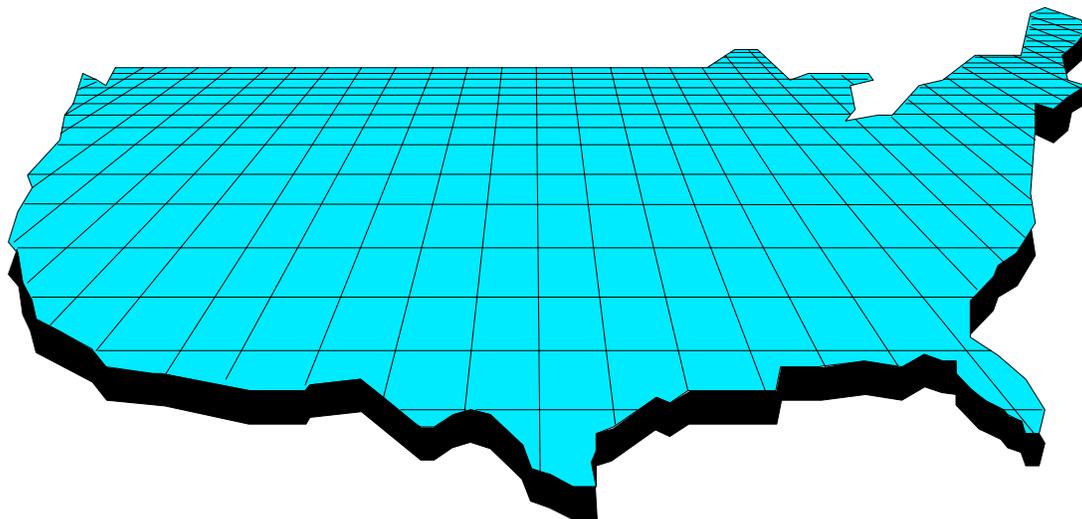


CHAPTER 5

State Access



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This chapter provides the Federal Register of detailed procedures for state access to the Oil Spill Liability Trust Fund for Removal Costs under the Oil Pollution Act of 1990. The material consists of the following:

SUBCHAPTER	CONTAINS DETAILED INFORMATION ABOUT
Federal Register: Department of Transportation (Coast Guard) 33 CFR Part 133 State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990; Interim Rule NPFC Instruction 16451.1 - Technical Operating Procedures for State Access Under Section 1012(d)(1) of OPA 90	<ul style="list-style-type: none">• Provisions of the Oil Pollution Act of 1990 concerning the procedures by which the Governor of a State can request payments of up to \$250,000 from the Oil Spill Liability Trust Fund for removal costs of an oil discharge or the mitigation or prevention of a substantial threat of an oil discharge.• Procedures for accessing the OSLTF, requirements for documenting expenses, investigation requirements, and how to submit documentation for reimbursement.

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U.S. Department
of Transportation



Commandant
U.S. Coast Guard

2100 Second St., SW
Washington, DC 20593-0001
Staff Symbol: G-MEP
Phone: (202) 267-0518

United States
Coast Guard

NOV 6 1992

5711/11

From: Commandant
To: Distribution

Subj.: FORWARDING OF INTERIM RULE ON STATE ACCESS TO THE OIL
SPILL LIABILITY TRUST FUND FOR REMOVAL COSTS UNDER THE
OIL POLLUTION ACT OF 1990 (PURSUANT TO SECTION 1012(D) (1))
AND TECHNICAL OPERATING PROCEDURES (TOPs)

1. The interim rule, 33 CFR 133, implementing Section 1012 (d) (1) of the Oil Pollution Act of 1990 (OP 90) (PL 101380) which accord States access to Oil Spill Liability Trust Funds for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge of oil was signed by the Commandant 5 November 1992 and is effective the day of publication in the Federal Register. The Director, National Pollution Funds Center (NPFC) has distributed a copy of this rule and Technical Operating Procedures (TOPs) to facilitate administration of the Fund. I am forwarding a copy of both the interim rule and the TOPs for further distribution to Coast Guard OSCs in your district.
2. A natural working group of NPFC staff, an Environmental Protection Agency representative, and members of my staff developed these TOPs. To the extent we were able, these procedures were drafted for use by all parties: the NPFC, the States, OSCs, the District and Commandant (G-MEP). These procedures were also written to allow for maximum flexibility to allow the OSC to work with State officials in a mutually comfortable manner.
3. We also did not want to burden the OSC with unnecessary paperwork. So, for example the OSC is not required to review state cost accounting paperwork: however we directed that the NPFC case officer consult with the OSC on questions of an operational nature. We also assumed that the State/OSC relationship with respect to State access under this rule would be addressed in the Coast Guard/State Memoranda of Agreement.

I understand that we are breaking new ground, procedural as well as programmatic. We have already heard talk of the states using the Fund for abandoned oil well clean up. This will likely increase unit workload. And because the OSC has final authority

Subj.: FORWARDING OF INTERIM RULE ON STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND FOR REMOVAL COSTS UNDER THE OIL POLLUTION ACT OF 1990 (PURSUANT TO SECTION 1012 (D) (1)) AND TECHNICAL OPERATING PROCEDURES (TOPs)

on granting State access, we recognize that the OSC will be placed in awkward position at times. I therefore encourage constructive comments on the rule and the TOPs, not only on their content, but also to better define the Coast Guard/State relationship and our response to oil spills. Comments should be dual addressed to the Director, NPFC and Commandant (G-ME). Commandant (G-ME) will address those concerns related to operational matters and impact on work load. NPFC will address those concerns related to Fund administration. My point of contact is Commander Bruce Russell, Commandant (G-ME-3) at (202) 267-0421.

Encl: (1) Interim Rule
(2) Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (PL 101-380)

Dist: All District (m)
RTC Yorktown
NSFCC

Federal Register

Friday
November 13, 1992

Part II

Department of
Transportation

Coast Guard

33 CFR Part 133
State Access to the Oil Spill Liability
Trust Fund for Removal costs Under the
Oil Pollution Act of 1990; Interim rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 133
[CGD 92-014]
RIN 2115-AE19

State Access to the Oil Spill Liability Trust Fund for Removal Costs Under the Oil Pollution Act of 1990

AGENCY: Coast Guard, DOT.
ACTION: Interim rule with request for comments.

SUMMARY: This rulemaking implements the provisions of the Oil Pollution Act of 1990 (OPA 90) concerning the procedures by which the Governor of a State can request payments of up to \$250,000 from the Oil Spill Liability Trust Fund (the Fund) for removal costs required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge of oil.

This action is a temporary measure needed primarily to provide a

procedure by which the Governor of a State can make a request for payments from the Fund. This interim rule will be replaced by a more comprehensive rule that addresses, in addition to requests by Governors, formal agreements between the States and the Coast Guard providing specific procedures for fund use.

DATES: This rule is effective on November 13, 1992. Comments must be received on or before February 11, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 92-014), U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 287-1477. Comments on collection of information requirements also must be mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection of copying at room 3406, U.S. Coast Guard Headquarters.
FOR FURTHER INFORMATION CONTACT: Mr. Donald Taylor

(Project Manager), National Pollution Funds Center, (703) 235-4805.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Comments are specifically requested on the effect the U.S. Department of Transportation regulations regarding cooperative agreements may have on State access to the Fund. These regulations are contained in 49 CFR parts 18, 20, 29, and 90. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 92-014) and the specific section of the rule to which each comment applies, and give the reason for each comment. Each person wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES". If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice of the Federal Register.

