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Sea Change for the U.S. Salvage Community: *The Pending New Salvage & Firefighting Regulations*

BY CAPT JAMES R. WILKINS III,
Supervisor of Salvage & Diving, U.S. Navy

As the Navy's Supervisor of Salvage & Diving, I try to keep a weather-eye on the health of the U.S. maritime salvage industry. A robust salvage community is not just of economic interest to the country - it's a matter of national defense. New salvage regulations, proposed by the Coast Guard, are likely to come into force within the next several months. I expect these regs will have a truly positive impact on our national salvage capacity. Even though we do not know exactly what they will look like in final form, it's worth taking a look at what they will likely require. Please realize, however, that I do not speak for the U.S. Coast Guard, its positions or policies.

The proposed new salvage regs (to amend 33 CFR Part 155, Salvage & Marine Firefighting Requirements) were published in May 2002. A public comment period ended in October 2002 and the Coast Guard has since been reviewing the comments to decide if changes will be made. The regs will apply (at least initially) only to oil-carrying tank vessels, since they are being issued under the authority of OPA 90's vessel response plan (VRP) requirements which by statute apply only to tank vessels. Some parties, such as the American Salvage Association (ASA), think the regs should be extended to cover other vessels. That position has merit in light of recent studies revealing the high percentage of pollution caused by non-tank vessels. However, such an extension will probably require a change to OPA 90.

A key feature of the proposed regs will be definitive response timeframes for specific services. Each VRP will have to identify salvors contracted to provide certain salvage services

within the timeframes listed (see Tables 1-2 on page 2.)

The proposed regs also lay out detailed salvor selection criteria for selecting a salvor. A salvor should meet most, if not all, of the following criteria: be currently working as a salvor with a documented history of successful salvage ops & sufficient salvage equipment on standby; have personnel with appropriate & documented training/certification; have equipment & personnel on call 24 hrs a day; have an ongoing continuous personnel training program; have a record of participating in drills/exercises; have salvage plans on file that were used & approved during real cases; membership in relevant national or international organizations (e.g., ASA, ISU); have adequate insurance & sufficient up-front capital to support salvage operations; have experience & equipment to work in named region/environment; and have logistical/transport capability for extended & sustained ops.

There are other rules worth mentioning. Standing funding agreements between salvors and vessel owners/operators, containing pre-agreed upon price lists for services &



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Soundings

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equipment, would be required; the Coast Guard would, however, accept advance agreements to use Lloyd’s Open Form (LOF) in lieu of a detailed pricing list. Salvors would have to provide written consent prior to being named in a VRP, along with a statement certifying their ability to provide the services within the timeframes. Different salvors could be named for each of the COTP zones a vessel transits; also, multiple salvors could be named for a COTP zone if necessary, however, one salvor must be named as the primary salvor. In an actual incident, the named salvor(s) must be used, unless the Federal On Scene Coordinator (FOSC) approves a deviation from the plan due to exceptional circumstances.

There has been considerable dialogue between the Coast Guard and industry during the rulemaking process for these regs. The ASA played a proactive role in seeking to insure the rules reflect realistic and professional standards of competence for salvors. That is not to say the ASA agrees with everything in the proposed regs, as I suspect it questions the appropriateness of certain response timeframes. Likewise, it is doubtful the oil transport industry is entirely happy either. After all, vessel owners/operators will have to pay substantial fees in order to secure salvors willing to accept the added responsibility and liability of being “named” under these rules. Ultimately extending the regulations to non-tank vessels would certainly help to equitably spread the financial burden of complying with the regs.

Until the Coast Guard issues the final regs, the jury is still out on what the ultimate salvage rules will actually look like. What happens if the Coast Guard fails to act prior to February 12, 2004 (the expiration date of the latest suspension of the 24 hrs response

rule)? In such case, the simple “24 hrs” rule will become effective by default, unless suspended once more; and there will be no selection criteria, or requirement for standing funding agreements.

