



# Oil Pollution Act Liability Limits in 2015

Report to Congress  
*October 26, 2015*



*U. S. Coast  
Guard*

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# Foreword

October 26, 2015

I am pleased to present the following report, “Oil Pollution Act Liability Limits in 2015,” as prepared by the U.S. Coast Guard.

The *Coast Guard and Maritime Transportation Act of 2006* (Pub. L. No. 109-241) directs the submission of an analysis of the extent to which oil discharges from vessels and non-vessel sources have or are likely to result in removal costs and damages for which no defense to liability exists and that exceed the established liability limits.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:



The Honorable John Thune  
Chairman, Senate Committee on Commerce, Science, and Transportation

The Honorable Bill Nelson  
Ranking Member, Senate Committee on Commerce, Science, and Transportation

The Honorable Bill Shuster  
Chairman, House Committee on Transportation and Infrastructure

The Honorable Peter DeFazio  
Ranking Member, House Committee on Transportation and Infrastructure.

I am happy to answer any further questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

A handwritten signature in blue ink that reads "Paul F. Zukunft".

Paul F. Zukunft  
Admiral, U. S. Coast Guard  
Commandant



# Oil Pollution Act Liability Limits in 2014

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# I. Legislative Language

This report responds to the language set forth in section 603(c) of the *Coast Guard and Maritime Transportation Act of 2006*, (Pub. L. 109-241), which states:

## SEC. 603. LIMITS ON LIABILITY.

### (c) REPORT.—

(1) Initial Report. – Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability limits described in paragraph (2) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) Contents. – The report shall include, at a minimum, the following:

(A) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense to liability exists under section 1003 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section.

(B) An analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

(3) Annual Updates. - The Secretary shall provide an update of the report to the Committees referred to in paragraph (1) on an annual basis.<sup>1</sup>

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<sup>1</sup> The House of Representatives recently passed the Coast Guard Authorization Act of 2015, H.R. 1987, 114<sup>th</sup> Cong. § 502 (b) (2015), which could change the timing of the updated report. The bill amends the reporting requirement with the following:

Section 603(c)(3) of the Coast Guard and Maritime Transportation Act of 2006 (33 U.S.C. 2704 note) is amended by striking “on an annual basis” and inserting “not later than January 30 of the year following each year in which occurs an oil discharge from a vessel or nonvessel source that results or is likely to result in removal costs and damages (as those terms are defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) that exceed liability limits established under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).”.

## II. Background

The Oil Pollution Act of 1990 (OPA) was enacted in the wake of the T/V EXXON VALDEZ oil spill to promote measures for the prevention of oil spills on navigable waters, the adjoining shorelines, and the exclusive economic zone. It provided a more robust Federal response to spills, increased the liability of polluters (Responsible Parties (RPs)) for such spills, and provided for compensation to those that incur removal costs and damages as a result of these spills.

The OPA provides that RPs are strictly liable for removal costs and damages resulting from a discharge up to statutory liability limits. In general, RPs are liable without limit only if the discharge results from gross negligence or willful misconduct or a violation of operation, safety, or construction regulations (OPA § 1004 (33 U.S.C. § 2704)).

In 1986, Congress established within the Treasury of the United States, the Oil Spill Liability Trust Fund (The Fund),<sup>2</sup> However, it was not until after the 1989 *Exxon Valdez* oil spill that under the OPA, Congress transferred monies into the Fund and authorized its use. The National Pollution Funds Center was created and delegated authority by the Commandant, via re-delegations of authority vested in the Secretary of the department in which the Coast Guard was operating at the time, to manage the Fund. The Fund plays a critical role in the OPA regime. It pays Federal costs for oil removal when a discharge occurs and reimburses third-party claims for uncompensated removal costs and damages when a responsible party does not pay or is not identified. The types of damages compensable under the OPA include damages to natural resources, loss of subsistence use of natural resources, damages to real or personal property, loss of profits or earning capacity, loss of government revenues, and increased cost of public services. In addition, the Fund is an important source of annual appropriations to various Federal agencies responsible for administering and enforcing a wide range of oil pollution prevention and response programs addressed in the OPA (OPA § 1012 (33 U.S.C. § 2712)).

Specific to this report, the Fund is available, as provided by the OPA, to pay claims for removal costs and damages resulting from an oil discharge that exceeds the responsible party's liability limits. This includes payment of claims from RPs who pay or incur removal costs or damages in excess of their liability limits and can establish their entitlement to the limits under the circumstances of the discharge (OPA § 1008 (33 U.S.C. § 2708)).

Claims to the Fund are payable only from the Fund, and payments are limited by the available balance. For any single discharge incident, the Fund is authorized to pay no more than \$1 billion, of which no more than \$500 million may be paid for natural resource damages (OPA § 9001(c) (26 U.S. Code § 9509)).

Pursuant to section 603 of the Coast Guard and Maritime Transportation Act of 2006, liability limits for vessel discharges were substantially increased. In that same section, Congress requested this analysis and report.

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<sup>2</sup> Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509)

### III. Analysis of Discharges

This section provides an analysis of the extent to which oil discharges from non-vessel and vessel sources have resulted or are likely to result in removal costs and damages, as defined in the OPA, that exceed liability limits established in the OPA, as amended by the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109-241).

#### A. *Non-vessel Sources*

When the liability caps under the OPA apply, RPs for an offshore facility will be liable for all removal costs plus up to \$133.65 million for damages. This limit of liability was adjusted by the Department of the Interior's Bureau of Ocean Energy Management, on December 14, 2014, to reflect inflation occurring since 1990.<sup>3</sup> The incident involving the *DEEPWATER HORIZON* drilling rig and its Macondo well, (DEEPWATER HORIZON incident) is the only incident to have resulted in costs and/or damages known to exceed the statutory liability limit for an offshore facility.<sup>4</sup> In response to this incident, on May 12, 2010, the Administration proposed raising the limitation of liability for all RPs, including those responsible for offshore facilities. The full extent of the damages from the *DEEPWATER HORIZON* incident cannot be predicted with any degree of certainty at this time. While BP has reportedly paid billions to settle damages and other claims, other damages, including Federal, State and Indian Tribe trustee natural resource damages, remain to be determined and paid.<sup>5</sup> As the background data for all offshore incidents since the enactment of the OPA show, *DEEPWATER HORIZON* incident constitutes a single data point for determining what amended liability for damages is needed.

With respect to offshore facility incidents (other than the incident involving the DEEPWATER HORIZON), the best available data indicates there have been 53 incidents since the enactment of the OPA that have resulted in removal costs and damages (6 Mobile Offshore Drilling Units and 47 Offshore Platforms). Figure 1 shows the frequency of these incidents by year and facility type.

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<sup>3</sup> See 79 FR 73832. The OPA (33 U.S.C. 2704(d)(4)) requires that the OPA limits of liability be adjusted "not less than every 3 years . . . to reflect significant increases in the Consumer Price Index."

<sup>4</sup> Note: Data provided by the RP for the Taylor Energy oil platform spill indicate that over \$800 million for removal costs have been spent to date. The Coast Guard has not yet verified whether any of these costs were proper removal costs under the OPA. However, there is no limit of liability under OPA for removal costs when responding to discharges or threats of discharge from offshore facilities. Therefore, addressing the adequacy of OPA's limit of liability for this case is not relevant at this time (i.e., unless their damages approach the \$133.65 million amount). This incident is mentioned in this report because it is a high visibility spill and its omission in this report might create confusion.

<sup>5</sup> On October 5, 2015, it was announced that all parties have entered into a consent decree to settle civil claims for the Deepwater Horizon oil spill including natural resource damages.

**Figure 1: Number of Offshore Facility Incidents by Year and Facility Type  
(Excludes 2010 Deepwater Horizon and Taylor Energy Oil Spills)**

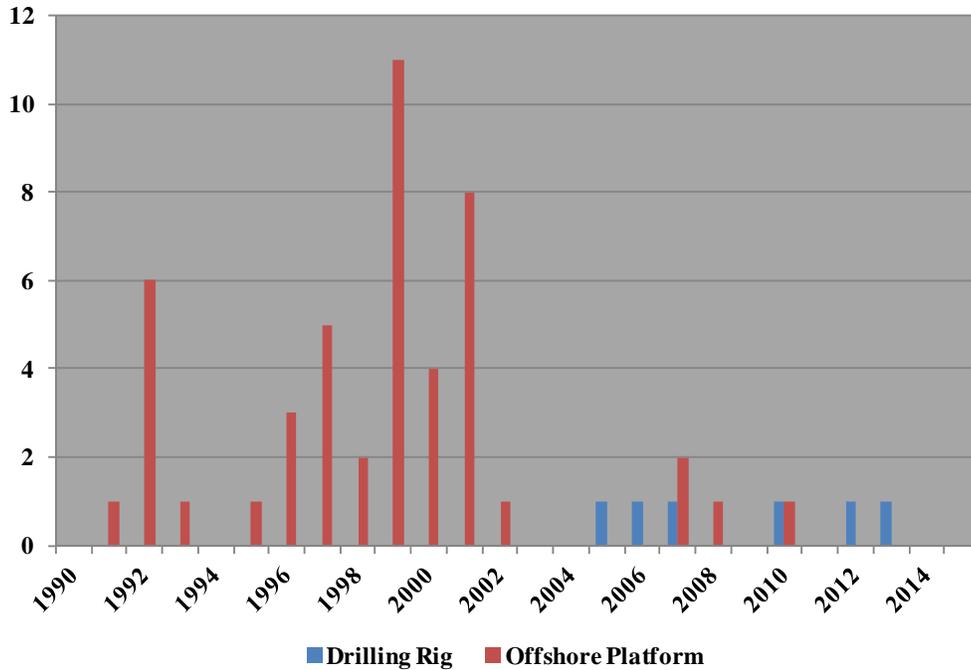
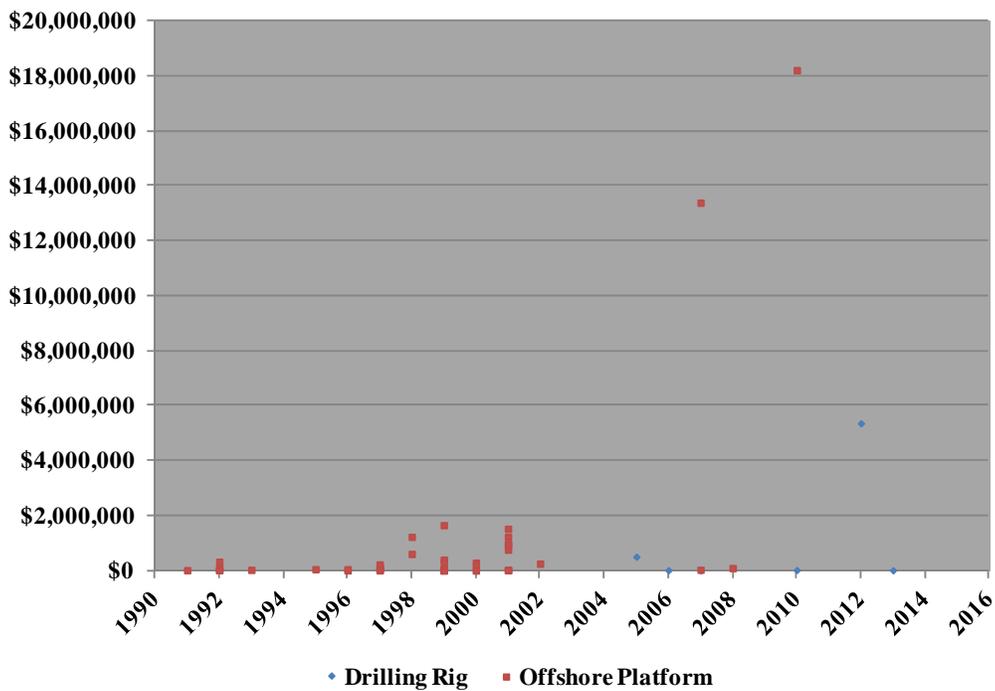


Figure 2 shows the total incident cost for each of these incidents. As depicted, the highest cost incident, at approximately \$18.2 million (in 2015 dollars), does not meet the statutory limit of liability of all removal costs (plus \$133.65 million for damages).

**Figure 2: Total Incident Cost of Offshore Facility Incidents by Facility Type (2015 Dollars / Excludes 2010 Deepwater Horizon and Taylor Energy Oil Spills)**



For incidents involving discharges from onshore facilities, the OPA limit liability of \$350 million per incident.<sup>6</sup> The 2010 Enbridge Energy Partners Lakehead Line 6B pipeline oil spill in Michigan is the sole onshore facility incident that has reportedly resulted in removal costs and damages that exceed the onshore facility liability limit.

