

MINUTES

HARBOR SAFETY COMMITTEE OF THE SAN FRANCISCO BAY REGION

10:00 a.m., Thursday, January 11, 1996

Port of Oakland, Board Room, 530 Water Street, Oakland, CA

1. The public meeting was called to order by Chair, Arthur Thomas, San Francisco Bar Pilots, at 10:20. The following committee members or alternates were in attendance: Dave Adams, Port of Oakland; James Faber, Port of Richmond; Alexander Krygsman, Port of Stockton; Margot Brown, National Boating Federation; Dwight Koops, SeaRiver Maritime; John Gosling, Matson Navigation Company; Michael Nerney, Inchcape Shipping Services; Barry Baldwin (alternate for Scott Merritt), Foss Maritime; Gail Skarich (alternate for Mary McMillan), Sanders Towboat Service; Marci Glazer, Center for Marine Conservation; Roger Peters, Member at Large; U. S. Coast Guard representatives, Capt. Donald Montoro (MSO) and Cmdr. Dennis Sobeck (VTS); U. S. Navy representative Robert Mattson; OSPR representatives Bud Leland and Marian Ashe, and State Fish and Game representative Helen Carr. Also in attendance, more than thirty representatives of the interested public.
2. T. Hunter, Marine Exchange, confirmed that a quorum was present.
3. **MINUTES OF PREVIOUS MEETING.** M. Brown, p. 2, #4, line 2; the phrase "500 gallons" should read "500 barrels"; "Morro" is the correct spelling for the name of the bay. J. Lundstrom; p. 2, #8, the correct name is Robin "Blanchfield". P. 6, at the bottom, the minutes should be clarified to indicate that the motion passed unanimously was R. Peters' original motion. MOTION by M. Brown, seconded by j. Lundstrom, "to approve the minutes as corrected." Motion passed without objection.
4. In opening remarks, the Chair welcomed members back to a new year of work to ensure that oil keeps flowing across the bay without leaking into it. As directed by the HSC at the December meeting, the Chair chose two committee members to go with him and Pat Moloney to meet with M. Ashe and Bud Leland in Sacramento. The group met to address the issue of escort plans and developed a preliminary draft form, distributed at this meeting, to document the pre-escort planning. This form, with some fine tuning, is one that can be used by other U. S. authorities and IMO. R. Peters will report fully during the Tug Escort Sub-Committee Report. B. Leland introduced Barry Baldwin, SeaRiver Maritime, newly-sworn-in alternate for Scott Merritt.
5. **COAST GUARD REPORT.** Captain D. Montoro. (1) D. Montoro's report, which is made a part of these minutes, indicated that there were 55 reported cases of pollution incidents investigated in December. There were no significant cases. Fifteen violations resulted in nine tickets. One discharge was from a deep draft Greek vessel, one from an oil transfer facility and four from military facilities. (2) During the storm of 12-12-95, several vessels experienced trouble mooring in Oakland, another reported dragging anchor in Anchorage 9 and the ferry boats were slammed hard against their piers. (3) On 12-25-95, the M/V CHOYANG CHANCE, 1434 miles at sea, sustained substantial structural problems, rendering her unable to safely use engine propulsion. After it drifted for six days, a Crowley tug was able to reach her and tow her back to San Francisco.

A team comprised of a representative from a classification society, the USCG and a pilot boarded the vessel by helicopter outside the gate. A second pilot was put on the tug. The vessel arrived at Pier 96 on 1-8-96, where the containers on board will be off-loaded and an investigation conducted. (4) J. Faber referred to an oil spill incident involving the CAPE BLANCO at the Port of Richmond. The Port of Richmond was not advised until the following day. He suggested the need for new notification procedures, whereby the USCG would advise the port after having been notified themselves. The APL staff member assigned the responsibility for notification spent fifteen minutes on the phone with USCG representatives and it took 20 minutes to get someone to the site. Perhaps two people should be on the phones to make necessary notifications.

6. CLEARINGHOUSE REPORT, A. Steinbrugge. (1) There was one possible violation reported to OSPR during December. A tug and barge moving from Anchorage 22 to Martinez didn't check in. The escort vessel did check in with the CH. (2) Vessel traffic was up from November, but December was still the second lowest month of 1995. A written report, which includes tanker traffic for the month of December and for the entire year of 1995, as well as graphic representations of escorts by zone, is made a part of these minutes. G. Skarich asked if the MX could create a report, in graph form, on all tanker escorts since escort regulations became effective.

