



**CLIENT ADVISORY LETTER 2010-05**  
**June 30, 2010**

**USCG Issues Interim Rule to Suspend Plan Holder's Spill Response Time Requirements  
To Support Deepwater Horizon Oil Spill of National Significance**

Dear Client,

As you are aware, the Deepwater Horizon spill event has been declared a Spill of National Significance (SONS). As a result, the majority of NRC's Gulf Of Mexico (GOM) based resources are currently engaged in the active spill response.

The urgency to meet the additional critical resource needs in the GOM has prompted the USCG and EPA to issue an emergency Interim Rule that lowers the Oil Pollution Act of 1990 (OPA 90) planning standards from Worst Case Discharge (WCD) and Maximum Most Probable Discharge (MMPD) to only Average Most Probable Discharge (AMPD). This action, which went into effect today (June 30, 2010) and extends at least through December 31, 2010, temporarily relieves plan holders of their regulatory obligation to maintain response capability for spills greater than an AMPD. Further, we understand that some states with more stringent requirements are cooperating with the USCG to determine what level of additional resources can be released from their jurisdictions. Their goal is to reach the delicate balance that will allow additional resources, especially from the West Coast, to respond, but still leave sufficient capability to initiate a response to a potential subsequent event.

While this new ruling by the USCG and EPA provides some regulatory relief to facility and vessel plan holders, NRC will continue to maintain more than sufficient resources in all operating areas to meet AMPD requirements. In addition, NRC has not mobilized any of its significant resources (e.g. OSRVs or OSRBs) from the US West Coast and maintains the resources to meet all of the federal and state oil spill response requirements, for a MMPD through WCD discharge. As mentioned in our previous advisory, when NRC resources were requested by the DWH Unified Command, NRC worked closely with the USCG to ensure that appropriate backup plans were in place to temporarily replace our deployed assets. On the East Coast, NRC mobilized its OSRVs, berthed in Cape May, New Jersey and New York Harbor and replaced those assets with either OSRVs or Vessels of Opportunity Skimming System Vessels (VOSS) in the Delaware Bay and New York Harbor, respectively. Therefore, NRC continues to meet the federal OPA 90 requirements on the US East Coast.

With regard to the movement of response resources within the GOM, NRC has adhered to OPA 90's planning standard regulations and specifically USCG Navigation and Vessel Inspection Circular (NVIC) 01-07. We have notified the local COTPs that our response resources have been mobilized to the current DWH event and, as a result, may not be capable of meeting planned arrival times. Please be advised that response plans that rely on NRC's contracted resources remain valid and the USCG will not require plan holders to request specific waivers in this region. As noted above, the USCG has now issued the temporary suspension of WCD and MMPD requirements to further clarify this point.



## *Client Advisory*

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We certainly appreciate the USCG's and EPA's commitment to a flexible approach to compliance in these circumstances that will allow commerce to continue without unnecessary additional interruption and expect other agencies to take a similar reasonable position. We stand ready to provide you with any additional information or other assistance you may need during the course of this event.

Should you have any questions, I can be reached at 631 224-9141.

Sincerely,

A handwritten signature in black ink, appearing to read "S.A. Candito". The signature is fluid and cursive, with the first and last names clearly legible.

Steven A. Candito  
President