Drafting Information

The principal person involved in drafting this document is Donald Taylor, Project Manager, National Pollution funds Center.

Regulatory Information

This rule is being published as an interim rule and is being made effective on the date of publication to provide a procedure whereby funds for the immediate removal of an oil discharge, or the mitigation or prevention of a substantial threat of an oil discharge, may be made available as soon as possible. A delay in providing a procedure may delay the payment of the necessary funds. Such a delay would be contrary to the intent of Congress under the Oil Pollution Act of 1990 (OPA 90) and to the interests of the public. For these reasons, the Coast Guard for good cause finds, under 5 U.S.C. 553 (b)(3)(B) and (d)(3), that notice and public procedure thereon before the effective date of the interim rule are unnecessary and that the interim rule

should be made effective in less than 30 days after publication.

In addition to this rulemaking, the Coast Guard is developing a second, separate rule which will replace this rule. A notice of proposed rulemaking and opportunity for public comment will be provided. The second rulemaking address not only requests by State Governors for payments between the States and the Coast Guard that may provide for advance payments to facilitate immediate removal of oil discharges, or the mitigation or prevention of substantial threats of oil discharges.

The Coast Guard consulted with representatives from the States at regional meetings held in December 1991 and January 1992. There was general support for the content of this rulemaking. A synopsis of the discussions that took place at those meetings is in the public docket for this rulemaking.

This rulemaking (CGD 92-014) is separate from the Coast Guard's ongoing claims regulations project (CGD 91-035). The state access regulations concern payment to the States outside the normal claims process.

Discussion of the Regulations

This interim rule implements the provision under section 1012(d)(1) of the Oil Pollution Act of 1990 (Pub. L. 101-380; August 18, 1990) (OPA 90) which states that in accordance with regulations promulgated under section 1012(d)(1), the President, upon the request of the Governor of a State, may obligate the Fund for payment in an amount not to exceed \$250,000 for removal costs consistent with the National Contingency Plan required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.

The objective of this rulemaking is to develop the basic request procedures. Elaboration of this procedure, if deemed necessary after further consultation with the States and consideration of the comments on this rule, will be handled in the second rulemaking discussed under "Regulatory Information" in this preamble.

The interim rule addresses only requests by Governors or their representatives. Requests are made directly to the On-Scene Coordinator (OSC). The OSC reviews the request for eligibility both under section 1012(d) and under the interim rule and approves or denies the Governor's request. To guide the OSC in making eligibility recommendations, the

interim rule provides minimum standards. This provides consistency in applying the interim rule. The States are required to coordinate their removal actions with the OSC and retain records of expenditures of the funds. The provisions of the Federal Grant and Cooperative Agreement Act and the regulations of the U.S. Department of Transportation regarding Federal assistance programs apply to payments from the Fund.

In developing this rule, the Coast Guard consulted with the Environmental Protection Agency.

Regulatory Evaluation

This rule is not major under Executive Order 12291. It is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). This rulemaking is considered significant because of the substantial interest by the States. The Coast Guard expects the economic impact of this rule to be so minimal that a separate Regulatory Evaluation is unnecessary. Though the Coast Guard expects the economic impact of this rule to be minimal, it specifically requests comments and data on this subject.

The impacts of this rule arise from the procedures the Governor of a State must follow requesting payments for immediate removal costs from the Fund and from the recordkeeping by the State necessary to account for their expenditures. The cost of making a request is expected to be as little as the cost of making a telephone call or sending a facsimile. The cost of conforming with Federal cooperative agreement administrative requirements is expected to be minimal. This cost is intrinsic to all of the cooperative agreements a State may have with the Federal government. The costs of transferring and expending funds and keeping records of the expenditures of the payments obligated from the Fund would vary with the nature of the removal activity. Recordkeeping of removal activities and costs, however, is required already for actions consistent with the National Contingency Plan.

Small Entities

The entities affected by this rulemaking are State governments. This rulemaking does not affect "small entities", as the term is defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications to warrant the preparation of a Federalism Assessment. Though this rulemaking affects the States by providing a procedure whereby they may request money from the Fund, the implications of that procedure are not sufficient enough, under the Department of Transportation's federalism guide, to warrant the preparation of a Federalism Assessment. In addition, States are not preempted from utilizing their own funds in a removal activity.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each rule that contains a "collection of information requirement" to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements.

This rule prescribes requirements for requesting access to the Fund, for following up those requests with a confirmation, and for keeping records of expenditures. These requirements are discussed in the "Regulatory Evaluation" section of this preamble.

The Coast Guard has submitted the collection of information requirements to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons submitting comments on the requirements should submit their comments both to OMB and to the Coast Guard where indicated under "ADDRESSES".

For further information, contact the Information Requirements Division, M-34, Office of the Secretary of Transportation, 4400 Seventh Street, SW, Washington, DC 20590, (202) 366-4735; the Desk Officer, U.S. Coast, at the Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, (202) 395-7340; or the person under "FOR FURTHER INFORMATION CONTACT" in this preamble.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule concerns procedures relating to a request for payments to expedite

the removal of an oil discharge or the mitigation or prevention of a substantial threat of an oil discharge. This action concerns internal administrative procedure. A Categorical Exclusion Determination is available in the docket for inspecting or coping where indicated under "ADDRESSES".

List of Subject in 33 CFR Part 133

Administrative practice and procedure, intergovernmental relations, Oil pollution, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR chapter I as follows:

1. Part 133 is added to read as follows:

PART 133 OIL SPILL LIABILITY TRUST FUND; STATE ACCESS

Sec.

- 133.1 Purpose.
- 133.3 Definitions.
- 133.5 Requests: General.
- 133.7 Requests: Amount.
- 133.9 Requests: Where made.
- 133.11 Requests: Contents.
- 133.13 Removal actions eligible for funding.
- 133.15 Determination of eligibility for funding.
- 133.17 Conduct of removal actions.
- 133.19 Recordkeeping.
- 133.21 Records retention.
- 133.23 Investigation to determine the source and responsible party.
- 133.25 Notification of Governor's designee.

Authority: 33 U.S.C. 2712(e); E.O. 12777 (3 CFR, 1991 Comp., p. 351); 49 CFR 1.48.

§ 133.1 Purpose.

This part prescribes procedures for the Governor of a State to request payments from the Oil Spill Liability Trust Fund (the Fund) for oil pollution removal costs under section 1012(d)(1) of the Oil Pollution Act of 1990 (the Act) (33 U.S.C. 2712(d)(1)).

§ 133.3 Definitions.

(a) As used in this case the following terms have the same meaning as set forth in section 100 of the Act (33 U.S.C. 2701): "discharge", "inclusive economic zone", "Fund", "incident", "National Contingency Plan", "navigable waters", "oil", "remove", "removal", "removal costs", "responsible party", "State", and "United States".

(b) As used in this part—
Act means Title I of the Oil Pollution Act of 1990 (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.

NPFC means the U.S. Coast Guard National Pollution Funds Center, 4200 Wilson Boulevard, Suite 1000, Arlington, Virginia 22203-1804.

On-Scene Coordinator or *OSC* means the Federal-official predesignated by the Environmental Protection Agency or the U.S. Coast Guard to direct and coordinate all efforts for removal of a discharge, or the mitigation or the prevention of a substantial threat of a discharge, of oil.

Removal action means an incident-specific activity taken under this part to contain or remove a discharge, or to mitigate or prevent a substantial threat of a discharge, of oil.

