

Coast Guard, DHS

§ 135.103

(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.

(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 Conti-

ental 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: U.S. Coast Guard National Pollution Funds Center, 4200 Wilson Boulevard, Suite 1000, Arlington, VA 22203-1804.

[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]

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.

(b) The owner of oil obtained from the OCS shall, for the purpose of computing the barrel fee levied in paragraph (a) of this section, measure OCS oil production by employing the methods and criteria of the Minerals Management Service contained in 30 CFR 250.180.

(c) The barrel fee levied in paragraph (a) of this section applies whenever the unobligated Fund balance is less than \$200,000,000.