

H069209

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Association of Diving Contractors International, Inc.

COMMUNICATION • EDUCATION • SAFETY
5206 FM 1960 West, Suite 202
Houston, Texas 77069

July 15, 2009

TO: Glenn Vereb, US Customs and Border Protection, Department of Homeland Security,
Office of International Trade, Regulations and Rulings, 799 9th Street NW, Mint Annex,
Washington, DC 20229

Sir:

It has come to the attention of the ADCI that US Customs proposes modification to certain current work practices in the Gulf of Mexico, specifically "PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN COASTWISE POINTS". While the ADCI has not yet reviewed the proposed changes, nor do we have a position on the subject at this time, we understand there will only be a 30-day comment period to respond. Many of our members feel that 30-days is NOT an adequate amount of time to study and respond to such a change. As ADCI, representing over 500 members, we respectfully request an additional 60-days be added to the comment period.

Regards,

Phil Newsum
Executive Director
Association of Diving Contractors International
5206 FM 1960 Ste 202
Houston, TX 77069
pnewsum@adc-int.org
(281) 893-8388

17069210

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International Marine Contractors Association
Represents offshore marine and underwater engineering companies

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16 July 2009

US Customs Service
1300 Pennsylvania Ave NW
Washington, DC 20229
United States of America

For the attention of Mr Glen Vereb, Chief Entry Procedures & Carriers Branch
Copied by e-mail to Glen.Vereb@dhs.gov

Dear Mr Vereb,

US Customs & Border Protection General Notice 19 CFR Part 177

Proposed modification and revocation of ruling letters relating to the customs position on the application of the Jones Act to the transportation of certain merchandise and equipment between coastwise points

I am advised that this proposed modification will shortly be published with a 30 day comments period.

IMCA is the international trade association representing offshore, marine and underwater engineering companies. Specifically we represent marine contractors who install, develop, maintain and remove offshore oil & gas platforms and subsea infrastructure. Our membership includes a number of significant vessel operators working particularly in the Gulf of Mexico.

Our members wish to comment as fully as possible on this document and respectfully request that the consultation period is extended from 30 days to 90 days.

Yours sincerely

Hugh Williams
Chief Executive

cc: Lisa Burley, Cargo Security, Carriers and Immigration Branch
Charles Ressin, Acting Director, Border Security and Trade Facilitation Division

#069212

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Holland & Knight

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Stuart S. Dye
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stuart.dye@hklaw.com

July 17, 2009

VIA ELECTRONIC & U.S. MAIL

Glen E. Vereb, Esq.
Chief, Cargo Security, Carriers,
& Immigration Branch
U.S. Customs and Border Protection
Office of International Trade
799 9th Street, N.W.
Washington, D.C. 20229-1179

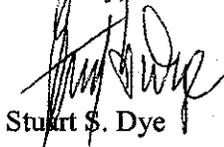
Re: Proposed Modification & Revocation of Jones Act Ruling Letters

Dear Mr. Vereb:

I have reference to the general notice which appeared in today's Customs Bulletin, proposing a modification and revocation of numerous CBP Ruling letters dealing with the interpretation of the application of the Jones Act 46 U.S.C. §§ 55102, 55103 to the carriage of certain merchandise and equipment between coastwise points. This proposed Notice of Modification calls for a 30 day comment period, which is the minimum time required under 19 U.S.C. § 1625(c).

Given the radical nature of the Proposal and the serious disruptive implications it has for the entire offshore oil and gas industry, including our client, Adams Offshore Services Limited, we hereby request on their behalf, an extension on the comment period from 30 days to 90 days. This additional period of time is absolutely necessary in order for our client and others to fully analyze, understand and make meaningful comment on the Proposals and the impact they could have on historic OCS operations built around many, many years of Customs Rulings.

Sincerely,



Stuart S. Dye

cc: Mr. Graham Thomson

#8718816_v1



Doug Morris
Group Director
Upstream and Industry Operations

4.

1220 L Street, NW
Washington, DC 20005-4070
USA
Telephone 202-682-8089
Fax 202-682-8426
Email morrisd@api.org
www.api.org

July 20, 2009

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
Attention: Trade and Commercial Regulations Branch
799 9th Street NW, Mint Annex
Washington, D.C. 20001

Re: 19 C.F.R. Part 177 – Proposed Modification and Revocation of Ruling Letters
Relating to the Customs Position on the Application of the Jones Act to the
Transportation of Certain Merchandise and Equipment Between Coastwise Points

Dear Docket Clerk:

The American Petroleum Institute (API) represents over 400 companies involved in all aspects of the oil and gas industry (Exploration and Production, Refining, Marketing and Transportation). On behalf of its members, API has a substantial interest in any ruling that affects offshore platforms in the outer Continental Shelf. We appreciate the opportunity to provide input on the proposed modification and revocation of ruling letters published in the July 17, 2009 Customs Bulletin and Decisions.