As of May 2015, Enbridge Energy Partners reported costs of more than \$1.1 billion resulting from its pipeline spill. The full extent of the removal costs and damages from the Enbridge Energy Partners Lakehead Line 6B pipeline incident cannot be predicted with any degree of certainty at this time. As the background data for all onshore facility incidents since the enactment of the OPA show, the Enbridge Energy Partners Lakehead Line 6B discharge constitutes a single data point for determining an amended liability limit for discharges from onshore facilities. There have been no other onshore facility incidents that approach the \$350 million limit under existing law.

With respect to onshore facility incidents (other than the incident involving the Enbridge pipeline), best available data indicate there have been 4,573 incidents since the enactment of the OPA. Figure 3 shows the frequency of these incidents by year.

**Figure 3: Number of Onshore Facility Incidents by Year  
(Excludes 2010 Enbridge Pipeline Oil Spill)**

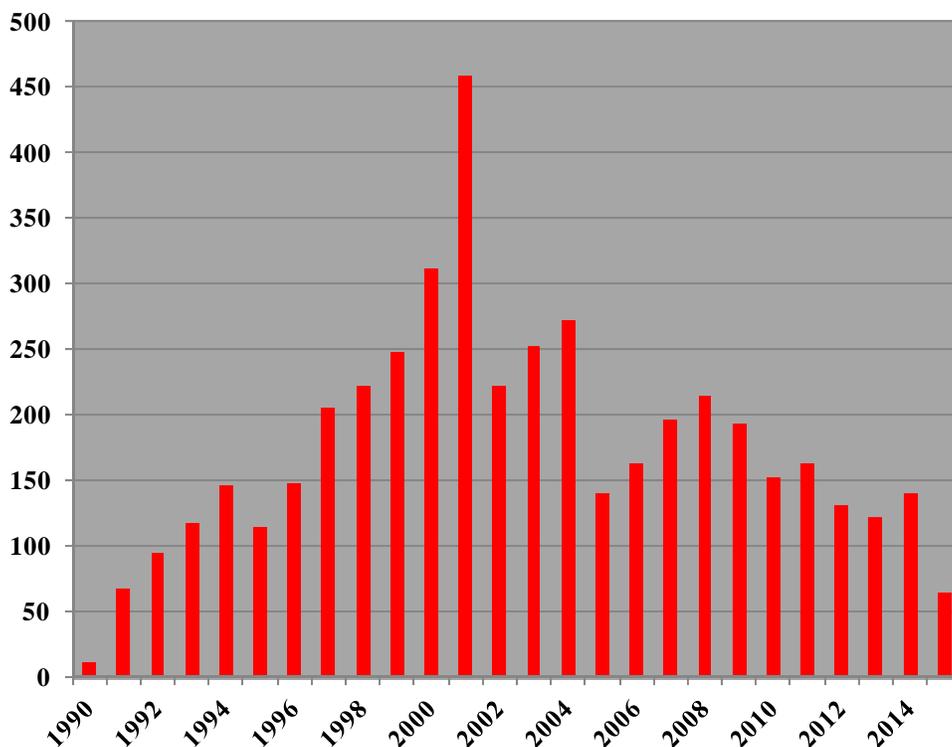
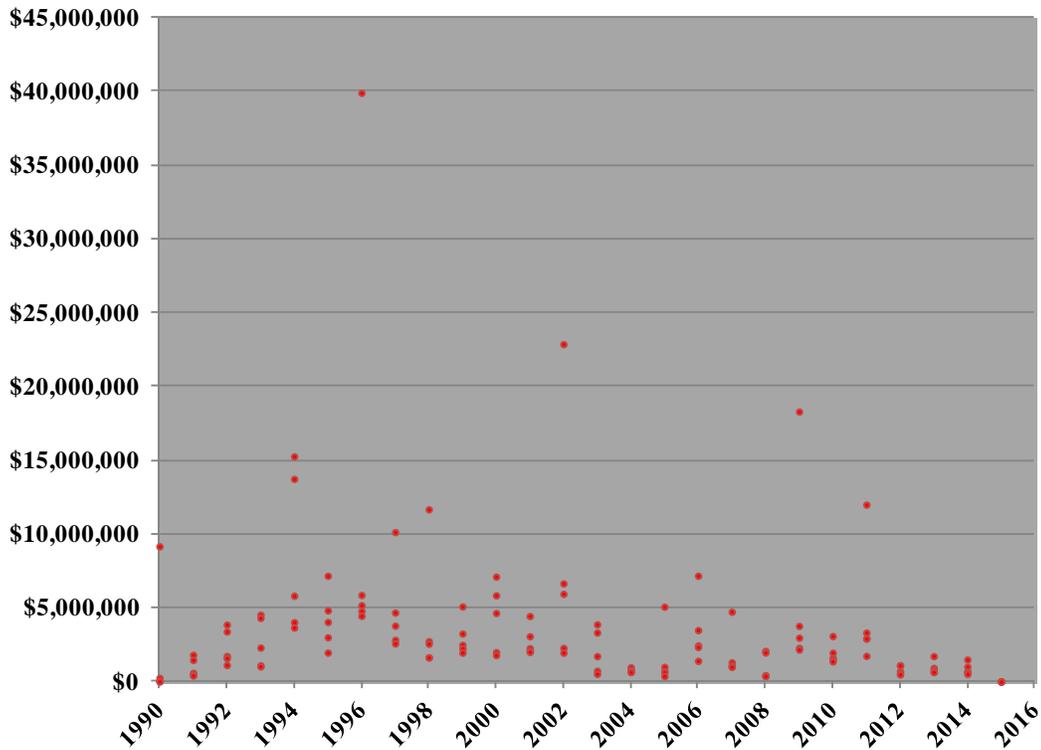


Figure 4 shows the total incident cost of the five most expensive onshore facility incidents per year. As depicted, the highest cost incident, at approximately \$40.0 million (in 2015 dollars), does not meet the statutory \$350 million limit of liability.

<sup>6</sup> 33 U.S.C. § 2704 (a)(4). The onshore facility limit of liability is subject to adjustment by regulatory action to reflect significant increases in the Consumer Price Index under 33 U.S.C. 2704(d)(4), and may also be adjusted for risk under 33 U.S.C. 2704(d)(1).

**Figure 4: Total Incident Cost of the Five Most Expensive Onshore Facility Incidents per Year (2015 Dollars / Excludes 2010 Enbridge Pipeline Oil Spill)**



### ***B. Vessel Sources***

After being adjusted for inflation, the OPA provides the following liability limits for vessels:<sup>7</sup>

- (1) For a single-hull tank vessel greater than 3,000 gross tons, the greater of \$3,200 per gross ton or \$23,496,000.
- (2) For a tank vessel greater than 3,000 gross tons, other than a single-hull tank vessel, the greater of \$2,000 per gross ton or \$17,088,000.
- (3) For a single-hull vessel less than or equal to 3,000 gross tons, the greater of \$3,200 per gross ton or \$6,408,000.
- (4) For a tank vessel less than or equal to 3,000 gross tons, other than a single-hull tank vessel, the greater of \$2,000 per gross ton or \$4,272,000.
- (5) For any other vessel, the greater of \$1,000 per gross ton or \$854,400.

The best available data indicates 68 oil discharges from vessels have resulted in removal costs and damages that exceed the amended liability limits. The data have been updated to incorporate new incidents, and reflect revised estimates of costs and damages associated with previously reported incidents.<sup>8, 9</sup> Discharge incidents are listed by vessel type in Attachment A and by incident date in Attachment B.

<sup>7</sup> 33 C.F.R. § 138.230.

<sup>8</sup> References throughout this report to data for the year 2015 are partial year data ending on May 1, 2015.

<sup>9</sup> We note that, under 46 U.S.C. § 3703a it is illegal to operate “single hull” tank vessels in U.S. Waters as of January 1, 2015. The OPA, however, still specifies limits of liability for these vessels. We therefore, continue to discuss the single hull tank vessel limits of liability in this report.

Figure 5 depicts the number of such discharges per year. The elevated total for 1999 is the result of a typhoon in American Samoa, which resulted in oil discharges involving eight fishing vessel wrecks. The figure illustrates the variance in numbers of incidents from year to year.

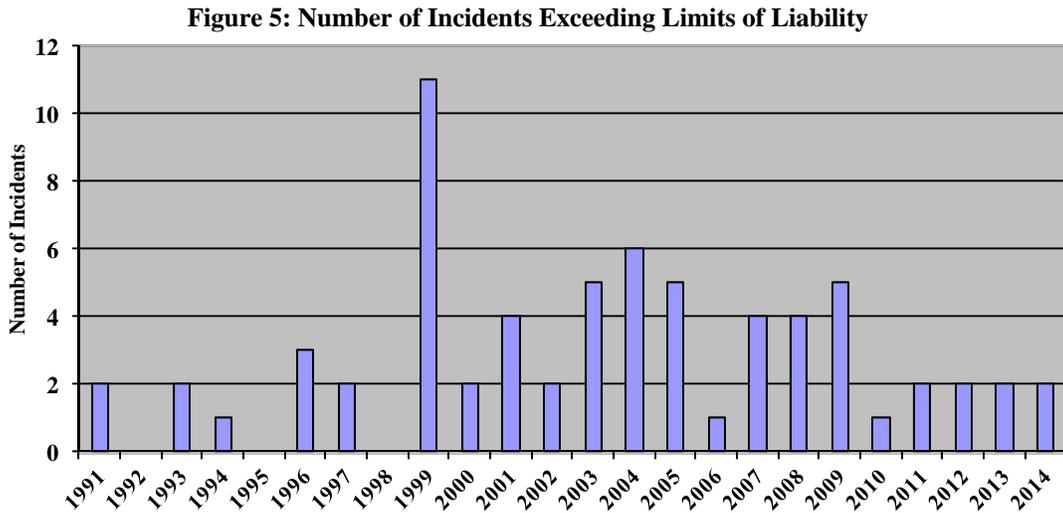


Figure 6 shows a breakdown of these 68 incidents by vessel type. Fishing vessels account for 38.2 percent of the historical incidents that result in damages in excess of the liability limits, while cargo and other self-propelled non-tank vessels represent 44.1 percent of the incidents. Single hull and double hull tank barges represent 10.3 percent and 4.4 percent, respectively. Single hull tank ships account for only 3.0 percent of such discharges. There are no double hull tank ship incidents among the 68 incidents.

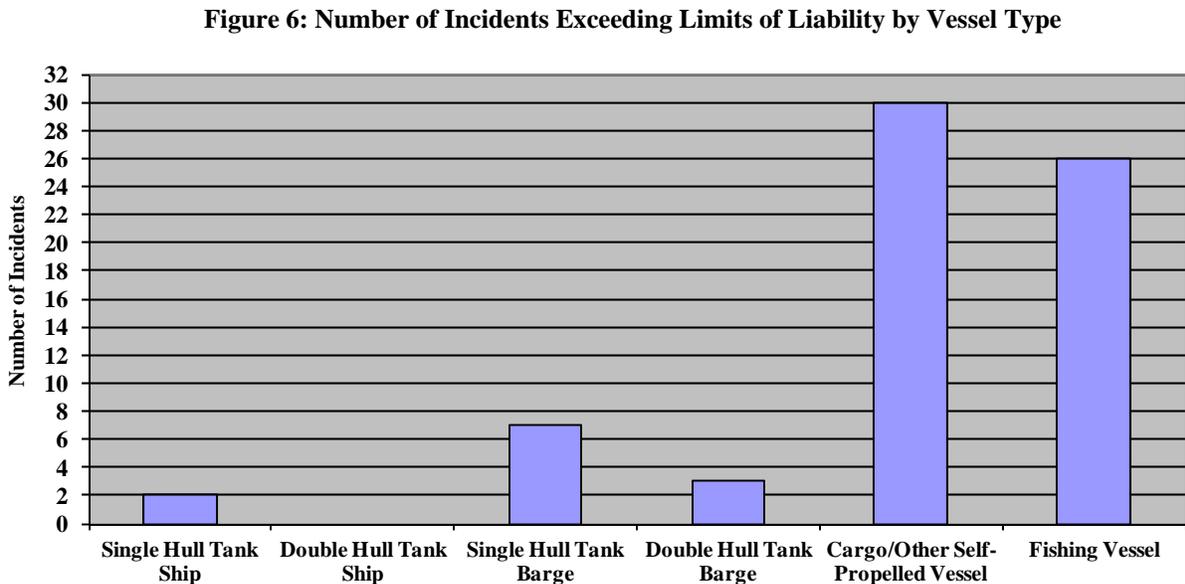
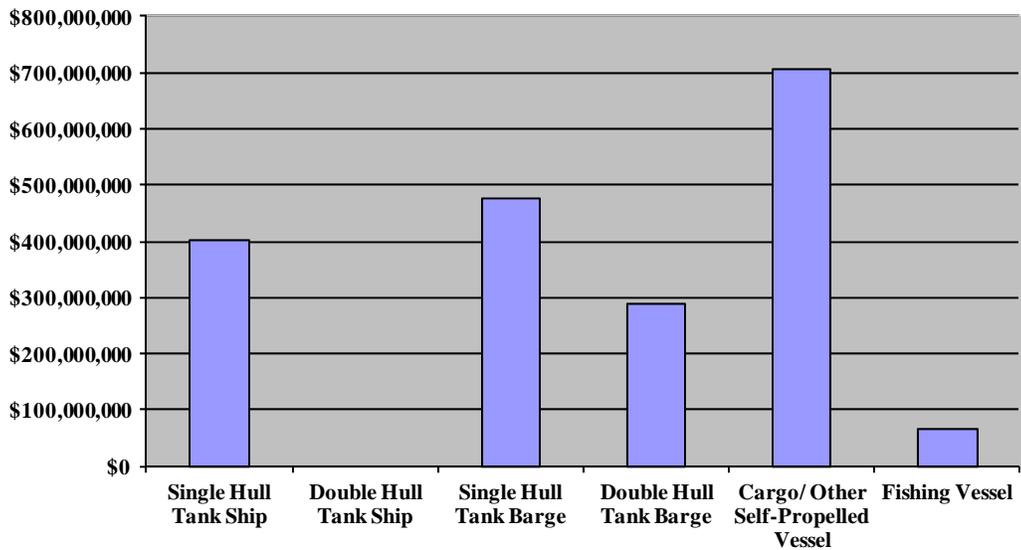


