

§ 135.401

must provide any information not immediately available when it becomes known.

Subpart E—Access, Denial, and Detention

§ 135.401 Access to vessel, Certificates of Financial Responsibility.

(a) The owner, operator, master or agent of any vessel subject to the Act shall, upon request by any Coast Guard officer or petty officer, permit access to the vessel and produce for examination the Certificate of Financial Responsibility.

§ 135.403 Sanctions for failure to produce vessel Certificates of Financial Responsibility.

(a) The Captain of the Port issues denial or detention orders to the owner, operator, agent, or master of any vessel that cannot show upon request a valid Certificate of Financial Responsibility issued under the Act.

(b) A denial order forbids entry of any vessel subject to the Act to any port or place in the United States or to the navigable waters of the United States.

(c) A detention order detains any vessel subject to the Act at the port or place in the United States from which it is about to depart for any other port or place in the United States.

(d) The Captain of the Port terminates a denial or detention order when the owner, operator, agent, or master of a vessel furnishes adequate evidence that the certification of financial responsibility requirements under the Act have been met.

§ 135.405 Appeal provisions.

(a) The owner, operator, agent or master of a vessel issued a denial or detention order under this subpart may petition the District Commander in any manner to review that order.

(b) Upon completion of review, the District Commander affirms, sets aside, or modifies the order.

(c) Unless otherwise determined by the District Commander a denial or detention order remains in effect pending the outcome of any petition or appeal of that order.

33 CFR Ch. I (7–1–04 Edition)

(d) The District Commander acts on all petitions or appeals within 10 days of receipt.

(e) The decision of the District Commander is final agency action.

PART 136—OIL SPILL LIABILITY TRUST FUND; CLAIMS PROCEDURES; DESIGNATION OF SOURCE; AND ADVERTISEMENT

Subpart A—General

- Sec.
- 136.1 Purpose and applicability.
- 136.3 Information.
- 136.5 Definitions.
- 136.7 Foreign claimants.
- 136.9 Falsification of claims.

Subpart B—General Procedure

- 136.101 Time limitations on claims.
- 136.103 Order of presentment.
- 136.105 General requirements for a claim.
- 136.107 Subrogated claims.
- 136.109 Removal costs and multiple items of damages.
- 136.111 Insurance.
- 136.113 Other compensation.
- 136.115 Settlement and notice to claimant.

Subpart C—Procedures for Particular Claims

REMOVAL COSTS

- 136.201 Authorized claimants.
- 136.203 Proof.
- 136.205 Compensation allowable.

NATURAL RESOURCES

- 136.207 Authorized claimants.
- 136.209 Proof.
- 136.211 Compensation allowable.

REAL OR PERSONAL PROPERTY

- 136.213 Authorized claimants.
- 136.215 Proof.
- 136.217 Compensation allowable.

SUBSISTENCE USE

- 136.219 Authorized claimants.
- 136.221 Proof.
- 136.223 Compensation allowable.

GOVERNMENT REVENUES

- 136.225 Authorized claimants.
- 136.227 Proof.
- 136.229 Compensation allowable.

PROFITS AND EARNING CAPACITY

- 136.231 Authorized claimants.
- 136.233 Proof.
- 136.235 Compensation allowable.

Coast Guard, DHS

§ 136.5

GOVERNMENT PUBLIC SERVICES

- 136.237 Authorized claimants.
- 136.239 Proof.
- 136.241 Compensation allowable.

Subpart D—Designation of Source and Advertisement

GENERAL

- 136.301 Purpose.
- 136.303 Definitions.

DESIGNATION OF SOURCE

- 136.305 Notice of designation.
- 136.307 Denial of designation.

ADVERTISEMENT

- 136.309 Advertisement determinations.
- 136.311 Types of advertisement.
- 136.313 Content of advertisement.

AUTHORITY: 33 U.S.C. 2713, 2714; E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

SOURCE: CGD 91-035, 57 FR 36316, Aug. 12, 1992, unless otherwise noted.

Subpart A—General

§ 136.1 Purpose and applicability.

(a) This part prescribes regulations for—

(1) Presentation, filing, processing, settlement, and adjudication of claims authorized to be presented to the Oil Spill Liability Trust Fund (the Fund) under section 1013 of the Oil Pollution Act of 1990 (the Act) (33 U.S.C. 2713) for certain uncompensated removal costs or uncompensated damages resulting from the discharge, or substantial threat of discharge, of oil from a vessel or facility into or upon the navigable waters, adjoining shorelines, or the exclusive economic zone;

(2) Designation of the source of the incident, notification to the responsible party of the designation, and advertisement of the designation and claims procedures; and

(3) Other related matters.

(b) This part applies to claims resulting from incidents occurring after August 18, 1990.

(c) Nothing in this part—

(1) Preempts the authority of any State or political subdivision thereof from imposing any additional liability or requirements with respect to—

(i) The discharge of oil or other pollution by oil within such State; or

(ii) Any removal activities in connection with such a discharge; or

(2) Affects or modifies in any way the obligations or liabilities of any person under the Solid Waste Disposal Act (42 U.S.C. 6901 *et seq.*) or State law, including common law; or

(3) Affects the authority of any State—

(i) To establish, or to continue in effect, a fund any purpose of which is to pay for costs or damages arising out of, or directly resulting from, oil pollution or the substantial threat of oil pollution; or

(ii) To require any person to contribute to such a fund; or

(4) Affects the authority of the United States or any State or political subdivision thereof to impose additional liability or additional requirements relating to a discharge, or substantial threat of a discharge, of oil.

§ 136.3 Information.

Anyone desiring to file a claim against the Fund may obtain general information on the procedure for filing a claim from the Director, National Pollution Funds Center, suite 1000, 4200 Wilson Boulevard, Arlington, Virginia 22203-1804, (703) 235-4756.

§ 136.5 Definitions

(a) As used in this part, the following terms have the same meaning as set forth in sections 1001 and 1007(c) of the Act (33 U.S.C. 2701 and 2707(c)): *Claim, claimant, damages, discharge, exclusive economic zone, facility, foreign claimant, foreign offshore unit, Fund, guarantor, incident, National Contingency Plan, natural resources, navigable waters, offshore facility, oil, onshore facility, owner or operator, person, removal costs, responsible party, State, United States, and vessel.*

(b) As used in this part—

Act means title I of the Oil Pollution Act of 1990 (Pub. L. 101-380; 33 U.S.C. 2701 through 2719).

Director, NPFC, means the person in charge of the U.S. Coast Guard National Pollution Funds Center or that person's authorized representative.

FOSC means the Federal On-Scene Coordinator designated under the National Contingency Plan or that person's authorized representative.