a. Is the vessel an oil spill response vessel, offshore supply vessel, or fishing vessel under 750 gross tons, exempted from the double hull requirements;
- b. Is the vessel constructed or adapted to carry oil in bulk as cargo or cargo residue;
- c. Is the vessel a single hull, single hull with double bottom or double side, or is the vessel a double hull;
- d. When was the vessel contracted or delivered, or when was a major conversion completed; and
- e. What is the vessel's gross tonnage?

The answers will determine how or if the U.S. double hull standards apply. The answers can be found by reviewing the vessel archive paper file and information provided from the "Vessel Log and Forms" or "Vessel File" (VFLI or VFEI) sections of MSIS. As discussed later in this part, if the vessel's COI is properly endorsed regarding the U.S. double hull standards, actions by the Coast Guard marine inspector may be limited to ensuring that none of these applicability parameters have changed since the vessel was last examined.

On boarding the vessel, the Coast Guard marine inspector should verify the answers researched on the above applicability questions. Specifically, ensure that the vessel design is either a single hull, or a single hull with double side or double bottom. If an existing single hull vessel does have double sides or double bottom voids that meet the minimum width or height dimensions of 33 CFR 157.10d, this will extend the vessel's operations in U.S. waters per the phase-out schedule in 33 CFR 157 Appendix G. These void dimensions can be verified by vessel's plans, and do not require compartment entry for acceptance. If the double side or bottom voids do not cover the complete cargo tank length (33 CFR 157.03(aa)) of the vessel, or do not meet the minimum width requirement for side voids or minimum

height requirement for bottom voids, the vessel will be considered a single hull for the phase-out schedule of 33 CFR 157 Appendix G.

Determining the Phase-Out Date for a U.S. Single Hull Vessel.

A single hull vessel (contracted before June 30, 1990, or delivered before January 1, 1994) must meet the U.S. double hull standards of 33 CFR 157.10d per the date required by 33 CFR 157 Appendix G. The phase-out schedule of 33 CFR 157 Appendix G, for single hull vessels over 5000 gross tons begins January 1, 1995, and ends January 1, 2015. All single hull tank vessels, including those with double sides or double bottom that are less than 5000 gross tons, can continue carrying oil in bulk before January 1, 2015, unless they undergo a major conversion contracted after June 30, 1990. Part IV of this enclosure, provides six tables for vessels of 5000 gross tons or greater, which are broken down by vessel age, gross tonnage and vessel hull design, to ensure ease in determining the phase-out date and consistency in enforcement.

Documentation of Phase-out Date for Single Hull Vessel.

Documenting the phase-out date for U.S. single hull vessels will be critical to the ability of numerous U.S. vessels to continue to transport oil in bulk. Many major decisions involving vessel operating contracts and lifespans will be made by vessel owners and operators due to the phase-out date in 33 CFR 157 Appendix G. After the inspection has verified the vessel's design, age, and gross tonnage, the COI shall be endorsed with the following statement in the "Route Permitted and Conditions of Operation" block of the COI certificate:

"On *(specify date of phase-Out per 33 CFR 157 Appendix G)* this vessel must meet the U.S. double hull design standards of 33 CFR 157.10d."

This notation on the COI should be completed at the earliest possible inspection for certification or amendment to a COI, as some vessels will be subject to the phase-out period as early as January 1, 1995. This phase-out date notation should be retained on the COI until a vessel is taken out of oil carriage service, modified to meet 33 CFR 157.10d, or until January 1, 2015 if the vessel is kept in restricted oil trade, until that date.

The date of phase-out shall be entered into MSIS in the Vessel File Operating Details (VFOD) product set to ensure it is produced on the COI when printed out for issuance. Also a Marine Inspection Special Note (MISN) should be entered by the OCMI's inspection staff which should state:

"Per OPA 90, must be double hulled by (Specify Date (mm/dd/yy))."

The Commandant (G-MIM) is working on providing a specific field of entry in the MISN product set where this data can be stored and sorted in the future. By placing this statement in MISN, the vessel phase-out date will appear in the critical details profile when information is requested in MSIS on the U.S. vessel, without requesting to view or print the vessel COI. When the MSIS product sets are updated, a change to this NVIC will be published with specific instructions on how to remove the MISN notes filed for the double hull standards, and in what product set the vessel hull configuration and phase-out date will be required to be filed.

