



U.S. Department
Of Transportation
**Maritime
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

September 28, 2022

Mr. W. Richmond Beevers
Chief, Cargo Security, Carriers and Restricted Merchandise Branch
90 K Street, NE, 10th Floor
U.S. Customs and Border Protection
Washington, DC 20229

Dear Mr. Beevers,

This letter supplements MARAD's letters of September 23 and 24, 2022, and responds to your September 27, 2022 letter. In our prior letters, MARAD informed you that it could not conduct a retroactive market survey of vessel availability for the waiver requests submitted by British Petroleum Products North America (BPPNA) under 46 U.S.C. § 501(b) because the vessels were already underway. In your September 27, 2022 letter, you request that MARAD conduct a retrospective survey of the industry to determine whether U.S.-flag coastwise-qualified vessels would have been available on September 15, 2022, the load date for the GH PARKS. We requested information from the industry about vessel availability in response to CBP's requests. Based on the responses received, it appears that the following U.S.-flag coastwise-qualified vessels could have been available on that date.

VESSEL	OWNER	CAPACITY (BBLs)
SUNSHINE STATE	American Petroleum Tankers	330,000
LONE STAR STATE	American Petroleum Tankers	330,000
MAGNOLIA STATE	American Petroleum Tankers	330,000
GARDEN STATE	American Petroleum Tankers	330,000
BAY STATE	American Petroleum Tankers	330,000
AMERICAN PRIDE	American Petroleum Tankers	330,000

Since the time of your original request we have also reviewed a letter from the Governor of Puerto Rico, dated September 27, 2022, describing the emergency status on the island caused by Hurricane Fiona. In that letter the Governor—the principal leader responsible for response and recovery efforts on the island—describes an ongoing emergency where “[a] shortage of diesel and other fuel products will have an impact on our ability to provide essential services to citizens in Puerto Rico, thus affecting public health, security and continuity of government functions.” The letter from Puerto Rico’s Governor describes an immediate need for fuel to be delivered within hours. If the national defense requirement is determined to be immediate delivery of the diesel fuel, then based on the results of the survey and ongoing outreach to industry and Federal agency partners, no U.S.-flag vessels appear to be available to deliver fuel immediately.

Mr. W. Richmond Beevers
Page 2

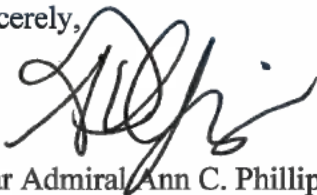
For your information and future reference, MARAD's survey indicated that the following vessels are available for loading on the dates listed below.

Company, POC	Vessel Name	Capacity (BBLs)	Date Available
American Petroleum Tankers [REDACTED]	Garden State	330,000	9/27/2022
Moran Towing [REDACTED]	ATB LOUISIANA and Tug ATB HOUSTON and Tug	110,000 110,000	10/5-6 EC FL 10/13-15 USG
Crowley [REDACTED]	550-4 / Coastal Reliance 650-1 / Pacific Reliance 650-8 / Achievement 650-9 / Innovation 750-1 / Legacy 750-2 / Legend 750-3 / Liberty Magnolia State	155,000 179,000 179,000 179,000 330,000 330,000 330,000 330,000	9/26/2022 10/13/2022 9/27/2022 10/15/2022 10/6/2022 9/29/2022 9/30/2022 9/28/2022
John W. Stone Oil, Inc. Anthony (Tony) Odak today@stoneoil.com 504-366-3401	Great Expectations	32,000	9/27/2022

In addition, the waiver request made by the GH PARKS while underway is novel and problematic. We propose that we meet at your earliest convenience to discuss the survey process in such scenarios.

If you have any further questions or concerns, please contact Michael Hokana on my staff at Michael.Hokana@dot.gov.

Sincerely,



Rear Admiral Ann C. Phillips (USN, Ret.)