

APPENDIX D

SUMMARY OF SELECTED FEDERAL CRIMINAL LAWS

This appendix is designed to give a brief practical description of the major federal criminal statutes that may apply to the maritime operations of Aran Shipping. This appendix is not intended to be an exhaustive or comprehensive review of the federal criminal statutes. For more information, you should contact the Corporate Compliance Officer.

General Provisions

False Statements

The major federal statute governing false statements is 18 U.S.C. § 1001. The statute applies to three separate offenses:

- falsifying, concealing or covering up a material fact by a trick, scheme, or device;
- making false, fictitious, or fraudulent statements or representations; and
- making or using any false documents or writing.

Violations of Section 1001 are punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both. Courts generally agree that Section 1001 covers both oral and written statements. The statement may be sworn or unsworn, signed or unsigned, voluntary or required by law, and need not be made directly to the federal government.

This offense encompasses a wide variety of actions including such examples as failing to make complete disclosure on a federal application form, omitting relevant facts in a financial statement, transferring inspection stamps, presenting to a federal official a record or logbook known to contain a false or inaccurate material entry even when the entry was made outside the jurisdiction of the United States, and oral false statements to customs officials and other government agents.

Conspiracy

The general federal conspiracy statute, 18 U.S.C. § 371, proscribes combinations of two or more persons to commit any offense against the United States, to defraud the United States, or to defraud any government agency. The susceptibility of Section 371 to broad application has made conspiracy one of the most commonly charged offenses in the prosecution of federal crime.

Conspiracy to commit any offense against the United States denotes an *agreement* to violate any criminal federal law. Conspiracy is composed of four major elements. A conspiracy exists where the conspirators:

- make an agreement;
- to achieve an illegal goal;
- with knowledge of the existence of and with actual participation in the conspiracy; and
- at least one conspirator performs an overt act in furtherance of the illegal goal.

Impeding Federal Law Enforcement Officers

It is a violation of federal law to assault or otherwise impede federal law enforcement officers in the performance of their duties. 18 U.S.C. § 111.

Operational Provisions

Arrival, Reporting, Entry, and Clearance Requirements

Intentional failure by the master to comply with the Customs Service arrival, reporting, entry, and clearance requirements is a criminal offense. 19 U.S.C. § 1436.

Negligent or Impaired Operations

Operation of a vessel on the waters of the United States in a grossly negligent manner so as to endanger the life, limb, or property of a person is a criminal offense. 46 U.S.C. § 2302(b). Operation of a vessel on the waters of the United States while under the influence of alcohol or a dangerous drug in violation of a law of the United States is a criminal offense. 46 U.S.C. § 2302(c).

Witness Tampering

Attempting to coerce a witness or to induce a witness to testify falsely or to induce a witness to leave the jurisdiction of the United States in connection with a marine casualty is a criminal offense. 46 U.S.C. § 6306.

Sending an Unseaworthy Vessel to Sea

Sending or attempting to send a vessel of the United States to sea in an unseaworthy state that is likely to endanger the life of an individual is a criminal offense. 46 U.S.C. § 10908.

Ports and Waterways Safety

The willful and knowing violation of the Ports and Waterways Safety Act (33 U.S.C. §§ 1221-1236) or a regulation issued thereunder (33 CFR Parts 160-168) is a criminal offense. 33 U.S.C. § 1232(b). These provisions relate generally to vessel operating requirements, port and waterfront safety, and conditions for port entry.

Environmental Provisions

Federal Water Pollution Control Act

Pollution of the waters of the United States by spills of oil and hazardous substances (or by other means) is prohibited. Where the pollution is intentional or negligent, criminal penalties may be imposed in accordance with 33 U.S.C. § 1319. The negligence standard applied under this statute is ordinary (civil) negligence and may include the negligent failure to comply with applicable federal regulations or industry standards.

Release into the waters of the United States of oil or hazardous substances must be promptly reported to the federal government. Failure to make the required report or the submittal of a false report may lead to the imposition of criminal penalties in accordance with 33 U.S.C. § 1321.

Comprehensive Environmental Response, Compensation, and Liability Act

Release into the environment of the United States of hazardous substances must be promptly reported to the federal government. Failure to make the required report or the submittal of a false report may lead to the imposition of criminal penalties in accordance with 42 U.S.C. § 9603.

Refuse Act of 1899

The Refuse Act of 1899, 33 U.S.C. § 407, makes it generally unlawful to throw, discharge, or deposit, or cause suffer, or procure to be thrown, discharged, or deposited any refuse matter of any kind or description into navigable waters of the United States. Criminal penalties may be imposed for violations of this provision, without regard to the intent of the individual.

Migratory Bird Treaty Act

It is a violation of U.S. law to kill or injure a migratory bird. Most birds in the United States are considered to be migratory and within the protection of this statute. Criminal penalties may be imposed for violations of this provision, without regard to the intent of the individual. 16 U.S.C. § 703.

Marine Mammal Protection Act

It is a violation of U.S. law to kill or injure a marine mammal. Criminal penalties may be imposed for knowing violations of this provision. 16 U.S.C. § 1375.

Act to Prevent Pollution from Ships

It is a violation of U.S. law to not comply with the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), Annex V of the Protocol on Environmental Protection to the Antarctic Treaty (Antarctic Protocol 1991), the Act to Prevent Pollution from Ships (33 U.S.C. §§ 1901-1915), or the regulations promulgated thereunder (33 CFR Part 151, Subpart A). Criminal penalties may be imposed for knowing violations of this provision. 33 U.S.C. § 1908(a).

Ocean Dumping

It is a violation of U.S. law to, without a permit or as otherwise authorized by law, transport material from the United States for the purpose of dumping it into ocean waters or to dump material transported from outside the United States into the territorial sea or contiguous zone of the United States. Criminal penalties may be imposed for knowing violations of this provision. 33 U.S.C. § 1415(b).