API has conducted a preliminary review of the proposed modifications of the ruling letters. This preliminary review has resulted in the identification of some significant issues. However, additional time is needed to compile the information necessary for the submission of adequate comments. Therefore, in order to more thoroughly evaluate this notice and provide helpful comments to the U.S. Customs and Border Protection, we respectfully request a 60-day extension to the public comment period. API believes that an additional 60 days is reasonable in light of the importance of the revisions and the potential impacts associated with implementing such revisions.

We appreciate your attention to this matter, and would welcome an opportunity to discuss the matter with you.

Sincerely,

Cc: Glen.Vereb@dhs.gov

H069215

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Phone: (202) 772-5964
Fax: (202) 572-8391
Email: Waldron@BlankRome.com

July 20, 2009

BY EMAIL

Ms. Sandra L. Bell
Executive Director
Regulations and Rulings
U.S. Customs and Border Protection
Office of International Trade
799 9th Street, N.W., Mint Annex
Washington, D.C. 20229

Re: U.S. Customs and Border Protection General Notice Concerning Proposed Modification and Revocation of Ruling Letters

Dear Ms. Bell:

We write on behalf of our client, J. Ray McDermott Inc., to request a 60 day extension of the 30 day comment period contained in the Notice of Proposed Modification and Revocation of Ruling Letters Relating to the Customs Position on the Application of the Jones Act to the Transportation of Certain Merchandise and Equipment Between Coastwise Points published on July 17, 2009 (the "Notice"). For the reasons provided in more detail below, Customs and Border Protection ("CBP") not only has the discretion to grant this request for a 90 day comment period, but should grant the request in view of complexity of the proposed modification and revocation of a multitude of ruling letters that would overturn decades of CBP precedent and interpretations of a 1939 Treasury Decision, coupled with the potential for immediately bringing the U.S. offshore energy industry to a grinding halt as soon as a final decision is rendered if the proposal is adopted. This would result in devastating adverse affects on the United States economy.

Statutory Time Constraints

As discussed in the Notice, prior to the modification or revocation of a CBP ruling or decision, interested parties must be given *not less than* 30 days to comment on the correctness of the proposed ruling or decision. After consideration of these comments, CBP must publish a

Watergate, 600 New Hampshire Avenue, NW Washington, DC 20037

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Ms. Sandra L. Bell, Executive Director
July 20, 2009
Page 2

final ruling within 30 days after the closing of the comment period. This final ruling then must become effective 60 days after the date of its publication. 19 U.S.C. § 1625(c). Thus, CBP has the discretion to provide for a comment period in excess of 30 days.

Complexity Involved with Assessing the Impact of the CBP Proposed Action

The CBP proposal would either revoke or modify at least 21 ruling letters affecting decades of precedent relied on by the offshore industry. Even though some industry members have had some time to review the Notice prior to its official publication on July 17, 2009, the clear consensus is that the legal effect of the CBP proposal is unclear and it will be extremely difficult to fully understand, assess, and provide accurate and useful comments to CBP within a 30 day timeframe.

Immediate Impact on U.S. Energy Development Offshore

Aside from the statutory constraints and time needed to fully assess the impacts of the Notice, it is important to highlight the potential impact that the Notice will have on the regulated community based on a preliminary review to date. We believe the technical complexities that will be a consequence of the proposed modifications will have far reaching ramifications. While our future comments on the Notice will address the proposed modifications specifically, we trust that CBP appreciates that the Notice is not merely an administrative act to correct a few CBP rulings, but rather will likely result in a complete paradigm shift on how the oil and gas industry fundamentally coordinates, plans, and conducts operations offshore based on a new interpretation of a 1939 Treasury Decision 70 years later.

For example, the major oil and gas companies that operate on the U.S. outer continental shelf ("OCS") typically enter into contracts with U.S. companies to conduct the types of operations that will be affected by the Notice. Those U.S. companies in turn, due to an insufficient number and type of specialty vessels that are coastwise qualified to perform the work required offshore, enter into contracts to utilize non-coastwise qualified vessels to meet the obligations of the major oil companies. While this is an oversimplification of the actual arrangements necessary to complete the work, it represents the multiple parties and logistics involved in getting the job completed. If industry is to presume that the modifications to the rulings will occur as proposed in the Notice, then it is imperative that industry have sufficient time to negotiate and execute arrangements to ensure continuity of operations. Moreover, in many cases, it is unlikely that there are anywhere near the sufficient coastwise qualified vessels currently available to perform certain specialist work offshore. In those cases, energy development on particular projects will simply have to shut down for an extended period of time. Thus, adequate time is needed to review and analyze the inventory of vessels available to

Ms. Sandra L. Bell, Executive Director

July 20, 2009

Page 3

perform the necessary work offshore if the Notice is adopted.