Personally, I believe the new salvage regulations will be implemented in something very close to their proposed form. I also believe they will help build additional salvage capacity in the U.S., thus enhancing our overall national salvage response posture. And to someone with a job like mine, that is a good thing! 🇺🇸

Table 1

| SERVICES | TIMEFRAMES (in hrs.) | |
|--|----------------------|----------------------|
| | to 12 mi. offshore | 12 - 50 mi. offshore |
| Salvage | | |
| <i>Assessment & Survey:</i> | | |
| - Remote assessment & consultation | 1 | 1 |
| - Begin assessment of structural stability | 3 | 3 |
| - On-site salvage assessment | 6 | 12 |
| - Assessment of structural stability | 12 | 18 |
| - Hull & bottom survey | 12 | 18 |
| <i>Stabilization:</i> | | |
| - Emergency towing | 12 | 18 |
| - Salvage Plan | 16 | 22 |
| - External emergency transfer operations | 18 | 24 |
| - Emergency lightering | 18 | 24 |
| - Other refloating methods | 18 | 24 |
| - Making temporary repairs | 18 | 24 |
| - Diving services support | 18 | 24 |
| <i>Specialized salvage operations:</i> | | |
| - Special salvage operations plan | 18 | 24 |
| - Heavy lift | 72 | 84 |
| - Subsurface product removal | 72 | 84 |

Table 2

| SERVICES | TIMEFRAMES (in hrs.) | | |
|--|----------------------|--------------------|----------------------|
| | At pier | to 12 mi. offshore | 12 - 50 mi. offshore |
| Marine Firefighting | | | |
| <i>Assessment & Planning:</i> | | | |
| - Remote assessment & consultation | 1 | 1 | 1 |
| - On-site fire assessment | 2 | 6 | 12 |
| <i>Fire Suppression:</i> | | | |
| - External firefighting teams | 4 | 8 | 12 |
| - External vessel firefighting systems | 4 | 12 | 18 |

The Marine Salvor: The Need for a Professional, Experienced Response

BY J. ARNOLD WITTE, President, American Salvage Association

As we approach our September conference, there are many important issues to be discussed, affecting casualty response, hopefully with some positive resolutions in the near future. There are, however, two issues which can no longer bear the test of time. The first is the final promulgation and implementation of the U. S. Coast Guard's regulations on salvage and wreck removal. The second issue of maritime security can also no longer be avoided.



Turning first to the regulations, it is hoped that after very careful study over a long period of time, after having heard the positions of the entire marine industry, it is essential that the U.S. Coast Guard move immediately to the institution of what they believe would be the most effective regime of casualty response. It is only by the publication of these regulations that the entire industry, and particularly the salvage industry, may prepare for our future. That future must obviously involve a professional, sound, and experienced response to matters of the environment, security, and finally the protection of property interests. The ASA endorses this endeavor to finally recognize the value of a salvage response based on sound preparation, experience, and prompt execution.

Closely tied to the professionalization of the industry by new regulations is the obvious need to prepare immediately for the integration of emergency response into our marine security system nationwide. This obviously includes identification of assets, pre-planning and training, coupled with the assurance that there is a geographic distribution of assets and speed of response which can render the assistance should the event ever take place.

These two critical issues of regulatory framework and security response must be confronted and resolved. On August 5-6, 2003, a forum sponsored by the National Research Board and funded by the Office of the U. S. Navy Supervisor of Salvage will begin to address the issues of salvage response as it impacts national security.

On behalf of the American Salvage Association, I very much applaud the effort and hope that it is a start toward the continued and prompt integration of the salvage community into the security effort. The marine industry can be assured that the ASA membership is totally committed to cooperation and support of the effort. There is also some indication that the Coast Guard is in a position to finally publish the new salvage guidelines in the very near future. It is hoped that public comment and publication in some form is available for discussion at our upcoming conference in September. To not be aware of the final Coast Guard position on the matter prior to the conference would clearly be counter-productive, losing the opportunity to critically and, more importantly, positively give support to the new regime.

I look forward to seeing most, if not all of our readers, at the conference in September. 

From the Editor...

BY JIM BLADH, Managing Editor - *Soundings*

Welcome to the Summer issue of *Soundings*. Our inaugural issue was well received, particularly at the International Oil Spill Conference held in Vancouver, B.C., held earlier this year (see photo on page 4.)

Sponsored by ASA member Titan Maritime (see spotlight on page 7), this edition of *Soundings* focuses on a number of key issues for our industry.

The article by Capt. James R. Wilkins III, Supervisor of Salvage & Diving for the Navy, offers an insightful look at the expected salvage and firefighting regulations, proposed by the Coast Guard, which are likely to come into force within the next several months (page 1).