Ballast Water Management

It is a violation of U.S. law to fail to comply with regulations promulgated by the U.S. Coast Guard regarding ballast water management for vessels entering the Great Lakes or the Hudson River north of the George Washington Bridge. It is also a violation of U.S. law to fail to submit ballast water management reports for any vessel entering U.S. waters after operating outside the U.S. Exclusive Economic Zone. Criminal penalties may be imposed for knowing violations of these requirements. 16 U.S.C. § 4711(g)(2).

APPENDIX E

SUMMARY OF PERTINENT ENVIRONMENTAL REQUIREMENTS

This appendix is designed to give a brief practical description of the pertinent environmental requirements as they relate to the operation of Anax vessels in waters subject to the jurisdiction of the United States. Specific questions should be brought to the attention of the Corporate Compliance Officer or the Company's Legal Advisor.

Discharges into U.S. Waters

1. Discharge Prohibition

Discharge of oil or hazardous substances into the waters of the United States is prohibited. (33 U.S.C. § 1321(b)(3)). Exceptions are provided for discharges of oil from a properly functioning vessel engine and discharges of oil permitted under MARPOL 73/78, Annex I. (40 CFR § 110.5 and 33 CFR § 151.10). The waters of the United States include the internal waters (e.g., bays, lakes, sounds, and rivers), the territorial sea of the United States out to a distance of three nautical miles from the baseline from which the territorial sea is measured, the contiguous zone of the United States which extends from the outer edge of the territorial sea to a distance of twelve miles from the baseline, and, for operations in connection therewith, the exclusive economic zone which extends to a distance of 200 miles from the baseline. (33 U.S.C. § 1321(b)(3)). The baseline, in most instances, is the coastline at mean low tide.

2. Reporting of Discharges

The Master, as soon as he or she has knowledge of any unauthorized discharge of oil or a hazardous substance from the vessel into waters of the United States, must immediately notify the U.S. Coast Guard. (33 U.S.C. § 1321(b)(5)). The Coast Guard should be notified through the National Response Center at telephone number 1-800-424-8802. If it is not practicable to contact the National Response Center, the local Coast Guard Marine Safety Office (MSO) should be notified by the most rapid means available. (40 CFR § 110.6 and 33 CFR § 153.203).

Certain incidents involving discharges or probable discharges must be reported even though they are permitted by MARPOL 73/78. These incidents include those permitted by MARPOL 73/78 by virtue of the fact that it is for the safety of the ship or saving life at sea or it results from damage to the ship or its equipment. (MARPOL 73/78, Protocol I and 33 CFR § 151.15(e)).

3. Removal of Discharges

It is the duty of the party responsible for the unauthorized discharge of oil or a hazardous substance into waters of the United States to remove the discharge to the maximum extent feasible. (33 U.S.C. § 1321(c)(5)). Removal action must be performed in accordance with the National Contingency Plan, the applicable Area Contingency Plan, and the ship's Vessel Response Plan. (33 U.S.C. § 1321(c)(3)). Employees, crew members, and agents of Anax shall, during the removal action, comply with all proper orders and directions of and provide all reasonable cooperation and assistance to the Coast Guard On-Scene Coordinator or other appropriate government official. (33 U.S.C. §§ 1321(b)(7)(B) and 2703(c)).

Oil Record Book

4. Recording of Fuel Oil Transfers

Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following machinery space operations take place on the ship:

- (1) Ballasting or cleaning of fuel oil tanks;
- (2) Discharge of dirty ballast or cleaning water from fuel oil tanks;
- (3) Disposal of oily residues (sludge); and
- (4) Discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces. (33 CFR § 151.25(d))

5. Recording of Oil Cargo Transfers

Entries shall be made in the Oil Record Book on each occasion, on a tank to tank basis if appropriate, whenever any of the following cargo/ballast operations take place on the ship:

- (1) Loading of oil cargo;
- (2) Internal transfer of oil cargo during voyage;
- (3) Unloading of oil cargo;
- (4) Ballasting of cargo tanks and dedicated clean ballast tanks;
- (5) Cleaning of cargo tanks including crude oil washing;
- (6) Discharge of ballast except from segregated ballast tanks;
- (7) Discharge of water from slop tanks;
- (8) Closing of all applicable valves or similar devices after slop tank discharge operations;

- (9) Closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations; and
- (10) Disposal of residues. (33 CFR § 151.25(e)).

6. Recording of All Emergency, Accidental, or Other Exceptional Discharges

In the event of an emergency, accidental or other exceptional discharge of oil or oily mixture, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge. (33 CFR § 151.25(g)).

7. Prompt Recording of Entries

Each operation required to be recorded in the Oil Record Book shall be fully recorded therein without delay so that all the entries in the book appropriate to that operation are completed. Each completed operation shall be signed by the person or persons in charge of the operations concerned and each completed page shall be signed by the Master. (33 CFR § 151.25(h)).

8. Availability for Inspection

The Oil Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and shall be kept on board the ship. The Master shall be responsible for the maintenance of the Oil Record Book. The Oil Record Book shall be maintained on board for not less than three years. (33 CFR § 151.25(i), (j), and (k)).

IOPP Certificate

9. IOPP Certificate

The International Oil Pollution Prevention (IOPP) Certificate for the ship, issued in accordance with MARPOL 73/78, Annex 1, Regulation 5, shall be maintained onboard the ship at all times and shall be kept valid. (33 CFR § 151.19).

10. Port State Control Inspections

While at a port or terminal under the jurisdiction of the United States, the ship is subject to inspection by the Coast Guard:

- (1) To determine that a valid IOPP Certificate is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of the IOPP Certificate;

- (2) To determine that evidence of compliance with MARPOL 73/78, as required by 33 CFR § 151.21 is on board and that the condition of the ship and its equipment corresponds substantially with the particulars of this evidence of compliance;
- (3) To determine whether the ship has been operating in accordance with and has not discharged any oil or oily mixtures in violation of the provisions of MARPOL 73/78 or 33 CFR Subchapter O;
- (4) To determine whether the ship has discharged oil or oily mixtures anywhere in violation of MARPOL 73/78, upon request from a party to MARPOL 73/78 for an investigation when the requesting party has furnished sufficient evidence to support a reasonable belief that a discharge has occurred.
- (5) To determine whether the ship is in compliance with applicable international and U.S. requirements, including, but not limited to testing machinery and systems, assuring that the ship is properly manned and the crew is properly trained, and other safety aspects of the operation of the ship.