7. OSPR REPORT, B. Leland. (1) OSPR has been quiet since the last HSC meeting, with the exception of the meeting to address escort plans with representatives of the HSC. (2) Last week OSPR received a draft document from ASTM regarding tank vessel escort standards. Escort plan standards are still in the development stage and the issue was not a topic at the 12-5-95 ASTM meeting. P. Bontadelli will take the SF proposal to the group. The Chair requested that a copy of the draft document go the MX for distribution upon request. (3) R. Peters referred to the Coastal Protection Review as described by P. Bontadelli at the 12-14-95 HSC meeting and asked what involvement Harbor Safety Committees will have in the process. B. Leland responded that the primary drawing issue for the review was resource shortfalls and that is why the harbor safety committees were not consulted. He added that the HSC has a statutory charge to look at risks and, as such, may wish to look at the CPR. R. Peters noted that the CPR includes state supported recommendations, such as changing access routes to San Francisco. This issue has not yet been addressed by the HSC. B. Leland stated that he would go back and review the CPR's preventative section and report back to the HSC for any input the committee wants to submit on any issue.

8. PLAN REVIEW SUB-COMMITTEE, J. Lundstrom is in the process of contacting committee chairs regarding their plans for scheduling meetings or developing new recommendations or changes to the plan. The Reportable Events Sub-Committee should be meeting in the near future to look at new information submitted by P. Moloney. Hopefully, there will be a new sub-committee to look at the under-water rocks at Alcatraz.

9. TUG ESCORT SUB-COMMITTEE, R. Peters. At the HSC meeting of 12-14-95, R. Peters reported that, in general, the draft regulatory language that was translated from the guidelines

approved and submitted by the HSC was good, with one exception. The draft regulatory language included a requirement that escort plans be filed with and approved by OSPR thirty days prior to the transit. At the 12-14-95 HSC meeting, the committee indicated to P. Bontadelli that this requirement was not the intention of the HSC. The HSC authorized the Chair to select a group to go meet with OSPR to resolve the issue. That meeting, held in Sacramento on 12-28-95, was productive and resulted in changes to the draft regulatory language, dated 1-3-96. This draft was distributed to committee members and members of the audience and is made a part of these minutes. The major change is to sections addressing the pre-filing and other mechanisms of tug escort plans. The new language looks to the pilot, in the pre-escort conference, to check the adequacy of the plan, focusing on the transit and its safety. This can best be accomplished by having the pilot review the plan with the master. R. Peters believes that the 1-3-96 version meets the needs of industry and OSPR and is consistent with HSC intentions. At the end of his report, R. Peters would like the HSC to resolve that the 1-3-96 draft regulatory language submitted by OSPR is consistent with HSC intentions and ask OSPR to expedite the draft language into regulations.

10. There was an error in the draft language regarding load line certification and CFR citation. The amended language was distributed to the committee members and audience and is made a part of these minutes.

11. R. Peters stated that he would like to make a recommendation that perhaps raises a new issue, but that he would not want it to cause a problem that might effect HSC resolving to accept the draft regulatory language. The issue of tug escorts is controversial because the "bang for the buck" has not been demonstrated. The question is, 'Is there a way to spend the same money in a way to better ensure safety?' The COE and USCG are conducting a risk analysis study and will be holding meetings in San Francisco this month to discuss the scope of the risk assessment project. The study will be completed in approximately three years. R. Peters recommends adding regulatory language that places a four year sunset on tug escort regulations so that, when the study is completed, the community will be obliged to look at the results of the study and any other new information. He did not present formal language but requested that the intent to have this amending language be incorporated into the HSC's resolution at the end of this report. J. Lundstrom asked if R. Peters intended that there be no tug escort regulations after four years, because that is not possible. Tug escorting has been mandated by state statute. R. Peters responded that his intent was to ensure that the regulations be revisited. J. Faber noted that this requirement is not necessary because we are dealing with a living document. J. Gosling responded that the Harbor Safety Plan is a living document but law, in the form of regulations, is not. The Chair added that the legislature has declared that there will be escorts. Because the regulations are a part of the plan-they will have to be revisited on an annual basis. M. Ashe concurred. R. Peters suggested that there might be value in imbedding this concept in regulatory language. M. Ashe noted that this would force action. The law (SB 2040) was not written or interpreted to allow the HSC to decide that tug escorts are not needed - there has to be some level of escort. The law says there will be some program, but does not specify what that program will be. The Chair asked for the sense of the Committee. Does the

