

Complying with Domestic and International Requirements For Shipboard Operations on Navy Research Vessels

A Review of Public Vessel Status
for Federally Owned Research Vessels

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Tim Schnoor, Dennis Nixon and Read Porter

Overview

- * ONR Research Vessels– Tim Schnoor
- * Presentation of Marine Affairs Institute White Paper on the Legal Basis for Public Vessel Status – Dennis Nixon and Read Porter
- * Questions and Discussion

Introduction & Background

- * In general, Navy vessels are Public Vessels, which are variously defined as those being owned AND operated by a Government Entity (Federal, State, Foreign) and sometimes as being owned OR operated by the Government Entity.
 - * Warships operated by Fleet Commanders
 - * Some Navy Auxiliaries (fuel/ammo, etc) operated by Military Sealift Command)
 - * NOAA vessels operated by NOAA Corps
- * Navy and NSF owned research vessels of the Academic Research Fleet are clearly owned by the Federal Government but are operated by public and private educational institutions that are not part of the Federal Government.

Meeting Requirements

- * Navy AGOR operators comply with an extensive number of domestic and international regulations
- * Compliance supports shipboard safety and security, environmental stewardship, and material longevity of the vessel
- * Compliance requires a investment by operators of both time and \$\$
- * In some cases, regulatory bodies or foreign port authorities have treated these vessels as Public Vessels to the advantage of the operators.

Why are we addressing this now?

- * Email from one Navy Global Class Vessel operator outlined many issues or requirements they confront that might not be there if they operated as a Public Vessel.
- * The number and reach of regulatory oversight has increased substantially over the last decade or so.
- * ONR initiated a discussion before this year's RVOC meeting in April. Many operators, UNOLS Legal Council Dennis Nixon, NSF and ONR program managers participated.
- * An action was taken to prepare a White Paper that detailed the legal basis for Public Vessel Status and to examine the ramifications of such a status on adhering to various regulatory regimes.
- * The following slide shows examples of what UNOLS Operators do now, and a later slide will show how that might change.

Regulatory Regimes

What we do now

Regulatory Regimes Currently Followed By All Global and Ocean Class Vessels and many of the Intermediate and Regional Vessels

USCG Inspection and COI	ISM (Safety Management)
ABS Classification & Load Line	GMDSS (Marine Distress)
SOLAS, STCW (Safety/Crew Req'ts)	MARPOL (Int'l Pollution Regs)
OPA 90 – Response plans & COFER	Ballast Water Treatment Regs
EPA General Vessel Permit	TWIC Cards (Crew) some for Science

Regulatory Regimes Currently Followed By Some but not all Global and Ocean Class Vessels or by Intermediate and Regional Vessels

Electronic Notice of Arrival USCG	Marine Transportation Security Act
ISPS Int. Security for Ships	ISPS Int. Security for Port Facilities

Why have we operated this way?

- * **Safety, environmental compliance, material longevity**
- * Mainly over the years it has worked fine this way. Sometimes there is an advantage to being perceived as a non-government academic research vessel.
- * The overall perception has been that to be a Public Vessel you had to be owned AND operated by a government agency such as is true with NOAA or Naval vessels (i.e. warships, MSC)
- * There was also the perception that being a Public Vessel might interfere with obtaining Marine Research Clearances and Foreign Port Clearances.

ONR Plan Going Forward

- * ONR Vessels
 - * Stick with the approach that we currently take – purposeful ambiguity.
 - * Will not make any statements in Charter Party Agreements to the status of the vessels as public or non-public.
 - * ONR and our operators will continue to work with the USCG and other regulatory agencies as in the past, primarily as non-public vessels in compliance with safety, environmental, security, etc requirements where it makes sense.
 - * With approval from ONR some areas of non-compliance as Public Vessels might be pursued where they do not add to the safety and responsible operation of the vessel.

Regulatory Regimes

What We Would Keep Anyway

Regulatory Regimes That ONR would Keep for Global and Ocean Class Vessels	
Voluntary – Self Regulated Compliance For Highlighted (yellow) Items	
USCG Inspection and COI	ISM (Safety Management)
ABS Classification & Load Line	GMDSS (Marine Distress)
SOLAS, STCW (Safety/Crew Req'ts)	MARPOL (Int'l Pollution Regs)
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