If the ship does not comply with applicable U.S. requirements or where the condition of the ship or its equipment does not substantially agree with the particulars of the IOPP Certificate or other required documentation, it may be detained by order of the Coast Guard Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI), at the port or terminal where the violation is discovered until, in the opinion of the detaining authority, the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment. The detention order may authorize the ship to proceed to the nearest appropriate available shipyard rather than remaining at the place where the violation was discovered.

An inspection under this section may include an examination of the Oil Record Book, the oil content meter continuous records, and a general examination of the ship. A copy of any entry in the Oil Record Book may be made and the Master of the ship may be required to certify that the copy is a true copy of such entry. (33 CFR § 151.23).

The Master and crew shall cooperate fully with the Port State Control inspection conducted by personnel of the U.S. Coast Guard.

Shipboard Oil Pollution Emergency Plan (SOPEP)

11. Contents of SOPEP

The Shipboard Oil Pollution Emergency Plan (SOPEP) shall be written in the working language of the master and officers of the ship. The SOPEP shall consist at least of:

- (1) The procedure to be followed by the master to report an oil pollution incident;
- (2) The list of authorities or persons to be contacted in the event of an oil pollution incident;
- (3) A detailed description of the action to be taken immediately by persons on board to reduce or control the discharge of oil following the incident; and
- (4) The procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

12. Retention and Availability of SOPEP

The SOPEP shall be retained on the ship. It shall be amended as necessary to remain current. The SOPEP shall be made available to the U.S. Coast Guard boarding officer for inspection upon request. (MARPOL 73/78, Annex I, Regulation 26 and 33 CFR § 151.29).

Disposal of Garbage and Waste

13. Maintenance of Garbage Record Book

The Master shall ensure that a written Garbage Record Book is maintained on the ship of each of the following garbage discharge or disposal operations:

- (1) Discharge overboard.
- (2) Discharge to another ship.
- (3) Discharge to a reception facility.
- (4) Incineration on the ship.

14. Information in Garbage Record Book

The Garbage Record Book must contain the following information on each garbage discharge or disposal operation:

- (a) The date and time of the operation.
- (b) If the operation was conducted at a port, the name of the port.
- (c) If the operation was not conducted at a port, the latitude and longitude of the location where the operation was conducted and the estimated distance of that location from shore. If the operation involved off-

loading to another ship, the identity of the receiving ship by name and official number.

- (d) The amount of garbage involved, described by volume in cubic meters.
- (e) For discharges into the sea, a description of the contents of the garbage, described by the following categories:
 - (1) Plastic material.
 - (2) Floating dunnage, lining, or packing material.
 - (3) Ground paper products, rags, glass, metal, bottles, crockery, or other similar garbage.
 - (4) Unground paper products, rags, glass, metal, bottles, crockery, or other similar garbage.
 - (5) Victual wastes.
 - (6) Incinerated ash.
 - (7) Incinerated plastic residue.

15. Prompt Recording of Entries in Garbage Record Book

The garbage discharge or disposal operation entry in the Garbage Record Book must be prepared at the time of the operation, certified as correct by the master, maintained on the ship for two years following the operation, and made available for inspection by the U.S. Coast Guard boarding officer upon request. (MARPOL 73/78, Annex V, Regulation 9(3)).

16. Waste Management Plan

The Master shall ensure that the ship is not operated unless a Waste Management Plan written in the working language of the crew is on the ship and that each person handling garbage follows the plan. The Waste Management Plan must provide for the discharge of garbage by means that meet the requirements of MARPOL 73/78, Annex V, the Act to Prevent Pollution from Ships and its implementing regulations, describe procedures for collecting, processing, storing, and discharging garbage (including the use of the equipment on board), and designate the person who is in charge of carrying out the plan.

17. Discharges of Garbage into U.S. Navigable Waters Prohibited

Discharge of garbage into the navigable waters of the United States is prohibited. (33 CFR § 151.66). The navigable waters of the United States includes the internal waters and those coastal waters within three nautical miles of the shoreline.

18. Discharges of Plastic into U.S. Navigable Waters Prohibited

No person on board the ship may discharge into the navigable waters of the United States plastic or garbage mixed with plastic, including, but not limited to, synthetic

ropes, synthetic fishing nets, and plastic garbage bags. All garbage containing plastics requiring disposal must be discharged ashore or incinerated. (33 CFR § 151.67). The disposal into the sea of all plastics, including but not limited to, synthetic ropes, synthetic fishing nets, and plastic garbage bags, is prohibited. (MARPOL 73/78, Annex V, Regulation 3(1)(a)).

19. Disposal of Garbage Outside Special Areas

When operating outside of a special area, the ship may not discharge, into the sea, garbage that is separated from plastic, if the distance from nearest land is less than:

- (a) 25 nautical miles for dunnage, lining and packing materials that float; or
- (b) 12 nautical miles for victual wastes and all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse, except that, such garbage may be discharged outside of three nautical miles from nearest land after it has been passed through a qualifying grinder or comminuter. A grinder or comminuter qualifies under this provision if garbage processed through it is required to pass through a screen with openings no greater than 25 mm.

Mixtures of garbage having different discharge requirements must be either retained on board for later disposal ashore or discharged in accordance with the more stringent requirement prescribed above. (MARPOL 73/78, Annex V, Regulation 3(2) and 33 CFR § 151.69).

20. Exceptions regarding Garbage Disposal

The restrictions with regard to the discharge of garbage at sea do not apply to discharges of garbage from a ship for the purpose of securing the safety of the ship and those on board or saving life at sea or to the escape of garbage resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage, to prevent or minimize the escape. (MARPOL 73/78, Annex V, Regulation 6 and 33 CFR § 151.77).

