

§ 138.65

33 CFR Ch. I (7–1–05 Edition)

(d) If, before the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application or supporting documentation, the applicant shall, within five business days of becoming aware of the change, notify the Director, NPFC, in writing, of the change.

§ 138.65 Issuance and carriage of Certificates.

Upon the satisfactory demonstration of financial responsibility and payment of fees, the Director, NPFC, issues a Vessel Certificate of Financial Responsibility (Water Pollution), the original of which (except as provided in §§ 138.90 (a) and (b) and 138.110(f)) is to be carried aboard the vessel covered by the Certificate. The carriage of a valid Certificate or authorized copy indicates compliance with these regulations. Failure to carry a valid Certificate or authorized copy subjects the vessel to enforcement action, except where a Certificate is removed temporarily from a vessel for inspection by a United States Government official.

§ 138.70 Renewal of Certificates.

(a) An operator shall file a written application for the renewal of a Certificate at least 21 days, but not earlier than 90 days, before the expiration date of the Certificate. Except as provided in paragraph (c) of this section, a letter may be used for this purpose. The Director, NPFC, may waive this 21-day requirement.

(b) The applicant shall identify in the renewal application any changes which have occurred since the original application for a Certificate was filed, and set forth the correct information in full.

(c) An applicant that applies for the first time for a Certificate issued under this part to replace a Certificate issued under part 130 of this chapter shall submit an application form illustrated in Appendix A of this part. An applicant is not required to pay an application fee under § 138.130(c) for this first-time application.

§ 138.80 Financial responsibility, how established.

(a) *General.* In addition to submitting an application and fees, an applicant

shall submit, or cause to be submitted, evidence of financial responsibility in an amount determined under § 138.80(f). A guarantor may submit directly to the Director, NPFC, the evidence of financial responsibility.

(b) *Methods.* An applicant shall establish evidence of financial responsibility by one or more of the following methods:

(1) *Insurance.* By filing with the Director, NPFC, an insurance guaranty form CG-5586, illustrated in Appendix B of this part (or, when applying for a Master Certificate, a master insurance guaranty form CG-5586-1, illustrated in Appendix C of this part), executed by not more than four insurers that have been found acceptable by and remain acceptable to the Director, NPFC, for purposes of this part.

(2) *Surety bond.* By filing with the Director, NPFC, a surety bond guaranty form CG-5586-2, illustrated in Appendix D of this part, executed by not more than 10 acceptable surety companies certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the maximum penal sum of each bond to be issued under this part.

(3) *Self-insurance.* By filing the financial statements specified in paragraph (b)(3)(i) of this section for the applicant's last fiscal year preceding the date of application and by demonstrating that the applicant maintains, in the United States, working capital and net worth each in amounts equal to or greater than the total applicable amount calculated in accordance with § 138.80(f), based on a vessel carrying hazardous substances as cargo. As used in this paragraph, *working capital* means the amount of current assets located in the United States, less all current liabilities anywhere in the world; and *net worth* means the amount of all assets located in the United States, less all liabilities anywhere in the world. After the initial submission, for each of the applicant's fiscal years, the applicant or certificant shall submit statements as follows:

(i) *Initial and annual submissions.* An applicant or certificant shall submit