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## Jacksonville Towing and Salvage Corp.

DEPT. OF TRANSPORTATION  
DOCKET SECTION

98 SEP 10 PM 2:47

- Tugs
- Workboats
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- Towing
- Salvage
- Oil Spill Response
- Hazmat Response
- OSHA and Oil Spill Training
- Diving
- Vessel Surveys

Lt. Diane Kalina  
Commandant (G-MSO-2) 1998-3786-10  
U.S. Coast Guard  
2100 2nd ST SW  
Washington, DC 20593

Dear Lt. Kalina

Thank you for promptly sending me a copy of the proposed changes to 46 CFR Chapter 1, Subchapter V, Part 197.

First, I'd like to start by giving my perspective. I belong to the Commercial Assistance Towing Industry and commercial diving is an integral part of our industry. There are three major towing networks, TowBOAT/U.S., Vessel Assist, and SeaTow, which are ranked in size order. Of course there are also independent companies not affiliated with any network. TowBOAT/U.S., the largest network, is comprised of about 160 companies with a fleet of over three hundred towboats and services approximately 1/2 million members. At best count there are over 700 commercial assistance companies with a few thousand employees total. We are in all cases small companies and in some cases small disadvantaged companies.

While towing is the main thrust of our industry, nevertheless, we engage in "commercial diving" activities. For example in the salvage of a sunken vessel, we perform diving activities. As another example, if a recreational vessel fouls their propeller with a crab trap, we might dive on it to cut the line free and get the boater underway again. As another example, following a major natural disaster, our companies normally salvage most of the sunken vessels. As another example, we are sometimes contracted to change the zincs or clean the bottoms of recreational boats. If you gathered the industry into a room and asked if we were commercial divers, we'd likely say no but according to your regulations, we are.

I've canvassed several other towing companies about this proposed change. We feel that the financial impact of some of these changes would cost our companies several million dollars or force us out of business.

We feel that way because of several issues.

First, we're not trained as commercial divers (nor do we engage in the activities they do). Typically we're trained as a recreational SCUBA diver and then undergo further (normally On-The-Job) training. The training commercial divers receive (320 hours) is simply excess and overkill to the type of diving we do. Normally, as you know, most sunken light salvage (which is the kind we engage in) occurs in less than 20 feet of water at dockside and the salvage boat itself is normally less than 30 feet. That's quite a different set of criteria than what we call "commercial divers" engage in. The training costs to allow our salvage divers to become fully fledged "commercial divers" as recognized by the ADC would cost us over \$2.5 million dollars. It would cost my company over \$30,000.00 to accomplish this.

Second, besides the working conditions being vast different, our safety record is also very different. While no one is going to argue that "commercial diving" doesn't sustain a large number of personnel accidents each year, I certainly will argue that light salvage divers have an extremely good safety records. In fact if you examine Coast Guard records, you'll not see many, if any, injuries, let alone deaths attributable to light salvage diving.

What we would like to explore is:

- a. can we be exempted from these regulations
- b. can we get special regulations that apply to us rather than being lumped in with a much larger and more financially powerful industry.

We are currently exploring with the Association of Diving Contractors if we can come up with a mutually acceptable different category of diver that stands apart from the current commercial diver definition.

My specific comments on the proposed rule changing follows:

197.3 14 Proposed. We do currently diver deeper than 80 fsw with a mixed gas, NOAA NITROX I, II or custom. The purpose of using that mixed gas is to provide a safety factor over using compressed air. To require a decompression chamber ignores the type of diving we do. The Financial Impact of this proposed change would either cause us to spend over \$4.5 million dollars to equip ourselves or to give up income and associated employment connected with these salvages. It would cost my company \$42,000.00 to comply with this.

197.320 Proposed. The typical commercial assistance towboat, which is the same we utilize for salvage, is less than 27 feet. There simply isn't room for a ladder that can accommodate more than one person at a time. The Financial Impact of this change would require us to obtain larger vessels. The Financial Impact is hard to determine but it would be substantial (several million dollars). It would cost my company over \$50,000.00 to comply with this.

197.346 Proposed. Requiring a SCUBA diver to carry an independent reserve cylinder vice using an octopus rig from the second diver encumbers the diver with tremendous additional bulk and weight. This could actually place the diver at risk when working off a bank or near surf. Current practice is to carry a "Spare Air" unit which is designed to provide an independent supply of air to bring the diver to the surface from the deepest planned depth. Alternately, an octopus second stage which the second diver carries is used to provide that air. The cost here isn't the important issue, our work practices would become unsafe and lead to risk of life.

197.430 Proposed. During the course of a salvage, it may be necessary to enter the sunken vessel. This regulation would prohibit my industry from doing these salvages. The financial impact to my industry would exceed \$1 million dollars in lost income. However there would also be a financial impact to the insurance industry which would have to pay an additional \$3 million dollars a year to hire commercial dive companies to perform this task. Further, many commercial assistance companies are also oil spill clean up contractors. While we are quick reaction 24 hour hours a day, commercial dive companies typically aren't. The additional damage the environment might sustain from leaking diesel fuel or gasoline would also be very high while a commercial diving company gears up to respond to an incident. The cost for my company to comply with this regulation would be \$3 8,000.00.

We would also like to propose another change to section e.

(e) A boat is available for diver pickup when the dives are not line tended from the dive location. All boats used to pick up divers will be operated by a USCG licensed Master. The reason for this is to stop unsafe boat operations.

197.432 Proposed. Our objections are contained above

In answer to your specific questions contained in the Federal Register.

1. Without taking into account the small business affected by the proposed rule changes, the regulations become unfair and designed to reduce competition.
2. The Coast Guard should take into account the ADC Consensus Standards are not written for our industry nor was our industry ever consulted about these standards.
3. We believe the Financial Impact to be much greater as outlined above.
4. Come up with a definition of commercial diver that does not include our industry or come up with additional definitions to recognize our industry
5. No comment
6. Yes. However training which meets OSHA standards for HAZWOPER should be considered adequate.
7. No comment
8. No comment

9. No comment

10. The Coast Guard needs to take into account our industry, our industry standards as well as our accident rate

11. Until the Coast Guard becomes familiar with our industry, our industry practices and standards no regulations should be considered. After that no regulations should be considered without our specific input.

12. We are in the process of discussing this at this time. We would like to present this information to the Coast Guard **after** we have reached an agreement with ADC.

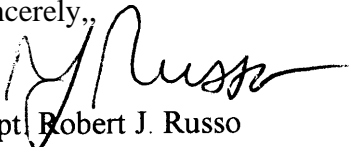
13. No, not for our industry. Our safety records does nor warrant additional licensing.

14. As I've stated, all of the commercial assistance companies are "small entities" and will be dramatically affected by these proposed regulations. Again I ask that the Coast Guard postpone these changes until our industry has had a better chance to organize .

Further I would like you to put me in touch with the small business ombudsman in either the Coast Guard or DOT so that we can learn how best to respond to these threatening proposed changes. I would prefer to try to work within the Coast Guard rather than have all of us request Confessional oversight into regulations which threaten our financial livelihood. Lastly while I can't claim to represent the entire commercial assistance industry, if you wish or require, I can have all companies I am aware of write you a similar letter, have our salvage personnel (the ones these regulations would put out of work) write letters to you and their congressional representatives as well. Please let me know what is most appropriate.

Thank you for your time and attention.

Sincerely,,



Capt. Robert J. Russo  
TowBOAT/U.S. Jacksonville

cc: Richard Oakerson, BOAT/U. S.