§ 133.5 Requests: General.

(a) Upon a request submitted in accordance with this part by the Governor of a State or his or her designated State official, the OSC may obtain a Federal Project Number (FPN) and a ceiling not to exceed \$250,000 per incident for removal costs. The removal costs must be for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.

(b) Before a request under this part is made, the State official shall ensure that the procedures in the National Contingency Plan (40 CFR part 300) for notifying Federal authorities of the discharge or threat of discharge have been met.

(c) The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 8301-8308) and 49 CFR parts 18, 20, 29, and 90 apply to fund monies obligated for payment under this part.

§ 133.7 Requests: Amount.

(a) The amount of funds that may be requested under this part

(1) Is limited to the amount anticipated for immediate removal action for a single oil pollution incident, but, in any event, may not exceed \$250,000 per incident;

(2) Must be for removal costs consistent with the National Contingency Plan; and

(3) Must be reasonable for the removal actions proposed, considering such factors as quantity and composition of the oil, weather conditions and customary costs of similar services in the locale.

(b) The funds requested are obligated only to the extent they are determined to be for immediate removal actions which are reasonable and otherwise eligible for payment under this part.

§ 133.9 Requests: Where made.

Requests for access to the Fund under § 133.5 must be made by telephone or other rapid means to the OSC.

§ 133.11 Request: contents.

In making a request for access to the Fund, the person making the request shall

(a) Indicate that the request is a State access request under 33 CFR part 133;

(b) Give his or her name, title, department, and State;

(c) Describe the incident in sufficient detail to allow a determination of jurisdiction, including at a minimum the date of the occurrence, type of product discharged, estimated quantity of the discharge, body of water involved, and proposed removal actions for which funds are being requested under the part; and

(d) Indicate the amount of funds being requested.

§ 133.13 Removal actions eligible for funding.

To be eligible for funding under this part, each removal action must meet the following:

(a) Must be for an incident, occurring after August 18, 1990, which resulted in a discharge, or the substantial threat of a discharge, of oil into or upon the navigable waters or adjoining shorelines.

(b) Must comply with the National Contingency Plan.

(c) Must be an immediate removal action.

§ 133.15 Determination of eligibility for funding.

Upon receipt of the information under § 133.11 and, if necessary, from other sources determined to be appropriate at his or her discretion, the OSC will determine whether the proposed removal actions meet the requirements of § 133.13. If necessary, the OSC may seek further clarification of the proposed actions from the State official. The OSC shall expeditiously notify the State official and the Director, NPFC, of his or her decision.

§ 133.17 Conduct of removal actions.

Removal actions funded under this part must be coordinated with the OSC and conducted in accordance with the National Contingency Plan.

§ 133.19 Recordkeeping.

(a) The State official shall maintain detailed records of expenditures made from the funds

provided under this part, including records of

(1) Daily expenditures for each individual worker, giving the individual's name, title or position, activity performed, time on task, salary or hourly rate, travel costs, per diem, out-of-pocket or extraordinary expenses, and whether the individual is normally available for oil spill removal;

(2) Equipment purchased or rented each day, with the daily or hourly rate;

(3) Miscellaneous materials and expendables purchased each day; and

(4) Daily contractor or consultant fees, including costs for their personnel and contractor-owned or rented equipment, as well as that of any subcontractor.

(b) The State official shall submit a copy of these records and a summary document stating the total of all expenditures made to the NPFC official specified in § 133.25(c) within thirty days after completion of the removal actions. A copy of these documents shall also be submitted to the cognizant OSC.

(c) Upon request of the OSC or the NPFC, the State official shall make the original records available for inspection.

(d) If, after inspecting the records, the Director, NPFC, determines that expenditures by a State official from 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 two-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 a 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 Chief, Case Management Division, National Pollution Funds Center, Suite 1000, 4200 Wilson Boulevard, Arlington, Virginia 22203-1804.

Dated: November 5, 1992.

J.W. Kime,
*Admiral, U.S. Coast Guard
Commandant.*

[FR Doc. 92-27392 Filed 11-12-92;
8:45 am]

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Technical Operating Procedures

for

STATE ACCESS

under

The Oil Pollution Act of 1990

U.S. COAST GUARD
NATIONAL POLLUTION FUNDS CENTER

NOVEMBER 1992

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U.S. Department
of
Transportation



United States
Coast Guard

Director
United States Coast Guard
National Pollution Funds Center

4200 Wilson Boulevard
Suite 1000

Staff Symbol: (cp)
Phone: (202) 493-6830

NPFCINST 16451.1

OCT 30 1992

NATIONAL POLLUTION FUNDS CENTER INSTRUCTION 16451.1

Subj: Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (P.L. 101-380)

1. PURPOSE. The enclosed Technical Operating Procedures (TOPs) are to be used by the National Pollution Funds Center (NPFC) to provide guidance to Federal On-Scene Coordinators (FOSCs) and Coast Guard Districts concerning a State Governor's request for access to the Oil Spill Liability Trust Fund (Fund) under section 1012 (d) (1) of the Oil Pollution Act of 1990 (OPA 90) (P.L. 101-380). These procedures have been developed to support the published interim rule (33 CFR 133) which accords the Governor of a State or the designated State official the opportunity to request funding for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of a discharge, of oil.
2. DISCUSSION.
 - a. The National Pollution Funds Center administers the Fund. The NPFC is responsible for developing regulations to implement section 1012 (d).
 - b. The interim rule implements section 1012 (d) (1) of OPA 90 whereby the Governor of a State or a designated State official may request funding for removal costs concordant with the National Contingency Plan (NCP) not exceeding \$250,000 per incident. At a later date, this interim rule may be incorporated into a Notice of Proposed Rulemaking covering all provisions of section 1012 (d).
 - c. This TOPs is designed solely to facilitate the administration of the Fund by the NPFC. It should not be construed to confer any legal right or cause of action upon any party, nor to create any legal obligation on the NPFC.
3. CHANGES. Changes to TOPs will be published by the NPFC for distribution to FOSCs, Coast Guard district offices, and other established users. Changes will be numbered consecutively.

NPFCINST 16451.1
OCT 30 1992

4. ACTION. The enclosed TOPs shall be used as guidance for any obligation of the Fund for State Access under section 1012 (d) (1).

D. F. SHEEHAN
Director
National Pollution Funds Center

Encl: (1) Technical Operating Procedures for State Access under Section 1012 (d) (1) of the Oil Pollution Act of 1990 (P.L. 101-380)

Distribution: COMDT (G-M)
MLCLANT(f)
MLCPAC(f)
All CGD(m)
FINCEN (OCD)

REQUEST FOR COMMENTS.

The NPFC desires comments concerning these technical operating procedures. Please address comments to:

Director (cp)
U.S. Coast Guard
National Pollution Funds Center
4200 Wilson Blvd Ste 1000
Arlington VA 22203-1804

To submit comments on the regulations (33 CFR 133-State Access to OPA 90), follow the procedure specified in the Supplementary Information section of the preamble to 33 CFR 133.