21. Garbage Disposal Placards

The ship shall display placards that notify the crew of the garbage disposal methods required by Annex V to MARPOL 73/78. The placards shall be written in the official language of the flag state and in English. (MARPOL 73/78, Annex V, Regulation 9(1)). The placards should be displayed in prominent locations and in sufficient numbers so that they can be read by the crew. Locations for the placards should include food service facilities, garbage handling spaces, and common spaces

on deck. Each placard should be at least nine inches wide by four inches high, made of a durable material, and lettered with letters at least one-eighth inch high. The placard should notify the reader of the following:

The discharge of plastic or garbage mixed with plastic into any waters is prohibited.

- (1) The discharge of all garbage is prohibited in the navigable waters of the United States and, in all other waters, within three nautical miles of the nearest land.
- (2) The discharge of dunnage, lining, and packing materials that float is prohibited within 25 nautical miles of the nearest land.
- (3) Other unground garbage may be discharged beyond 12 nautical miles from the nearest land.
- (4) Other garbage ground to less than one inch may be discharged beyond three nautical miles of the nearest land.
- (5) A person who violates the above requirements by discharging garbage in the navigable waters of the United States is liable for a civil penalty for each violation, and the criminal penalties of a class D felony.

22. Garbage Disposal Ashore in the United States

The Master shall notify the port or terminal, at least 24 hours before entering the U.S. port or terminal, of the name of the ship and the estimated volume of garbage requiring disposal, if any of the following types of garbage are to be discharged:

- (a) Garbage regulated by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture.
- (b) Medical wastes.
- (c) Hazardous wastes. (33 CFR § 151.65).

The details regarding garbage disposal ashore are located in the Waste Management Plan.

Ballast Water Management

23. Ballast Water Management Plan.

The ship's Ballast Water Management Plan shall identify all ballast tanks and holds on the ship, the volume of each, and the total volume of ballast water the ship is capable of carrying. The Plan shall also specify the manner for loading and unloading ballast water to and from each ballast tank and hold, the method for conducting ballast water exchange for each ballast tank or hold, and the method for conducting *alternative ballast water treatment for each ballast tank or hold (if applicable)*. Included therein shall be a discussion of safety procedures to be

exercised and risks to be minimized during ballast water exchange or treatment. The Ballast Water Management Plan shall be made available for inspection by the U.S. Coast Guard boarding officer upon request.

The ship shall keep on board a copy of the ballast water guidelines promulgated by the International Maritime Organization (IMO) entitled: Guidelines for the control and Management of Ship's Ballast Water to Minimize the Transfer of Aquatic Organisms and Pathogens [Res. A868(20)].

24. Ballast Water Management Recordkeeping

If the ship is carrying ballast water into the United States after operating beyond the U.S. or Canadian EEZ, the Master shall keep in written form all records required by regulations promulgated by the U.S. Coast Guard.

25. Voluntary Ballast Water Management Guidelines

Whenever possible, the Master is to take the voluntary precautions to minimize the uptake and the release of harmful aquatic organisms, pathogens, and sediments recommended by the International Maritime Organization and the U.S. Coast Guard. (33 CFR § 151.2035).

26. Mandatory Ballast Water Management Requirements

If the ship is bound for the Great Lakes or the Hudson River north of the George Washington Bridge and the ship has operated beyond the U.S. or Canadian EEZ during any part of its voyage, regardless of intermediate ports of calls within the waters of the United States or Canada, the master shall comply with the mandatory ballast water management requirements promulgated by the U.S. Coast Guard.

If the ship called at neither the Great Lakes nor the Hudson River north of the George Washington Bridge, then before the ship departs from its first port of call in the waters of the United States, the Master shall submit ballast water management reports in accordance with requirements promulgated by the U.S. Coast Guard.

27. Continued Applicability of Other Laws

The ballast water management program does not authorize the discharge of oil or noxious liquid substances (NLS) in a manner prohibited by United States or international laws or regulations. Ballast water carried in any tank containing a residue of oil, NLS, or any other pollutant must be discharged in accordance with the applicable regulations. This ballast water management program also does not affect or supersede any requirement or prohibition pertaining to the discharge of

ballast water into the waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 - 1376). [33 CFR § 151.2040].

State and local governments in the United States may enact more stringent requirements with regard to ballast water management. (16 U.S.C. § 4725).

28. Exception for Innocent Passage

If the ship is merely traversing the territorial sea of the United States (i.e., not entering or departing a U.S. port, or not navigating the internal waters of the U.S.), it is exempt from the mandatory ballast water management and recordkeeping requirements noted above. However, the Master shall not, except in an emergency, discharge ballast water into the waters of the United States unless the vessel has followed the voluntary guidelines noted above. (33 CFR § 151.2015).

29. Ballast Water Management Compliance Monitoring and Enforcement

The U.S. Coast Guard boarding officer may take samples of the ship's ballast water and sediment, examine documents, and make other appropriate inquiries to assess the ship's compliance with the above provisions. The master shall cooperate fully with the compliance monitoring and enforcement efforts of the U.S. Coast Guard and shall make available to the Coast Guard the Recordkeeping information and Ballast Water Management Plan noted above upon request. (33 CFR § 151.2050).

Pollution Prevention – Vessel Equipment

30. Discharge Removal Equipment

The ship shall carry appropriate equipment and supplies for the containment and removal of on-deck oil cargo spills of at least 12 barrels, as required by regulations promulgated by the U.S. Coast Guard. During cargo transfer operations, the discharge removal equipment and supplies must remain ready for immediate use. (33 CFR § 155.205).

31. Internal Cargo Transfer Capability

The ship shall carry suitable hoses and reducers for internal transfer of cargo to tanks or other spaces within the cargo block, unless the ship's installed cargo piping system is capable of performing this function. (33 CFR § 155.225).

32. Emergency Towing Capability

An emergency towing arrangement shall be fitted at both ends on board the ship. The design and construction of the towing arrangement shall be in accordance with IMO resolution MSC.35(63). (33 CFR § 155.235).

33. Damage Stability Information

Damage stability and residual structural strength calculation programs, as required by regulations promulgated by the U.S. Coast Guard, for the ship will be prearranged in order that prompt access to this computerized, shore-based information may be obtained on a 24-hour basis. Vessel baseline strength and stability characteristics must be pre-entered into such programs and be consistent with the ship's existing configuration. (33 CFR § 155.240).