Certification of U.S. Vessels per U.S. Double Hull Standards

U.S. vessels contracted after June 30, 1990, or delivered after January 1, 1994, cannot be certificated to carry oil in bulk as cargo in U.S. waters, unless they comply with the requirements of 33

CFR 157.10d. After January 1, 2015, no U.S. tank vessel may be certificated for any trade to carry oil in bulk as cargo within U.S. waters, unless it meets the double hull design standards of 33 CFR 157.10d.

Single hull vessels contracted before June 30, 1990, or delivered before January 1, 1994, cannot be certificated to carry oil in bulk as cargo in unrestricted U.S. operation after the phase-out date identified on their COI. After the phase-out date the vessel is restricted to of loading oil at designated lightering zones and deepwater ports in U.S. waters until January 1, 2015, but no other ports or locations in U.S. waters. Upon reaching the phase-out date for these single hull vessels, the vessel should be gas-freed of all oil or oily residue cargo, until it meets the double hull design standards or taken out of U.S. service.

For example, consider a single hull U.S. tank barge certificated for any grade of oil cargoes, which must phase-out of oil trade on January 1, 1995. On January 2, 1995, the cognizant OCMI should ensure the vessel is oil cargo free, gas freed, and clean of all oily residue. However, if the barge were also certificated to carry cargoes other than oil, it could continue operation per its COI. Also at the phase-out date, the barge owner/operator may request that the barge be recertificated for the carriage of cargoes other than oil in bulk. The barge's active COI will allow the barge to continue operation under its existing provisions for other cargo carriage conditions, as applicable. It will also allow the barge's owner/operator to move the barge in a clean condition to other ports (allowed by the COI's route) to make repairs, or complete shipyard modifications to alter its cargo carrying capability or meet the double hull standards. The active COI will allow continued barge movement without the requirement for the cognizant OCMI to issue special Permits to Proceed or Temporary Certificates of Inspection for transportation to other U.S. jurisdictions for repairs or modifications.

Any questions on double hull standards policy for U.S. vessels can be directed to the Commandant (G-MVI-1), the Compliance and Enforcement Branch of the Merchant Vessel Inspection and Documentation Division.

Appeal of OCMI's Decision on U.S. Vessel Phase-Out Schedule.

The tables in part IV of this enclosure were developed from 33 CFR 157 Appendix G to ensure ease of determination and consistency of documentation of the phase-out schedule for U.S. single hull vessels.

The Coast Guard has not been given the authority by OPA 90 to waive, exempt, or extend the phase-out date requirements of the U.S. double hull standards. However, questions may arise on the applicable date of build, gross tonnage or existing design of the vessel, which may affect the phase-out date for a specific existing vessel. Owners and operators of single hull vessels who are aggrieved by an OCMI's determination of a vessel's phase-out date may appeal the decision to the Commandant (G-MVI) via the cognizant district commander (m).

PART III

*Guidelines for Surveying Foreign Vessels that Carry Oil in Bulk,
and
Issuance of Foreign Vessel Examination Letters*

General.

This part provides Coast Guard marine inspectors and boarding officers with guidance to determine when and if a foreign vessel, that requests to carry oil in bulk as cargo or cargo residue in U.S. trade, is designed to meet 33 CFR 157.10d or must meet the phase-out schedule of 33 CFR Appendix G. This part also specifies the procedures which shall be followed to document that a vessel meets the U.S. double hull standards, or identifies the date of phase-out. This documentation will be made on the vessel's Tank Vessel Exam (TVE) or Foreign Vessel Exam (FVE) Letter and the data entered into the vessel's file within MSIS.

Examination of Foreign Vessels.

In most cases, determining applicability of the U.S. double hull standards will occur when a foreign vessel's master or port agent completes a 24 hour notice to the COTP of a vessel's intention to enter the COTP zone to transfer flammable or combustible liquids (oil) in bulk. It can also occur when a foreign vessel's owner, operator, designer or builder meets the requirements of 33 CFR 157.24 and supplies the U.S. Coast Guard with a letter of compliance, or approved plans and calculations from the vessel's Flag Administration, that the vessel meets the U.S. double hull standards of 33 CFR 157.10d. Upon a foreign vessel's notification, the OCMI/COTP's staff will review the vessel's file in MSIS to ensure that it is in compliance or requires a boarding under the Port-State Control Program. A vessel's MSIS file may not contain enough information to determine whether the vessel meets the double hull requirements or not. However, attempt to answer the following questions:

- a. Is the vessel an oil spill response vessel, offshore supply vessel, or fishing vessel under 750 gross tons, exempted from the double hull requirements;
- b. Is the vessel constructed or adapted to carry oil in bulk as cargo or cargo residue;
- c. Is the vessel a single hull, single hull with double bottom or double side, or is the vessel a double hull;
- d. When was the vessel contracted or delivered, or when was a major conversion completed; and
- e. What is the vessel's gross tons?