annual review of the plan adequately address concerns regarding updating tug escort regulations or should the regulations sunset? M. Glazer responded that the HSC has adequate opportunity to make recommendations to the Administrator. J. Gosling asked what power the Administrator has to alter regulations. The Chair responded that he can only do so within the confines and restrictions of SB 2040, which provide that the HSC make recommendations and the Administrator promulgate them into regulations. M. Ashe added that the regulations explain the law. M. Brown stated that the annual review is adequate. D. Koops agreed with the spirit of R. Peters' suggestion, but not with the concept of sunset clauses. The requirement for an annual plan review forces updating with new information. J. Lundstrom suggested that the TES track the MIT Study and make recommendations to the HSC regarding changes, as opposed to a sunset clause, which she feels would be a regulatory nightmare and provide a lack of something for commercial interests to count on. B. Baldwin noted that Port Hueneme has changed regulations twice already. R. Peters withdrew his recommendation and opened to the floor for discussion.

12. In response to a question from M. Glazer, A. Thomas responded that those attending the 12-28-95 meeting in Sacramento were R. Peters, T. Hunter, A. Steinbrugge, J. Lundstrom, P. Moloney and himself from the SF HSC; Joy Skalbeck from the office of Senator Marks' Senate Select Committee on Maritime Affairs; and, from OSPR M. Ashe, B. Leland and Steve Sawyer (Regulations Branch).

13. To the issue of tugs receiving a stability letter, J. Gosling asked if a classification society will issue a letter to tugs they don't classify. G. Skarich responded that ABS has participated in bollard pull tests involving tugs they don't classify. J. Gosling asked if the proposed regulations will force all tugs to be classified. G. Skarich responded that the tug companies are looking for a happy medium. Originally OSPR wanted all tugs classified. A process to determine stability without full classification is acceptable to tug operators. B. Baldwin indicated that a stability calculation is different than getting a stability letter. G. Skarich agreed and added that there is considerable less expense getting a letter from a surveyor than hauling a tug and getting the hull gauged. D. Montoro added that there is a difference between receiving a stability letter and a letter from a naval architect saying the vessel is stable. The Chair agreed, stating that the intent of the language may not be the 'Stability Letter' form as referred to in the CFRs, but rather a letter of stability or letter saying the vessel is stable. The Chair asked G. Skarich to investigate the matter with ABS to see if the language proposed will do what is intended. If minor changes are required, they can be submitted during public hearings. D. Montoro suggested the term 'written assessment of stability'.

14. M. Glazer referred to p. 8, paragraph (h) and suggested the language should be clarified to state whether a copy of the completed Escort Plan be submitted to the CH 14 days 'before' or 'after' the transit, rather than using the term 'within 14 days'. M. Ashe agreed the language should read 'within 14 days after'. D. Koops asked if there could be an accommodation for vessels that come on a regular basis, such that they could communicate compliance verbally by referring to a plan on file, or if there would always have to be a paper submittal. R. Peters answered that the group

meeting in Sacramento on 12-28-96 looked at the 30-day pre-filing requirement and saw that as onerous. Perhaps there could be a one-time filing for regular transits. The focus of the group was to concentrate efforts on the transit rather than on regulatory compliance. The people who have responsibility for the transit will be looking at all the factors included on the draft form. The piece of paper is a way to document that planning process, although it is agreed that there is already a lot of paper generated in connection with compliance with the many regulations out there. The Chair indicated that the purpose of the draft form is for the pilot and master to confirm that they have reviewed the pre-filed plan and/or transit particulars. R. Peters agreed that the issue of matching by alternate compliance in lieu of the matrix is a separate issue from focusing on the transit and documenting that process. The Chair suggested that OSPR might look at a method whereby an operator with an alternate method of compliance on file with OSPR, would keep a copy on board in a form that meets the Administrator's desire for documentation.