Figure 7, total removal costs and damages from these incidents by vessel type, portrays a similar picture. Total costs in excess of liability limits for cargo/other self-propelled vessel discharges have been the highest. Total costs for single hull tank ship and tank barge discharges that exceed liability limits have also been significant. Per discharge costs from single hull tank ship incidents are the highest (approximately \$200.3 million) in light of the quantities of oil these vessels carry. Per discharge costs for all tank barges are also substantial (approximately \$76.5 million). Larger cargo vessels also carry enough fuel to result in costly discharges (approximately \$23.6 million per incident). The small size and limited quantities of oil characteristic of most fishing vessel incidents accounts generally for the lower total costs of such discharges (approximately \$2.5 million), shown here and in more detail in Attachment A.

Total removal costs and damages for these discharges since enactment of the OPA is approximately \$1.9 billion.

**Figure 7: Total Incident Costs by Vessel Type**



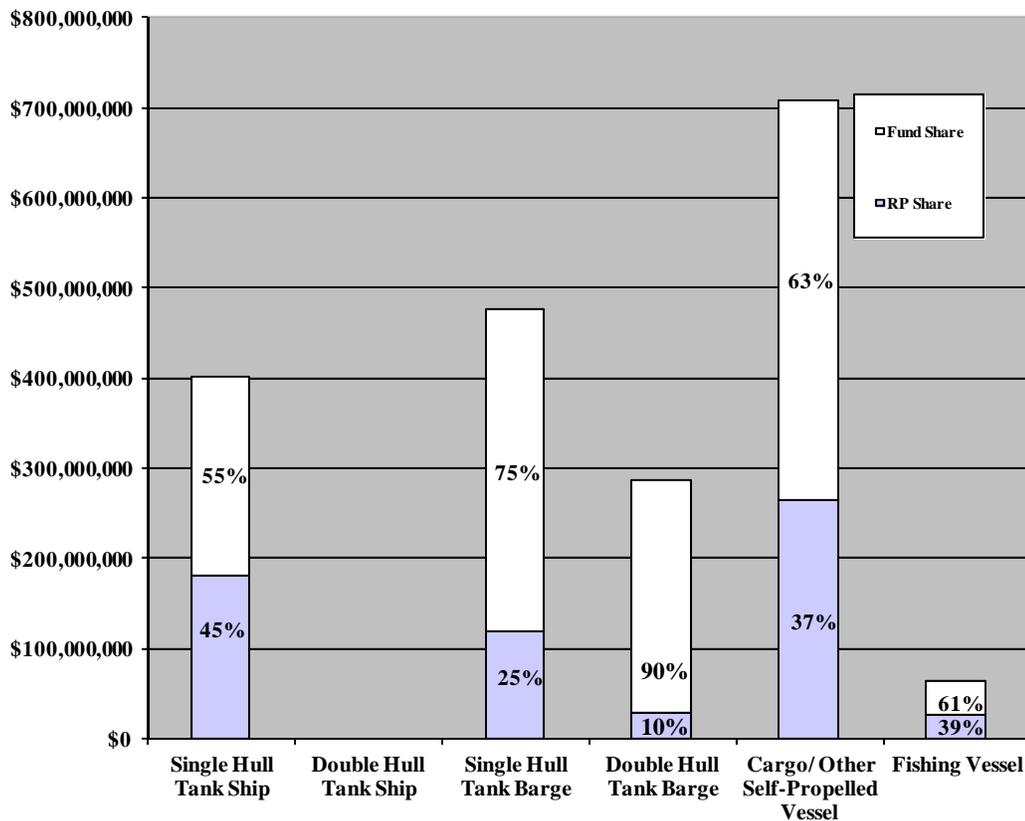
## IV Impacts on the Fund

This section provides an analysis of the impacts on the Fund resulting from claims against the Fund for vessel incidents in which costs and damages exceed liability limits.<sup>10</sup>

### A. Historical Impact

As indicated in Figure 8, the Fund’s financial obligation in cases where removal costs and damages exceed liability limits (listed in Attachment A) is substantial despite liability limit amendments. The top portion of the bar for each vessel type represents the Fund’s share of the risk (in excess of applicable liability limit). The bottom portion of the bar for each vessel type represents RP risk (RP liability limit based on gross tonnage or minimum limit as applicable for each discharge).

Figure 8: RP vs. Fund Share of Total Incident Costs under Current Limits by Vessel Type



Of the approximately \$1.9 billion in estimated removal costs and damages from these incidents over the last 24 years, the Fund’s share of cost totals approximately \$1.3 billion (68%). This amount represents a maximum potential impact on Fund risk resulting solely from the application of the liability limit levels. While the rate of such incidents is difficult to predict and may vary widely from year-to-year (as indicated by Figure 5), the risk to the Fund can be expressed broadly as an annual cost of approximately \$55.0 million (total costs of \$1.3 billion over 24 years) in excess of amended limits in 2015 dollars.

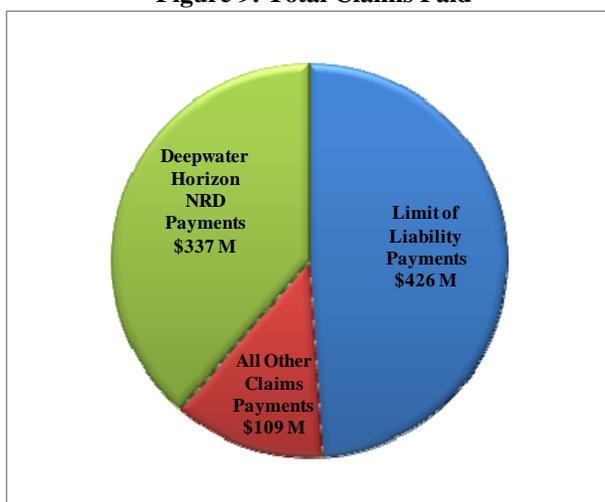
<sup>10</sup> As discussed above, historically, with the exception of the *DEEPWATER HORIZON* and *ENBRIDGE* data points, only vessel incidents had total incident costs that exceeded limits of liability. Therefore, facilities are not included in the discussion of RP and Fund risk cost sharing.

## B. Impact from Claims

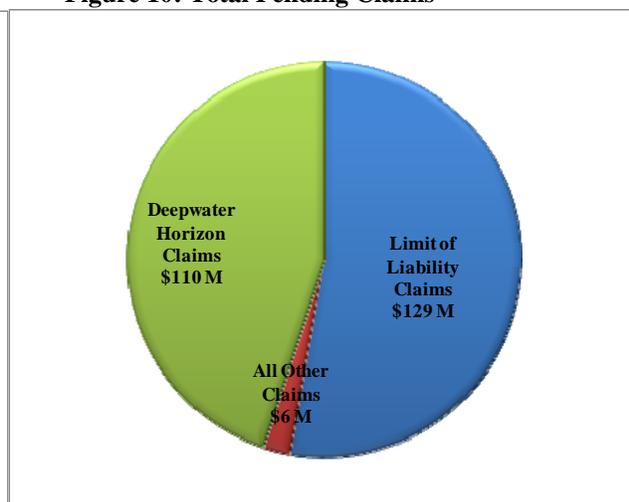
Over the past 24 years, the National Pollution Funds Center (NPFC) has paid \$872 million to claimants in connection with the OPA incidents. Of this total, \$426 million (or 48.9 percent) was paid in respect to circumstances where removal costs and damages exceeded the applicable liability limit amount (Figure 9). These "limit of liability" payments include payments made directly to the RPs for the removal costs and damages they paid or incurred in excess of liability limits, as well as third-party claims paid by the Fund because the RP had spent up to its limit of liability.

Figure 10 shows that of the \$245 million in claims under adjudication as of May 1, 2015, \$129 million (or 52.7 percent of the total dollars) are pending claims by RPs who have incurred incident costs exceeding their liability limits or claims by third parties where incident costs exceeded the liability limits.

**Figure 9: Total Claims Paid**



**Figure 10: Total Pending Claims**

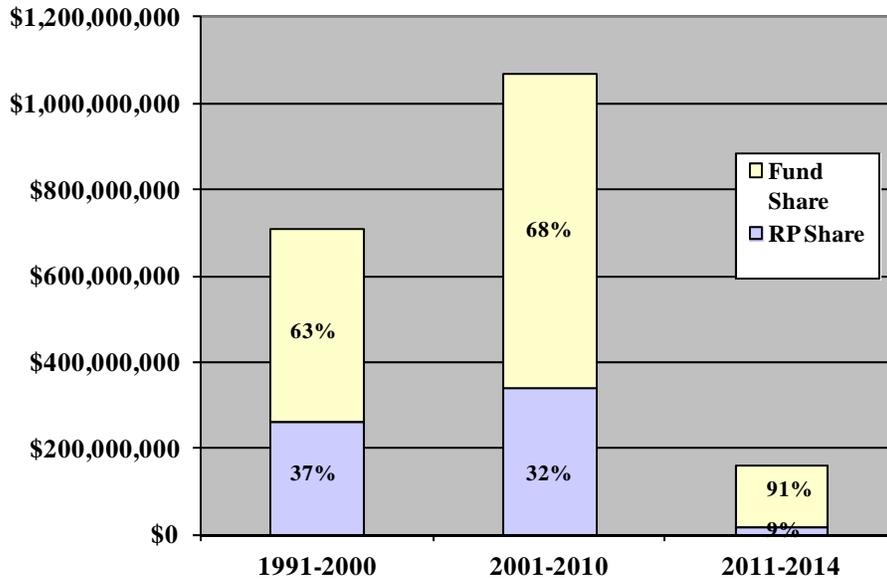


## C. Recent Trends

The potential impact to the Fund resulting from payments to RPs, third parties for claims, and response costs where vessel incident costs exceeded the RPs' limits of liability varies substantially from year to year, but has averaged approximately \$55.0 million per year over the past 24 years. While the potential impact is significant, it is also useful to note the available data show a continued trend toward more Fund risk in recent years.

As illustrated in Figure 11 and Attachment B, the Fund share of the risk for discharges that result in estimated removal costs and claims that exceed liability limits has increased over time, to 91% of costs in the most recent period after 2010. This increased risk is largely the result of the greater cost of such incidents in recent years.

**Figure 11: RP vs. Fund Share of Total Incident Costs**



The *Energy Improvement and Extension Act of 2008* (Pub. L. No. 110-343) extended the barrel tax through December 31, 2017, and increased the tax from five cents to eight cents for 2009-2016, and to nine cents for 2017. Tax revenues are deposited into the Fund, which should provide additional income to the Fund over the next several years. Based on current revenue and expenditure projections, the NPFC forecasts that the Fund should maintain liquidity through 2021 (See Figure 12).