The answers will determine how or if the U.S. double hull standards apply. These answers are found by reviewing the information provided from the "Vessel Log and Forms" or "Vessel File" (VFLI or VFEI) sections of MSIS. As discussed later in this part, if the vessel's Tank Vessel/Freight Vessel Examination Letter is properly endorsed regarding the U.S. double hull standards, actions by the Coast Guard marine inspector or boarding officer may be limited to ensuring that none of these applicability parameters have changed since the vessel was last examined.

On boarding the vessel the boarding team, which should include a marine inspector, will verify the answers researched on the above applicability questions. The marine inspector should also inquire whether the vessel's Flag Administration has issued a letter stating compliance with the U.S. double hull

standards per 33 CFR 157.24. If so, a copy should be retained by the boarding team and noted in the MSIS Port Boarding notes. If the tank vessel was delivered after April 10, 1995, and the vessel's International Oil Pollution Prevention (IOPP) Certificate, Form B, notes that the vessel meets the double hull standards of Regulation 1 3F (3), the boarding officers can accept the Form B documentation (paragraph 5.8.1.1 is marked with an "x"), that the tank vessel meets the U.S. double hull standards of 33 CFR 157.10d. If there is a need to ensure that the vessel design is either a single hull, or a single hull with double sides or double bottom, the marine inspector shall complete an analysis of the ship's plans or documentation.

If a single hull vessel does have double sides or double bottom voids that meet the minimum width or height dimensions of 33 CFR 157.1 Od, this will extend the vessel's operations in U.S. waters per the phase-out schedule in 33 CFR 177 Appendix G. These void dimensions can be verified by vessel's plans, and do not require compartment entry for acceptance. If the double side or bottom voids do not cover the complete cargo tank length (33 CFR 157.03(aa)) of the vessel, or do not meet the width for side voids or height for bottom voids, the vessel will be considered a single hull for the phase-out schedule of 33 CFR 157 Appendix 0.

Determining the Phase-Out Date for a Foreign Single Hull Vessel.

A foreign single hull vessel (contracted before June 30, 1990, or delivered before January 1, 1994) must meet the U.S. double hull standards of 33 CFR 157.10d per the date required by 33 CFR 157 Appendix 0. The phase-out schedule of 33 CFR Appendix 0, for single hull vessels over 5000 gross tons begins January 1, 1995, and ends January 1, 2015. All single hull tank vessels including those with double sides or double bottom that are less than 5000 gross tons, can continue carrying oil in bulk in U.S. waters before January 1, 2015, unless they undergo a major conversion contracted after June 30, 1990. Part IV of this enclosure provides six tables for vessels of 5000 gross tons or greater, which are broken down by vessel age, gross tonnage and vessel hull design, to ensure ease of determining the phase-out date and consistency in documentation.

Documentation of Phase-out Date for a Single Hull Vessel.

Documenting the phase-out date for foreign single hull vessels will be critical to their continued operation in U.S. waters. Many major decisions involving vessel operating contracts and lifespan will be made by vessel owners and operators due to the phase-out date of 33 CFR 157 Appendix G. After verification has been made on the vessel design, age, and gross tonnage by a Coast Guard marine inspector aboard the vessel, the Tank Vessel or Freight Vessel Examination Letter should be endorsed:

"On (specify date of phase-out per 33 CFR 157 Appendix G) this vessel must meet the U.S. double hull design standards of 33 CFR 157.10d."

