

funds obligated under this part were not eligible for funding under this part and the expenditures were not made with the good faith understanding that they were eligible under this part, the Director, NPFC, may seek reimbursement to the Fund from the State.

**§ 133.21 Records retention.**

(a) The State official shall maintain all records for ten years following completion of the removal actions.

(b) If any litigation, claim, negotiation, audit, cost recovery, or other action involving the records has been started before the expiration of the ten-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular ten-year period, whichever is later.

**§ 133.23 Investigation to determine the source and responsible party.**

(a) The State official shall promptly make a thorough investigation to determine the source of the incident and the responsible party.

(b) Upon completion of the investigation, the State official shall forward the results of the investigation and copies of the supporting evidence identifying the source and the responsible party to both the cognizant OSC and the NPFC official specified in § 133.25(c).

**§ 133.25 Notification of Governor's designee.**

(a) If the Governor of a State anticipates the need to access the Fund under this part, he or she must advise the NPFC in writing of the specific individual who is designated to make requests under this part.

(b) This designation must include the individual's name, address, telephone number, and title or capacity in which employed.

(c) The information required by paragraph (b) of this section must be forwarded to the Director National Pollution Funds Center, NPFC CM, MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100.

[CGD 92-014, 57 FR 53969, Nov. 13, 1992, as amended by USCG-2009-0416, 74 FR 27440, June 10, 2009]

**PART 135—OFFSHORE OIL POLLUTION COMPENSATION FUND**

**Subpart A—General**

Sec.

- 135.1 Purpose.
- 135.3 Applicability.
- 135.5 Definitions.
- 135.7 Delegation—Fund Administrator.
- 135.9 Fund address.

**Subpart B—Levy of Fees**

- 135.101 Purpose.
- 135.103 Levy and payment of barrel fee on OCS oil.

**Subpart C—Financial Responsibility for Offshore Facilities**

- 135.201 Applicability.
- 135.203 Amount required.
- 135.204 Submission of evidence.
- 135.205 Methods of establishing.
- 135.207 Insurance as evidence.
- 135.209 Guaranty as evidence.
- 135.210 Indemnity as evidence.
- 135.211 Surety bond as evidence.
- 135.213 Qualification as self-insurer.
- 135.215 Certification.
- 135.219 Notification of changes affecting certification.
- 135.221 Reapplication for certification.
- 135.223 Certificates, denial or revocation.

**Subpart D—Notification of Pollution Incidents**

- 135.303 Definitions.
- 135.305 Notification procedures.
- 135.307 Notification contents.

**Subpart E—Access, Denial, and Detention**

- 135.401 Access to vessel, Certificates of Financial Responsibility.
- 135.403 Sanctions for failure to produce vessel Certificates of Financial Responsibility.
- 135.405 Appeal provisions.

AUTHORITY: 33 U.S.C. 2701-2719; E.O. 12777, 56 FR 54757; Department of Homeland Security Delegation No. 0170.1, para. 2(80).

SOURCE: CGD 77-055, 44 FR 16868, Mar. 19, 1979, unless otherwise noted.

**Subpart A—General**

**§ 135.1 Purpose.**

(a) This part prescribes the policies, procedures, and administrative practices regarding offshore oil pollution liability and compensation, including

### § 135.3

the administration and general operation of the fund established under Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372, 43 U.S.C. 1811 et. seq.).

#### § 135.3 Applicability.

(a) This part applies to each person who:

(1) Owns oil obtained from the Outer Continental Shelf when the oil is produced;

(2) Owns, operates, or is the guarantor of the owner or operator of any vessel;

(3) Owns, operates, or is the guarantor of the owner or operator of any offshore facility;

(4) Sustains an economic loss as a consequence of oil pollution arising from Outer Continental Shelf activities; or

(5) Otherwise has responsibilities under Title III of the Act and the regulations in this part.

#### § 135.5 Definitions.

(a) As used in this part, the following terms shall have the same meaning as defined in section 301 of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372): “barrel”; “claim”; “discharge”; “facility”; “Fund”; “guarantor”; “incident”; “offshore facility”; “oil pollution”; “operator”; “owner”; “person”; “person in charge”; “public vessel”; and “vessel”.

(b) As used in this part:

(1) *Act* means Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372), entitled “Offshore Oil Spill Pollution Fund”.

(2) *Captain of the Port* means a Coast Guard officer designated as Captain of the Port for the areas described in part 3 of this chapter, or that person’s authorized representative or, where there is no Captain of the Port area, the District Commander.

(3) *Commandant* means the Commandant of the Coast Guard or that person’s authorized representative.

(4) *District Commander* means the Coast Guard officer commanding a Coast Guard District described in part 3 of this chapter, or that person’s authorized representative.

### 33 CFR Ch. I (7-1-10 Edition)

(5) *Fund Administrator* means the person to whom the authority and functions of the Commandant as administrator of the Fund are delegated.

(6) *Oil* means petroleum, including crude oil or any fraction or residue therefrom and natural gas condensate, except that the term does not include natural gas.

(7) *Outer Continental Shelf* or *OCS* means “outer Continental Shelf” as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C.1331(a)).

#### § 135.7 Delegation—Fund Administrator.

(a) The Fund Administrator is delegated authority to perform those functions assigned or delegated to the Secretary of Transportation under the Act not reserved by the Secretary of Transportation or the Commandant.

(b) The Fund Administrator may redelegate and authorize successive redelegations of the authority granted in paragraph (a) of this section within the command under which that person has jurisdiction or to members of the Fund staff.

#### § 135.9 Fund address.

The address to which correspondence relating to the Coast Guard’s administration of the Fund should be directed is: Director National Pollution Funds Center, NPFC MS 7100, U.S. Coast Guard, 4200 Wilson Blvd., Suite 1000, Arlington, VA 20598-7100.

[CGD 86-032, 52 FR 23175, June 18, 1987, as amended by CGD 88-052, 53 FR 25120, July 1, 1988; USCG-1998-3799, 63 FR 35530, June 30, 1998; USCG-2009-0416, 74 FR 27440, June 10, 2009]

## Subpart B—Levy of Fees

#### § 135.101 Purpose.

(a) The purpose of this subpart is to state the general requirements concerning the levy of fees.

#### § 135.103 Levy and payment of barrel fee on OCS oil.

(a) A fee of \$.03 per barrel is levied on all oil produced on the OCS and is imposed upon the owner of the oil when such oil is produced.