However, as noted earlier, until the consent decree is effective, the impact on the Fund from the *DEEPWATER HORIZON* catastrophe remains uncertain. If the Fund were to bear substantial removal costs and damages from the catastrophe without recovery, additional revenue may be needed to continue to carry out Fund-financed programs.

Changing energy trends may also impact costs to the fund. Though the Enbridge Energy Partners Lakehead Line 6B pipeline incident is an outlier within the historic data set, the oil spilled, diluted bitumen, is known to sink in water, raising response costs. Similarly, challenges of responding to an Arctic oil spill, from either a vessel or non-vessel source, are also likely to incur higher costs to the fund. Cost associated with preparedness, response mobilization, natural resource assessment and recovery will be higher in extreme cold climates..

## V. Findings with Respect to Further Liability Limit Adjustments

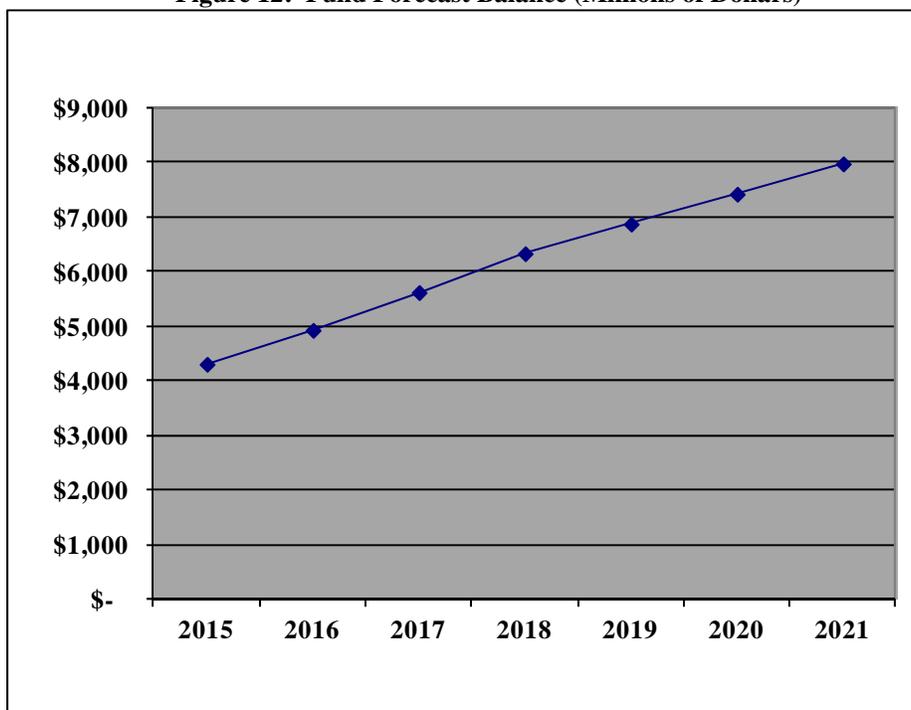
*This section discusses findings, based on historical trends and analyses, and taking into account other factors impacting the Fund, on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.*

### A. Future Year Fund Outlook

The NPFC anticipates the Fund will be able to cover its projected non-catastrophic liabilities, including claims, without further increases to liability limits except if *DEEPWATER HORIZON* impacts develop. However, increases to liability limits for certain vessel types would result in a more equitable division of risk between the Fund and RPs and have a positive impact on the balance of the Fund.

Figure 12 projects the end of year balance of the Fund through 2021 based on estimated revenues and expenditures (no adjustment for inflation or potential *DEEPWATER HORIZON* impacts):

**Figure 12: Fund Forecast Balance (Millions of Dollars)**



Notably, several classes of Fund expenditures are independent of revisions to the limits of liability, such as Federal removal costs and annual appropriations. The Fund provides resources to the Federal government to respond to oil discharges (Federal removal costs) and to compensate claimants for their removal costs and damages when a RP cannot be identified, does not respond, or does not compensate claimants. *See* OPA § 1012(a)(1), (4) (33 U.S.C § 2712(a)(1), (4)). The Fund also pays when recourse against RPs is not available, such as when a RP declares bankruptcy or cannot be identified. Thus, the Fund is the ultimate insurer with respect to oil removal costs and damages when there is a discharge or substantial threat of discharge to navigable waters, adjoining shorelines, or the exclusive economic zone.

Fund revenues are generally independent of revisions to the limits of liability. The primary source of revenue is an excise tax on oil. Revenue also includes interest earned on Treasury Securities held by the Fund, successful cost recoveries, with fines and penalties being the final revenue source. The Fund Forecast follows OMB guidance and uses the Treasury’s Office of Tax Analysis excise tax projections and the semi-annual Economic Assumptions for Trust Fund interest rates. Cost recovery and fines/penalty revenue follow historical data patterns and are much less predictable over time.

The Fund also pays various agencies responsible for administering and enforcing the OPA and provisions of the *Federal Water Pollution Control Act*. See OPA § 1012(a)(5) (33 U.S.C. § 2712(a)(5)). Administrative and enforcement costs that are not allocable to a specific oil discharge are not recoverable from liable RPs.

Figure 13 shows total Fund expenses in recent years for agency appropriations, Federal removal costs, and claims for removal costs and damages, of which claims resulting from incident-related costs exceeding the limits of liability is a subset.

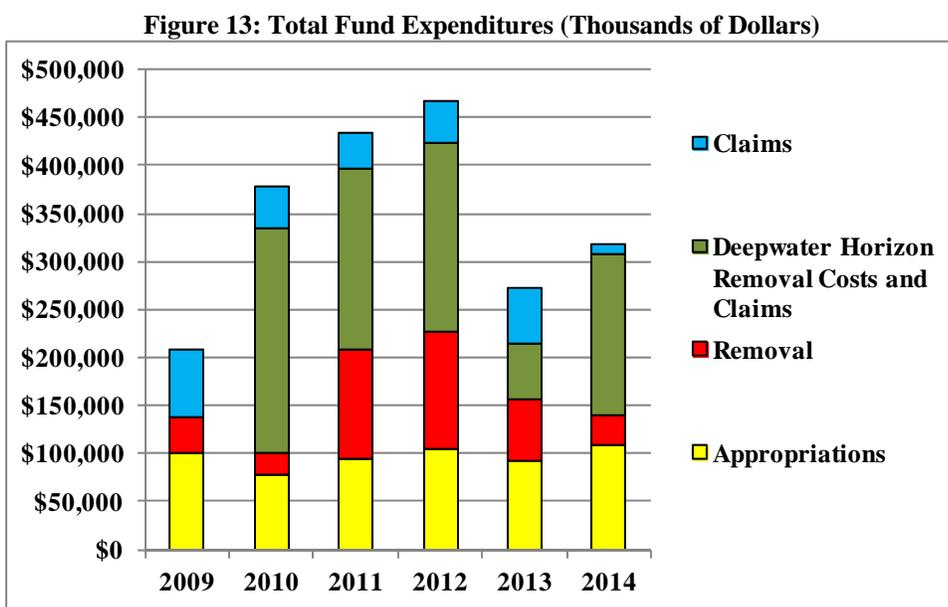


Figure 13 illustrates that, with the exception of the *DEEPWATER HORIZON* oil spill costs in 2010 through 2014, the Federal removal costs and claims payments for which RPs may be liable have represented only a portion of the annual expenditures from the Fund. This graph displays all costs for vessel or facility discharges.

The *DEEPWATER HORIZON* experience has demonstrated that the \$133.65 million limit on damages for a catastrophic offshore facility incident could be inadequate and the Administration has proposed raising that limit on damages. With the exception of *DEEPWATER HORIZON*, roughly half of the removal costs in Figure 13 are for onshore and offshore facility discharges. Historical data indicates that the \$350 million liability limit for onshore facilities is adequate for non-catastrophic spills.<sup>11</sup>

<sup>11</sup> A notice of proposed rulemaking to adjust the limits of liability for vessels, deepwater ports and onshore facilities to reflect significant increases in the consumer price index, as required by OPA 90 (33 U.S.C. 2704(d)(4)), was published in the Federal Register on Tuesday, August 19, 2014 (see 79 FR 49206).

With respect to the Fund expenses for removal costs and claims allocable to vessel spills, the Fund frequently pays when an RP is unknown. In these cases, liability limits have no impact on Fund risk. Vessel and facility liability limits will affect the Fund only to the extent RPs are available and have the ability to pay.

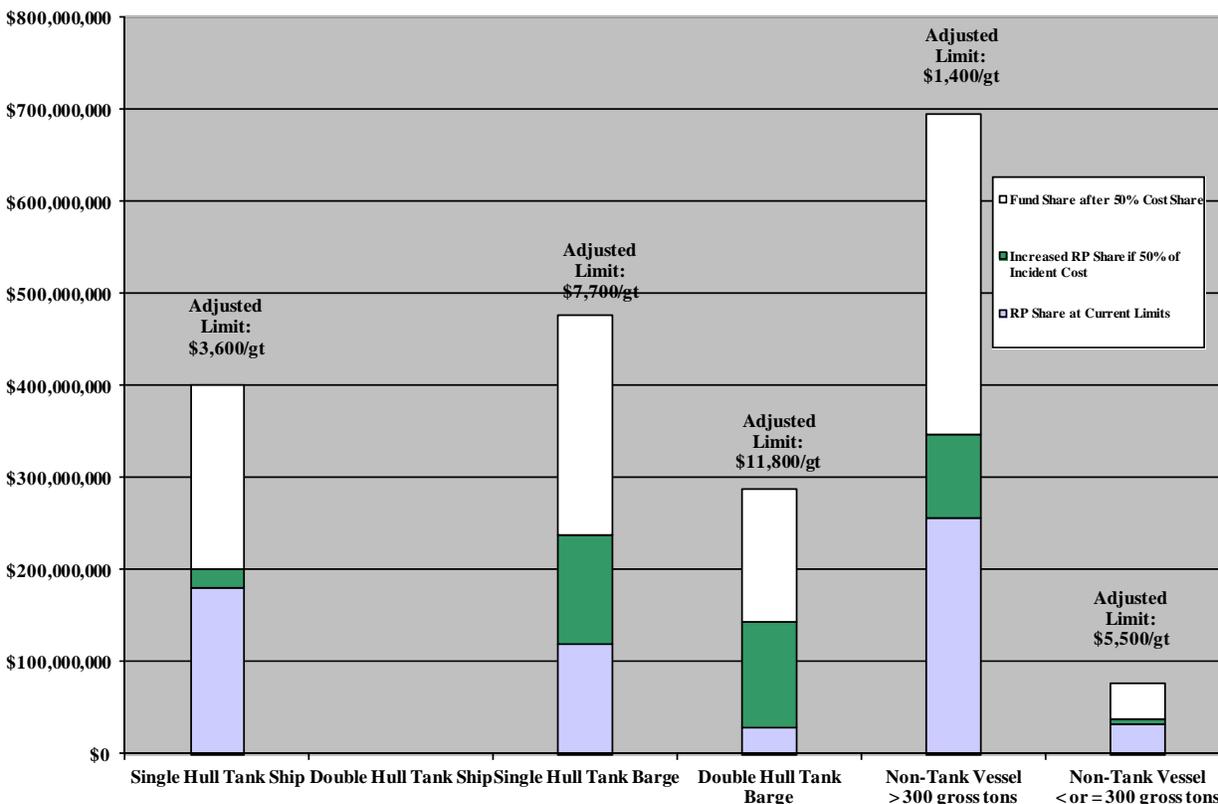
## B. Further Liability Limit Adjustments

Adjustments to liability limits help more equitably divide liabilities between the Fund and RPs. The OPA is founded on the “polluter pays” principle. At the same time, the OPA also places limits on the polluter’s liability to pay for clean-up of spills except in certain circumstances, and the Fund is the ultimate insurer for removal costs and damages. As previously noted, on May 12, 2010, the Administration proposed raising the limitation on liability for all RPs, including RPs for activities other than offshore drilling activities (such as shipping).

Analysis indicates establishing different liability limits for non-tank vessels, which include fishing, cargo, and other self-propelled vessels, by tonnage (*i.e.*, greater than 300 gross tons and less than or equal to 300 gross tons) would provide more equitable limits on smaller vessels.

