

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Pollution Funds Center
United States Coast Guard

NPFC CA MS 7100
US COAST GUARD
4200 Wilson Blvd. Suite 1000
Arlington, VA 20598-7100
Staff Symbol: (CA)
Phone: [REDACTED]
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[REDACTED]@uscg.mil
Fax: 202-493-6937
5890
6/12/2009

SENT VIA EMAIL:

[REDACTED]@usesgroup.com

United States Environmental Services, L.L.C.
365 Canal Street
Suite 2500
New Orleans, LA 70130

RE: Claim Number: N08057-002

Dear Mr. Schenck

The National Pollution Funds Center (NPFC), in accordance with 33 CFR Part 136, denies payment on the claim number N08057-002 involving DM923. Compensation is denied because interest is not OPA compensable.

You may make a written request for reconsideration of this claim. The reconsideration must be received by the NPFC within 60 days of the date of this letter and must include the factual or legal basis of the request for reconsideration, providing any additional support for the claim. However, if you find that you will be unable to gather particular information within the time period, you may include a request for an extension of time for a specified duration with your reconsideration request. Reconsideration of the denial will be based upon the information provided. A claim may be reconsidered only once. Disposition of that reconsideration in writing will constitute final agency action. Failure of the NPFC to issue a written decision within 90 days after receipt of a timely request for reconsideration shall, at the option of the claimant, be deemed final agency action. All correspondence should include claim number N08057-002.

Mail reconsideration requests to:

Director (ca)
NPFC CA MS 7100
US COAST GUARD
4200 Wilson Blvd, Suite 1000
Arlington, VA 20598-7100

Sincerely,

[REDACTED]
Claims Manager
U.S. Coast Guard

CLAIM SUMMARY / DETERMINATION FORM

Date : 6/12/2009
Claim Number : N08057-002
Claimant : United States Environmental Services, L.L.C.
Type of Claimant : OSRO
Type of Claim : Loss of Profits and Earning Capacity
Claim Manager : Dawn Unglesbee
Amount Requested : \$123,403.13

I. FACTS

On the morning of July 23, 2008, the tank barge DM 932 sank as a result of a collision and discharged oil into the Mississippi River, a navigable waterway of the United States.

II. Responsible Party

American Commercial Lines LLC (ACL) owned the barge at the time of the incident and is a responsible party under the Oil Pollution Act.

III. Claim Description

United States Environmental Services, LLC (USES) seeks \$123,403.13 in accrued interest for USES open invoices (See Enclosure 1).

IV. APPLICABLE LAW

Under OPA 90, USC §136.105(d)(8) The reasonable costs incurred by the claimant in assessing the damages claimed. This included the reasonable costs of estimating the damages claimed, but not attorney's fees or other administrative costs associated with preparation of the claim.

V. DETERMINATION

The NPFC has denied all interest as it is not OPA compensable.

Claim Supervisor: 

Date of Supervisor's review: 6/12/09

Supervisor Action: *Denial approved*

Supervisor's Comments:

ACL Invoices, less payments
 ACL - Spill Project Only

			Payments	Balance	Monthly Interest				Total Interest through 12/5/08
					Sept. 30, 2008	Oct. 31, 2008	Nov. 30, 2008	Dec. 8, 2008	
080140118A	8/7/2008	\$1,905,355.75	1,524,284.60	\$381,071.15	3,841.20	3,879.61	1,011.20	\$11,780.58	
80140121	8/11/2008	423,888.50	-	\$423,888.50	4,267.14	4,309.82	1,123.33	\$12,526.22	
80140122	8/15/2008	5,072,024.09	4,057,619.27	\$1,014,404.82	10,198.15	10,300.13	2,684.68	\$28,593.12	
80140123	8/20/2008	4,364,196.75	3,491,357.40	\$872,839.35	8,760.40	8,848.00	2,306.19	\$23,115.00	
80140124	8/23/2008	3,286,314.18	2,629,051.34	\$657,262.84	6,590.16	6,656.06	1,734.87	\$16,733.78	
80140128	8/27/2008	2,123,539.31	1,698,831.45	\$424,707.86	4,252.74	4,295.27	1,119.54	\$10,233.83	
80120201	9/29/2008	1,156,828.32	-	\$1,156,828.32	\$1,119.51	11,579.48	3,018.13	\$15,717.12	
80140144	10/21/2008	731,872.13	-	\$731,872.13	-	\$2,439.57	1,895.00	\$4,334.57	
80140171	10/31/2008	211,125.00	-	-	-	-	-	-	
C80140172	Less Credit Memo		68,171.50	142,953.50	-	-	368.91	\$368.91	
80140182	11/30/2008	384,008.50	-	\$384,008.50	-	-	-	-	
				\$6,189,836.97	\$39,029.30	\$52,307.94	\$15,261.86	\$123,403.13	
				\$19,659,152.53	\$13,469,315.56	\$16,804.04	\$52,307.94	\$123,403.13	