Another example that illustrates the logistics involved to implement the proposed modifications in the short term would be a requirement to use coastwise qualified Offshore Supply Vessels "shadowing" a non-coastwise qualified pipe laying vessel from site-to-site to conduct operations throughout the OCS. Such an arrangement would not only be costly, but would greatly expand the time schedule within which operations could occur. While CBP may consider this as an acceptable risk for routine operations, it certainly is unacceptable when weather conditions essentially prohibit the transfer of merchandise or equipment ship-to-ship while underway or when time is of the essence in emergency situations such as immediately following a hurricane in order to bring the offshore energy development operations back on line as soon as possible.

In short, neither the oil and gas industry of the United States, nor the overall economy of the United States, particularly in the middle of a recession, can ill afford to have CBP rush to conclusions without ample time to fully understand and consider the pros and cons of the implications and legal effect the Notice may have. Providing for a longer public comment period will facilitate a more orderly and phased-in transition if that is what is ultimately decided. Furthermore, this extension in time is necessary to ensure that CBP is provided the most complete and accurate data and information from the industry that will be directly affected by any decision. This is critical in order for CBP to make a sound determination as to whether it should indeed overturn decades of precedent, and to ensure that essential oil and gas production and development operations offshore are not unnecessarily impeded.

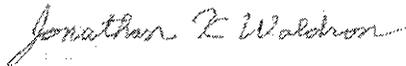
Conclusion

Based on a preliminary review, the revocation and modification of rulings at issue in the Notice will directly and substantially adversely affect how operations occur on the OCS of the United States. Given that the statute only prescribes a *minimum* comment period, we strongly urge CBP to use its discretion to grant our requested 90-day public comment period. Most importantly, this extension will provide industry with the necessary time to fully understand the proposal and provide useful comments for consideration of CBP. In turn, this extension will then provide CBP with the critical input it will need in order to correctly determine whether the proposals in the Notice should indeed be approved or should be withdrawn in order to make sure that the energy development offshore and the overall economy of the United States are not unnecessarily adversely affected.

Ms. Sandra L. Bell, Executive Director
July 20, 2009
Page 4

We appreciate the opportunity to provide these comments and will be submitting additional comments on behalf of our client regarding the technical aspects of the Notice in the near future. If you have any questions or need clarification with respect to the extension requested herein, please do not hesitate to contact me directly.

Sincerely,



Jonathan K. Waldron



EDISON CHOUËST OFFSHORE

July 21, 2009

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
ATTN: Trade and Commercial Regulations Branch
799 9th Street, N.W., Mint Annex
Washington D.C. 20229

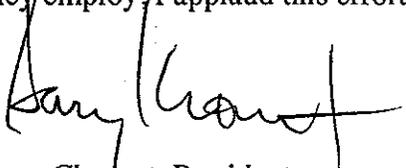
RE: PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN COASTWISE POINTS

To whom it may concern,

In a national climate that witnesses the exporting of so many businesses and industries out of the United States, I support the decision of Customs and Border Protection to uphold the original intent of the Merchant Marine Act of 1920, better known as the Jones Act. Edison Chouest Offshore has operated successfully in the U.S. coastwise trade since 1960. We have adopted the stringent yet necessary regulations that set our nation's merchant marine industry apart from other countries.

U.S. mariners and vessel operators have proven for decades the ability to fulfill the ever-changing needs of the country's maritime industry. The Jones Act ensures the United States will always have a safe, reliable, and economically efficient domestic transportation system. This cornerstone statute provides America the vital waterborne commerce it needs and deserves. It also protects the jobs of a highly trained workforce that supports all facets of the industry.

For too many years, our legal system has allowed individuals to interpret and bend the laws in favor of one's own benefit. Identifying what is considered "coastwise trade" and then requiring foreign entities to follow those laws has established a precedent. This action will protect the livelihood of thousands of American workers. It will ensure our nation's deeply rooted history in the global maritime trade continues to lead the way for other countries. For the sake of my companies and the thousands of dedicated workers they employ, I applaud this effort wholeheartedly.


Gary Chouest, President
EDISON CHOUËST OFFSHORE

P.O. Box 310 • Galliano, Louisiana 70354-0310 USA
Phone 985-601-4444



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21 July 2009

U.S. Customs and Border Protection
Office of International Trade
Regulations and Rulings
Attn: Trade and Commercial Regulations Branch
799 9th Street NW, Mint Annex
Washington, DC 20229

Attention: Mr. Glen Vereb, Chief Entry Procedures & Carriers Branch

Dear Mr. Vereb:

Cal Dive International ("CDI") respectfully requests a 60-day extension of the 30-day comment period contained in the Notice of Proposed Modification and Revocation of Ruling Letters Relating to the Customs Position on the Application of the Jones Act to the Transportation of Certain Merchandise and Equipment Between Coastwise Points published on July 17, 2009.