Figure 8 demonstrates that for vessel discharges where removal costs and damages exceed current liability limits, the Fund bears a majority of the cost even if every RP is available and pays to its limit. Figure 14 illustrates how further adjustments to limits of liability per gross ton might achieve an equal sharing of that risk between RPs and the Fund. The bottom portion of the bar represents the RP risk at the current limits of liability based on gross tonnage or minimum limits as applicable for each discharge. The middle portion represents the additional cost the RP would pay if the additional limits were applied, which would leave the Fund covering 50 percent of the total incident costs (the top portion of each bar).

**Figure 14: Gross Tonnage Limits of Liability for 50 percent Cost Share**



For example, to split the estimated clean-up costs evenly between the Fund and the vessel operators, liability limits for single hull tank ships would increase to \$3,600 per gross ton, single hull tank barges to \$7,700 per gross ton, double hull tank barges to \$11,800 per gross ton, non-tank vessels greater than 300 gross tons to \$1,400 per gross ton, and non-tank vessels less than or equal to 300 gross tons to \$5,500 per gross ton.

Figure 15 indicates the minimum amount a RP would be expected to pay for an incident (based on average historical costs of incidents by vessel type in 2015 dollars), if the limits of liability were adjusted so that costs were shared evenly between the RP and the Fund.

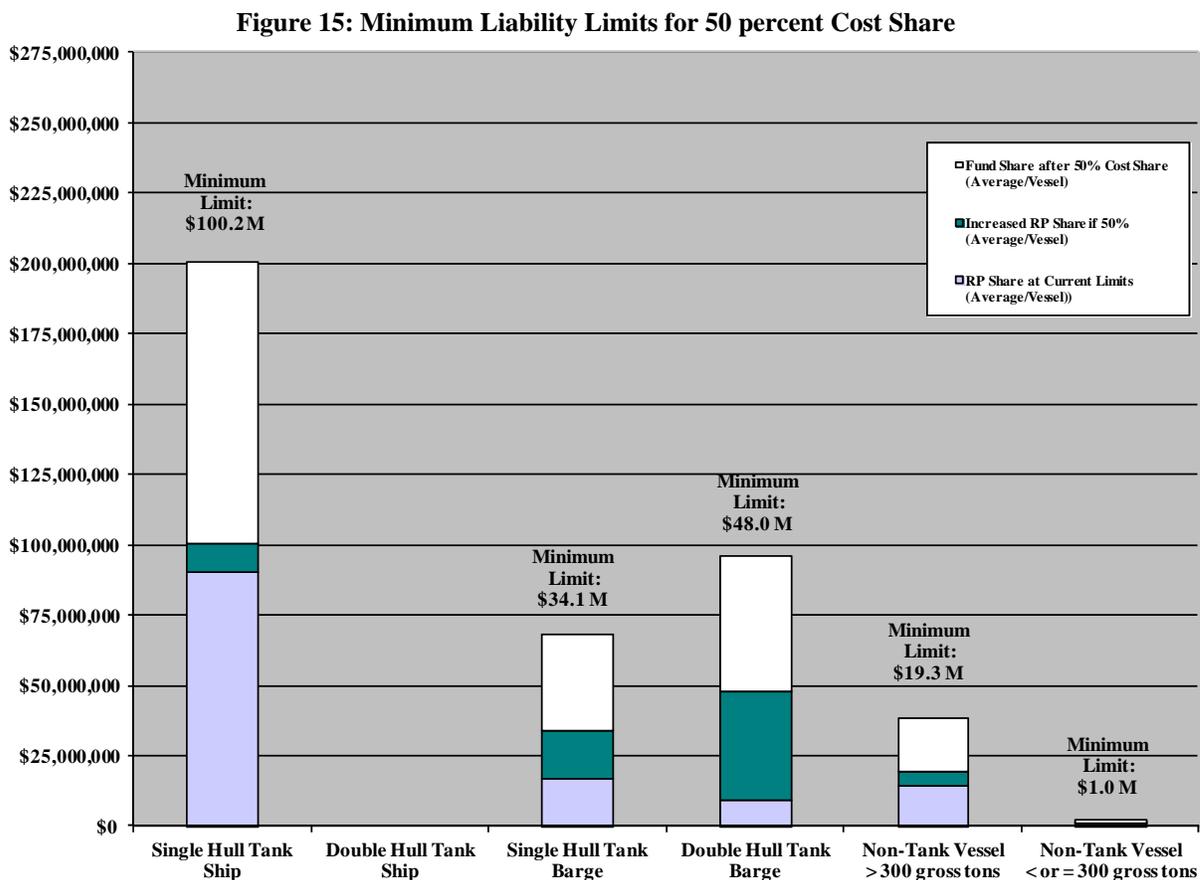


Figure 16 summarizes the 50 percent cost share limits and minimums and compares them to the current limits. Attachment C illustrates how these limits would protect the Fund from paying the majority of the total incident cost when applied to the 68 incidents discussed earlier. The current limits distinguish between single hull tank vessels, double hull tank vessels and non-tank (other) vessels. As discussed in Section II, however, analysis has shown these categories might best be subdivided as follows: categories of *Tank Ship* and *Tank Barge* are addressed separately as subsets of single and double hull *Tank Vessel*, and the *Non-Tank Vessel* category is divided between vessels greater than 300 gross tons and vessels less than or equal to 300 gross tons.<sup>12</sup>

<sup>12</sup> The comparative results for single and double hull tank barges may appear incongruous at first glance. While double hull vessels may be safer, and be less likely to spill oil, the data shows that a catastrophic discharge from a double hull tank barge can be just as expensive as one from a single hull tank barge.

**Figure 16: Limits of Liability under the OPA**

If the vessel is a . . .		The current limits of liability are the ‘greater of:’	But to achieve an equal cost share limits of liability would need to be increased to:
Tank Ship	With a single hull, double sides only, or double bottom only	Greater than 3,000 gross tons: \$3,200 per gross ton or \$23,496,000 Less than or equal to 3,000 gross tons: \$3,200 per gross ton or \$6,408,000	\$3,600 per gross ton or \$100,200,000.
	With a double hull	Greater than 3,000 gross tons: \$2,000 per gross ton or \$17,088,000 Less than or equal to 3,000 gross tons: \$2,000 per gross ton or \$4,272,000	No data
Tank Barge	With a single hull, double sides only, or double bottom only	Greater than 3,000 gross tons: \$3,200 per gross ton or \$23,496,000 Less than or equal to 3,000 gross tons: \$3,200 per gross ton or \$6,408,000	\$7,700 per gross ton or \$34,100,000
	With a double hull	Greater than 3,000 gross tons: \$2,000 per gross ton or \$17,088,000 Less than or equal to 3,000 gross tons: \$2,000 per gross ton or \$4,272,000	\$11,800 per gross ton or \$48,000,000.
Non-Tank Vessel	Greater than 300 gross tons	\$1,000 per gross ton or \$854,400.	\$1,400 per gross ton or \$19,300,000.
	Less than or equal to 300 gross tons	\$1,000 per gross ton or \$854,400.	\$5,500 per gross ton or \$1,000,000.

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## Attachment A: Incidents Exceeding Liability Limits by Vessel Type

<b>Vessel Type: Tank Ship (Single Hull)</b>									
Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2015 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred
T/V JULIE N	1996	ME	18,500	\$52,601,200	1.51	\$79,428,000	\$59,126,000	\$20,301,000	\$28,376,000
T/V ATHOS I	2004	NJ	37,900	\$256,987,600	1.25	\$321,235,000	\$121,264,000	\$199,971,000	\$210,281,000
<b>TOTAL</b>						<b>\$400,663,000</b>	<b>\$180,390,000</b>	<b>\$220,272,000</b>	<b>\$238,657,000</b>

<b>Vessel Type: Tank Barge (Single Hull)</b>									
T/B VISTABELLA	1991	PR	1,100	\$6,075,200	1.74	\$10,571,000	\$6,408,000	\$4,163,000	\$4,782,000
T/B (TAMPA BAY	1993	FL	9,300	\$68,900,000	1.64	\$112,996,000	\$29,638,000	\$83,358,000	\$2,397,000
T/B MORRIS J. BERMAN	1994	PR	5,400	\$95,488,300	1.60	\$152,781,000	\$23,496,000	\$129,285,000	\$95,488,000
M/V SCANDIA & T/B	1996	RI	5,500	\$49,000,000	1.51	\$73,990,000	\$23,496,000	\$50,494,000	\$9,046,000
T/B BUFFALO #292	1996	TX	1,500	\$21,496,100	1.51	\$32,459,000	\$6,408,000	\$26,051,000	\$16,810,000
T/B B NO. 120	2003	MA	6,900	\$61,073,100	1.29	\$78,784,000	\$23,496,000	\$55,288,000	\$1,753,000
T/B EMC 423	2005	IL	1,400	\$12,778,500	1.21	\$15,462,000	\$6,408,000	\$9,054,000	\$5,839,000
<b>TOTAL</b>						<b>\$477,043,000</b>	<b>\$119,350,000</b>	<b>\$357,693,000</b>	<b>\$136,115,000</b>

<b>Vessel Type: Tank Barge (Double Hull)</b>									
T/B DBL 152	2005	LA	9,700	\$55,358,700	1.21	\$66,984,000	\$19,482,000	\$47,502,000	\$19,756,000
T/B DM932	2008	LA	800	\$104,465,300	1.10	\$114,912,000	\$4,272,000	\$110,640,000	\$23,406,000
KIRBY 27706	2014	TX	1,600	\$106,002,900	1.00	\$106,003,000	\$4,272,000	\$101,731,000	\$1,268,000
<b>TOTAL</b>						<b>\$287,899,000</b>	<b>\$28,026,000</b>	<b>\$259,873,000</b>	<b>\$44,430,000</b>

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<b>Vessel Type Cargo/Other SPV</b>									
M/V KUROSHIMA	1997	AK	4,200	\$19,702,600	1.47	\$28,963,000	\$4,160,000	\$24,803,000	\$17,540,000
M/V KURE	1997	CA	36,000	\$47,218,900	1.47	\$69,412,000	\$36,009,000	\$33,403,000	\$711,000
M/V NEW CARISSA	1999	OR	36,600	\$51,301,400	1.42	\$72,848,000	\$36,571,000	\$36,277,000	\$32,914,000
M/V STUYVESANT	1999	CA	7,100	\$11,700,000	1.42	\$16,614,000	\$7,111,000	\$9,503,000	\$379,000
M/V SERGO ZAKARIADZE	1999	PR	16,500	\$15,966,700	1.42	\$22,673,000	\$16,502,000	\$6,171,000	\$6,065,000
SS J LUCKENBACH	2001	CA	7,900	\$42,007,700	1.34	\$56,290,000	\$7,869,000	\$48,421,000	\$44,051,000
M/V KIMTON	2001	PR	200	\$713,700	1.34	\$956,000	\$854,000	\$102,000	\$714,000
VICTORIA ROSE HUNT	2003	MA	100	\$1,085,700	1.29	\$1,401,000	\$854,000	\$546,000	\$94,000
M/V RED DIAMOND	2003	FL	200	\$2,595,200	1.29	\$3,348,000	\$854,000	\$2,493,000	\$2,595,000
CRANE BARGE MONARCH	2003	CA	200	\$2,481,700	1.29	\$3,201,000	\$854,000	\$2,347,000	\$2,482,000
M/V BOWSTRING	2003	FL	300	\$1,606,500	1.29	\$2,072,000	\$854,000	\$1,218,000	\$1,606,000
M/V SELENDANG AYU	2004	AK	39,800	\$152,927,300	1.25	\$191,159,000	\$39,755,000	\$151,404,000	\$98,265,000
M/V ORIENTAL I	2004	FL	200	\$727,400	1.25	\$909,000	\$854,000	\$55,000	\$727,000
ALBION	2005	CA	200	\$1,207,100	1.21	\$1,461,000	\$854,000	\$606,000	\$1,207,000
M/V CASITAS	2005	HI	300	\$1,710,700	1.21	\$2,070,000	\$854,000	\$1,216,000	\$1,711,000
MAMA LERE	2006	TX	400	\$1,217,300	1.17	\$1,424,000	\$854,000	\$570,000	\$1,217,000
M/V COSCO BUSAN	2007	CA	65,100	\$110,557,900	1.14	\$126,036,000	\$65,131,000	\$60,905,000	\$4,208,000
M/V SENECA	2007	MI	200	\$1,211,000	1.14	\$1,381,000	\$854,000	\$526,000	\$1,211,000
LST-1166	2007	OR	2,400	\$5,151,000	1.14	\$5,872,000	\$2,418,000	\$3,454,000	\$5,151,000
CATALA	2007	WA	5,700	\$6,138,500	1.14	\$6,998,000	\$5,700,000	\$1,298,000	\$6,138,000
C/V SEA WITCH	2008	MD	17,900	\$20,629,900	1.10	\$22,693,000	\$17,902,000	\$4,791,000	\$20,630,000
BIG BOY & SCOOPY DOO	2008	PA	200	\$1,010,800	1.10	\$1,112,000	\$854,000	\$258,000	\$1,011,000
WENONAH	2009	CA	300	\$947,800	1.10	\$1,043,000	\$854,000	\$188,000	\$948,000
SOUND DEVELOPER	2009	AK	200	\$1,657,100	1.10	\$1,823,000	\$854,000	\$968,000	\$1,657,000
MONARCH	2009	AK	300	\$2,698,200	1.10	\$2,968,000	\$854,000	\$2,114,000	\$24,000
M/V PRINCESS KATHLEEN	2010	AK	5,900	\$14,185,900	1.09	\$15,463,000	\$5,875,000	\$9,588,000	\$14,186,000
DAVY CROCKETT	2011	WA	4,600	\$22,457,500	1.05	\$23,580,000	\$4,643,000	\$18,937,000	\$22,458,000
TUG TIGER	2011	CA	200	\$4,205,500	1.05	\$4,416,000	\$854,000	\$3,561,000	\$4,205,000
JIREH	2012	PR	1,000	\$16,564,300	1.03	\$17,061,000	\$979,000	\$16,082,000	\$16,467,000
RESPECT	2013	CA	200	\$2,365,600	1.02	\$2,413,000	\$854,000	\$1,559,000	\$2,366,000
<b>TOTAL</b>						<b>\$707,660,000</b>	<b>\$264,289,000</b>	<b>\$443,364,000</b>	<b>\$312,938,000</b>