This notation on the Tank Vessel or Freight Vessel Examination Letter (TVEL/FVEL) should be completed at the earliest possible Tank or Freight Vessel Examination boarding, as some vessels will be subject to the phase-out period as early as January 1, 1995. This phase-out date note shall be retained on the foreign vessel's Tank Vessel or Freight Vessel Examination Letter until such vessel is taken out of oil carriage service, modified to meet 33 CFR 157.10d, or until January 1, 2015, if the vessel is kept in restricted oil trade (deepwater port/designated lightering area). The date of phase-out shall be entered into MSIS in the MISN product set for the vessel stating:

"Per OPA 90, must be double hulled by (Specify Date (mm/dd/yy))."

To add this statement to the standard boarding examination letters, MSOs/MIOs may consider providing their boarding personnel with a rubber stamp with the required wording, which can be added to

the Tank Vessel or Freight Vessel Examination Letter and filled in with the date of phase-out. The Commandant (G-MIM) is working on providing a specified field of entry in the MISN product where the vessel hull configuration and date of phase-out will be filled in. When the MSIS product sets are updated, a change to this NVIC will be published with specific instructions on how to remove the MISN note requested for the double hull phase-out date, and in what product set the vessel hull configuration and phase-out date will be required to be filed.

Management of Double Hull Standards for all Foreign Vessels.

Foreign vessels contracted after June 30, 1990, or delivered after January 1, 1994, will not be allowed to carry oil in bulk as cargo or cargo residue in U.S. waters, unless they comply with the requirements of 33 CFR 157.10d. There may be situations where a new foreign single hull vessel is constructed for oil carriage and requests examination. If so, the vessel route must be limited to waters outside the U.S. or limited to the carriage of oil (offload) in bulk to designated lightering zones (more than 60 miles offshore) or to deepwater ports until January 1, 2015, per the conditions of 33 CFR 157.08. After January 1, 2015, no new foreign single hull tank vessel may be allowed to carry oil in bulk as cargo within U.S. waters unless it meets the double hull design standards of 33 CFR 157.10d.

Single hull foreign tank vessels contracted before June 30, 1990, or delivered before January 1, 1994, cannot be allowed to carry oil in bulk as cargo or cargo residue, in unrestricted U.S. trade after the phase-out date identified on their TVEL/FVEL. After the phase-out date, the vessel is restricted to trade (of floating oil) at designated lightering zones and deepwater ports in U.S. waters until January 1, 2015, but no other ports or locations in U.S. waters.

As of January 1, 2015, no foreign flag single hull vessel will be able to operate in U.S. waters carrying oil in bulk as cargo or cargo residue. A foreign vessel which violates the phase-out date and attempts to enter a U.S. port with a load of oil as cargo shall not be allowed to enter the port in question or offload its cargo in the U.S. Where applicable the vessel may be subject to enforcement actions by the COTP. A Commandant Instruction is under development by the Commandant (G-MVI) and (G-MPS), to provide enforcement policy guidance to OCMI's and COTPs regarding the actions to follow when finding a vessel operating in violation of the U.S. double hull standards.

Appeal of OCMI/COTP Decision on Determination of a Single Hull Vessel Phase-Out Schedule

The tables in part IV of this enclosure were developed from 33 CFR 157 Appendix C, to ensure ease of determination and consistency of enforcement of the phase-out schedule for existing single hull vessels.

The Coast Guard has not been given the authority by OPA 90 to waive, exempt, or extend the phase-out date requirements of the U.S. double hull standards for any vessel. Questions may arise on the applicable date of build, gross tonnage or existing design of the vessel, which may affect the phase-out date for a specific existing vessel. Owners and operators of foreign flag single hull vessels who are aggrieved by an OCMI's determination of a vessel's phase-out date may appeal the decision to the Commandant (G-MVI), via the cognizant district commander(m).

PART IV

*Quick Reference Guide to 33 CFR 157 Appendix C
"Timetables for Application of Double Hull Requirements"*

General.

The attached six tables conform with the requirements of 46 U.S.C. 3703(a). The term "tank vessel" on each table heading means any vessel which carries oil in bulk as cargo or cargo residue. Exemptions and applicabilities of vessels to the phase-out schedule are discussed in part I of this enclosure.

To use these tables, the age of the vessel is determined from the latter date on which the vessel was:

- a. Delivered after original construction (Date of Build);
- b. Delivered after completion of a major conversion; or
- c. Qualified for documentation under section 4136 of the Revised Statutes of the U.S. (46 U.S.C. app. 14).

Vessels less than 5000 Gross Tons.