34. Containment of Oil Cargo Discharges

The ship must have arrangements for the containment of oil cargo discharges as required by regulations promulgated by the U.S. Coast Guard. (33 CFR § 155.310).

35. Fuel Oil and Bulk Lubricating Oil Discharge Containment

The ship must have a fixed container or enclosed deck area under or around each fuel oil or bulk lubricating oil tank vent, overflow, and fill pipe, that has a capacity of at least one barrel. (33 CFR § 155.320).

36. Bilge Slops/Fuel Oil Tank Ballast Water Discharges

The ship shall be equipped with oily-water separating equipment and other arrangements for handling bilge slops and fuel oil tank ballast water discharges in accordance with requirements promulgated by the IMO and the U.S. Coast Guard. The Master shall ensure that the bilge monitor continuous record is maintained on board for not less than three years. (33 CFR § 155.370).

37. Oily-Water Separating Equipment, Bilge Alarm, and Bilge Monitoring Equipment

The oily-water separating equipment, bilge alarms, and bilge monitors on the ship must be approved under 46 CFR § 162.050 or be listed in the current International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC) Circular summary of MARPOL 73/78 approved equipment. (33 CFR § 155.380).

38. Standard Discharge Connections

The ship shall be fitted with a standard discharge shore connection, for the discharge to reception facilities, of oily wastes from machinery space bilges or fuel

oil tank ballast water in conformance with the requirements of MARPOL 73/78, Annex I, Regulation 19. (33 CFR § 155.430).

39. Segregation of Fuel Oil and Water Ballast

No ballast water may be carried in any fuel oil tank, except in conformance with the provisions of MARPOL 73/78, Annex I, Regulation 14. (33 CFR § 155.440).

40. Placard regarding Prohibition of Oil Discharge

While operating in waters subject to the jurisdiction of the United States, the ship shall have a placard of at least 5 by 8 inches, made of durable material fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following in the language or languages understood by the crew:

Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States, or the waters of the contiguous zone, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, if such discharge causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil penalties and/or criminal sanctions including fines and imprisonment.

(33 CFR § 155.450).

41. Prohibited Spaces for Carriage of Oil

Oil or hazardous material must not be carried in the forepeak tank or any tank forward of the collision bulkhead. (MARPOL 73/78, Annex I, Regulation 14(4) and 33 CFR § 155.470).

42. Overfill Devices

The ship shall have overfill devices and related equipment in accordance with requirements promulgated by the U.S. Coast Guard. (33 CFR § 155.480).

Pollution Prevention – Transfer Personnel and Procedures

43. Designation of Person in Charge of Transfer

The Master shall designate, either by name or by position in the crew, the person in charge (PIC) of each transfer of fuel oil and cargo oil to or from the vessel and of each tank-cleaning. (33 CFR § 155.700).

44. Qualifications of Person in Charge

No one will be designated as a PIC unless he or she has the qualifications specified in regulations promulgated by the U.S. Coast Guard. (33 CFR § 155.710).

45. Contents of Letter of Designation

The PIC letter of instruction must designate the holder as a person-in-charge of the transfer of oil and state that the holder has received sufficient formal instruction to ensure his or her ability to safely and adequately carry out the duties and responsibilities of the PIC with respect to transfers and Declarations of Inspection. (33 CFR § 155.715).

46. Transfer Procedures

Written transfer procedures shall be maintained for transferring oil in bulk:

- (a) To or from the vessel; and
- (b) From tank to tank within the vessel. (33 CFR § 155.720).

47. Compliance with Transfer Procedures

The transfer procedures shall be kept current. Vessel personnel shall be required to use the transfer procedures for each transfer operation. (33 CFR § 155.730).

48. Availability of Transfer Procedures

The transfer procedures must be:

- (a) Available for inspection by the U.S. Coast Guard whenever the vessel is in operation in waters subject to the jurisdiction of the United States;
- (b) Legibly printed in a language or languages understood by personnel engaged in transfer operations; and
- (c) Permanently posted or available at a place where the procedures can be easily seen and used by members of the crew when engaged in transfer operations. (33 CFR § 155.740).

49. Contents of Transfer Procedures

The transfer procedures must contain, either in the order listed or by use of a cross-reference index page, the provisions specified in regulations promulgated by the U.S. Coast Guard. (33 CFR § 155.750).

50. Amendment of Transfer Procedures

The transfer procedures shall be amended as required by the U.S. Coast Guard. (33 CFR § 155.760).

51. Draining into Bilges Prohibited

No person may intentionally drain oil or hazardous material from any source into the bilge of the ship. (33 CFR § 155.770).

52. Maximum Cargo Level of Oil

No cargo tank on the ship may be filled with oil higher than:

- (1) 98.5 percent of the cargo tank volume; or
- (2) The level at which the overfill alarm is set. (33 CFR § 155.775).

53. Emergency Shutdown

The ship shall have on board an emergency means to enable the person in charge of a transfer operation to a facility, to another vessel, or within the vessel to stop the flow of oil. The means to stop the flow may be a pump control, a quick-acting, power actuated valve, or an operating procedure. If an emergency pump control is used, it must stop the flow of oil if the oil could siphon through the stopped pump. The means to stop the flow must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the transfer operation. (33 CFR § 155.780).

54. Communications

During vessel to vessel transfers, the ship shall have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels. The ship and the other vessel involved in the transfer must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication. The means of communication must be usable and effective in all phases of the transfer operation and all conditions of weather. Portable radio devices used as a means of communication during the transfer of flammable or combustible liquids must be intrinsically safe. (33 CFR § 155.785).

55. Deck Lighting

The ship, while conducting transfer operations between sunset and sunrise, shall have deck lighting that complies with regulations promulgated by the U.S. Coast Guard. (33 CFR § 155.790).

56. Transfer Hoses

Hoses used to transfer oil must conform to regulations promulgated by the U.S. Coast Guard. (33 CFR §§ 155.800 and 154.500).