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**Vessel Type: Fishing Vessel**

NORTHERN MARINER	2008	AK	200	\$785,100	1.10	\$864,000	\$854,000	\$9,000	\$785,000
F/V TENYO MARU	1991	WA	4,200	\$6,062,900	1.74	\$10,549,000	\$4,167,000	\$6,382,000	\$6,063,000
F/V JIN SHIANG FA	1993	AS	400	\$2,013,000	1.64	\$3,301,000	\$854,000	\$2,447,000	\$2,420,000
F/V YU TE NO. 1	1999	AS	200	\$1,164,600	1.42	\$1,654,000	\$854,000	\$799,000	\$5,296,000
F/V AMIGA NO. 5	1999	AS	200	\$3,355,700	1.42	\$4,765,000	\$854,000	\$3,911,000	\$2,766,000
F/V KWANG MYONG	1999	AS	200	\$1,554,800	1.42	\$2,208,000	\$854,000	\$1,353,000	\$965,000
F/V KORAM NO. 3	1999	AS	200	\$1,403,100	1.42	\$1,992,000	\$854,000	\$1,138,000	\$813,000
F/V KWANG MYONG NO 72	1999	AS	200	\$2,182,900	1.42	\$3,100,000	\$854,000	\$2,245,000	\$1,593,000
F/V KWANG MYONG NO 58	1999	AS	200	\$1,557,600	1.42	\$2,212,000	\$854,000	\$1,357,000	\$967,000
F/V KORAM NO 1	1999	AS	200	\$1,378,400	1.42	\$1,957,000	\$854,000	\$1,103,000	\$788,000
F/V KWANG MYONG NO 51	1999	AS	200	\$1,249,200	1.42	\$1,774,000	\$854,000	\$919,000	\$659,000
F/V JESSICA ANN	2000	ME	200	\$947,000	1.37	\$1,297,000	\$854,000	\$443,000	\$947,000
F/V SWORDMAN I	2000	HI	100	\$1,528,600	1.37	\$2,094,000	\$854,000	\$1,240,000	\$1,529,000
F/V WINDY BAY	2001	AK	400	\$3,396,400	1.34	\$4,551,000	\$854,000	\$3,697,000	\$3,396,000
F/V VANGUARD	2001	AK	200	\$699,800	1.34	\$938,000	\$854,000	\$83,000	\$700,000
F/V GENEI MARU #7	2002	AK	100	\$869,800	1.32	\$1,148,000	\$854,000	\$294,000	\$870,000
F/V TERESA LYNN	2002	FL	200	\$690,800	1.32	\$912,000	\$854,000	\$57,000	\$691,000
F/V NEW HORIZON	2004	CA	100	\$805,300	1.25	\$1,007,000	\$854,000	\$152,000	\$305,000
F/V MWALIL SAAT	2004	GU	200	\$3,413,500	1.25	\$4,267,000	\$854,000	\$3,412,000	\$3,414,000
F/V THE BOSS	2004	OR	200	\$926,100	1.25	\$1,158,000	\$854,000	\$303,000	\$926,000
F/V MILKY WAY	2005	WA	200	\$1,039,600	1.21	\$1,258,000	\$854,000	\$403,000	\$539,000
CAPT MIKE	2009	LA	100	\$2,413,400	1.10	\$2,655,000	\$854,000	\$1,800,000	\$2,413,000
F/V MAR-GUN	2009	AK	200	\$1,388,100	1.10	\$1,527,000	\$854,000	\$672,000	\$199,000
DEEP SEA	2012	WA	200	\$3,384,300	1.03	\$3,486,000	\$854,000	\$2,631,000	\$2,795,000
F/V LONE STAR	2013	AK	100	\$2,663,600	1.02	\$2,717,000	\$854,000	\$1,863,000	\$1,126,000
DAIKI MARU 7	2014	GU	100	\$1,550,000	1.00	\$1,550,000	\$854,000	\$696,000	\$63,000
<b>TOTAL</b>						<b>\$64,941,000</b>	<b>\$25,517,000</b>	<b>\$39,409,000</b>	<b>\$43,028,000</b>
<b>GRAND TOTAL</b>						<b>\$1,938,203,000</b>	<b>\$617,589,000</b>	<b>\$1,320,614,000</b>	<b>\$775,169,000</b>

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## Attachment B: Incidents Exceeding Liability Limits by Incident Date

Incident Year: 1991									
Vessel Type	Project Name	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2015 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred
Fishing Vessel	F/V TENYO MARU	WA	4,200	\$6,062,900	1.74	\$10,549,000	\$4,167,000	\$6,382,000	\$6,063,000
Tank Barge (Single Hull)	T/B VISTABELLA	PR	1,100	\$6,075,200	1.74	\$10,571,000	\$6,408,000	\$4,163,000	\$4,782,000
<b>TOTAL</b>						<b>\$21,120,000</b>	<b>\$10,575,000</b>	<b>\$10,545,000</b>	<b>\$10,845,000</b>

Incident Year: 1993									
Fishing Vessel	F/V JIN SHIANG FA	AS	400	\$2,013,000	1.64	\$3,301,000	\$854,000	\$2,447,000	\$2,420,000
Tank Barge (Single Hull)	T/B (TAMPA BAY	FL	9,300	\$68,900,000	1.64	\$112,996,000	\$29,638,000	\$83,358,000	\$2,397,000
<b>TOTAL</b>						<b>\$116,297,000</b>	<b>\$30,492,000</b>	<b>\$85,805,000</b>	<b>\$4,817,000</b>

Incident Year: 1994									
Tank Barge (Single Hull)	T/B MORRIS J. BERMAN	PR	5,400	\$95,488,300	1.60	\$152,781,000	\$23,496,000	\$129,285,000	\$95,488,000
<b>TOTAL</b>						<b>\$152,781,000</b>	<b>\$23,496,000</b>	<b>\$129,285,000</b>	<b>\$95,488,000</b>

Incident Year: 1996									
Tank Barge (Single Hull)	M/V SCANDIA & T/B	RI	5,500	\$49,000,000	1.51	\$73,990,000	\$23,496,000	\$50,494,000	\$9,046,000
Tank Barge (Single Hull)	T/B BUFFALO #292	TX	1,500	\$21,496,100	1.51	\$32,459,000	\$6,408,000	\$26,051,000	\$16,810,000
Tank Ship (Single Hull)	T/V JULIE N	ME	18,500	\$52,601,200	1.51	\$79,428,000	\$59,126,000	\$20,301,000	\$28,376,000
<b>TOTAL</b>						<b>\$185,877,000</b>	<b>\$89,030,000</b>	<b>\$96,846,000</b>	<b>\$54,232,000</b>

Incident Year: 1997									
Cargo/Other SPV	M/V KUROSHIMA	AK	4,200	\$19,702,600	1.47	\$28,963,000	\$4,160,000	\$24,803,000	\$17,540,000
Cargo/Other SPV	M/V KURE	CA	36,000	\$47,218,900	1.47	\$69,412,000	\$36,009,000	\$33,403,000	\$711,000
<b>TOTAL</b>						<b>\$98,375,000</b>	<b>\$40,169,000</b>	<b>\$58,206,000</b>	<b>\$18,251,000</b>

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<b>Incident Year: 1999</b>									
Cargo/Other SPV	M/V NEW CARISSA	OR	36,600	\$51,301,400	1.42	\$72,848,000	\$36,571,000	\$36,277,000	\$32,914,000
Cargo/Other SPV	M/V STUYVESANT	CA	7,100	\$11,700,000	1.42	\$16,614,000	\$7,111,000	\$9,503,000	\$379,000
Cargo/Other SPV	M/V SERGO ZAKARIADZE	PR	16,500	\$15,966,700	1.42	\$22,673,000	\$16,502,000	\$6,171,000	\$6,065,000
Fishing Vessel	F/V YU TE NO. 1	AS	200	\$1,164,600	1.42	\$1,654,000	\$854,000	\$799,000	\$5,296,000
Fishing Vessel	F/V AMIGA NO. 5	AS	200	\$3,355,700	1.42	\$4,765,000	\$854,000	\$3,911,000	\$2,766,000
Fishing Vessel	F/V KWANG MYONG	AS	200	\$1,554,800	1.42	\$2,208,000	\$854,000	\$1,353,000	\$965,000
Fishing Vessel	F/V KORAM NO. 3	AS	200	\$1,403,100	1.42	\$1,992,000	\$854,000	\$1,138,000	\$813,000
Fishing Vessel	F/V KWANG MYONG NO 72	AS	200	\$2,182,900	1.42	\$3,100,000	\$854,000	\$2,245,000	\$1,593,000
Fishing Vessel	F/V KWANG MYONG NO 58	AS	200	\$1,557,600	1.42	\$2,212,000	\$854,000	\$1,357,000	\$967,000
Fishing Vessel	F/V KORAM NO 1	AS	200	\$1,378,400	1.42	\$1,957,000	\$854,000	\$1,103,000	\$788,000
Fishing Vessel	F/V KWANG MYONG NO 51	AS	200	\$1,249,200	1.42	\$1,774,000	\$854,000	\$919,000	\$659,000
<b>TOTAL</b>						<b>\$131,797,000</b>	<b>\$67,016,000</b>	<b>\$64,776,000</b>	<b>\$53,205,000</b>

<b>Incident Year: 2000</b>									
Fishing Vessel	F/V JESSICA ANN	ME	200	\$947,000	1.37	\$1,297,000	\$854,000	\$443,000	\$947,000
Fishing Vessel	F/V SWORDMAN I	HI	100	\$1,528,600	1.37	\$2,094,000	\$854,000	\$1,240,000	\$1,529,000
<b>TOTAL</b>						<b>\$3,391,000</b>	<b>\$1,708,000</b>	<b>\$1,683,000</b>	<b>\$2,476,000</b>

<b>Incident Year: 2001</b>									
Cargo/Other SPV	SS J LUCKENBACH	CA	7,900	\$42,007,700	1.34	\$56,290,000	\$7,869,000	\$48,421,000	\$44,051,000
Cargo/Other SPV	M/V KIMTON	PR	200	\$713,700	1.34	\$956,000	\$854,000	\$102,000	\$714,000
Fishing Vessel	F/V WINDY BAY	AK	400	\$3,396,400	1.34	\$4,551,000	\$854,000	\$3,697,000	\$3,396,000
Fishing Vessel	F/V VANGUARD	AK	200	\$699,800	1.34	\$938,000	\$854,000	\$83,000	\$700,000
<b>TOTAL</b>						<b>\$62,735,000</b>	<b>\$10,431,000</b>	<b>\$52,303,000</b>	<b>\$48,861,000</b>

<b>Incident Year: 2002</b>									
Fishing Vessel	F/V GENEI MARU #7	AK	100	\$869,800	1.32	\$1,148,000	\$854,000	\$294,000	\$870,000
Fishing Vessel	F/V TERESA LYNN	FL	200	\$690,800	1.32	\$912,000	\$854,000	\$57,000	\$691,000
<b>TOTAL</b>						<b>\$2,060,000</b>	<b>\$1,708,000</b>	<b>\$351,000</b>	<b>\$1,561,000</b>

