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14 NOV 2007

MEMORANDUM

From: Robert J. Papp, Jr.
COMDT (CG-01)

To: PACAREA (P)

Subj: CHARTER OF THE INCIDENT SPECIFIC PREPAREDNESS REVIEW (ISPR) TEAM
RELATED TO THE DISCHARGE OF OIL FROM THE M/V COSCO BUSAN IN SAN
FRANCISCO BAY ON NOVEMBER 7, 2007

Ref: (a) Marine Safety Manual Volume IX, Chapter 4, COMDTINST M16000.14
(b) Administrative Investigations Manual, COMDTINST M5830.1A

1. This memorandum establishes an Incident Specific Preparedness Review (ISPR) of the M/V COSCO BUSAN incident that occurred in San Francisco Bay on November 7, 2007. The purpose of this review is to examine the implementation and effectiveness of the Area Contingency Plan and its integration with other applicable contingency plans at the federal, state, and local levels, as well as conduct an analysis of the effectiveness of the Coast Guard's response to the oil spill and communication with key federal, state, local and industry partners concerning the response.

2. As described in reference (a), the focus of a typical ISPR is to conduct an objective review of response actions taken by the Unified Command. This ISPR will serve as a fact finding body to review operations in connection with this incident. It will identify strengths and weaknesses of the Area Contingency Plan, Regional Contingency Plan, and overall preparedness system in effect at the time of the incident, that may inform actions by the Coast Guard and others to produce positive, effective preparedness improvements that will benefit the San Francisco Bay region, and, potentially, other regions of the country. In addition to these standard objectives, this ISPR, in particular, will also carefully evaluate the effectiveness of the Coast Guard's oil spill response and communications efforts after the M/V COSCO BUSAN's allision with the bridge.

3. You shall designate an appropriate Coast Guard member to serve as Chairman of the M/V COSCO BUSAN ISPR team. You will designate additional Coast Guard personnel as necessary. The following organizations and persons have agreed to provide their individual views and expertise through participation on the team:

- A member of the Pacific States - British Columbia Oil Spill Task Force
- A member of the Pacific Merchant Shipping Association

- Ms. Ruth Yender, National Oceanic and Atmospheric Administration
- Mr. David Powell, California Office of Emergency Services

You shall invite the City of San Francisco and an appropriate member of a broadly representative environmental coalition to participate as team members. Should you or the Chairman determine that the assistance of other federal, state, local, industry, or stakeholder participants are needed in order to fulfill the objectives of the ISPR, you or the Chairman shall consult with CG-01. The team should meet with and consider the views of other Bay Area communities as it conducts its review.

4. LT Kelly Dietrich, Coast Guard Headquarters, CG-533, shall serve as recorder and will assist with funding, logistics, and other administrative needs. The team shall begin its work by identifying the areas of review they believe most important to assessing preparedness and evaluating the oil spill response.

5. In addition to publicly available information as provided for in reference (a), members of the team may use *all* information available consistent with existing authority and policy, whether publicly available or not, but do not have subpoena authority. The ISPR shall not interfere with ongoing investigations by the Coast Guard, the National Transportation Safety Board, or any other investigative bodies as they relate to the investigation of the allision. However, the ISPR should aggressively gather information related to the oil spill response efforts and contingency planning implementation consistent with existing authority . The ISPR is charged with focusing on the post-allision actions of the Coast Guard and how they relate to the proper implementation of relevant response plans such as the National Response Plan, the Area Contingency Plan, and the Vessel Response Plan, among others. This ISPR may critically evaluate the actual response efforts taken, including the training, qualifications, and experience of responders.

6. The ISPR shall not investigate the cause of the allision, nor identify fault, blame, or violation of federal or state laws. During the course of the review, should the ISPR identify conduct, potential violations of law, or other relevant matters outside the scope of this Charter that should be further investigated, the Chairman shall refer such matters to PACAREA and CG-01 for further analysis and potential investigation. The ISPR does not, and shall not be relied upon to create any rights, privileges, duties or benefits, either substantive or procedural, enforceable at law by any person or entity in any administrative, civil, criminal, or other matter.

7. The activities of the ISPR team, as well as information obtained during the review, are privileged. Team members will be required to agree to this term of confidentiality as a condition of their participation. After appropriate review, the ISPR report will be publicly released consistent with all applicable laws and regulations.

8. The ISPR shall be initiated as soon as possible. A report limited to the initial response phase (the first two weeks after the incident) is due to me no later than January 11th, 2008. A report concerning the remainder of the response and longer term stakeholder issues is due to me no later than May 7th, 2008. While these reviews and reports are not an Administrative Investigation, the ISPR may consult and utilize the relevant processes and procedures found in reference (b) for the execution of this charter and preparation of its reports. At a minimum, both reports shall consist

of a narrative description of the team's review process, identification of areas of focus, comments relating to the areas of focus, observations, and lessons learned. If the reporting deadlines cannot be met, the Chairman shall submit a request in writing to me detailing the reasons for an extension of time. If you have questions on the content of the report or process the ISPR team should follow, please contact CDR Anthony Lloyd at (202) 372-2231.

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PACAREA (1)