

From: Nash, Roy RADM
To: McCleary, Stephen CAPT
Sent: 7/19/2011 7:46:50 PM
Subject: RE: FOSC REPORT REVIEW

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Steve,

Great note and update. All that you said makes perfect sense to me, and we just need to be ready to deliver, which you surely are. The ability to tell the story of what happened, what worked, and finding positive steps taken in the long challenging struggle is a real lesson for me. I have come to conclude that many people believe that lessons learned, after actions, etc, are somehow a venue to whine and vent about what did not work. What folks completely fail to understand is that disaster response is a non-normal situation, and everything you do to get back to normal will be fraught with struggle to find the best courses of action, and learning will take place in those measures that come up short. It is the persistence and resolve that is well described in "the Man in the Arena" that makes the most sense to me...it's just a superb statement of how the really complex and challenging obstacles pursuant to disaster response are overcome by human beings in the fight. Leaders who will have followers will get this reality.

Steve,

If you want to talk about anything, I am glad to chat. Things here are going along well...just fine in fact. We have been blessed with a good team here that know the AOR and the customers much better than I. As for me, I change venues multiple times a week, speaking engagements, change of commands, retirements, and relationship building visits. Presided over 4 change of cmds so far... MSU Port Arthur, BARBARA MABRITY and HARRY CLAIBORNE ChgofCmds remain. I missed the Ocean Energy Safety Advisory Committee in town last week due to being at Sector Upper Mississippi River in St Louis. Oh, the Mississippi is a mighty river indeed...we still have flooding on the Missouri. I have fam visits to Texas, FL, AL coming up in early August. If you need a D8 fam or follow up, give me a ring...

Again, thanks for this update, and for all you have done for the DWH Response, and for the FOSC Report, Steve. It has been a genuine honor to serve with you, and hope to do so again.

v/r
Roy Nash

-----Original Message-----

From: McCleary, Stephen CAPT
Sent: Tuesday, July 19, 2011 5:32 PM
To: Nash, Roy RADM
Subject: RE: FOSC REPORT REVIEW

Admiral:

A couple of developments for your awareness. First and foremost, there is not an expectation that you join the brief to DHS.

BOEMRE indicated today that they cannot meet the 27 July release date for their portion of the Joint Investigation Report. Director Bromwich could not give a date, although he hoped one to two weeks later. We tend to think it will be closer to a month. Myself (speaking on behalf of the FOSC Report) and Steve Poulin and Dave Fish (speaking about the JIT Final Action memo) have a meeting with personal staff to S1 and S2 tomorrow. We scheduled a briefing for S2 next Tuesday with the same group of three plus Admiral Z. I am pretty certain that date will slip and we will have to reschedule some time after we get a new proposed release date from BOEMRE. Admiral Z was pretty adamant that we will release our remaining reports at the same time as BOEMRE.

I will keep you informed as things move forward, but after the exchange with the staff at DHS over the last few days, I am certain there will be no request that you come up for the briefing.

Last thing, we delivered copies of the report to CCG and VCG today, although I believe their EAs are only giving them the Executive Summary to read. I will pass on any feedback I get from them.

V/R

SPM

-----Original Message-----

From: Nash, Roy RADM
Sent: Monday, July 18, 2011 10:30 AM
To: McCleary, Stephen CAPT
Subject: RE: FOSC REPORT REVIEW

Steve,

Thanks...Do you think I'll be expected to join the brief, or will it come from RADM Z or VADM Salero? Hope the OGC comments are helpful.
RAN

-----Original Message-----

From: McCleary, Stephen CAPT
Sent: Monday, July 18, 2011 8:54 AM
To: Nash, Roy RADM
Cc: Troedsson, Peter CAPT
Subject: FW: FOSC REPORT REVIEW

Admiral:

FYI on the status of the report. I should have all of the DHS staff comments back by COB today. OGC has provided extensive ones; the other offices have been mostly just interested for awareness. I am currently trying to schedule a briefing to S2 on both the FOSC report and the JIT Final Action Memo. That is proving complicated as she is on foreign travel until 25 July. With a proposed release date of 27 July, completion of briefing to the department is going to be a challenge. When I have a specific date and time for the briefing to S2 I will let you know.

Hope all is well with you.

V/R

SPM

-----Original Message-----

From: Theodore.Chuang@dhs.gov [mailto:Theodore.Chuang@dhs.gov]
Sent: Saturday, July 16, 2011 8:36 PM
To: McCleary, Stephen CAPT
Cc: Taylor, Susan
Subject: RE: FOSC REPORT REVIEW

Steve:

Here are some of my comments on the FOSC report. More technical items are in handwriting, which we need to arrange to be picked up or delivered on Monday. If you could make it afternoon, that would be great, since I'd like to get a copy of the binder made in the morning so I still have a hard copy of the draft. If Sue Taylor is in on Monday (cc'ed), you could have the officer picking up the binder coordinate with her.