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<b>Incident Year: 2003</b>									
Cargo/Other SPV	VICTORIA ROSE HUNT	MA	100	\$1,085,700	1.29	\$1,401,000	\$854,000	\$546,000	\$94,000
Cargo/Other SPV	M/V RED DIAMOND	FL	200	\$2,595,200	1.29	\$3,348,000	\$854,000	\$2,493,000	\$2,595,000
Cargo/Other SPV	CRANE BARGE MONARCH	CA	200	\$2,481,700	1.29	\$3,201,000	\$854,000	\$2,347,000	\$2,482,000
Cargo/Other SPV	M/V BOWSTRING	FL	300	\$1,606,500	1.29	\$2,072,000	\$854,000	\$1,218,000	\$1,606,000
Tank Barge (Single Hull)	T/B B NO. 120	MA	6,900	\$61,073,100	1.29	\$78,784,000	\$23,496,000	\$55,288,000	\$1,753,000
<b>TOTAL</b>						<b>\$88,806,000</b>	<b>\$26,912,000</b>	<b>\$61,892,000</b>	<b>\$8,530,000</b>

<b>Incident Year: 2004</b>									
Fishing Vessel	F/V NEW HORIZON	CA	100	\$805,300	1.25	\$1,007,000	\$854,000	\$152,000	\$305,000
Cargo/Other SPV	M/V SELENDANG AYU	AK	39,800	\$152,927,300	1.25	\$191,159,000	\$39,755,000	\$151,404,000	\$98,265,000
Fishing Vessel	F/V MWALIL SAAT	GU	200	\$3,413,500	1.25	\$4,267,000	\$854,000	\$3,412,000	\$3,414,000
Fishing Vessel	F/V THE BOSS	OR	200	\$926,100	1.25	\$1,158,000	\$854,000	\$303,000	\$926,000
Tank Ship (Single Hull)	T/V ATHOS I	NJ	37,900	\$256,987,600	1.25	\$321,235,000	\$121,264,000	\$199,971,000	\$210,281,000
Cargo/Other SPV	M/V ORIENTAL I	FL	200	\$727,400	1.25	\$909,000	\$854,000	\$55,000	\$727,000
<b>TOTAL</b>						<b>\$519,735,000</b>	<b>\$164,435,000</b>	<b>\$355,297,000</b>	<b>\$313,918,000</b>

<b>Incident Year: 2005</b>									
Tank Barge (Double Hull)	T/B DBL 152	LA	9,700	\$55,358,700	1.21	\$66,984,000	\$19,482,000	\$47,502,000	\$19,756,000
Cargo/Other SPV	ALBION	CA	200	\$1,207,100	1.21	\$1,461,000	\$854,000	\$606,000	\$1,207,000
Cargo/Other SPV	M/V CASITAS	HI	300	\$1,710,700	1.21	\$2,070,000	\$854,000	\$1,216,000	\$1,711,000
Tank Barge (Single Hull)	T/B EMC 423	IL	1,400	\$12,778,500	1.21	\$15,462,000	\$6,408,000	\$9,054,000	\$5,839,000
Fishing Vessel	F/V MILKY WAY	WA	200	\$1,039,600	1.21	\$1,258,000	\$854,000	\$403,000	\$539,000
<b>TOTAL</b>						<b>\$87,235,000</b>	<b>\$28,452,000</b>	<b>\$58,781,000</b>	<b>\$29,052,000</b>

<b>Incident Year: 2006</b>									
Cargo/Other SPV	MAMA LERE	TX	400	\$1,217,300	1.17	\$1,424,000	\$854,000	\$570,000	\$1,217,000
<b>TOTAL</b>						<b>\$1,424,000</b>	<b>\$854,000</b>	<b>\$570,000</b>	<b>\$1,217,000</b>

<b>Incident Year: 2007</b>									
Cargo/Other SPV	M/V COSCO BUSAN	CA	65,100	\$110,557,900	1.14	\$126,036,000	\$65,131,000	\$60,905,000	\$4,208,000
Cargo/Other SPV	M/V SENECA	MI	200	\$1,211,000	1.14	\$1,381,000	\$854,000	\$526,000	\$1,211,000
Cargo/Other SPV	LST-1166	OR	2,400	\$5,151,000	1.14	\$5,872,000	\$2,418,000	\$3,454,000	\$5,151,000
Cargo/Other SPV	CATALA	WA	5,700	\$6,138,500	1.14	\$6,998,000	\$5,700,000	\$1,298,000	\$6,138,000
<b>TOTAL</b>						<b>\$140,287,000</b>	<b>\$74,103,000</b>	<b>\$66,183,000</b>	<b>\$16,708,000</b>

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<b>Incident Year: 2008</b>									
Tank Barge (Double Hull)	T/B DM932	LA	800	\$104,465,300	1.10	\$114,912,000	\$4,272,000	\$110,640,000	\$23,406,000
Cargo/Other SPV	C/V SEA WITCH	MD	17,900	\$20,629,900	1.10	\$22,693,000	\$17,902,000	\$4,791,000	\$20,630,000
Cargo/Other SPV	BIG BOY & SCOOPY DOO	PA	200	\$1,010,800	1.10	\$1,112,000	\$854,000	\$258,000	\$1,011,000
Fishing Vessel	NORTHERN MARINER	AK	200	\$785,100	1.10	\$864,000	\$854,000	\$9,000	\$785,000
<b>TOTAL</b>						<b>\$138,717,000</b>	<b>\$23,028,000</b>	<b>\$115,689,000</b>	<b>\$45,832,000</b>

<b>Incident Year: 2009</b>									
Fishing Vessel	CAPT MIKE	LA	100	\$2,413,400	1.10	\$2,655,000	\$854,000	\$1,800,000	\$2,413,000
Cargo/Other SPV	WENONAH	CA	300	\$947,800	1.10	\$1,043,000	\$854,000	\$188,000	\$948,000
Cargo/Other SPV	SOUND DEVELOPER	AK	200	\$1,657,100	1.10	\$1,823,000	\$854,000	\$968,000	\$1,657,000
Cargo/Other SPV	MONARCH	AK	300	\$2,698,200	1.10	\$2,968,000	\$854,000	\$2,114,000	\$24,000
Fishing Vessel	F/V MAR-GUN	AK	200	\$1,388,100	1.10	\$1,527,000	\$854,000	\$672,000	\$199,000
<b>TOTAL</b>						<b>\$10,016,000</b>	<b>\$4,270,000</b>	<b>\$5,742,000</b>	<b>\$5,241,000</b>

<b>Incident Year: 2010</b>									
Cargo/Other SPV	M/V PRINCESS KATHLEEN	AK	5,900	\$14,185,900	1.09	\$15,463,000	\$5,875,000	\$9,588,000	\$14,186,000
<b>TOTAL</b>						<b>\$15,463,000</b>	<b>\$5,875,000</b>	<b>\$9,588,000</b>	<b>\$14,186,000</b>

<b>Incident Year: 2011</b>									
Cargo/Other SPV	DAVY CROCKETT	WA	4,600	\$22,457,500	1.05	\$23,580,000	\$4,643,000	\$18,937,000	\$22,458,000
Cargo/Other SPV	TUG TIGER	CA	200	\$4,205,500	1.05	\$4,416,000	\$854,000	\$3,561,000	\$4,205,000
<b>TOTAL</b>						<b>\$27,996,000</b>	<b>\$5,497,000</b>	<b>\$22,498,000</b>	<b>\$26,663,000</b>

<b>Incident Year: 2012</b>									
Cargo/Other SPV	JIREH	PR	1,000	\$16,564,300	1.03	\$17,061,000	\$979,000	\$16,082,000	\$16,467,000
Fishing Vessel	DEEP SEA	WA	200	\$3,384,300	1.03	\$3,486,000	\$854,000	\$2,631,000	\$2,795,000
<b>TOTAL</b>						<b>\$20,547,000</b>	<b>\$1,833,000</b>	<b>\$18,713,000</b>	<b>\$19,262,000</b>

<b>Incident Year: 2013</b>									
Fishing Vessel	F/V LONE STAR	AK	100	\$2,663,600	1.02	\$2,717,000	\$854,000	\$1,863,000	\$1,126,000
Cargo/Other SPV	RESPECT	CA	200	\$2,365,600	1.02	\$2,413,000	\$854,000	\$1,559,000	\$2,366,000
<b>TOTAL</b>						<b>\$5,130,000</b>	<b>\$1,708,000</b>	<b>\$3,422,000</b>	<b>\$3,492,000</b>

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<b>Incident Year: 2014</b>									
Tank Barge (Double Hull)	KIRBY 27706	TX	1,600	\$106,002,900	1.00	\$106,003,000	\$4,272,000	\$101,731,000	\$1,268,000
Fishing Vessel	DAIKI MARU 7	GU	100	\$1,550,000	1.00	\$1,550,000	\$854,000	\$696,000	\$63,000
<b>TOTAL</b>						<b>\$107,553,000</b>	<b>\$5,126,000</b>	<b>\$102,427,000</b>	<b>\$1,331,000</b>
<b>Total 1991-2000</b>						<b>\$709,638,000</b>	<b>\$262,491,000</b>	<b>\$447,147,000</b>	<b>\$239,314,000</b>
<b>Total 2001-2010</b>						<b>\$1,067,339,000</b>	<b>\$340,932,000</b>	<b>\$726,407,000</b>	<b>\$485,107,000</b>
<b>Total 2011-2015</b>						<b>\$161,226,000</b>	<b>\$14,166,000</b>	<b>\$147,060,000</b>	<b>\$50,748,000</b>
<b>GRAND TOTAL</b>						<b>\$1,938,203,000</b>	<b>\$617,589,000</b>	<b>\$1,320,614,000</b>	<b>\$775,169,000</b>
SPV - Self-Propelled Vessel									

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## Attachment C: Incidents Exceeding Liability Limits with Limits to Achieve 50% Cost Share

Vessel Type: Tank Ship (Single Hull)											
Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2015 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred	Gross Ton Liability Limits for a 50% Cost Share	Minimum Liability for a 50% Cost Share
										Shaded Area Indicates Higher Limit Which Would be Applied	
T/V JULIE N	1996	ME	18,500	\$52,601,200	1.51	\$79,428,000	\$59,126,000	\$20,301,000	\$28,376,000	\$66,517,200	\$100,200,000
T/V ATHOS I	2004	NJ	37,900	\$256,987,600	1.25	\$321,235,000	\$121,264,000	\$199,971,000	\$210,281,000	\$136,422,000	\$100,200,000
<b>TOTAL</b>						<b>\$400,663,000</b>	<b>\$180,390,000</b>	<b>\$220,272,000</b>	<b>\$238,657,000</b>		

Vessel Type: Tank Barge (Single Hull)											
T/B VISTABELLA	1991	PR	1,100	\$6,075,200	1.74	\$10,571,000	\$6,408,000	\$4,163,000	\$4,782,000	\$8,393,000	\$34,100,000
T/B (TAMPA BAY	1993	FL	9,300	\$68,900,000	1.64	\$112,996,000	\$29,638,000	\$83,358,000	\$2,397,000	\$71,317,400	\$34,100,000
T/B MORRIS J. BERMAN	1994	PR	5,400	\$95,488,300	1.60	\$152,781,000	\$23,496,000	\$129,285,000	\$95,488,000	\$41,402,900	\$34,100,000
M/V SCANDIA & T/B	1996	RI	5,500	\$49,000,000	1.51	\$73,990,000	\$23,496,000	\$50,494,000	\$9,046,000	\$42,396,200	\$34,100,000
T/B BUFFALO #292	1996	TX	1,500	\$21,496,100	1.51	\$32,459,000	\$6,408,000	\$26,051,000	\$16,810,000	\$11,573,100	\$34,100,000
T/B B NO. 120	2003	MA	6,900	\$61,073,100	1.29	\$78,784,000	\$23,496,000	\$55,288,000	\$1,753,000	\$52,891,300	\$34,100,000
T/B EMC 423	2005	IL	1,400	\$12,778,500	1.21	\$15,462,000	\$6,408,000	\$9,054,000	\$5,839,000	\$10,756,900	\$34,100,000
<b>TOTAL</b>						<b>\$477,043,000</b>	<b>\$119,350,000</b>	<b>\$357,693,000</b>	<b>\$136,115,000</b>		