ASA President Arnold Witte, in his letter this month, focuses in part on the final promulgation and implementation of the U. S. Coast Guard's regulations on salvage and wreck removal, and maritime security, two very key issues for our industry and the entire maritime community (page 3).

Sally Lentz of Ocean Advocates writes that the oil spill community has applied itself to response and to human factors, but has not looked toward the critical window of opportunity - "the salvage gap." She urges industry, government and involved citizens to play a more active role in spill prevention and response (page 4.)

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Jim Bladh, Managing Editor of Soundings, and his wife, Rosemary, man the ASA information booth at the recent Oil Spill Conference in Vancouver, B.C. Hundreds of copies of Soundings, along with ASA information kits, were distributed during the conference.



lived. Enthusiasm for alternatives to mechanical clean-up (e.g. in-situ burning, dispersants) needs to be tempered by the fact that such approaches do not result in recovery of oil, and are not without environmental impacts. They simply constitute an alteration of those impacts and/or displacement from one part of the environment to the other. As a result, prevention of spills and the consequent avoidance of devastating environmental and economic impacts demands to be addressed. The time has

Pay careful note of the information which outlines the upcoming National Maritime Salvage Conference 2003, to be held September 9-11, at the Hyatt Regency Hotel in Arlington, VA. This is going to be a critical conference for those in industry and government. If you haven't already done so, register on-line today at www.americansalvage.org.

Thanks for taking the time to read *Soundings*. We hope you find it informative and that it focuses on the issues that matter most to you. 📧

come to move spill prevention to the forefront of regulatory policy.

The Average Annual Volume of Accidental Oil Spills between 1990 and 1999, according to ERC Data, shows that tankers were responsible for more than 88,000 tons of oil spilled per year. Barges followed with 2,606 tons; tank vessels were next at 5,592 tons; onshore pipelines spilled 4,646 tons, onshore facilities were responsible for 2,747 tons, and offshore E&P at 403 tons, for a grand total of 104,996 tons per year. The statistics clearly identify vessels as a significant source of oil spills.

Salvage as an Untapped Resource in Spill Prevention

BY SALLY ANN LENTZ, Executive Director and General Counsel, Ocean Advocates

Over the past three decades response of the international community to major oil spills has largely been a reactive one. Only when a major spill occurs is there a flurry of activity to address the problem. Governments have focused largely on cleanup and response. And despite the tremendous resources dedicated to improving response capability, once a spill has occurred, the recovery rate is rarely more than 10 to 15 percent. Worldwide public intolerance for oil spills increases with every major event and ongoing discussions within the scientific community continue to dispel the myth that oil spill impacts are minor or short-



A number of initiatives have been taken to combat vessel source spills. Such strategies include the Double Hull Mandate, the International Safety Management Code (STCW), and the International Ship Management Code (ISM). These efforts have not yet been fully implemented and therefore their effectiveness in preventing spills has not yet been determined. Other regulatory initiatives, including more rigorous port state control and liability regimes, have proven to be quite effective in improving ship performance in U.S. waters.

Prevention measures also include redundancy of steering and propulsion, alternative design and material options, navigation, widespread institution of AIS, GPS, and VTS, tug escorts, port state control, pre-entry boarding, the utilization of regional port state regimes, and economic incentives. These measures could be implemented on a broad scale today.

One critical prevention measure that has not been yet been fully realized is that of salvage. In 1969, Paul Preus, speaking at the first IOSC meeting, talked of salvage itself

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as a prevention measure. He said, "Good salvage operations are the key to preventing oil pollution. Quick action in repairing the damage and making the cargo and bunkers safe are the keys to preventing a major spill from a marine casualty, whether at sea or in a harbor."

Those remarks fell largely on deaf ears as, since that time, the international oil spill community has focused largely on improvements in response - efforts undertaken after a spill has occurred - and human factors - efforts to prevent ships in distress. What has been virtually ignored has been that critical window of opportunity between the time a ship finds itself in trouble and the time a spill occurs. This is what I refer to as "the salvage gap." The *New Carissa* and *Prestige* incidents are just two examples where ready and capable salvage could have prevented major oil spills.