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STATE ACCESS TO OIL SPILL LIABILITY TRUST FUND
 TECHNICAL OPERATING PROCEDURES
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TECHNICAL OPERATING PROCEDURES
STATE ACCESS TO OIL SPILL LIABILITY TRUST FUND

1. **INTRODUCTION.** Section 1012 (d) (1) of the Oil Pollution Act of 1990 (Public Law 101-380, hereafter referred to as "OPA 90") provides that the President, upon request of the Governor of a State or his or her designated state official, may obligate the Oil Spill Liability Trust Fund (Fund) for payment in an amount not to exceed \$250,000 per incident for removal costs consistent with the National Contingency Plan (NCP) (40 CFR 300). The removal costs must be required for the immediate removal of a discharge, or the mitigation or prevention of a substantial threat of discharge, of oil. Pursuant to the authority delegated to the Coast Guard in Executive Order 12777, the Coast Guard has published an interim regulation (33 CFR Part 133) to implement the provisions of section 1012 (d) (1) of OPA 90.

A. **PURPOSE.** The purpose of this document is to provide technical operating procedures concerning eligibility, communications, financial management, and recordkeeping for States requesting access to the Fund, Federal On-Scene Coordinators (FOSCs), and Coast Guard (USCG) District staffs.

B. **SCOPE.** The technical operating procedures described herein apply specifically to requests for funding under section 1012 (d) (1) of OPA 90. Funding under section 1012 (d) (1) will herein be referred to as "State Access." These technical operating procedures focus on information that is needed to support cost recovery efforts of the Coast Guard National Pollution Funds Center (NPFC). Refer to Figure 1 for a flowchart of the State Access process.

These procedures do not address the provisions of Section 1012 (d) (2) of OPA 90 (e.g., advance agreements with individual States, advance payments from the Fund, or access to the Fund by political subdivisions of a State). These procedures are intended as a supplement to, and not as a substitute for, the regulations contained in 33 CFR Part 133. Compliance with 33 CFR 133 is required whenever utilizing State Access to the Fund. Nothing in this document supersedes the requirements of the NCP. Of particular note, the designated state official, in accordance with 33 CFR 133.5 (b) and section 300.320 (a) (6) of the NCP, assumes the responsibility for notifying the trustees of natural resources affected/potentially affected by the incident.

C. **BACKGROUND.** State Access to the Fund provides a new avenue for States to receive Federal funds for immediate removal costs resulting from their response to actual or threatened discharges of oil. State Access does not supersede or preclude the use of existing Federal payment regimes. The State should not seek and will not receive payments for the same costs from more than one payment regime. Generally, there are two other payment regimes which the States may initiate to obtain Federal funding for oil spill incident removal actions:

1. **ACTING AS FOSC CONTRACTOR.** State agencies may perform removal actions under the direct supervision of the FOSC. In these situations, the FOSC issues an Oil Spill Response Authorization to the State to establish a contractual relationship and obligate the Fund. With this method of funding the State is not limited to \$250,000 per incident, and the FOSC is actively directing the State's response actions.

2. **CLAIMS.** Section 1012 (a) (4) of OPA 90 authorizes use of the Fund for "the payment of claims in accordance with section 1013 for uncompensated removal costs determined by the President to be consistent with the National Contingency Plan or uncompensated damages". Regulations describing claims procedures are found in 33

CFR Part 136. States may submit claims for uncompensated removal costs, which may include those salaries, equipment, and administrative costs directly related to a specific incident. A State may submit claims for removal costs directly to the Fund even if the responsible party is known. Claims other than for removal costs must first be submitted to the designated responsible party. Claims payments are not limited to \$250,000 per incident.

D. **ADDITIONAL INFORMATION.** For additional information regarding these procedures or related subjects, State representatives, FOSCs, Coast Guard district staffs, and other interested parties are urged to contact the NPFC (see paragraph 13).

2. **REQUESTING FUNDS.**

A. **ELIGIBILITY CONSIDERATIONS.** Pursuant to 33 CFR 133.5, 133.7, and 133.13, the following will be evaluated by the FOSC when contacted by the State requesting funds under section 1012 (d) (1):

1. Is the incident eligible for immediate removal under the Clean Water Act, as amended by OPA 90?
2. Is the substance discharged/threatening discharge oil?
3. Did the incident occur after August 18, 1990?
4. Is the aggregate amount of the request equal to or less than \$250,000?
5. Are the proposed actions consistent with the NCP (including 40 CFR 300.305 (c)'s requirement that a reasonable effort is made to have the discharger voluntarily and promptly perform removal actions)?
6. Are the proposed level of response, proposed actions, and amounts requested appropriate for the circumstances?
7. Has the State the means to complete the immediate removal?

B. **COSTS INCURRED BEFORE FOSC CONTACT.** Immediate removal costs involving a specific oil discharge incident which, due to exigent circumstances, were incurred by the State prior to the initial request to the FOSC for State Access, are allowable under State Access if the FOSC determines that: 1) notification is timely; 2) the response was consistent with the magnitude of the incident; and 3) costs incurred were otherwise reasonable under the circumstances and in all other respects were allowable.

C. **CONTACTING THE FOSC.** In accordance with 33 CFR 133.9, the Governor or designated State official (henceforth referred to as the State official) shall request access to the Fund from the FOSC who is pre-designated for the area of the incident. The best method for contacting the FOSC is the telephone, because it allows for discussions and conference-calling.

D. **EVALUATION BY FOSC.** Considering the NCP, 33 CFR 133.15, and the criteria in paragraph 2.A. above, the FOSC determines whether or not the proposed removal actions are eligible for funding. The FOSC may contact the NPFC case officer whenever questions arise. The decision by the FOSC is final. The FOSC may respond as follows:

1. If the FOSC concludes that the incident is not eligible for Federal removal under the NCP, that any of the criteria in paragraph 2.A. above are not met, or otherwise does not find State Access to be the appropriate removal mechanism for the incident, he/she will deny the request for State Access. The FOSC may conclude that the incident is eligible for removal under the NCP, but that a Federally led response is more appropriate to the situation. In this event, the FOSC may decide to utilize State resources through contract (see paragraph 1.C.1.). Whenever a request for State Access is denied for any reason (including a decision for a Federally led response or a decision for no Federal response), the FOSC will, by the next business day following his/her decision, notify the NPFC Case Management Division (NPFC (cm)) and District (m) office, as appropriate, of the request and the specific reason(s) for denial.

2. If the FOSC concludes that all of the criteria in paragraph 2.A. above are fulfilled and that State Access to the Fund is the best method to address the incident, he/she may then approve the request for State Access and contact the NPFC for assignment of a case-specific Federal Project Number (FPN) and a removal action funding ceiling (ceiling). The FOSC is responsible for ensuring that the State official is expeditiously informed of the FPN/ceiling.

E. OBLIGATION OF THE FUND AND ASSIGNMENT OF THE FEDERAL PROJECT NUMBER AND FUNDING CEILING.

1. The FOSC will pass the same information to the NPFC district representative that he/she would pass for other types of oil discharge responses when accessing the Fund through CANAPS. The FOSC identifies this as a State Access removal (in the comments block of CANAPS) which he/she has approved, requests assignment of an FPN/ceiling, and provides the name and telephonic/electronic/postal mail contact information of the requesting State official. With the issuance of an FPN/ceiling for the incident, the Coast Guard has obligated the Fund for payment. All further communications by all parties regarding the oil discharge incident should include the FPN and ceiling.

2. The Fund is obligated for payment to the State and a cooperative agreement between the Coast Guard and the State is in effect when the NPFC assigns the FPN to this project. At this point the State may begin incurring costs against the FPN/ceiling.