15. M. Glazer asked if the focus of this discussion and the motion anticipated by R. Peters is the draft regulatory language or the Escort Plan form. R. Peters responded, the regulatory language. The draft regulatory language leaves the actual language of the escort plan form to the regulator. OSPR wants a specific form at the time of regulation. M. Glazer asked where to direct comments on the escort plan form. The Chair indicated that each ship has characteristics documentation and a pilot card. International regulations don't require the exact document form. The intention is to have a plan without putting it into the regulations, so it doesn't take regulatory action to change it. M. Glazer stated that the draft regulations state that the form be approved by the Administrator. The chair asked if the form should be locked in concrete and J. Lundstrom responded that the Administrator has flexibility. G. Skarich suggested there could be more than one form. D. Koops, R. Peters and J. Lundstrom concurred that there should be one form for all. B. Leland suggested a slight amendment to language such that OSPR approve a form on the recommendation of the HSC. D. Adams stated that he is in favor of an entity using their own form if it captures all the information required by regulations. Operators may already have a form or document that provides this information. D. Koops stated that the more variation, the greater the complexity. J. Gosling suggested the HSC produce a recommended form. D. Adams stated that an electronically downloadable form should be considered.

16. The Chair suggested that the looking at the components of the form be directed to the TES. R. Peters asked about OSPR's timeline. M. Ashe responded that it would be nice to have the form with the regulations. If the draft regulatory language is approved today, it will go to OAL on 1-23-96. The Chair suggested that the language on p. 6, 851.5.1(d) say 'a form with all the information as stated in 851.5.1(a)'. M. Glazer stated that planning is important, but documentation is another component. J. Lundstrom suggested that the proper language would say 'the' form rather than 'a' form and agreed with an earlier suggestion that the form be approved by the Administrator as recommended by the HSC.

17. M. Nerney asked if the pilot will have forms available for tramp vessels. P. Moloney suggested that the form could be added to the pilot bill. D. Montoro asked what if a company wants to go beyond the form. The Chair responded that this is provided for in provisions for alternate compliance. D. Koops stated that the agent should determine if the vessel has a form or is ready to complete one, rather than waiting to figure the plan out when the pilot arrives. The Chair agreed that the agent will already know the regulations and will have to arrange in advance for tugs, etc. J. Lundstrom suggested that all the 'how to' and 'who does what' be directed to the TES. The draft regulatory language says the plan shall be completed by the master as the responsible party. T. Hunter added that it seems clear that if the pilot doesn't deliver the plan form for completion, the vessel is not in compliance and can't come in. You are not going to hold a vessel outside because the master doesn't have a form, so the pilot must deliver it. Gregg Waugh, San Francisco Bar Pilots, stated that it would be no problem to keep boxes of forms on the station boats. D. Adams would like it to be possible for you to write a letter. R. Peters responded that there is already a process for this in the law. If a vessel is not in compliance, they notify the CH, who in turn notifies OSPR that the vessel is unable to comply with the letter of the law. He added that the draft form is a starting point and input and comments are actively sought. Comments and suggestions should be directed to the TES. The Chair agreed that the draft plan form is submitted now only for basic formal, not for the minutia of detail. R. Peters stated that the OSPR timeline would suggest that the HSC recommend/approve the actual form in mid-February. The HSC does not want to hold up the submission of draft regulatory language to OAL or the scheduling of the public hearing process. MOTION by A. Krygsman "to take out 'approved by the Administrator'." Motion fails for lack of a second. The Chair reiterated that the advantage in not having the actual form in regulatory language is that it can be changed easily.

18. MOTION by R. Peters "that the HSC resolve approval of the 1-3-96 draft of the Tank Vessel Escort Regulations for the San Francisco Bay Region, Sections 851.1 through 851.10, as distributed, and expeditiously promulgate it into regulations; to include amended language dated 1-10-96 regarding stability requirements; subject to clarifying language, p. 8, section 851.1(h) such that a copy of the plan be submitted to the CH within no later than 14 days; and subject to modified language for section 851.5.1(b) such that the plan be on the form approved by OSPR as recommended by the HSC." Motion seconded by J. Faber. Discussion on the motion.

19. G. Skarich referred to p. 5, 851.5(b)(4)(A) and (B). She asked why the change from the previous draft language, where the reference point was 'an arc eight nautical miles seaward of and centered on Mile Rock Light' to 'the Pilot Station'. There are vessels that don't stop at the pilot station. T. Hunter added that the pilot station moves, but the arc as defined is constant. G. Waugh noted that 'pilot station' is a term recognized to mean an area within a one mile radius of the sea buoy, not a pilot station boat. R. Peters responded that the intent was not to change anything and, at the will of the committee, and with the agreement of the

second, the motion will be amended to return the arc language. The second agreed to the amendment.