57. Closure Devices

Except for new, unused hose, each end of each transfer hose on board the ship which is not connected for the transfer of oil must be blanked off with butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the U.S. Coast Guard. (33 CFR § 155.805).

58. Tank Vessel Security

When the ship contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank, the Master shall maintain surveillance of the ship by using a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel. (33 CFR § 155.810).

59. Tank Vessel Integrity

The ship when underway or at anchor in U.S. waters shall maintain tank vessel integrity by operating in compliance with pertinent regulations promulgated by the U.S. Coast Guard. (33 CFR § 155.815).

60. Transfer Records

The Master shall ensure that the oil transfer records required by the U.S. Coast Guard are maintained on the ship and made available to the U.S. Coast Guard upon request. (33 CFR § 155.820).

OPA 90 Vessel Response Plan

61. Approved Vessel Response Plan Required

The ship shall not conduct operations in waters subject to the jurisdiction of the United States unless it has on board a valid Vessel Response Plan that has been prepared in accordance with the Oil Pollution Act of 1990 (OPA 90) and is approved by the U.S. Coast Guard. (33 CFR Part 155, Subpart D).

62. Removal Actions in accordance with Vessel Response Plan

Oil spill removal operations shall be conducted in accordance with the approved OPA 90 Vessel Response Plan unless deviation therefrom is authorized by the U.S. Coast Guard. (33 U.S.C. § 1321(c)(3)(B)).

Oil Transfer Operations

63. Compliance with Suspension Order

The Master shall fully comply with any suspension order that has been issued by the U.S. Coast Guard. (33 CFR § 156.113).

64. Person in Charge: Limitations

The Person in Charge (PIC) of transfer operations on the ship may not serve as the PIC for another vessel or for a facility while the ship is engaged in transfer operations with another vessel or a facility. (33 CFR § 156.115).

65. Requirements for Transfer

Transfers of oil shall be conducted in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.120).

66. Stoppage during Discharge Cleanup

The transfer operation shall be stopped by the PIC whenever oil or hazardous material from any source is discharged:

- (1) In the transfer operation work area; or
- (2) Into the water or upon the adjoining shoreline in the transfer area.

Except as authorized by the U.S. Coast Guard, the transfer operation may not be resumed after it has been stopped due to a discharge unless:

- (1) The oil or hazardous material discharged in the transfer operation work area is cleaned up; and
- (2) The oil or hazardous material discharged into the water or upon the adjoining shoreline is cleaned up, or is contained and being cleaned up. (33 CFR § 156.125).

67. Connection for Transfer Operations

Connections of hoses and couplings for oil transfer operations shall be made in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.130).

68. Declaration of Inspection

No oil transfer operations will be made before the Declaration of Inspection form has been completed in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.150).

69. Supervision by Person in Charge

Oil transfer operations on the ship will be supervised by the Person in Charge as required by regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.160).

70. Equipment Tests and Inspections

Equipment used in oil transfer operations on the ship shall be tested and inspected in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.170).

Lightering Operations

71. General Lightering Requirements

The ship may not transfer oil in a port or place subject to the jurisdiction of the United States, if the cargo has been lightered from another vessel in the U.S. marine environment beyond the baseline from which the territorial sea is measured, unless the lightering is conducted in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.210).

72. Pre-Arrival Notices regarding Lightering

If the ship is to be lightered, the Master shall ensure that the U.S. Coast Guard Captain of the Port (COTP) nearest the lightering location or zone is provided at least 24 hours advance notice, prior to the ship's arrival in the lightering location or zone, as required by regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.215).

73. Reporting of Lightering Incidents

If the ship is acting as the service vessel in a lightering operation and if fire, explosion, collision, grounding or any similar emergency, which poses a threat to the vessels involved, occurs during lightering, the Master shall make an immediate

report to the nearest Captain of the Port. Likewise, if any discharge of oil or hazardous material into the water occurs during a lightering operation during which the ship is acting as the service vessel, the Master shall report that occurrence in accordance with the procedures specified in MARPOL 73/78, Protocol I and 33 CFR § 151.15. (33 CFR § 156.220).

74. Prohibited Lightering Areas

The ship shall not conduct lightering operations in prohibited areas of the Gulf of Mexico as defined in regulations promulgated by the U.S. Coast Guard. (33 CFR § 156.310)

75. Operations in Designated Lightering Zones

When engaged in lightering operations in a designated lightering zone in the Gulf of Mexico, the Master shall ensure that operations are conducted in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR §§ 156.300; 156.320; 156.330).

Protection of the Marine Environment Design and Equipment

76. Pumping, Piping, and Discharge Arrangements

The ship shall have a fixed piping system for transferring cargo residues and other oily mixtures from cargo tanks to slop tanks and for discharging oily mixtures to the sea and to reception facilities that meets the requirements of MARPOL 73/78, Annex I, Regulation 18. (33 CFR § 157.11).

77. Cargo Monitor and Control System

The ship shall have, for each type of cargo oil that it carries, at least one cargo monitor that is designed for use with that oil. Each monitor must meet the requirements of MARPOL 73/78, Annex I, Regulation 16. Each monitor must be fitted in accordance with the requirements of MARPOL 73/78, Annex I, Regulation 15(3). (33 CFR § 157.12).

78. Designated Observation Area

The ship shall have a designated observation area on the weather deck or above that meets the requirements of regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.13).

79. Slop Tanks

The ship shall be equipped with slop tanks that meet the requirements of MARPOL 73/78, Annex I, Regulation 15. (33 CFR § 157.15).

80. Oily Residue (Sludge) Tanks

The ship shall be equipped with oily residue (sludge) tanks that meet the requirements of MARPOL 73/78, Annex I, Regulation 17. (33 CFR § 157.17).

81. Cargo Tank Arrangement and Size

The cargo tanks on the ship shall meet the arrangement and size requirements of MARPOL 73/78, Annex I, Regulation 24. (33 CFR § 157.19).

82. Subdivision and Stability

The ship shall comply with the subdivision and stability requirements of MARPOL 73/78, Annex I, Regulation 25. (33 CFR § 157.21).