3. NPFC will access CANAPS to process the assignment of the FPN/ceiling. The message should include the NPFC, the FOSC, and the cognizant Regional Response Team (RRT) members as addressees, and should also be faxed to the cognizant State official. In addition to the information which is usually included in this type of notification, this message includes as a reference the telephone conference between the FOSC and the NPFC in which the FPN and ceiling were assigned, specifically notes that the funds were provided for State Access, and includes the telephonic, electronic, and mail contact information of the State official.

F. RAISING THE CEILING. Requests for raising the amount of the FPN's ceiling are made to the cognizant FOSC. The procedure is identical to that outlined in subparagraphs 2.A-E. above. Requests for a higher ceiling shall not raise the overall ceiling above the \$250,000/incident limit.

G. OIL DISCHARGE REMOVAL AUTHORIZATION. An "Oil Discharge Removal Authorization" (see Appendix A) documents the cooperative agreement between the State and the Coast Guard. Upon issuance of the CANAPS message assigning the FPN/ceiling, the NPFC case officer forwards the Oil Discharge Removal Authorization and a certifications package (see

paragraph 7.D. below) to the State official. The State official should contact the NPFC case officer listed in the Authorization if any questions arise.

H. **TERMINATION OF STATE ACCESS FUNDING.** If, at any time after approving a request for State Access, the FOSC determines that any of the criteria in paragraph 2.A. above were not/are no longer applicable to the immediate removal action, the FOSC may terminate State Access to the Fund. In this event, the State may receive payment for its allowable immediate removal costs that were incurred in good faith prior to the termination. While it is normally expected that the State official will notify the FOSC via POLREP (see paragraph 5 below) upon determination that the immediate removal is complete, the FOSC retains the authority to unilaterally declare completion of a Federal removal and terminate further Federal funding of the removal at any time the FOSC determines that immediate removal is complete.

3. DESIGNATION OF SOURCE & IDENTIFICATION OF RESPONSIBLE PARTY.

A. **INVESTIGATION AND NOTIFICATIONS.** In accordance with the Section 300.305 of the NCP and 33 CFR 133.23, the State shall promptly complete a thorough investigation to determine the source of discharge and to identify the responsible party(ies) (RP--normally, the owner or operator of the vessel or facility, including vehicles). The State should include this information in its POLREPs (see paragraph 5) and pass it directly to the NPFC case officer and FOSC via telephone as soon as it is known.

B. **LETTER OF DESIGNATION.** Following receipt from the State of source and RP information, the NPFC case manager issues a Letter of Designation to the RP(s) to notify them of their designation as an RP and their responsibilities as an RP under Federal law. Also, the NPFC will send a copy of the Letter of Designation to the FOSC and State official.

4. **REMOVAL COSTS.** Funds provided to the State under OPA 90 Section 1012 (d) (1) are for "immediate removal" of a discharge or substantial threat of a discharge. Pursuant to OPA 90 Sections 1001(31) and 1012 (a) (1), and 33 CFR 133.13, allowable removal costs are all direct costs incurred to prevent, minimize, and mitigate oil pollution from the specific incident, including the costs of monitoring removal actions taken by the responsible party(ies) and the costs to prepare required documentation. State Access may only be used to pay for removal costs that are directly related to the specific incident. Costs must generally be incurred at the site or in support of on-site activities. State Access to the Fund is for immediate removal costs only, and will not be utilized for long-term removal or remediation costs, nor the costs of natural resource damage assessments. If questions arise, contact the NPFC case manager. Allowable costs include:

A. **CONTRACT COSTS.** The State may be paid for contract costs incurred specifically for the removal action (e.g., cleanup contractor costs, waste disposal contractor costs, administrative contractor costs (for on-site cost documentation), etc.).

B. **OUT OF POCKET EXPENSES.** The State may also be paid for unbudgeted out-of-pocket State costs incurred specifically for the removal action, (e.g., OSHA and RCRA costs for the incident, travel to the site, consumable materials purchased specifically for the removal action, transportation or shipping costs for bringing materials to the site, equipment rentals, etc.).

C. **STATE SALARY, EQUIPMENT, AND OVERHEAD COSTS.** The State may be paid for the salaries of personnel directly employed in the removal activities (including documenting those activities), the costs associated with the use of State equipment, and applicable overhead costs as may

be applied in accordance with OMB Circular A-87. Incorporating the State's predetermined standard rates for the period of use (usually hours or days) is the preferred method.

5. **POLLUTION REPORTS (POLREPs).** The incident reporting requirements specified in 300.315 of the NCP apply to the State official during immediate removals conducted under 33 CFR 133.

A. **POLREP CONTENTS.** Each POLREP must clearly describe the source, location, situation, actions taken, and future plans. The POLREP shall identify the responsible party, if known. The POLREP should also note any potential damages incurred by third parties as a result of the incident which may give rise to claims under OPA 90. These may include private removal actions not funded through the Coast Guard; damages to natural resources or property (real or personal); loss of subsistence use of natural resources; loss of revenues by Federal, State, or local governments; loss of profits or earning capacity; and costs of State or local governments in providing increased or additional public services. The POLREP should cite the FPN and assigned ceiling and list the amount of obligations against that ceiling.

B. **POLREP FREQUENCY.** POLREPs are sent as significant developments occur during response actions, and a final POLREP should be sent within 48 hours following the completion of immediate removal actions. It is envisioned that removal actions conducted under State Access will typically be of short duration, and the State may only need to file one POLREP (i.e., POLREP One and Final).

C. **POLREP COMMUNICATION.** The State official shall submit POLREPs through communications networks or procedures established by the RRT. POLREPs are forwarded to the following:

1. FOSC who authorized the State Access request;
2. NPFC (cm);
3. RRT; and
4. Others as specified in area/local contingency plans.

The POLREP should be delivered in writing by expeditious means (e.g., facsimile (fax), overnight mail, electronic mail, etc.) and may be provided by phone only when other expeditious means are unavailable.

6. **RECORDKEEPING.** In accordance with 33 CFR Part 133.19 and Section 300.315 of the NCP, the State shall establish sufficient controls and procedures to provide documentation as follows:

A. **DOCUMENTING COSTS-GENERAL.** The State should clearly identify the costs of immediate removal activities, the need for incurring those costs, the source of the spill, the identity of the responsible parties, and the facts which support those conclusions.

1. **WORK/PURCHASE WAS AUTHORIZED.** Provide documentation that the work or purchase was authorized, (e.g., contracts, travel orders, purchase orders, work orders, rental contracts, etc.). The documentation should indicate why that activity was necessary and show the relationship to the removal actions at the specific site. A supervisor's certification is sufficient for State direct labor costs.

2. **WORK/PURCHASE RECEIVED AND ACCEPTED.** Provide documentation that the work or purchase was reviewed and accepted as complying with the authorization (e.g., receiving reports, delivery tickets with receipt signatures, ad hoc reports, etc.).

3. **BILLED FOR THE WORK.** Provide documentation of the cost of the work or purchase and that the State was properly billed for those costs, (e.g., contractor's/vendor's invoice, cash register receipts, travel reimbursement vouchers, employee timesheets or logs, etc.).

a. **Work performed.** The documentation should show the work performed - the service provided, the equipment used, the persons employed, etc. - and the quantity of each item of work performed each day (i.e., the delivered work product). Contractors performing work should prepare the documentation of the work performed. The State is responsible for ensuring the documentation of salary and equipment usage costs for the State.

b. **Work unit.** The documentation should identify costs according to the unit of work for each item. For contracts, that unit of work is established by the contract line items (CLINs). For time and material based contracts, the unit of work is normally hours. The delivered work product for documentation purposes is, however, the number of units of the item provided per day (unless otherwise specified). For State employee salary costs, the unit is hours of work. For State equipment, the work unit is also typically hours, unless specific daily rates are established for that equipment.

c. **Cost of work.** The documentation should show the cost of each unit of each item of work per day (or other time period set in the controlling agreement for that item) and the extended total cost. As discussed in paragraph 4.C., State salary and equipment usage costs should be determined using the State's standard rates.

