

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 : 
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: *Serial approval*

Supervisor's Comments:

ACL Invoices, less payments
ACL - Spill Project Only

			Payments	Balance	Monthly Interest	Monthly Interest	Monthly Interest	Monthly Interest	Total Interest
			20%		Sept. 30, 2008	Oct. 31, 2008	Nov. 30, 2008	Dec. 8, 2008	through 12/5/08
080140118A	8/7/2008	\$1,905,355.75	1,524,284.60	\$381,071.15	\$3,048.57	3,841.20	3,879.61	1,011.20	\$11,780.58
80140121	8/11/2008	423,888.50	-	\$423,888.50	\$2,825.92	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	\$5,410.16	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	\$3,200.41	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	\$1,752.70	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	\$566.28	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	-	-	-	-	-
		\$19,659,152.53	\$13,469,315.56	\$6,189,836.97	\$16,804.04	\$39,029.30	\$52,307.94	\$15,261.86	\$123,403.13