

Salvage Update

Promoting professionalism and improving marine casualty response in American coastal and inland waters.



December 17, 2009 ♦ Issue 2, Volume 1

PLAN AHEAD FOR ASA'S MEETING

The American Salvage Association's (ASA) next membership meeting will be held in conjunction with the Connecticut Maritime Association's (CMA) SHIPPING 2010 conference in Stamford, Connecticut, on Monday, March 22, at 9 a.m. Reserve your hotel room at the Hilton Stamford soon before the discounted block fills up. Visit www.shipping2010.com for the special CMA rate of \$185/night. An agenda for the ASA meeting will be sent at a later date.

USCG ADDRESSES LOF AGREEMENT

ASA has reported that the U.S. Coast Guard (USCG) has informed both its and ISU's leadership of the following regarding the use of Lloyd's Open Form (LOF) in meeting the "contracts or other approved means" standards of 35 CFR 155.4025 (Salvage & Marine Firefighting Regulations):

"We have determined that the LOF does not meet the funding agreement definition because it does not contain agreed upon rates for specific equipment and services. The regulatory intent is to prevent any delay in response due to price or other contractual negotiations. The Coast Guard, however, is willing to consider the LOF in lieu of a funding agreement in meeting "contract or other approved means" under the following conditions:

1) The LOF is submitted with and identified in the entire agreement contractual agreement between the primary resource provider and the vessel owner or operator; and

2) The LOF is signed by both the primary resource provider and the vessel owner or operator at the time of submission to the Coast Guard.

If the LOF is submitted as outlined above, the Coast Guard believes the regulatory intent of preventing any delay in response due to contractual negotiations is met and we will consider the submission as an acceptable alternative under the "contract or other approved means" definition contained in 33 CFR 155.4025.

ASA members with questions about the use of LOF in meeting the USCG standards should contact Patty Adams (202) 372-1227) directly. ASA's interest in this matter has been to enlighten the USCG about the reasonableness of allowing the use of the LOF as one of a number of approved salvage contracts and this goal has been achieved.

WORP FUNDING REQUEST MOVES

ASA was advised recently that the \$1 million Wreck Oil Removal Program (WORP) request for the National Oceanic and Atmospheric Administration (NOAA) remains in the consolidated appropriations bill that was just approved by the House and passed to the Senate for a vote that will take place before Congress adjourns for the year. When the appropriations bill is fully approved, which is expected, the bill will be presented to President Obama for his acceptance.

ASA MEMBERS RESPOND

ASA members responded to a number of incidents recently including: On November 15, a member completed recovery work on the *Black Rose*, an iron ore carrying vessel which sank September 9th in the Bay of Bengal, India, resulting in the loss of life of one mariner. The stricken wreck sank 5 km off the Paradip coastline and still remains in its original capsized condition, cargo included, until arrangements are made for removal.

A grounded bulk carrier, *CSL Assiniboine*, which occurred on November 16 in the St. Lawrence Seaway near Cardinal, Ontario, Canada, was successfully refloated on November 21st and has been moved to a berth where the remaining cargo will stay on board until a decision is made about where to offload it.

On November 18, a grounded barge, *La Princesa*, was freed off Sandbridge beach in Virginia Beach, VA. The barge had broken free from the tug Sentry and grounded on the beach near Little Island Pier in Virginia Beach, VA.

Work was completed on a contract awarded on March 24, 2009 for the wreck removal and disposal of the remnants of the *M/V Fedra* which, in October 2008, grounded and sank during a severe storm off the coast of Gibraltar.

PRESS RELEASE GUIDELINES NOTED

ASA has issued a guideline for the issuance of ASA General Member response press releases related specifically to salvage, wreck removal and oil spill prevention operations. The ASA will only issue press releases that support the mission, goals and objectives of the ASA.

The key focus of press releases will be on operations carried out in the North America. Press releases on

operations performed in geographical areas outside North America may be submitted to the ASA provided they fulfill the requirements of salvage, wreck removal and oil spill prevention operations within ASA's mission, goals and objectives.

Each ASA General Member is responsible for drafting its own press release about the job/project/response the company was involved in within the accepted ASA generic style of not mentioning specific company names in the release. The message must be cleared in advance by the ASA General Member. It is the responsibility of the ASA General Member to gain approval to issue an ASA press release from the relevant parties such as his/her client, government agency, vessel owner, underwriter, etc. in advance of sending the draft release to ASA.

For a copy of the full set of guidelines, please contact Debra Colbert, dcolbert@vesselalliance.com

ASA PARTICIPATES IN CLEAN GULF

Special thanks to ASA member Jim Calhoun (T&T Bisso), who did an outstanding job organizing and moderating a Salvage Session held during Clean Gulf in New Orleans, LA, November 17th-19th.

The panel addressed Salvage and Marine Firefighting Regulations: Their Implementation and Impact, with Coast Guard representatives, municipal firefighters, commercial responders, and vessel operators.

ASA TO SUPPORT CLEAN ATLANTIC & OCEANTECH EXPO CONFERENCES

ASA will support **Clean Atlantic**, May 18-19, 2010 at the Baltimore Convention Center in Baltimore, Maryland, providing a day of training on May 17 to address the new

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Salvage and Fire-fighting regulations, the challenges of marine fire-fighting, and the Wreck Oil Removal Program (WORP). Visit www.cleanatlantic.org for details and to register.

ASA is also a co-sponsoring organization of the 2010 **OceanTech Expo** scheduled for May 25-27, 2010 at the Newport Yachting Center in Newport, Rhode Island. The event is sponsored by Maritime Reporter.

ASA will present a panel addressing the technical aspects of the WORP. Panelists include Tim Beaver, ASA Vice President and CEO of Global Diving & Salvage; Dr. Dagmar Schmidt Etkin, ASA Associate Member and President of Environmental Research Consulting; Bob Urban, ASA Associate Member and President of PCCI; and Carleen Lyden-Kluss, Executive Director of NAMEPA; a NOAA OR&R representative and a U.S. Coast Guard representative. Visit www.oceantechexpo.com for all the details and to register.

INDUSTRY CALENDAR

Upcoming Events:

- March 2-3: Offshore Alternatives conference, Washington, DC (www.marinelog.com)
- March 22: ASA Spring Membership Meeting, Stamford, CT (www.americansalvage.org)
- March 22-24: SHIPPING 2010, Stamford, CT (www.shipping2010.com)

- April 21-22: Tugs & Barges conference, Stamford, CT (www.marinelog.com)
- May 18-19: Clean Atlantic, Baltimore, MD (www.cleanatlantic.org)
- May 25-27: 2010 Ocean Tech Expo, Newport, RI (www.oceantechexpo.com)

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For more details on the American Salvage Association (ASA), please contact Patricia Welch, ASA Assistant to the Director, at (703) 373-2293 or via email at pwelch@vesselalliance.com.

Happy Holidays to ASA members and their families, and best wishes for a joyous new year!