Closing the salvage gap requires two components. The first is ready and capable salvage that can be on scene and, thereby, rapidly utilized. Strategically located dedicated salvage - such as that provided by a retired Navy tug in Neah Bay - should be established in areas of particular sensitivity and high vessel traffic. The second component is the establishment of ports of refuge or safe havens where salvage efforts can be undertaken in a safe and well-equipped environment. Efforts are currently underway within IMO to identify these areas. Closing the salvage gap is an achievable goal that should be aggressively pursued both in the U.S. and the world community.

Data is often used as a basis for finger pointing to identify the worst spill offenders. Increasingly, this community is pointing to the general public - recreational boaters, oil consumers - as major contributors of both point and non-point sources of oil spills. But pointing the finger does little to encourage widespread changes in behavior. Education will better serve that purpose. The fact is that the public holds industry and government responsible, and until more effort on prevention is forthcoming from those entities, it will be difficult, if not impossible, to convince the general public to step up to the plate and do their share.

Finally, global concern for enhanced security could be viewed as a distraction for advancing environmental concerns. In my view, it is an opportunity to advance both public security and environmental protection simultaneously. Industry, government, and an informed and active citizenry all have a

role to play in preventing oil spills. Together we can make it happen. ☺

Ocean Advocates is a national non-profit environmental organization dedicated to the protection of the marine environment.

Facing the Media: Preparation is Everything

BY DEBRA COLBERT, Assistant Editor

Astronaut Jim Lovell, in his book, *Apollo 13*, said, "When things are going well, tell the media everything they want to know. When things are going badly, tell them even more." The near-tragic incident that crippled Apollo 13 certainly qualified as a crisis and required straight-forward, honest, precise communication and information to the news media, even when NASA communicators probably weren't sure themselves what was happening at the time.

Today's world moves faster than ever before and that is reflected in news broadcasts. Look no further than Operation Iraqi Freedom as an example of front-line battlefield journalism. No other country, besides perhaps the U.K., would have allowed so much freedom of the press and access to our troops, our commanders, and our strategies in real-time. Through our TVs and radios, we were practically there as our troops marched into Iraq and our media should be commended for bringing the war home to us.

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COMING EVENTS UPDATE

| | | | | | | | |
|---|---|---|---|--|---|---|---|
|  |  |  |  |  |  |  |  |
| <p>July 1 USCG interim rule on security released</p> | | | | <p>September 8 ASA Fall Meeting Arlington, VA</p> | | | |
| <p>July 15-16 USCG Salvage & FiFi Forum, New Orleans, LA Vancouver, BC</p> | | | | <p>September 9-11 National Maritime Salvage Conference 2003 Arlington, VA</p> | | | |
| <p>August 5-6 Marine Board Workshop, Washington, DC</p> | | | | <p>April 26-30, 2004 ITS 2004 Miami, FL</p> | | | |

But, there is the other side of the press and if most of us were given an opinion poll, it probably wouldn't be very positive. With stories of inventing news copy by a top *New York Times* writer, trashing the reputation of innocent security guard Richard A. Jewell after the Atlanta Olympic bombings, and most recently, mistakenly accusing Funny Cide jockey Jose Santos of using illegal equipment during a horse race, today's media faces - and often deserves -- harsh criticism.

Like them or not, the press corps is part of our open society and to ignore their relevance and role is simply asking for trouble. Anyone running a business needs to be keenly aware of the presence of the news media and learn how to work effectively with them, especially in time of crisis. In an emergency, things can move very quickly and a situation can turn from bad to worse to uncontrollable in a miniscule period of time. If the media senses your company is withholding information, or

misleading them, they will write a story from THEIR perspective, which will, most times, be far worse than if it were from YOUR perspective.

For the salvage and oil response industry, the *Valdez* accident was the watershed for being forthright about help or harm to the environment. While we Americans seemingly were always concerned about keeping our land and water clean, actually seeing birds and animals covered in oil made us care far more, and want to know exactly what it meant to raise a ship wreck or stem an oil spill. As an industry, ASA's members must be prepared to face the media with one voice. As individual companies, ASA's members must keep in mind several key elements when facing the press during a crisis, or for any interview (from the book, *Media Isn't a Four Letter Word*, by David J. Shea and John F. Gulick):

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Spotlight on Titan Maritime, LLC

BY Richard Fairbanks - President, Titan Maritime LLC

Titan was founded in 1980 by David Parrot. His life on the sea started in 1945 in Newfoundland, when he moved aboard his father's schooner at the age of 6 weeks. His involvement with the sea has been virtually continuous ever since.