Vessels less than 5000 gross tons for which a building contract or contract for major conversion was placed before June 30, 1990, and that was delivered under contract before January 1, 1994, may not operate carrying oil in bulk as cargo in U.S. waters as of January 1, 2015, unless equipped with a double hull or with a double containment system determined by the Commandant (G-MVI) to be as effective as a double hull for the prevention of a discharge of oil.

Vessels of 5000 Gross Tons and Above.

Enter the attached tables with the age of vessel, vessel's gross tonnage, and vessel design type (single hull, or single hull with double side (DS) or double bottom (DB) voids) to determine the phase-out date for single hull vessels carrying oil in bulk as cargo. The "anniversary date," referred to in the tables, is the day and month of the year which would be the anniversary of the date the vessel was delivered.

Table 1: 5,000 to less than 15,000 Gross Tons - Single Hull

Table 2: 5,000 to less than 15,000 Gross Tons - Single Hull with Double Side or Double Bottom

Table 3: 15,000 to less than 30,000 Gross Tons - Single Hull

Table 4: 15,000 to less than 30,000 Gross Tons - Single Hull with Double Side or Double Bottom

Table 5: 30,000 Gross Tons or More - Single Hull

Table 6: 30,000 Gross Tons or More - Single Hull with Double Side or Double Bottom

Table 1 of Part IV

TANK VESSELS: 5,000 TO LESS THAN 15,000 GROSS TONS – SINGLE HULL

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED		
All Vessels Delivered Prior To January 1, 1955	After January 1, 1995	Vessels delivered in 1969	Anniversary Date in 2004 *		
		January 1, 1970 – December 31, 1979	After January 1, 2005		
Vessels delivered in 1955	Anniversary Date in 1995 *	Vessels delivered in 1980	Anniversary Date in 2005 *		
Vessels delivered in 1956	After January 1, 1996	Vessels delivered in 1981	Anniversary Date in 2006 *		
Vessels delivered in 1957	Anniversary Date in 1996 *	Vessels delivered in 1982	Anniversary Date in 2007 *		
Vessels delivered in 1958	After January 1, 1997	Vessels delivered in 1983	Anniversary Date in 2008 *		
Vessels delivered in 1959	Anniversary Date in 1997 *	Vessels delivered in 1984	Anniversary Date in 2009 *		
Vessels delivered in 1960	After January 1, 1998	All Vessels Delivered After December 31, 1984	January 1, 2010		
Vessels delivered in 1961	Anniversary Date in 1998 *				
Vessels delivered in 1962	After January 1, 1999				
Vessels delivered in 1963	Anniversary Date in 1999 *				
Vessels delivered in 1964	After January 1, 2000				
Vessels delivered in 1965	Anniversary Date in 2000 *				
Vessels delivered in 1966	Anniversary Date in 2001 *				
Vessels delivered in 1967	Anniversary Date in 2002 *				
Vessels delivered in 1968	Anniversary Date in 2003 *				
* Anniversary Date refers to the date of delivery for the vessel.					

Table 2 of Part IV

TANK VESSEL: 5,000 TO LESS THAN 15,000 GROSS TONS – “SINGLE HULL”
 w/Double Side or Double Bottom

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED
All Vessels Delivered Prior To January 1, 1950	After January 1, 1995	Vessels delivered in 1964	Anniversary Date in 2004 *
		January 1, 1965 – December 31, 1974	After January 1, 2005
Vessels delivered in 1950	Anniversary Date in 1995 *	Vessels delivered in 1975	Anniversary Date in 2005 *
Vessels delivered in 1951	After January 1, 1996	Vessels delivered in 1976	Anniversary Date in 2006 *
Vessels delivered in 1952	Anniversary Date in 1996 *	Vessels delivered in 1977	Anniversary Date in 2007 *
Vessels delivered in 1953	After January 1, 1997	Vessels delivered in 1978	Anniversary Date in 2008 *
Vessels delivered in 1954	Anniversary Date in 1997 *	Vessels delivered in 1979	Anniversary Date in 2009 *
Vessels delivered in 1955	After January 1, 1998	Vessels delivered in 1980	Anniversary Date in 2010 *
Vessels delivered in 1956	Anniversary Date in 1998 *	Vessels delivered in 1981	Anniversary Date in 2011 *
Vessels delivered in 1957	After January 1, 1999	Vessels delivered in 1982	Anniversary Date in 2012 *
Vessels delivered in 1958	Anniversary Date in 1999 *	Vessels delivered in 1983	Anniversary Date in 2013 *
Vessels delivered in 1959	After January 1, 2000	Vessels delivered in 1984	Anniversary Date in 2014 *
Vessels delivered in 1960	Anniversary Date in 2000 *	All Vessels Delivered After December 31, 1984	January 1, 2015
Vessels delivered in 1961	Anniversary Date in 2001 *		
Vessels delivered in 1962	Anniversary Date in 2002 *		
Vessels delivered in 1963	Anniversary Date in 2003 *		
* Anniversary Date refers to the date of delivery for the vessel.			

