

Claims Process & Procedures

NPFC Claims Guidebook

Claimant's Guide

**A Compliance Guide
for Submitting Claims
Under the Oil Pollution Act of 1990**

**U.S. Coast Guard
National Pollution Funds Center
4200 Wilson Boulevard, Suite 1000
Arlington, VA 22203-1804**

April 2003

Notice of Designation

<p>U.S. Department of Homeland Security United States Coast Guard</p>		<p>Director National Pollution Funds Center</p>	<p>4200 Wilson Boulevard Suite 1000 Arlington, Virginia 22203-1574 Staff Springs, Va. Phone: (703) 463-6667 Toll Free (800) 258-5887 ext. 38887 Fax: (703) 682-6896</p>
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SERIAL
17 December 2004

HAND DELIVERED DOCUMENT TO OWNER'S REPRESENTATIVE

Avco Navigation STD. 8887, 26
Shoreline Marine (Barbados) Ltd.
c/o Ronald Young & Logan
Attn: Mr. Doug Davis
1839 W. 3rd Suite 650
Anchorage, AK, 99511

IMC Shipping Company Pte. Ltd.
c/o Galapagos Marine Systems
Attn: Mr. Howard Hill
100 Country Parkway
Suite 130
Morristown, NJ 08054

RE: M/V Seaboard Aps.
IPN: 103001

Dear Mr. Davis & Mr. Hill:

On 6 December 2004, your vessel the M/V SELENDANG Aps lost propulsion and began drifting toward Unalaska Island. On 9 December, your vessel grounded and broke in half discharging oil into the Hering Sea and associated bays along the Aleutian Island chain (in particular along Unalaska Island), a navigable waterway of the United States. The Oil Pollution Act of 1990, 33 USC 2701 et. seq., requires that we formally designate the M/V Seaboard Aps as the source of the discharge and notify you that as its owner/operator, you incur certain legal responsibilities to the U.S. Government and others damaged by this incident. You are liable for removal costs and damages as specified in 33 USC 2702 and must advise the procedures by which persons who have claims for removal costs and damages may submit their claims to you, as specified in 33 USC 2714.

You must publicly advertise this designation and the procedures by which claims may be presented to you. The advertisement must begin within 15 days of the date of this letter and must continue for no less than 30 days. Enclosure (1) outlines the required content of this advertisement and enclosure (2) is a sample advertisement. You may choose to follow this sample but are not required to do so as long as your advertisement contains the required information. Your advertisement must be disseminated in such a manner that all potential claimants are notified. To accomplish this, we require that you advertise in the newspaper(s) having general circulation in the area(s) affected. We also require that you post notices in marinas affected and provide direct notification where individuals have been identified as receiving damages from your spill. You may propose other methods of advertisement and notification, but they may be used only when approved in advance by the National Pollution Funds Center. Please note that a claimant may present a claim for certain short-term damages (representing less than the full amount to which the claimant ultimately may be entitled). Payment of such claims shall not preclude recovery for damages not included in the paid or settled partial claim.

You are directed to inform us of the specifics of your advertising, including the name of any newspaper or other publication in which the advertisement is run, the geographical area covered by the publication, and how often the advertisement will appear, as appropriate. Send us copies of the advertisement and advise us in writing that you have begun advertising within 20 days of receipt of this letter, otherwise we will assume that you did not comply with these requirements. If you do not comply with these requirements, the National Pollution Funds Center will advertise for claims. If we advertise, you will be charged for our costs, as well as for the costs of any administration, adjudication and payment of claims.

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Notice of Designation – cont'd

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17 December 2004

You may deny this designation within 5 days of receipt of this Notice of Designation. Your denial must be in writing, identify this Notice of Designation, give the reasons for the denial, include a copy of all supporting documents, and must be submitted to Mr. Jeff D'Alessandro or Mr. Neil Bridge, Claims Manager, at the above address. If you deny this designation, the National Pollution Funds Center will advertise for claims. If we advertise and you are later judged to be responsible for the discharge, you will be charged for our costs, as well as for the costs of any administration, adjudication and payment of claims.

You may contact the Claims Manager, Mr. Jeff D'Alessandro, at 1-800-358-2897 ext. 36848 or (800) 280-7118 if you have any questions. The FAX number is (202) 493-6937.

Sincerely,



ROBERT N. HILDEBRAND
U.S. Coast Guard
Case Officer


Print & Sign Name/Date of Receipt

Encl: (1) Content of Advertisement
(2) Sample Advertisement

Copy: Ayo Navigation SDN. BHD (MAILED)
c/o Shipowners Claims Bureau
60 Broad Street 37th Floor
New York, NY 10004

Shorline Mutual (Bermuda) Ltd. (MAILED)
c/o Torgs LLP
Attn: Mr. Rayner McQuinn
237 Park Avenue
New York, NY 10017

Sveriges Angfartygs Assurances Forening (MAILED)
The Swedish Club
Attn: Capt. Anders Holmberg
Gullbergs Strandgata 6
P.O. Box 171
SE-401 22 Goteborg

BMT Salvage Limited (The SA) (MAILED)
Attn: Mr. Ralph J. Bruni
135 Filbert Street
Suite 245
Oakland, CA 94607

Content of Advertisement

Content of Advertisement

Each advertisement/notification is to contain the following information or to indicate where this information may be contained:

1. Location, date and time of the incident.
2. Geographical area affected.
3. Quantity of oil involved.
4. Name or other description of the designated source.
5. Name of the responsible party (you).
6. Name, address, telephone number, office hours, and workdays of the person or persons to whom claims are to be presented and from whom claim information can be obtained.
7. The procedures by which a claim may be presented, including a statement that indicates that claimant may present a claim for interim short-term damages representing less than the full amount to which the claimant ultimately may be entitled. Payment of such claim shall not preclude recovery for damages not reflected in the paid or settled partial claim.
8. Notification that if you deny or do not resolve a claim within 90 days after the date of submission, the claimant may then submit the claim to the National Pollution Funds Center (oa), 4200 Wilson Boulevard, Suite 1000, Arlington, VA 22203-1804, for our consideration. We will then evaluate the claim and take appropriate action.
9. Unless noted below, the advertisement/notification must be in English.

Claims Can Be Submitted For:

- Uncompensated removal costs
- Damages to natural resources
- Damages to real or personal property
- Loss of profits and earning capacity
- Loss of subsistence use of natural resources
- Loss of government revenues
- Increased cost of public services

Uncompensated Removal Costs

- Any claimant
- Removal actions must be consistent with the NCP
- Main criteria is whether the OSC was notified of, and/or whether the OSC would have or did authorize, removal actions