20. M. Brown reported that she had compared the previous draft regulatory language to the 1-3-96 version and will forward minor typographical errors to M. Ashe. The one inconsistency which is not minor is found on p. 11, where a reference to 'type of tugs' has been inserted in language addressing communication and reporting requirements. She noted that there is no definition given for 'type'. What does this mean? M. Ashe concurred and suggested the language simply read 'a listing of tugs'. The maker amended his motion so that, through the draft 'of tugs' will replace 'number and type of tugs'. The second agreed.

21. J. Lundstrom referred to p. 7851.5.1(d)(2)(C). How does the pilot know the matching of tugs to tanker is correct? T. Hunter responded that the CH can verify that for the pilot. Regarding (e) on that same page; is there a reference that the CH has the power to determine adequacy of matching. M. Ashe responded yes, see p. 7, section 851.5.1(f). Referring to p. 10, 851.6(a)(8); is it in regulatory language that the CH has to keep track of or log all matches. M. Ashe noted that, as stated on p. 7, 851.5.1(f), this is provided for in that the CH notifies the Administrator if the matching has not been done in compliance with the requirements.

22. G. Skarich referred to p. 13, section 851.8(a). When are tugs going to be tested again to comply with new regulations? R. Peters expects that when the regulations go into effect, everybody has to comply. In order to participate, tugs must be tested. G. Skarich asked if existing tests are valid. Prior regulations established a three year period before tugs would be required to re-test. Those regulatory provisions will disappear with the new regulations. T. Hunter, B. Leland and R. Peters concurred that the information on file will prevail without re-testing. The Chair asked if, when the regulations go into effect, a tug tested more than three years ago will be out of compliance. B. Leland responded that a phase-in process would be needed; perhaps recognizing the existing bollard pull within the first year until the tug is re-tested. Then re-testing would be required every three years after that. The Chair suggested that it would be beneficial to the process if G. Skarich provide language to address this issue at the public hearing and indicate at that time that she is doing so at the direction of the HSC.

23. A. Krygsman asked if the pilots have agreed that they accept the liability inherent in the language making the pilot responsible for determining the adequacy of the escort plan. R. Peters responded that there was no intent to change where liability lies from earlier proposals. G. Waugh referred to section 851.5.1 on pages 6 and 7. This language puts a lot of liability on the individual pilot to approve the plan or not. Pilots have a performance bond as non-elected public official tasked with upholding the laws of the State of California and accept that responsibility. The pilot is best qualified, with local and real time knowledge, to make the transit analysis, but no pilot should be subject to possible financial ruin as a result of litigation that results from performing in accordance with that responsibility. An intensive education process will be necessary to familiarize

the pilots with the regulations. There are two definite categories of vessels calling on San Francisco; those who call on a regular basis and those who call on a spot basis. The manner of addressing the transits of these two categories of vessels should be structured to the differences. A vessel who calls on a regular basis, with a pre-approved plan, could advise that they are transiting under the authority of the pre-approved plan. There should be two forms, one for self-propelled vessels and one for non-self-propelled vessels. B. Leland responded that OSPR would entertain suggestions from the HSC or pilots regarding indemnification of individual pilots. OSPR can have its legal staff look at the liability issue. The Chair added that the pilots should be prepared, after consulting with legal counsel, to submit language at the public hearing on the draft regulations. D. Koops added that he believes that the master holds the ultimate responsibility for the vessel. In response to the Chair's statement that the pilots must accept responsibility as outlined in regulation, G. Waugh stated that the issue is not one of accepting responsibility, but that of ultimate financial disaster. R. Peters reiterated that there was no intent to change liability, adding that the consensus has been that the pilot is best equipped to look at the adequacy of the escort transit plan and the group that met in Sacramento wanted the best equipped person to have that task.

24. G. Skarich referred to p. 19; 851.8(g)(3). At the 11-21-95 TES meeting, she mentioned that there was no language in the draft regulations to address Zone 1 station keeping requirements for tankers. Now, in the 1-3-96 draft, this language appears for the tanker, but has been deleted for the tug. The language should be in both places. M. Ashe agreed. Station keeping language for the tanker, which appears in Section 851.5(b)(4) should also appear in a new section, 851.8(g)(4). The maker and second agreed to so amend the language of the motion on the floor.

25. Mark Bayer, British Petroleum, suggested the HSC recommend that vessels regularly calling on San Francisco with a pre-approved plan call the CH and report that they are transiting in accordance with the pre-approved plan.