Vessel Type: Tank Barge (Double Hull)											
T/B DBL 152	2005	LA	9,700	\$55,358,700	1.21	\$66,984,000	\$19,482,000	\$47,502,000	\$19,756,000	\$114,943,800	\$48,000,000
T/B DM932	2008	LA	800	\$104,465,300	1.10	\$114,912,000	\$4,272,000	\$110,640,000	\$23,406,000	\$9,416,400	\$48,000,000
KIRBY 27706	2014	TX	1,600	\$106,002,900	1.00	\$106,003,000	\$4,272,000	\$101,731,000	\$1,268,000	\$19,257,600	\$48,000,000
<b>TOTAL</b>						<b>\$287,899,000</b>	<b>\$28,026,000</b>	<b>\$259,873,000</b>	<b>\$44,430,000</b>		

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Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2015 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred	Gross Ton Liability Limits for a 50% Cost Share	Minimum Liability for a 50% Cost Share
										Shaded Area Indicates Higher Limit Which Would be Applied	
<b>Vessel Type: Non-Tank Vessel &gt; 300 GT</b>											
F/V TENYO MARU	1991	WA	4,200	\$6,062,900	1.74	\$10,549,000	\$4,167,000	\$6,382,000	\$6,063,000	\$5,833,800	\$19,300,000
F/V JIN SHIANGFA	1993	AS	400	\$2,013,000	1.64	\$3,301,000	\$854,000	\$2,447,000	\$2,420,000	\$508,200	\$19,300,000
M/V KUROSHIMA	1997	AK	4,200	\$19,702,600	1.47	\$28,963,000	\$4,160,000	\$24,803,000	\$17,540,000	\$5,824,000	\$19,300,000
M/V KURE	1997	CA	36,000	\$47,218,900	1.47	\$69,412,000	\$36,009,000	\$33,403,000	\$711,000	\$50,412,600	\$19,300,000
M/V STUYVESANT	1999	CA	7,100	\$11,700,000	1.42	\$16,614,000	\$7,111,000	\$9,503,000	\$379,000	\$9,955,400	\$19,300,000
M/V NEW CARISSA	1999	OR	36,600	\$51,301,400	1.42	\$72,848,000	\$36,571,000	\$36,277,000	\$32,914,000	\$51,199,400	\$19,300,000
M/V SERGO ZAKARIADZE	1999	PR	16,500	\$15,966,700	1.42	\$22,673,000	\$16,502,000	\$6,171,000	\$6,065,000	\$23,102,800	\$19,300,000
SS J LUCKENBACH	2001	CA	7,900	\$42,007,700	1.34	\$56,290,000	\$7,869,000	\$48,421,000	\$44,051,000	\$11,016,600	\$19,300,000
F/V WINDY BAY	2001	AK	400	\$3,396,400	1.34	\$4,551,000	\$854,000	\$3,697,000	\$3,396,000	\$567,000	\$19,300,000
M/V SELENDANG AYU	2004	AK	39,800	\$152,927,300	1.25	\$191,159,000	\$39,755,000	\$151,404,000	\$98,265,000	\$55,657,000	\$19,300,000
MAMA LERE	2006	TX	400	\$1,217,300	1.17	\$1,424,000	\$854,000	\$570,000	\$1,217,000	\$516,600	\$19,300,000
M/V COSCO BUSAN	2007	CA	65,100	\$110,557,900	1.14	\$126,036,000	\$65,131,000	\$60,905,000	\$4,208,000	\$91,183,400	\$19,300,000
LST-1166	2007	OR	2,400	\$5,151,000	1.14	\$5,872,000	\$2,418,000	\$3,454,000	\$5,151,000	\$3,385,200	\$19,300,000
CATALA	2007	WA	5,700	\$6,138,500	1.14	\$6,998,000	\$5,700,000	\$1,298,000	\$6,138,000	\$7,980,000	\$19,300,000
C/V SEA WITCH	2008	MD	17,900	\$20,629,900	1.10	\$22,693,000	\$17,902,000	\$4,791,000	\$20,630,000	\$25,062,800	\$19,300,000
M/V PRINCESS KATHLEEN	2010	AK	5,900	\$14,185,900	1.09	\$15,463,000	\$5,875,000	\$9,588,000	\$14,186,000	\$8,225,000	\$19,300,000
DAVY CROCKETT	2011	WA	4,600	\$22,457,500	1.05	\$23,580,000	\$4,643,000	\$18,937,000	\$22,458,000	\$6,500,200	\$19,300,000
JIREH	2012	PR	1,000	\$16,564,300	1.03	\$17,061,000	\$979,000	\$16,082,000	\$16,467,000	\$1,370,600	\$19,300,000
<b>TOTAL</b>						<b>\$695,487,000</b>	<b>\$257,354,000</b>	<b>\$438,133,000</b>	<b>\$302,259,000</b>		

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										Shaded Area Indicates Higher Limit Which Would be Applied	
<b>Vessel Type: Non-Tank Vessel &lt; or + 300 GT</b>											
F/V YU TENO. 1	1999	AS	200	\$1,164,600	1.42	\$1,654,000	\$854,000	\$799,000	\$5,296,000	\$1,100,000	\$1,000,000
F/V AMIGA NO. 5	1999	AS	200	\$3,355,700	1.42	\$4,765,000	\$854,000	\$3,911,000	\$2,766,000	\$1,100,000	\$1,000,000
F/V KWANG MYONG	1999	AS	200	\$1,554,800	1.42	\$2,208,000	\$854,000	\$1,353,000	\$965,000	\$1,100,000	\$1,000,000
F/V KORAM NO. 3	1999	AS	200	\$1,403,100	1.42	\$1,992,000	\$854,000	\$1,138,000	\$813,000	\$1,100,000	\$1,000,000
F/V KWANG MYONG NO 72	1999	AS	200	\$2,182,900	1.42	\$3,100,000	\$854,000	\$2,245,000	\$1,593,000	\$1,100,000	\$1,000,000
F/V KWANG MYONG NO 58	1999	AS	200	\$1,557,600	1.42	\$2,212,000	\$854,000	\$1,357,000	\$967,000	\$1,100,000	\$1,000,000
F/V KORAM NO 1	1999	AS	200	\$1,378,400	1.42	\$1,957,000	\$854,000	\$1,103,000	\$788,000	\$1,100,000	\$1,000,000
F/V KWANG MYONG NO 51	1999	AS	200	\$1,249,200	1.42	\$1,774,000	\$854,000	\$919,000	\$659,000	\$1,100,000	\$1,000,000
F/V JESSICA ANN	2000	ME	200	\$947,000	1.37	\$1,297,000	\$854,000	\$443,000	\$947,000	\$951,500	\$1,000,000
F/V SWORDMAN I	2000	HI	100	\$1,528,600	1.37	\$2,094,000	\$854,000	\$1,240,000	\$1,529,000	\$594,000	\$1,000,000
F/V VANGUARD	2001	AK	200	\$699,800	1.34	\$938,000	\$854,000	\$83,000	\$700,000	\$1,100,000	\$1,000,000
M/V KIMTON	2001	PR	200	\$713,700	1.34	\$956,000	\$854,000	\$102,000	\$714,000	\$1,100,000	\$1,000,000
F/V GENEI MARU #7	2002	AK	100	\$869,800	1.32	\$1,148,000	\$854,000	\$294,000	\$870,000	\$759,000	\$1,000,000
F/V TERESA LYNN	2002	FL	200	\$690,800	1.32	\$912,000	\$854,000	\$57,000	\$691,000	\$1,100,000	\$1,000,000
VICTORIA ROSE HUNT	2003	MA	100	\$1,085,700	1.29	\$1,401,000	\$854,000	\$546,000	\$94,000	\$352,000	\$1,000,000
M/V RED DIAMOND	2003	FL	200	\$2,595,200	1.29	\$3,348,000	\$854,000	\$2,493,000	\$2,595,000	\$1,100,000	\$1,000,000
CRANE BARGE MONARCH	2003	CA	200	\$2,481,700	1.29	\$3,201,000	\$854,000	\$2,347,000	\$2,482,000	\$1,100,000	\$1,000,000
M/V BOW STRING	2003	FL	300	\$1,606,500	1.29	\$2,072,000	\$854,000	\$1,218,000	\$1,606,000	\$1,875,500	\$1,000,000
F/V NEW HORIZON	2004	CA	100	\$805,300	1.25	\$1,007,000	\$854,000	\$152,000	\$305,000	\$313,500	\$1,000,000
F/V MWALIL SAAT	2004	GU	200	\$3,413,500	1.25	\$4,267,000	\$854,000	\$3,412,000	\$3,414,000	\$902,000	\$1,000,000

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										Shaded Area Indicates Higher Limit Which Would be Applied	
F/V THE BOSS	2004	OR	200	\$926,100	1.25	\$1,158,000	\$854,000	\$303,000	\$926,000	\$1,100,000	\$1,000,000
M/V ORIENTAL I	2004	FL	200	\$727,400	1.25	\$909,000	\$854,000	\$55,000	\$727,000	\$1,100,000	\$1,000,000
F/V MILKY WAY	2005	WA	200	\$1,039,600	1.21	\$1,258,000	\$854,000	\$403,000	\$539,000	\$1,100,000	\$1,000,000
ALBION	2005	CA	200	\$1,207,100	1.21	\$1,461,000	\$854,000	\$606,000	\$1,207,000	\$1,100,000	\$1,000,000
M/V CASITAS	2005	HI	300	\$1,710,700	1.21	\$2,070,000	\$854,000	\$1,216,000	\$1,711,000	\$1,485,000	\$1,000,000
M/V SENECA	2007	MI	200	\$1,211,000	1.14	\$1,381,000	\$854,000	\$526,000	\$1,211,000	\$1,100,000	\$1,000,000
NORTHERN MARINER	2008	AK	200	\$785,100	1.10	\$864,000	\$854,000	\$9,000	\$785,000	\$1,078,000	\$1,000,000
BIG BOY & SCOOPY DOO	2008	PA	200	\$1,010,800	1.10	\$1,112,000	\$854,000	\$258,000	\$1,011,000	\$1,094,500	\$1,000,000
CAPT MIKE	2009	LA	100	\$2,413,400	1.10	\$2,655,000	\$854,000	\$1,800,000	\$2,413,000	\$440,000	\$1,000,000
F/V MAR-GUN	2009	AK	200	\$1,388,100	1.10	\$1,527,000	\$854,000	\$672,000	\$199,000	\$1,061,500	\$1,000,000
WENONAH	2009	CA	300	\$947,800	1.10	\$1,043,000	\$854,000	\$188,000	\$948,000	\$1,595,000	\$1,000,000
SOUND DEVELOPER	2009	AK	200	\$1,657,100	1.10	\$1,823,000	\$854,000	\$968,000	\$1,657,000	\$1,100,000	\$1,000,000
MONARCH	2009	AK	300	\$2,698,200	1.10	\$2,968,000	\$854,000	\$2,114,000	\$24,000	\$1,633,500	\$1,000,000
TUG TIGER	2011	CA	200	\$4,205,500	1.05	\$4,416,000	\$854,000	\$3,561,000	\$4,205,000	\$1,100,000	\$1,000,000
DEEP SEA	2012	WA	200	\$3,384,300	1.03	\$3,486,000	\$854,000	\$2,631,000	\$2,795,000	\$1,083,500	\$1,000,000
F/V LONE STAR	2013	AK	100	\$2,663,600	1.02	\$2,717,000	\$854,000	\$1,863,000	\$1,126,000	\$803,000	\$1,000,000
RESPECT	2013	CA	200	\$2,365,600	1.02	\$2,413,000	\$854,000	\$1,559,000	\$2,366,000	\$1,100,000	\$1,000,000
DAIKI MARU 7	2014	GU	100	\$1,550,000	1.00	\$1,550,000	\$854,000	\$696,000	\$63,000	\$638,000	\$1,000,000
<b>TOTAL</b>						<b>\$77,114,000</b>	<b>\$32,452,000</b>	<b>\$44,640,000</b>	<b>\$53,707,000</b>		
<b>GRAND TOTAL</b>						<b>\$1,938,203,000</b>	<b>\$617,589,000</b>	<b>\$1,320,614,000</b>	<b>\$775,169,000</b>		

*This listing includes all incidents regardless of vessel size or type and regardless of whether a claim to the Fund by a responsible party for amounts in excess of liability limits was received or is anticipated. Costs include Federal removal costs and claims paid that have been verified. Other costs are estimated from best available information but cannot otherwise be verified. Fund exposure amounts are estimated and do not imply that the responsible parties will be able to limit their liability under the statute where the issue has not yet been determined.*