

8-011

Association of Diving Contractors International, Inc.

COMMUNICATION • EDUCATION • SAFETY
3910 FM 1960 West, Suite 230
Houston, TX 77068

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24 April 2000

USCG-1998-3786-84

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CHAPTERS

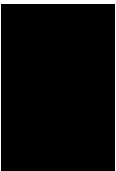
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Ross Saxon, PhD.



RADM R.C. North, USCG
Assistant Commandant, USCG [G-MOS]
United States Coast Guard
2100 Second Street, S.W.
Washington, DC., 20593-0001

Dear Admiral North;

During opening remarks for the NOSAC meeting of 20 April you noted that, "what worked in the past may not work in the future!" You also stated a requirement for "collective innovation" that "permits involvement" and "adoption of industry standards." I could not agree more!

However, I respectfully believe that the sentiments noted in your remarks fail to reflect reality; at least with respect to the efforts of this organization to introduce regulatory change to 46 CFR, Subchapter V, Part 197, Subpart B - Commercial Diving Regulations.

In November 1995 this organization proposed comprehensive changes to reference Subpart; changes necessitated by the fact that the current regulations were promulgated in 1978 and are 1) not consistent with industry practice nor 2) consistent with changes of technology since promulgation. In April 1996 the original submission was changed to respond to a request from Coast Guard to furnish Economic Impact Analysis data.

The proposed changes were developed through a consensus process undertaken by the Safety, Medical and Education and, Technical Committees of this Association. At all times during the development process LCDR Steve Kantz participated as the officially appointed representative of the United States Coast Guard. To assist Coast Guard in the review process the documents submitted furnished 1) Current Edition wording, 2) Proposed Change wording, and 3) the Reason or Justification for the action.

The primary emphasis of this organization is as relates to the ADC Consensus Standards for Commercial Diving Operations; a document that as with any other, requires that it be periodically reviewed to ensure its' contents reflect industry practice and are directed to ensure the highest standards of Safety. Without change to the federal regulations upon which a document of this nature is based, industry cannot itself introduce change without perhaps bringing its' members into a position where they may have to violate an existing regulation that lacks precision or fails to reflect the highest standards of Safety.

After considerable additional discussion and concern on the part of ADC over a seeming lack of progress to address the change proposal, an ANPRM was noticed on 26 June 1998; extended on 23 September 1998, and closed on 9 November 1998. I do however note that since the comment period was officially closed that additional comments have been received and posted on the Document Management System website.

Since closure of the public comment period this organization has made numerous attempts to determine the status of planned action on change recommendations. Consistent with what



ASSOCIATION OF
DIVING CONTRACTORS, INC.
2611 FM 1960 West, Suite F-204
Houston, Texas 77068
(281)893-8388 Fax: (281)893-5118

adc memorandum

Date: 12/3/97
To: LT Diane Kalina USCG
From: Ross Saxon
RE: Marine Safety Manual

Relative to our discussions of 11/20, wording is contained in the Marine Safety Manual under 16.E.3.h.4.b (3) to state:

(3) All diving activities shall employ a diving bell in a moon-pool arrangement. The bell's umbilical shall be held in a way that prevents fouling the vessel's screws. Diver's umbilicals from the bell shall be of sufficient length that they, likewise, cannot foul the vessel's screw.

It should be noted that the provisions of the ADC Consensus Standard for Commercial Diving Operations - Chapter 6 - does contain such language as is set forth above however is amplified in greater detail.

(4) States "Surface diving activities shall not be conducted from D-P vessels."

Such wording is totally impractical to industry practice/requirements. Chapter 6 of the ADC Consensus Standards for Commercial Diving Operations discusses this issue and offers firm and knowledgeable guidance regarding umbilical management and, although it does state that a wet bell may be utilized, it does go on to permit either moon-pool or over the side diving activity.

As industry has become more familiar with the use and operation of D-P vessels it has become evident that a great number of tasks must be performed at relatively shallow depth making the use of a bell system [of whichever type - wet or dry] impractical. However, umbilical management must still be taken into serious consideration and the basic premises of the ADC Consensus Standards regarding it adhered to.