4. **PAID FOR THE WORK.** Provide documentation that the amount invoiced, shown on receipts, or presented on travel vouchers was paid or authorized for payment. State certification that the cost is authorized for payment and will be paid through normal State processes is sufficient for requesting payment from the Fund, provided that any later corrections or changes to the amount paid are promptly reported to the NPFC.

B. DOCUMENTING SALARY, EQUIPMENT USAGE, AND ADMINISTRATIVE COSTS. State salary, equipment, and administrative costs are documented as follows for each day of removal activity:

1. Date
2. Identification (employee ID, equipment ID or description, function for removal action)
3. Category (e.g., grade level, equipment type)
4. Number of hours charged for that day
5. Rate
6. Total cost (hours times rate)
7. Cumulative total for all days

C. INCIDENT REPORT. The State official requesting Fund access should ensure that an Incident Report is submitted to the NPFC and the FOSC within 30 days after the completion of immediate removal activities. The Incident Report is a summary of the incident removal, and is used for recovery from the RP and various statistical purposes. The Incident Report should describe the incident and list parties of interest. The Incident Report should also include copies of any related State reports, violation reports, etc., available at the time. The Incident Report may be included as

part of a POLREP, provided that the Incident Report portion is specifically identified and all necessary information is presented.

1. INCIDENT DESCRIPTION. The Incident Report includes the following:
 - a. Report Date
 - b. Federal Project Number and Ceiling
 - c. Name and address of State agency submitting report and name of FOSC
 - d. Name and phone number of contact person
 - e. Date of incident
 - f. Dates and times removal actions began and ended
 - g. Location of incident
 - h. Material involved
 - i. Quantity discharged
 - j. Nature of substantial threat if no discharge
 - k. Body of water affected
 - l. Ambient conditions which may affect removal
 - m. Source of discharge or substantial threat
 - n. Short description of the incident and removal activities (if not adequately described in POLREPS)
 - o. Short description of damage to any potential natural resource or other damages due to the incident

2. PARTIES OF INTEREST. In addition to the information describing the incident, the Incident Report should include information identifying all parties of interest (e.g., State participants in the removal activities, the responsible parties, witnesses) as follows:

- a. Names and addresses of responsible parties, owners and operators of vessels or facilities
- b. Names, identification numbers, and phone numbers of State employees involved in the removal activities
- c. Names, addresses, and phone numbers of local municipality participants, (e.g., fire department employees, local police)
- d. Names, addresses, and phone numbers of any witnesses

7. REQUESTING PAYMENT. The State should forward the documents listed in subparagraphs A.-D. below to NPFC (cm). The State will receive payment for allowable immediate removal costs after the documentation has been received and reviewed favorably by the NPFC.

A. DISBURSEMENT VOUCHER. The State requests payment using either 1) SF-1080 (see Appendix D), Voucher for Transfers Between Appropriations and/or Funds (preferred), 2) SF 270, Request for Advance or Reimbursement, or 3) an equivalent State invoice acceptable to the NPFC.

B. INCIDENT REPORT (See paragraph 6.C. above). Submitting a properly-documented request for a partial payment is encouraged if preparing the submission of a request for full payment would delay the NPFC's receipt of the Incident Report longer than 30 days beyond the completion of the immediate removal.

C. REMOVAL COSTS (See paragraph 4).

D. CERTIFICATIONS. Certain certifications (see Appendix B) involving cooperative agreements between Federal and State agencies are required by 49 CFR Parts 18, 20, and 29 (see paragraph 12.A. below for a complete description). Accordingly, the State official shall ensure compliance with, sign, and return the following certifications:

1. Certification Regarding Lobbying.
2. Certification Regarding Debarment, Suspension, and Other Responsibility Matters.
 - a. The certification for Primary Covered Transactions is required from the State itself.
 - b. The certifications for Lower Tier Covered Transactions shall be submitted by the State on behalf of each of its contractors.
3. Certification Regarding Drug-Free Workplace Requirements.
 - a. Required from the State to certify its employees. If, in accordance with 49 CFR 29.630 (c), the State has a current blanket Drug-Free Workplace certification, the State official may forward a copy of it in lieu of signing an incident-specific certification.

E. OVERALL CERTIFICATION. By the act of submitting the request for payment, the State official is certifying that costs incurred were consistent with the advance approval by the FOSC, that costs were directly related to removal actions for the specific incident, and that the State will pay or has paid the amounts presented.

F. COPIES TO FOSC. The State shall submit a copy of the Incident Report and cost documentation (see paragraphs 7.B.-C. above) to the cognizant FOSC.

G. TIMELINESS. In accordance with 33 CFR 133.19 (b), the request for payment, Incident Report, cost documentation, and certifications described in paragraphs VII.A-D. above should reach the NPFC no later than 30 days after the completion of immediate removal actions. In the event that certain documentation is unavailable or delayed, the State should submit that portion of the documentation that is available and forward a supplemental request for payment as the additional records become available. This information is needed rapidly to allow the NPFC to expeditiously pay the State and seek reimbursement from responsible parties. In accordance with 49 CFR 18.41 (b) (4), the NPFC may deobligate the Fund for payment if all required documentation is not received by the NPFC and found to be complete and satisfactory within 90 days following completion of an immediate removal action. The State is ineligible for payment under 33 CFR 133 following deobligation of the Fund.

8. REVIEW OF DOCUMENTATION. Upon receipt of the documents in paragraphs 7.A.-D. above, the NPFC will review them for completeness and to ensure that all removal costs are eligible for payment. If the documentation is not complete, the NPFC will promptly notify the State of what information is missing. If the NPFC determines that there are costs of an operational nature which may be ineligible for payment, the NPFC will confer with the cognizant FOSC. If the NPFC concludes that certain removal costs are ineligible for payment, it will delete those costs from the payment request made to the USCG Finance Center, and will promptly send a report of the disallowed costs to the State and to the FOSC. If, 90 days following the completion of the immediate removal, the State has failed to submit documentation to the NPFC which the NPFC finds to be complete and satisfactory, the NPFC may deobligate the Fund for payment of any removal costs which remain unsubstantiated.

9. PAYMENT PROCESS. After the State documents are reviewed and found to be complete and satisfactory, the NPFC Case Manager authorizes payment and the NPFC Financial Manager promptly processes the payment request through the USCG Finance Center.

10. COOPERATION IN COST RECOVERY/LITIGATION. By requesting State Access to the Fund, the State agrees to cooperate fully in any cost recovery actions and/or litigation to enforce the provisions of OPA 90.

11. DOCUMENTATION AND THE FOOSC. Copies of the FPN/ceiling authorization, Oil Discharge Removal Authorization, Incident Report, cost documentation, and report of disallowed costs are sent to the FOOSC for informational purposes only. The FOOSC is not obligated to review or retain these documents.