26. The Chair asked if there was additional discussion on the amendments to the motion on the floor. There were none. The Chair asked if there was any other additional comment. There was none. M. Glazer noted that she will vote no on the motion because she disagrees with a core element of the proposed regulations, that of the matching matrix. The Chair asked if there was any objection to voting on the motion and all amendments in one vote. R. Peters responded that there doesn't appear to be any sense of confusion on the part of committee members. There was no objection. R. Peters re-capped the sense of his motion and all amendments. The relevant discussion and proposed original language for the motion on the floor and amendments thereto have been shown in bold type throughout these minutes. The motion passed with one objection.

27. **PORTS SUB-COMMITTEE**, D. Adams deferred to T. Richards. (1) The Department of Commerce, and the projects funded under its auspices, are tied up in the federal budget problem. (2) The Chair asked what the Dept. of Commerce says about supporting NOAA. T. Richards

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responded that they are in support of PORTS, but are being held hostage to the budget problems. (2) A risk analysis research project is under contract to USCG and NOAA SeaGrant. Participants from MIT, Woods Hole, the USCG and the Army Corps of Engineers will be in the SF Bay area January 24-26. An initial public meeting has been scheduled for 10:00 at the Pier 9 Pilot Station on 1-24-96 so the team can brief the community on the project. On the following two days, the team will visit different groups, including VTS, BCDC and the SF Estuary Institute to learn about the complexity of the Bay Area. There are still some openings on Friday for one-on-one meetings. Anyone wanting to schedule a meeting with this team should contact T. Richards.

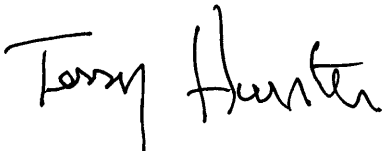
28. UNFINISHED BUSINESS: (1) D. Koops, Chair, Bridge Management and Small Vessels Sub-Committee reported on two issues. (a) The proposed plan to add an east span to the Rio Vista Bridge has raised concerns regarding access for maintenance of the existing span. In response the proposal has been amended to move the east span 300' further east. This creates a tunnel effect, and so it has been proposed, with pilot input, to create an hour glass effect instead. (b) The efficiency of the Southern Pacific Bridge span has improved, due to the efforts of D. Montoro.

29. NEW BUSINESS: Discussion of starting meetings earlier. It was agreed that it is difficult for many members to arrive earlier than 10:00.

30. NEXT MEETING. The next meeting will be held on Thursday, 2-8-96, at 10:00 a.m. at the Port of San Francisco.

31. MOTION to adjourn by R. Peters, seconded by M. Glazer. Meeting adjourned at 12:50 without objection.

Respectfully submitted,



Terry Hunter
Executive Secretary

January 10, 1996

AMENDED LANGUAGE RE: LOAD-LINE CERTIFICATION AND CFR CITATION

851.8 REQUIREMENTS FOR ESCORT TUGS

(6) Stability requirements for all escort tugs that operate westward of the Golden Gate Bridge are as follows:

- (1) an escort tug shall have a load-line certificate; or**
- (2) an escort tug shall have a stability letter issued by the American Bureau of Shipping or any member in good standing in the International Association of Classification Societies. The stability letter shall establish that the escort tug complies with the stability requirements outlined in federal Load Line Regulations at 46 CFR, sections 42.09-10(a), 42.09-15(a), (b), and (c) except subparagraphs (1) and (2), and 42.09-25 (a) and (b) except for the portion of the last line of (b) that reads "...and meeting applicable requirements in this subchapter"; and 46 CFR Part 173, Subpart E, section 174.145, and Subpart F, section 173.090 and 173.095.**

 - (A) any tug that does not have a stability letter as of January 1, 1997, may continue to operate until their next scheduled dry-docking or for 1 year, whichever is earlier;**
 - (B) prior to receiving a stability letter, a vessel owner/operator must show that the vessel is seaworthy by providing a statement from a recognized survey agency that the vessel has been inspected and is deemed to be sound for operation outside the Golden Gate Bridge.**
 - (C) at the time of the first dry-docking, or by December 31, 1997 (whichever is earlier), the vessel must be inspected for seaworthiness and the owner/operator must apply for and receive a stability letter in order to continue to provide escort services westward of the Golden Gate Bridge.**