The difficulty industry faces is that the current regulations are nearly twenty (20) years old and while generally quite reasonable, there are areas which require revision along the lines of the proposal made by ADC in 1996; a proposal which took two years to develop in an industry Consensus manner.

To the above point one must realize that essentially every diving company performing under U.S.C.G. jurisdiction is, in fact, a member of the Association of Diving Contractors and thus, while comments may be solicited from other stakeholders, there are few if any who would fall into the stakeholder category other than ADC members.

ADC intends to prepare a draft revision of the ADC Consensus Standards for Commercial Diving Operations to include items proposed for change in 1996; items which need to be addressed as a result of the passage of time and advances in industry practice and technology since that date, and to incorporate a section to discuss minimum training requirements for entry into the profession.

The action indicated above is intended to commence in the near future and to be completed as expeditiously as possible.

However, whilst the above action is taking place this organization, on behalf of its' members, cannot effect any published changes to the Consensus standards which are now necessary. To do so would be to tacitly place member companies into a position of non-compliance with existing federal regulations. Related to that subject is the fact that regulatory change is an exhausting process; one which cannot be completed in a reasonable time frame under current procedures.

During our meeting it was made clear that the regulatory reform process related to this issue would take in excess of two (2) years if everything proceeded in a scheduled manner. Meanwhile issues of the nature pointed out in this memorandum will remain unresolved unless some other form of relief through interpretation or variance is offered.

With specific reference to paragraphs (3) and (4) of the Marine Safety Manual, the ADC respectfully requests that this interpretive language be changed to state:

(3) All diving activities shall employ an umbilical management system designed to prevent hazard to the diver(s) and the vessel. This system shall ensure that umbilical lengths and the manner of deployment shall be so chosen that diving bells, divers, and all umbilicals are physically restrained from going to positions where they or their equipment could come into contact with thrust units or be adversely affected by theirwash

(4) Surface tended diving activities are permitted however, whenever practical, diving activities shall employ either a wet or dry diving bell deployed through a moon-pool or, over the side.

Expedient action on this issue would be greatly appreciated. We believe it to be in the best interest of all concerned and consistent with the highest standards of safety.

Please give me a call if you've any questions or require this item to be placed into an alternate format

U.S. Department
of Transportation

United States
Coast Guard



Commandant
United States Coast Guard

2100 Second St. S.W.
Washington, DC 20593
Staff Symbol: (G-MSO-2)
Phone: (202)267-1181
FAX: (202)267-4570

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MAY 26 2000

Dr. Ross Saxon
Executive Director
Association of Diving Contractors International, Inc.
3910 FM 1960 West, Suite 230
Houston, TX 77068

Dear Dr. Saxon:

This is in response to your letter of April 24, 2000, discussing the concerns of the Association of Diving Contractors (ADC), regarding the status of the revision of the commercial diving regulations and the Docket Management System's acceptance of public comments to a rulemaking docket after the close of a comment period.

Our policy regarding comments is to accept all comments received. They are indexed and placed on the public docket. All comments received before the close of a comment period must be reviewed and considered before issuing the next rulemaking publication, in this case a Notice of Proposed Rulemaking. Any comments received after the close of a comment period will be reviewed and considered to the extent practicable.

The concerns you raised on behalf of ADC are important to our understanding of the need to proceed with the revision of the commercial diving regulations. ADC's input is valuable to the Coast Guard and meaningfully reflects industry's desire to be involved in the regulatory process.

The Coast Guard regulated commercial diving industry has a praiseworthy safety record. This safety record is due in large part to industry's self-regulation and development of outstanding guidelines for safe practices. I see these efforts continuing to improve and I commend the industry for their endeavors in the face of federal regulations in need of updating.

We believe it is important to update our regulations. Despite the reassignment of personnel, reduced manpower, and budgetary limitations, my staff will continue their work revising the commercial diving regulations as their workload permits. Unfortunately, we have been unable to complete these regulations as quickly as industry would like.

I thank you for your comments and concerns. If you have any further questions, please contact CDR Mark Prescott at (202) 267-1181.

Sincerely,

A handwritten signature in black ink, appearing to read "J.P. HUGH".

J. P. HUGH
Assistant Commandant for Marine
Safety and Environmental Protection
Acting