Theo

1. P. vi. Chapter 2, para. 2: "The FOSC is the lead federal official in accordance with the NCP." This sentence may be overbroad, given the role of the Secretary as Principal Federal Official, as well as the role of the NIC. I suggest rephrasing to read, "The FOSC is the lead federal official for oil removal and response operations, in accordance with the NIC."

2. P. 6, right column, first full paragraph: We don't agree that HSPD-5 was not followed; our understanding is that the NCP/NIC structure was established as part of a broader HSPD-5 national response. So the Secretary was the Principal Federal Official and thus led the interagency response, as reflected in the primary role of the Secretary and DHS leadership in interagency coordination meetings relating to public affairs, legislative affairs, intergovernmental affairs, Deputies meetings, etc., including and especially on issues outside

the NCP framework. At the same time, the NIC was carrying out his role as set forth in the NCP, freeing up the FOSC to focus on operations. So I would suggest that the last paragraph, with the exception of the first sentence, be replaced with:

"At the same time, Homeland Security Presidential Directive-5 (HSPD-5), signed in 2003, establishes the framework for the federal government's response to national disasters requiring interagency coordination under which the Secretary of Homeland Security is designated as the Principal Federal Official for domestic incident management. Deepwater Horizon, as the first Spill of National Significance, presented the first occasion to consider how the NCP framework for addressing a SONS would work together with the HSPD-5 overarching framework for managing a national disaster. Early in the response, it was determined that NCP would be executed and the National Incident Commander would carry out his role under the NCP, but within an overarching HSPD-5 framework in which the Secretary, as the PFO designated by the President, maintains overarching responsibility for coordinating the whole-of-government response, particularly at the Cabinet level."

(See diagram on p. 7, which substantiates this description, as well as attached guidance issued by DHS and the NIC early in the response)

3. Page 7: The statement "the Coast Guard served as the Chair of the NRT" is incomplete info. Under the guidance issued early in the response (see attached), S1 had an oversight role over the NRT, and S2 presided over NRT meetings/calls. This should be clarified.

4. P. 22: Section on Source Control Activities: As discussed by phone, this section reads as if BP had unilateral control over the source control operations. If there was a federal role, it should be emphasized more so it does not appear that the government abdicated responsibility for source control to BP.

5. P. 27: The marked paragraph is very interesting because of BP's independence and may catch media attention.

6. P. 50: The statement "A representative of the RP oversaw daily command and control" makes it sound like BP, not the USG, was in charge. Is that true?

7. P. 68: Much of the discussion regarding the SCAT is redundant of earlier discussion. Should just be in one place.

8. P. 77: The discussion here probably gets into too much background detail - it reads more like a treatise than a report from an FOSC on the operations conducted. Could be streamlined.

9. P. 79: The discussion about the ineffectiveness of boom will be of public interest.

10. P. 95: Statement regarding boom ineffectiveness will be of public interest.

11. P. 136: The discussion about waste contracts reads as if procurement rules/laws were skipped and contracts were just given out without competition. If there was a sole source justification determination, it should be referenced so there is no implication that rules were not followed.

-----Original Message-----

From: Stephen.P.McCleary@uscg.dhs.gov [mailto:Stephen.P.McCleary@uscg.dhs.gov]
Sent: Friday, July 15, 2011 3:37 PM
To: Chuang, Theodore
Subject: RE: FOSC REPORT REVIEW

Thank you very much. I will ask one of the petty officers to head up there to get it. If there is a preferred time from your end, I will let them know.

V/R

Steve

-----Original Message-----

From: Theodore.Chuang@dhs.gov [mailto:Theodore.Chuang@dhs.gov]
Sent: Friday, July 15, 2011 3:30 PM
To: McCleary, Stephen CAPT
Subject: RE: FOSC REPORT REVIEW

I'll have some comments to you by early Monday. I'll also have the handwritten edits in my binder, so if you want to arrange for someone to get the binder from HQ on Monday, that would be ideal. Let me know how you would like to arrange that.

Theo

-----Original Message-----

From: Stephen.P.McCleary@uscg.dhs.gov
[mailto:Stephen.P.McCleary@uscg.dhs.gov]
Sent: Thursday, July 14, 2011 10:14 AM
To: Chuang, Theodore; Colburn, Brent; Stupak, Philip; Bernstein, Jarrod; Dietch, Sarah
Cc: Nadler, Kristi
Subject: FOSC REPORT REVIEW

Good Morning:

Thank you again for taking time to review the FOSC Report for the Deepwater Horizon spill. I am writing to request that, if at all possible, you provide any edits or changes to me by COB Monday 18 July. That will allow me time to incorporate them, and get them to the person doing the design and layout of the report in time to adjust the layout and get the report in final form in advance of any briefings to senior leaders at DHS or delivery to the NRT.

Please let me know if you have questions or if I can provide you with anything further.

SPM

Steve McCleary
Captain, U.S. Coast Guard
Executive Assistant to the
Judge Advocate General
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