Titan started as an undercapitalized, one-tug towing firm, struggling to expand and make a name for itself. In 1982, Titan's tug "NESTOR" and her crew were hired as sub-contractors to assist one of the Dutch firms on a salvage/wreck removal in the Caribbean. When the job was no longer economically feasible for the Dutch firm, Titan took over the operation (more as a challenge than from any point of business logic) and completed it. This success was a milestone for the company as it began the long series of salvage and wreck

removal jobs which continues today. During the 80's the company acquired more tugs, barges and cranes enabling it to build a regional salvage and wreck removal business in the Caribbean.

Dick Fairbanks joined the company in 1988. He also has had a life long exposure to the sea and had made his living in the marine field for many years. With a degree in Mechanical Engineering and years of employment with General Electric's Marine Steam Turbine Division, he brought a high degree of technical expertise to Titan. Equally important were his strengths in business and administration. Fairbanks' vision and recognition of the realities of scale, lead to Titan's sale of its tugs and most of its floating equipment in 1992. The decision to sell the floating equipment was

part of a strategy to expand Titan's operating area worldwide by using vessels of opportunity near the site of a casualty and by flying Titan's own expert salvors and specialized portable equipment. Titan became independent of its own floating equipment and was able to incorporate the Senior Masters and Engineers into a highly trained and mobile salvage team.

Today, Parrot and Fairbanks are partners. Parrot serves as Titan's CEO, Fairbanks as President. Their combined talents have accelerated the company into the salvage field on a worldwide basis. The company is headquartered in Ft. Lauderdale, Florida with offices in Newhaven, UK and Sao Paulo, Brazil and equipment depots in Batam, Indonesia and Dubai, UAE. 🌐

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- View every interview as an opportunity to establish your points about the issue at hand or your business relationship with that issue.
- Remember the cardinal rules: If you don't want it in print or on the air, don't say it, and engage your brain before putting your mouth in gear.
- The three most important words in getting ready for a media interview are: preparation, preparation, and preparation.
- Have an agenda: What are your main points?
- Stick to your area of expertise.
- Anticipate the tough questions and practice your answers ahead of time.
- Accentuate the positive, eliminate the negative. Try to control the interview.
- Answer all the questions briefly and truthfully. Put your conclusions first. If you don't know the answer, say so. Offer to find out. Follow through quickly.
- Illustrate your answers with specific examples, colorful language and meaty quotes.
- Remember, the interview isn't over until it's over. Watch what you say any time a reporter is present, especially during informal situations.
- Remember, at all times you are speaking as a representative of your company, business or business industry.

Dealing with the news media should be just as integral to your business plan and management strategy as making your payroll. Don't put your media relations efforts on the back burner because someday, the stove -- and the kitchen -- may get way too hot. ☺

SAVE THE DATE!

National Maritime Salvage Conference 2003 To Take Place September 9-11

The 2003 National Maritime Salvage Conference 2003, sponsored by American Salvage Association, will take place September 9-11 in Arlington, VA.

The program for the conference has been set, with a Training Seminar to take place on Tuesday, September 9. Topics will include:

- Salvage Contracting
- Mock LOF Arbitration Proceeding
- Salvage Plans

The program for Wednesday, September 10 will focus on:

- Maritime Security
- Wreck Removal
- Contracting
- U.S. Salvage Regulations
- International View of the salvage industry.

The final day of the conference, Thursday,

September 11, will concentrate on:

- Training
- Marine Casualty Response at the World Trade Center
- Responder Immunity
- Salvage and the Environment
- Incident Command Structure (ICS)
- Fire-fighting

Conference speakers will include RADM Thomas Gilmour, Assistant Commandant, U.S. Coast Guard; RADM Larry Hereth, Director of Port Security, U.S. Coast Guard; RADM Richard Bennis, USCG (Ret.), Associate Under Secretary for Maritime and Land Security, Transportation Security Administration; and CAPT James Wilkins, Supervisor of Salvage for the U.S. Navy, among others.

For a complete program and schedule, visit www.americansalvage.org. ☺



Register online for ASA's 2003 National Maritime Salvage Conference at www.americansalvage.org

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