12. RELATIONSHIP TO COOPERATIVE AGREEMENT REQUIREMENTS. As described in 33 CFR 133.5 (c), the Federal Grant and Cooperative Agreement Act of 1977 (31 USC 6301-6308) and 49 CFR Parts 18, 20, 29, and 90 apply to Fund monies obligated for payment under the State Access provisions of Section 1012 (d) (1) of the Oil Pollution Act. While compliance with these laws and regulations requires the submission of certain forms/reports from the State to the Federal government, some of the forms/reports have been waived because the nature of immediate removal actions obviates the need them.

A. REQUIRED FORMS/REPORTS. (refer to procedures throughout this document for a complete description of all forms/reports required under State Access). The following forms/reports are required by 49 CFR 18, 20, and 29, have not been waived, and should be submitted concurrently with the Incident Report and cost documentation:

1. SF 270, Request for Advance or Reimbursement

This form or the optional/preferred SF 1080 (Voucher for Transfers Between Appropriations) or a State invoice acceptable to the NPFC is used by States to request payment from the Fund.

2. Certification Regarding Lobbying

(See paragraph 7.D.1.) Required by 49 CFR 20. A copy of this certification is included in the certifications package provided by the NPFC to the State.

3. Certification Regarding Debarment, Suspension, and other Responsibility Matters

(See paragraph 7.D.2.) Required by 49 CFR 29. A copy of this certification is included in the certifications package provided by the NPFC to the State. The cooperative agreement between the State and the Coast Guard is a primary covered transaction. A contract between the State and a private contractor is a lower-tier covered transaction.

4. Certification Regarding Drug-Free Workplace Requirements

(See paragraph 7.D.3) Required by 49 CFR 29. A copy of this certification is included in the certifications package provided by the NPFC to the State (see paragraph 7.D.3.a. for blanket certification exception).

B. **WAIVER OF CERTAIN FORMS/REPORTS.** The requirements in 49 CFR Parts 18, 20, and 29 regarding the following specific forms and reports are waived as follows for State Access under 1012 (d) (1) of the Oil Pollution Act:

1. SF 424, Application for Federal Assistance

The requirement for use of this form is waived. The request made by the Governor or his/her designated representative to the FOSC for access to the Fund suffices as an application.

2. SF 272, Federal Cash Transactions Report

This form is not required since, under OPA 90 Sect. 1012 (d) (1), the Fund only pays States for costs already incurred.

3. SF 424A, Budget Information - Non-construction Programs

This form is not required since, under OPA 90 Sect. 1012 (d) (1), the Fund only pays States for those costs already incurred, and each incident represents a separate agreement between the State and the Fund.

4. SF 424C, Budget Information - Construction Programs

This form is not required because removal actions are not considered construction programs.

5. SF 269A, Financial Status Report

The requirement for this report is waived. The State's request for payment that is submitted with the Incident Report and accompanying cost documentation meets all financial reporting requirements. It is envisioned that each incident would be completed in substantially less than three months.

6. Nonconstruction performance reports

The requirement for this report is waived. Performance information available from subsequent applications contains sufficient information to meet programmatic needs.

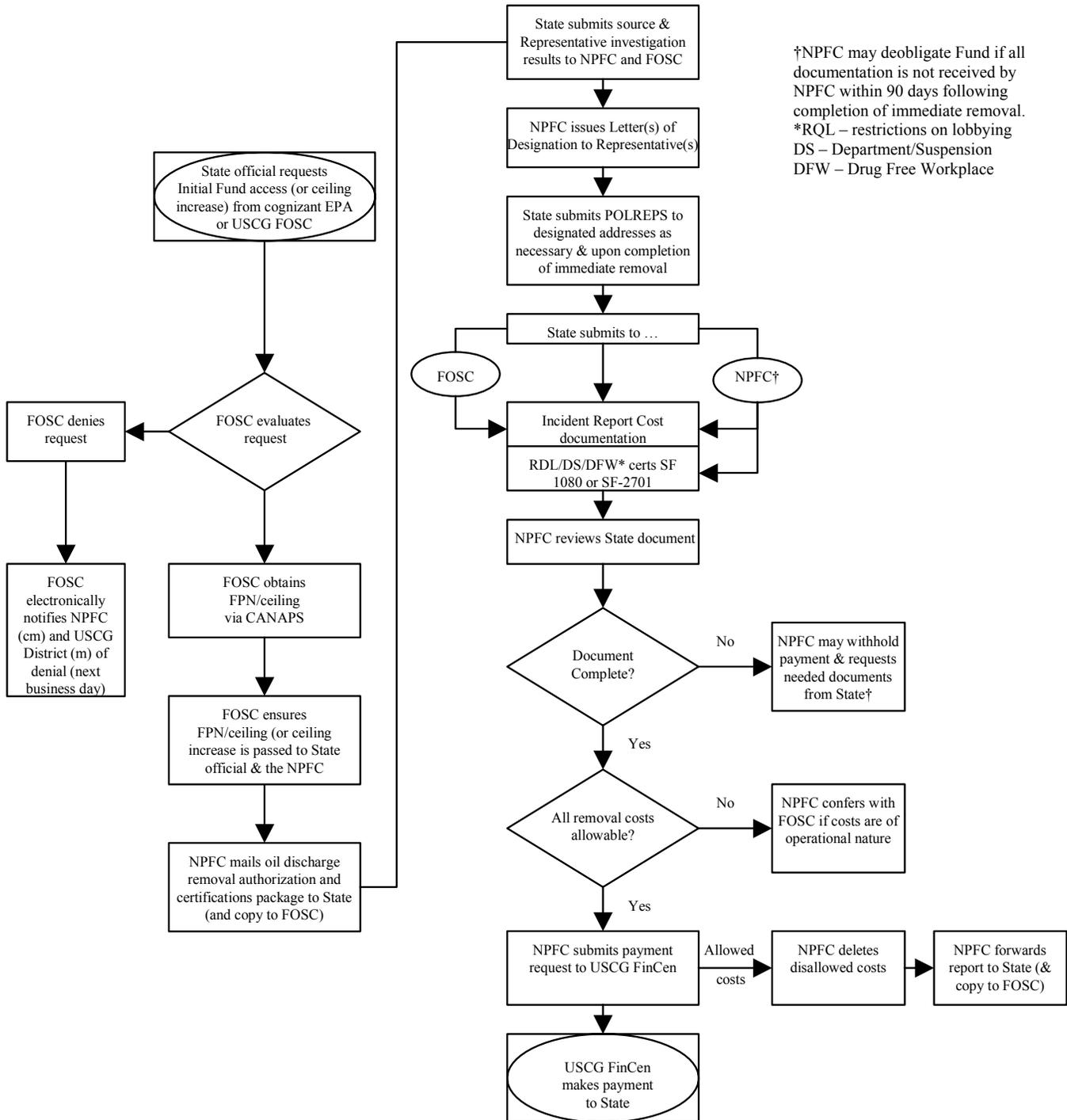
C. **FEDERAL AUDIT.** In accordance with 49 CFR 90, acceptance of Federal funds through a cooperative agreement may make the State subject to an annual or biennial Statewide Federal audit of all of its grants and cooperative agreements with the Federal government.