83. Cargo and Ballast System Information

The ship shall have an instruction manual that describes the automatic and manual operation of the cargo and ballast system in the ship. The format and information contained in the instruction manual shall be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 12 Carthusian Street, London, England, EC1M 6EB. (33 CFR § 157.23).

The Master shall ensure that the instruction manual is available and used when the cargo or ballast systems are operated. (33 CFR § 157.49).

Protection of the Marine Environment - Operations

84. Discharges of Oily Mixtures

Except for discharges in accordance with MARPOL 73/78, Annex I, Regulation 9, the ship shall not discharge into waters subject to the jurisdiction of the United States any oily mixtures. Such oily mixtures will either be retained on board or transferred to a reception facility. (33 CFR § 157.29).

85. Chemical Additives Prohibited

Chemical additives may not be used to circumvent the U.S. discharge requirements. (33 CFR § 157.31).

86. Ballast Water in Oil Fuel Tanks

The ship may not carry ballast water in an oil fuel tank. (33 CFR § 157.33).

87. Ballast Added to Cargo Tanks

The Master shall ensure that ballast water is carried in a cargo tank, if at all, only in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.35).

88. Discharge of Cargo Residue

The ship shall only discharge cargo residue in accordance with MARPOL 73/78, Annex I, Regulation 9. (33 CFR § 157.37).

89. Emergencies

The prohibitions on discharges into the sea of oil and oily mixtures do not apply in instances covered by MARPOL 73/78, Annex I, Regulation 11. (33 CFR § 157.41).

90. Discharges of Clean and Segregated Ballast

Clean ballast may not be discharged overboard into the navigable waters of the United States except in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.43).

91. Valves in Cargo or Ballast Piping

When the ship is at sea and the tanks contain oil, valves and closing devices in the cargo or ballast piping system or in the transfer system must be kept closed except they may be opened for cargo or ballast transfer to trim the vessel. (33 CFR § 157.45).

92. Information for Master

The Master shall operate the vessel in accordance with the information required in MARPOL 73/78, Annex I, Regulation 25. (33 CFR § 157.47).

Segregated Ballast Tanks and Dedicated Clean Ballast Tanks

93. General Requirement regarding Ballast Tanks

The ship shall be equipped with segregated ballast tanks and dedicated clean ballast tanks that meet the requirements of MARPOL 73/78, Annex I, Regulations 13, 13A, and 13E. (33 CFR §§ 157.10 and 157.10a).

94. Required Documents regarding Ballast Tanks

The Master shall ensure that the ship does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the United States unless the ship has on board the documents specified in applicable regulations promulgated by the U.S. Coast Guard, including a the *Dedicated Clean Ballast Tanks Operations Manual*. (33 CFR § 157.216(a)).

95. Operation of Dedicated Clean Ballast Tanks

The Master shall ensure that the ship's dedicated clean ballast tanks, if so equipped, are operated in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.225).

96. Compliance with Dedicated Clean Ballast Tank Operations Manual

While the ship is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States, the Master shall ensure that the procedures listed in the *Dedicated Clean Ballast Tanks Operations Manual* are followed. (33 CFR § 157.226).

97. Closure of Isolating Valves during Voyage

The Master shall ensure that the valves associated with the Dedicated Clean Ballast Tanks remain closed when the ship is on a voyage in the navigable waters of the United States. (33 CFR § 157.228).

Crude Oil Washing (COW) System

98. General Requirement regarding Crude Oil Washing

The ship shall be equipped with a crude oil washing (COW) system that meets the design, equipment, and installation requirements of MARPOL 73/78, Annex I, Regulations 13 and 13B. (33 CFR §§ 157.10(e) and 157.10a(a)(2) and 33 CFR Part 157, Subpart D).

99. Crude Oil Washing Operations and Equipment Manual

The Master shall ensure that the ship does not enter the navigable waters of the United States or transfer cargo at a port or place subject to the jurisdiction of the

United States unless it has on board a *Crude Oil Washing Operations and Equipment Manual* that meets the manual standards in Resolution 15 of the MARPOL Protocol and complies with regulations promulgated by the U.S. Coast Guard (33 CFR § 157.118(a)).

100. Crude Oil Washing Personnel

The Master shall ensure that the person designated as the person in charge of COW operations and each member of the crew that has a designated responsibility during COW operations meet the requirements of applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.152).

101. Crude Oil Washing Operations

The Master shall ensure that crude oil washing operations are conducted in accordance with applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.155).

102. Meeting COW Manual Requirements

The Master shall ensure, while the ship is operating in the navigable waters of the United States or transferring cargo at a port or place subject to the jurisdiction of the United States, that during each COW operation is conducted in accordance with applicable regulations promulgated by the U.S. Coast Guard. (33 CFR §§ 157.156; 157.158).

103. Tanks: Ballasting and Crude Oil Washing

The Master shall ensure that ballasting of cargo tanks, if undertaken at all, is conducted in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.160(b)).

104. Crude Oil Washing during a Voyage

The Master shall ensure that each cargo tank that is crude oil washed during a voyage other than a ballast voyage, if undertaken at all, is done so in accordance with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.162).

105. Use of the Inert Gas System with COW

The Master shall ensure the inert gas system, if the ship is so equipped, is operated in a manner consistent with regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.164).

106. Hydrocarbon Emissions during Ballasting

If the ship transfers cargo at a port in the United States, the Master shall ensure that when cargo tanks are ballasted in that port the hydrocarbon vapors in each tank are contained as required in regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.166).

107 Crew Member Watch during COW Operations

During COW operations, the Master shall ensure that at least one member of the crew with a designated responsibility for monitoring COW operations is on the main deck at all times. (33 CFR § 157.168).

108 Removal of COW Equipment

Whenever a deck mounted COW machine is removed from the tank, the Master shall ensure that such removal and reinstallation is done in accordance with applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.170).

109. Limitations on Grades of Crude Oil Carried

If the ship does not have segregated ballast tanks or dedicated clean ballast tanks that meet the requirements of MARPOL 73/78, the Master shall ensure that the vessel carries only the grades of crude oil that can be used for crude oil washing. (33 CFR § 157.172).