Table 3 of Part IV

TANK VESSELS: 15,000 TO LESS THAN 30,000 GROSS TONS – SINGLE HULL

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED
All Vessels Delivered Prior To January 1, 1955	After January 1, 1995	Vessels delivered in 1974	Anniversary Date in 2002 *
		Vessels delivered in 1975	After January 1, 2003
Vessels delivered in 1955	Anniversary Date in 1995 *	Vessels delivered in 1976	Anniversary Date in 2003 *
January 1, 1956 – December 31, 1957	After January 1, 1996	Vessels delivered in 1977	After January 1, 2004
Vessels delivered in 1958	Anniversary Date in 1996 *	Vessels delivered in 1978	Anniversary Date in 2004 *
January 1, 1959 – December 31, 1960	After January 1, 1997	Vessels delivered in 1979	After January 1, 2005
Vessels delivered in 1961	Anniversary Date in 1997 *	Vessels delivered in 1980	Anniversary Date in 2005 *
January 1, 1962 – December 31, 1963	After January 1, 1998	Vessels delivered in 1981	Anniversary Date in 2006 *
Vessels delivered in 1964	Anniversary Date in 1998 *	Vessels delivered in 1982	Anniversary Date in 2007 *
January 1, 1965 – December 31, 1966	After January 1, 1999	Vessels delivered in 1983	Anniversary Date in 2008 *
Vessels delivered in 1967	Anniversary Date in 1999 *	Vessels delivered in 1984	Anniversary Date in 2009 *
January 1, 1968 – December 31, 1969	After January 1, 2000	All Vessels Delivered after December 31, 1984	January 1, 2010
Vessels delivered in 1970	Anniversary Date in 2000 *		
Vessels delivered in 1971	After January 1, 2001		
Vessels delivered in 1972	Anniversary Date in 2001 *		
Vessels delivered in 1973	After January 1, 2002		
* Anniversary Date refers to the date of delivery for the vessel.			

Table 4 of Part IV

TANK VESSEL: 15,000 TO LESS THAN 30,000 GROSS TONS - "SINGLE HULL"
 - w/Double Side or Double Bottom

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED
All Vessels Delivered Prior To January 1, 1950	After January 1, 1995	Vessels delivered in 1970	After January 1, 2003
		Vessels delivered in 1971	Anniversary Date in 2003 *
Vessels delivered in 1950	Anniversary Date in 1995 *	Vessels delivered in 1972	After January 1, 2004
January 1, 1951 – December 31, 1952	After January 1, 1996	Vessels delivered in 1973	Anniversary Date in 2004 *
Vessels delivered in 1953	Anniversary Date in 1996 *	Vessels delivered in 1974	After January 1, 2005
January 1, 1954 – December 31, 1955	After January 1, 1997	Vessels delivered in 1975	Anniversary Date in 2005 *
Vessels delivered in 1956	Anniversary Date in 1997 *	Vessels delivered in 1976	Anniversary Date in 2006 *
January 1, 1957 – December 31, 1958	After January 1, 1998	Vessels delivered in 1977	Anniversary Date in 2007 *
Vessels delivered in 1959	Anniversary Date in 1998 *	Vessels delivered in 1978	Anniversary Date in 2008 *
January 1, 1960 – December 31, 1961	After January 1, 1999	Vessels delivered in 1979	Anniversary Date in 2009 *
Vessels delivered in 1962	Anniversary Date in 1999 *	Vessels delivered in 1980	Anniversary Date in 2010 *
January 1, 1963 – December 31, 1964	After January 1, 2000	Vessels delivered in 1981	Anniversary Date in 2011 *
Vessels delivered in 1965	Anniversary Date in 2000 *	Vessels delivered in 1982	Anniversary Date in 2012 *
Vessels delivered in 1966	After January 1, 2001	Vessels delivered in 1983	Anniversary Date in 2013 *
Vessels delivered in 1967	Anniversary Date in 2001 *	Vessels delivered in 1984	Anniversary Date in 2014 *
Vessels delivered in 1968	After January 1, 2002	All Vessels Delivered After December 31, 1984	January 1, 2015
Vessels delivered in 1969	Anniversary Date in 2002 *		
* Anniversary Date refers to the date of delivery for the vessel.			