13. **NPFC POINT OF CONTACT.** The NPFC case management officer can be contacted as follows:

Director (cm)
U.S. Coast Guard
National Pollution Funds Center
4200 Wilson Blvd Ste 1000 Tel. (202) 493-6732
Arlington VA 22203-1804 Fax. (202) 493-6896

FLOW

State Access to OSLTF Under Secretary. 1012(d)(1) of OPA 90



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STATE OIL DISCHARGE REMOVAL AUTHORIZATION

FOR

THE OIL POLLUTION ACT OF 1990

(PUBLIC LAW 101-380)

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STATE OIL DISCHARGE REMOVAL AUTHORIZATION

Recipient State: _____

Address: _____

1. Purpose

This document obligates the Oil Spill Liability Trust Fund (Fund) for payment to the Recipient State for certain removal costs incurred in response to the following pollution incident:

_____, FPN # _____.

This funding authorization is contingent upon the Recipient's compliance with the requirements contained herein, the National Contingency Plan (40 CFR Part 300), 33 CFR Part 133, and 49 CFR Parts 18, 20, 29, and 90.

2. Approved Functions and Pay Limit

Payment will be made only for actions that are consistent with the initial authorization or approved in advance by the FOSC. Approval may be verbal or written. Assessment, restoration, rehabilitation, or replacement of Natural Resources damaged by the spill are not covered.

Maximum limit of authorization: \$ _____.

3. Conditions

See attached page(s) for special conditions, dates of performance, direction, or approvals.

4. Period of Authorization

This authorization shall remain in effect until the designated State official notifies the FOSC and NPFC that the immediate removal has been completed or the FOSC terminates Federal funding of the immediate removal.

5. Payment Procedure

The Recipient State will submit the required documents in accordance with 33 CFR Part 133 upon completion of removal activities.

The Coast Guard may deobligate the Fund for payment of any costs for which proper documentation has not been received within 90 days following the date of the completion of the immediate removal.

STATE OIL DISCHARGE REMOVAL AUTHORIZATION

6. Hold Harmless and Indemnify

By performing any action or seeking any reimbursement under this funding authorization, the Recipient State agrees to indemnify and hold harmless the United States of America, and all of its departments and agencies, including without limitation the U.S. Coast Guard and the Oil Spill Liability Trust Fund ("United States"), with respect to any and all suits, actions and claims, of whatever kind or nature, arising from or relating to the Recipient's; actions, omissions, or other involvement in this spill. Recipient State further agrees to waive any rights of action and/or claims which it may have against the United States arising from or relating to its actions, omissions, or other involvement in this spill.

7. No Agency

Nothing in this funding authorization is intended to create an agency relationship between the Recipient State and the United States of America (or any of its departments, agencies, or employees). Nor shall anything in this funding authorization be construed as creating an agency relationship. By performing any action or seeking any reimbursement under this funding authorization, the Recipient State agrees that it has not been authorized to act as an agent of the United States, and shall not act in any such capacity.

B. Accounting Data

Document Control Number: _____

9. Points of Contact

A. _____ Tel () _____ Fax () _____
FOSC

B. _____ Tel () _____ Fax () _____
Recipient State Representative

C. _____ Tel () _____ Fax () _____
NPFC Case Officer

10. Authorizing Official

Signature: _____

Title: _____ Date: _____

Attachments: No _____ Yes _____

AMENDMENT TO
STATE OIL DISCHARGE REMOVAL AUTHORIZATION

Issued to (Recipient State): _____

By (NPFC Case Officer): _____

Date of Original Authorization: _____

FPN # of Original Authorization: _____

The Authorization cited above is amended as follows:

Document Control Number (if applicable): _____

Authorizing Official

Signature: _____

Title: _____ Date: _____

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CERTIFICATIONS
FOR
CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

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**APPENDIX A TO PART 49 CFR 20
CERTIFICATION REGARDING LOBBYING**

Certification for Contracts, Grants, Loans, and

Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying." (See Appendix C) in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,00 for each such failure.

SIGNATURE _____

TITLE _____

FPN# _____

Return signed originals to:
National Pollution Funds Center (cm)
4200 Wilson Blvd.
Arlington, VA 2203-1804

**APPENDIX A TO PART 29
CERTIFICATION REGARDING DEPARTMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTION**

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation into this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitation for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. (202) 366-4268).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and
other Responsibility Matters
Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

SIGNATURE _____

FPN # _____

TITLE _____

**APPENDIX B to 49 CFR PART 29
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION
LOWER TIER COVERED TRANSACTIONS**

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel. (202) 366-4268).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding, Debarment, Suspension, Ineligibility, and Voluntary Exclusion
Transactions Lower Tier Covered

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily included from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

SIGNATURE _____

TITLE _____

FPN # _____

**APPENDIX C TO 49 CFR PART 29
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**
Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplace under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation. State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:
Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements
Alternate I. (Grantees Other Than Individuals)

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (2), with respect to any employee who is so convicted--
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- B. The grantee may insert in the space provided below the sites(s) for the performance of work done in connection with the specific grant:
 Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

SIGNATURE _____ FPN # _____

TITLE _____

APPENDIX C TO 49 CFR PART 29
CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identification must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:
Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements
Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant:
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

SIGNATURE _____

TITLE _____

FPN # _____

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

0345-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application b. initial award c. post-award	3. Report Type: a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: Prime _____ Subawardee _____ Tier _____, <i>if known:</i> Congressional District, <i>if known:</i> _____		5. If Reporting Entity is No. 4 in Subawardee, Enter Name and Address of Prime: Congressional District, <i>if known:</i> _____
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable:</i> _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity <i>(if individual, last name, first name, MI):</i> _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)	b. Individuals Performing Services (including address if different from No. 10a) <i>(last name, first name, MI):</i> _____ (attach Continuation Sheet(s) SF-LLL-A, if necessary)	
11. Amount of Payment (check all that apply): \$ _____ actual _____ planned _____	13. Type of Payment (check all that apply): a. retainer b. one-time fee c. commission d. contingent fee e. deferred f. other, specify: _____	
12. Form of Payment (check all that apply): a. cash b. in-kind; specify: nature _____ value _____	14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)	
15. Continuation Sheet(s) SF-LLL-A attached: Yes _____ No _____		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which NPFC was placed by the tier above when this transaction was made or entered into. This disclosure is requested pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the requested disclosure shall be subject to a civil penalty of not less than \$10,000 and nor more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
		Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

- (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
 12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
 13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
 14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and relative activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
 15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
 16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (03-48-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by

OMB

CONTINUATION SHEET

0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form 1080 Revised April 1982 Department of the Treasury FRM 2-2500 1080-109	VOUCHER FOR TRANSFERS BETWEEN APPROPRIATIONS AND/OR FUNDS				VOUCHER NO. <hr/> SCHEDULE NO. <hr/> BILL NO. <hr/> PAID BY
Department, establishment, bureau, or office receiving funds					
Department, establishment, bureau, or office charged Director (CM) United States Coast Guard National Pollution funds Center 4200 Wilson Blvd. Suite 1000 Arlington, VA 22203-1804					
ORDER NO.	DATE OF DELIVERY	ARTICLE OR SERVICES	QUAN- TITY	UNIT PRICE COST PER	AMOUNT DOLLARS AND CENTS
				TOTAL	
Remittance in payment hereof should be sent to					
ACCOUNTING CLASSIFICATION <i>Office Receiving Funds</i>					
CERTIFICATE OF OFFICE CHARGED I certify that the above articles ere received and accepted or the services performed as stated and should be charged to the appropriations(s) and/or fund(s) as indicated below; or that the advance payment requested is approved and should be paid as indicated.					
..... (Authorized administrative or certifying officer)					
..... (Date)					
..... (Title)					
ACCOUNTING CLASSIFICATION <i>Office Charged</i>					
Paid by Check No					

NSN 7540-00-634-4230

U.S. G. F. C. 1983 - 381 526-8279

Previous Editions Are Usable
 Standard Form - LLL-A