

(1) The Secretary of the Interior shall determine if any discharge from the device is in accordance with established water quality standards and shall notify the Secretary of the department in which the Coast Guard is operating of his determination.

(2) Upon notification from the Secretary of the Interior that a device is suitable the Secretary of the department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, after consideration of the design, installation, operation, material, or other appropriate factors, shall approve the device. Any device manufactured under said approval which is in all material respects the same as an approved device shall be deemed to be in conformity with the regulations established pursuant to this section.

(3) The manufacturer of an approved device shall maintain records and provide information and reports as the Secretaries deem appropriate and shall permit any authorized Federal employee to have access to and copy such records during business hours. All information reported to, or otherwise obtained by, either Secretary of his representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of Title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

RESPONSIBILITY FOR CLEANUP IN OIL POLLUTION SITUATIONS

Mr. SULLIVAN. In this legislation, who would have the ultimate responsibility for the operation of the cleanup, the situation that was brought up outside of the San Juan Harbor?

Admiral TRIMBLE. The bills that deal with this question provide or give this authority to the Secretary of the Interior.

Now, there are some complications that I am glad to have the opportunity to explain, because it is not quite as clearcut as it would seem from this.

In other words, let's take the *Ocean Eagle* casualty which occurred at the entrance to San Juan Harbor. It started out as a rescue case first. We rescued the crew as the vessel broke in half and oil started pouring forth from the bow and stern sections.

Now, we have not only an oil pollution problem, but we have a port safety problem; possible hazard to a port which we have responsibility for separately.

At this point, of course, it becomes a little difficult to distinguish between the oil cleanup responsibility and the port safety question.

Mr. SULLIVAN. In other words, you think this legislation would require further clarification to define what your responsibility should be in a practical manner, such as you just state?

Admiral TRIMBLE. Mr. Sullivan, I do feel that any legislation that comes forth should provide clearcut responsibility in the various circumstances that might arise.

Normally, if we are not dealing with a port safety problem, it would be very simple. The Secretary of the Interior is in charge of the operation. Should he want to contract with available industrial firms or utilize the services of any salvage company, that is one that has facilities, that would be up to him. He could utilize the Coast Guard facilities if he wanted to. But, when we have an oil spill involving a port, inside of a port, and we have had a number of these, we had one up in New York harbor that involved a lot of gasoline, and there is an immediate port safety problem as well as a cleanup problem, it will be necessary for Interior and the Department of Transportation to