Table 5 of Part IV

TANK VESSELS: 30,000 GROSS TONS OR MORE – SINGLE HULL

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED		
All Vessels Delivered Prior To January 1, 1967	After January 1, 1995	Vessels delivered in 1981	Anniversary Date in 2004 *		
		Vessels delivered in 1982	Anniversary Date in 2005 *		
Vessels delivered in 1967	Anniversary Date in 1995 *	Vessels delivered in 1983	Anniversary Date in 2006 *		
Vessels delivered in 1968	After January 1, 1996	Vessels delivered in 1984	Anniversary Date in 2007 *		
Vessels delivered in 1969	Anniversary Date in 1996 *	Vessels delivered in 1985	Anniversary Date in 2008 *		
Vessels delivered in 1970	After January 1, 1997	Vessels delivered in 1986	Anniversary Date in 2009 *		
Vessels delivered in 1971	Anniversary Date in 1997 *	All Vessels Delivered after December 31, 1986	January 1, 2010		
Vessels delivered in 1972	After January 1, 1998				
Vessels delivered in 1973	Anniversary Date in 1998 *				
Vessels delivered in 1974	After January 1, 1999				
Vessels delivered in 1975	Anniversary Date in 1999 *				
Vessels delivered in 1976	After January 1, 2000				
Vessels delivered in 1977	Anniversary Date in 2000 *				
Vessels delivered in 1978	Anniversary Date in 2001 *				
Vessels delivered in 1979	Anniversary Date in 2002 *				
Vessels delivered in 1980	Anniversary Date in 2003 *				
* Anniversary Date refers to the date of delivery for the vessel.					

Table 6 of Part IV

TANK VESSEL: 30,000 GROSS TONS OR MORE – "SINGLE HULL"
W/Double Side or Double Bottom

DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED	DATE OF BUILD OR MAJOR CONVERSION	DATE DOUBLE HULL REQUIRED
All Vessels Delivered Prior To January 1, 1962	After January 1, 1995	Vessels delivered in 1976	Anniversary Date in 2004 *
		Vessels delivered in 1977	Anniversary Date in 2005 *
Vessels delivered in 1962	Anniversary Date in 1995 *	Vessels delivered in 1978	Anniversary Date in 2006 *
Vessels delivered in 1963	After January 1, 1996	Vessels delivered in 1979	Anniversary Date in 2007 *
Vessels delivered in 1964	Anniversary Date in 1996 *	Vessels delivered in 1980	Anniversary Date in 2008 *
Vessels delivered in 1965	After January 1, 1997	Vessels delivered in 1981	Anniversary Date in 2009 *
Vessels delivered in 1966	Anniversary Date in 1997 *	Vessels delivered in 1982	Anniversary Date in 2010 *
Vessels delivered in 1967	After January 1, 1998	Vessels delivered in 1983	Anniversary Date in 2011 *
Vessels delivered in 1968	Anniversary Date in 1998 *	Vessels delivered in 1984	Anniversary Date in 2012 *
Vessels delivered in 1969	After January 1, 1999	Vessels delivered in 1985	Anniversary Date in 2013 *
Vessels delivered in 1970	Anniversary Date in 1999 *	Vessels delivered in 1986	Anniversary Date in 2014 *
Vessels delivered in 1971	After January 1, 2000	All Vessels Delivered After December 31, 1986	January 1, 2015
Vessels delivered in 1972	Anniversary Date in 2000 *		
Vessels delivered in 1973	Anniversary Date in 2001 *		
Vessels delivered in 1974	Anniversary Date in 2002 *		
Vessels delivered in 1975	Anniversary Date in 2003 *		
* Anniversary Date refers to the date of delivery for the vessel.			