Interim Measures

110. Emergency Lightering Requirements

While operating in waters subject to the jurisdiction of the United States, the ship shall carry the emergency lightering equipment specified in regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.410).

111. Bridge Resource Management Policy and Procedures

The ship shall be provided with written policy and procedures to the Master and officers in charge of the navigational watch concerning the need for continuously reassessing how bridge-watch resources are being allocated and used, based on bridge resource management principles. These written policy and procedures shall meet the requirements of applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.415).

112. Ship Specific Watch Policy and Procedures

The ship shall be provided written policy and procedures to the Master concerning the need for each individual who is newly employed on board the vessel to have a reasonable opportunity to become familiar with the shipboard equipment, operating procedures, and other arrangements needed for the proper performance of their duties, before being assigned to such duties. This written policy and procedures shall be followed by the Master and shall meet the requirements of applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.420).

113. Enhanced Survey Requirements

Beginning at the ship's next drydock after July 30, 1996, and continuing as required under the ship's flag administration, a ship shall implement an enhanced survey program that complies with the standards of IMO Resolution A.744(18), Annex B sections 1.1.3-1.1.4, 1.2-1.3, 2.1, 2.3-2.6, 3-8, and Annexes 1-10 with appendices. (33 CFR § 157.430).

114. Vital Systems Surveys

Surveys of the vital systems on the ship are to be conducted in accordance with applicable regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.435).

115. Autopilot Alarm or Indicator

Each installed autopilot unit on the ship without automatic manual override shall be equipped with an audible and visual alarm, which is distinct from other required bridge alarms, that will activate if the helm is manually moved while the autopilot is engaged. (33 CFR § 157.440).

116. Maneuvering Performance Capability

The ship shall not be operated in waters subject to the jurisdiction of the United States until maneuvering tests in accordance with IMO Resolution A.751(18), sections 1.2, 2.3-2.4, 3 4.2, and 5 (with Explanatory Notes in MSC/Circ.644) have been conducted and the results thereof are displayed in the wheelhouse of the ship, as required by regulations promulgated by the U.S. Coast Guard. Prior to entering the port or place of destination and prior to getting underway, the Master shall discuss the results of the performance tests with the pilot while reviewing the anticipated transit and the possible impact of the ship's maneuvering capability on the transit. (33 CFR § 157.445).

117. Maneuvering and Vessel Status Information

The Master shall comply with IMO Resolution A.601(15), Annex sections 1.1, 2.3, 3.1, and 3.2, with appendices regarding maneuvering and vessel status information. (33 CFR § 157.450).

118. Minimum Under-Keel Clearance

The ship shall not operate in waters subject to the jurisdiction of the United States except in conformance with the minimum under-keel clearance regulations promulgated by the U.S. Coast Guard. (33 CFR § 157.455).

Marine Sanitation Devices

121. Sewage Discharge Restrictions

Sewage will not be discharged into the navigable waters of the United States except in accordance with the regulations promulgated by the U.S. Coast Guard. (33 CFR § 159.7).

APPENDIX F

Contacting the Corporate Compliance Officer

The Corporate Compliance Officer is a vital Anax asset. That officer is available to all Directors, Officers, employees, crew members, and agents of Anax on a 24-hour basis. When questions arise regarding the Maritime Compliance Program that can not be answered locally, the Corporate Compliance Officer should be contacted by means appropriate to the urgency of the question.

The Corporate Compliance Officer is _____. The telephone number is 44-171-987-6900. The telefax number is 44-171-538-2048. The pager number is _____.

The Corporate Compliance Officer (and his or her successors) is responsible for ensuring that the identity and contact numbers for the Corporate Compliance Officer are kept up to date.

APPENDIX G

Remedial Action

Following is a summary of the basic procedures to be followed whenever there is any damage to the ship or any discharge or other pollution incident. This summary is intended to highlight some of the procedures that may be found in detail in the ship's Vessel Response Plan (VRP), Shipboard Oil Pollution Emergency Plan (SOPEP), and similar emergency preparedness guidelines. Written plans can not anticipate every possible situation. The Master is expected to respond reasonably to any and all emergencies that may be encountered. During the response, the Master is to be guided by the basic principle that safety of life is foremost. Safety of the ship and the environment are next in importance.

Whenever there is an incident involving the ship (whether at sea or in port) that causes damage or suspected damage to the ship, the Master shall ensure that a prompt and thorough inspection is undertaken immediately. If the ship has incurred damage, the Master shall, once the situation is stabilized, notify, among others, the Corporate Compliance Officer, the appropriate government authorities, and the classification society. A copy of any damage report prepared by a classification society surveyor shall be retained by the Corporate Compliance Officer.

Any restrictions placed on the operation the ship by a classification society surveyor or by a Port State Control officer (whether by means of a Captain of the Port Order or otherwise) shall be fully complied with. Disputes over the propriety or necessity for such restrictions may be properly appealed through the classification society or Port State Control system, but, until and unless such restrictions are removed or amended, they will remain in effect and will be fully complied with. Neither the Master of the ship nor the Corporate Compliance Officer is authorized to direct unilateral deviations from those restrictions.

APPENDIX H

Inspection and Auditing

The ship is to be inspected by an individual appointed by the Corporate Compliance Officer at least yearly to ensure that all pollution prevention systems and equipment are properly functioning, that there is no visible damage to the ship that needs to be repaired and that the crew is properly trained. The original of the inspection report shall be retained by the Corporate Compliance Officer.

The independent auditing firm will inspect the ship and the Company at least yearly to ensure that the ship and the Company are operating in a manner consistent with the Maritime Compliance Program. The original of the report to the independent auditing firm will be retained by the Corporate Compliance Officer. The independent auditing firm will also send copies of the report the U.S. Coast Guard and the U.S. Environmental Protection Agency at the following addresses:

U.S. Coast Guard Marine Safety Office San Francisco Bay
Building 14, Coast Guard Island
Alameda, CA 94501-5000
United States of America

U.S. Environmental Protection Agency, Region IX
Attn: Regional Counsel
215 Fremont Street
San Francisco, CA 94105
United States of America