The proposal presents complex and technical issues which will immediately alter the manner in which the oil and gas industry has operated based on over 20 years of Customs rulings, adversely affecting CDI's ongoing offshore operations and the offshore oil and gas industry as a whole.

CDI respectfully requests this extension, which will result in a 90-day comment period, so that it may fully evaluate the proposal and offer useful comments to Customs in order that Customs may have the time and necessary information to determine whether the proposal should be approved, withdrawn or revised to ensure that there is no adverse effect to oil and gas production.

Sincerely,

A handwritten signature in black ink, appearing to read "Quinn J. Hébert", is written over the typed name.

Quinn J. Hébert
President and Chief Executive Officer

cc: Scott Jenkins, Jones Walker

11069522

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21 July 2009

US Customs Service
1300 Pennsylvania Ave NW
Washington, D.C. 20229
United States of America

For the attention of Mr. Glen Vereb, Chief Entry Procedures & Carriers Branch
Copied by e-mail to Glen.Vereb@dhs.gov

Dear Mr. Vereb,

US Customs & Border Protection General Notice 19 CFR Part 177
Proposed modification and revocation of ruling letters relating to the customs position on the application of the Jones Act to the transportation of certain merchandise and equipment between coastwise points

The referenced modification was published on July 17, 2009 at Volume 43, No. 28, with a 30 day comments period.

Helix Energy Solutions Group, Inc. and its subsidiaries own or operate a number of vessels, both U.S. and foreign flag, engaged in the marine construction business. These vessels install, develop, maintain and remove offshore oil & gas platforms and subsea infrastructure.

Helix's U.S. and foreign flag vessels operate extensively (though not exclusively) in the U.S. Gulf of Mexico.

Helix wishes to comment as fully as possible on the referenced modification and respectfully requests that the consultation period be extended from 30 days to 90 days.

Regards,

Erik Heymann
Deputy General Counsel
Helix Energy Solutions Group, Inc.

EH/ss

cc: Ian Edmonstone

Congress of the United States
Washington, DC 20515

9

July 31, 2009

Secretary Janet Napolitano
Department of Homeland Security
Washington, DC 20528-0002

Dear Secretary Napolitano:

We are concerned that U.S. Customs and Border Protection (CBP) is rushing to adopt changes to interpretations of the Jones Act, 46 USC 55102, that would have a potentially devastating impact on the U.S. offshore oil and gas industry, including the loss of thousands of jobs, if enacted.

We refer to CBP's July 17 proposal to reverse precedent developed over 30 years relied on by industry that allows foreign-flagged vessels to carry certain specialized equipment used in deepwater offshore energy exploration and development. It would suddenly re-categorize "equipment" into "merchandise," which would have the practical effect of restricting the transport of such equipment to U.S.-flagged vessels built in the United States.

U.S. companies involved in deepwater oil and gas exploration rely on sophisticated, highly specialized vessels for subsca installation construction support, pipeumbilical laying, as well as maintenance of seafloor facilities. Unfortunately, in this deepwater market segment, U.S.-flagged vessels represent less than 20 percent of such capability. As a result, the use of foreign-flagged vessels is currently essential to maintain operations.

Moreover, the CBP proposal provides no transition period to develop a U.S. fleet capable of meeting the offshore demand. It would take full effect within 160 days. By contrast, at least 5 years are needed to develop a fleet of U.S. vessels sufficient to meet the demand caused by the proposal.

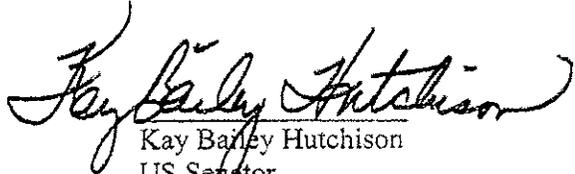
Meanwhile, the impacts would be devastating: severe disruptions in oil and gas production, loss of thousands of jobs in Gulf Coast states, and huge revenue losses (one offshore services company in Houston estimates potential annual revenue losses on the order of \$100 million). Such disruptions would be immediate, as companies cease operations as a result of this upheaval of decades of precedent and the fear of having severe penalties assessed.

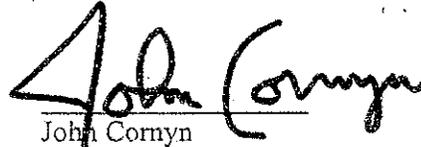
Finally, the proposed changes run counter to President Obama's free trade policy and could give rise to retaliation abroad, particularly in oil and gas-producing countries where U.S. companies are active.

For all of the above reasons, we strongly urge you to (1) undertake an immediate review of the proposal and its potentially severe economic consequences, and (2) extend the comment period

from 30 to 90 days so that the many negative impacts of the proposal can be thoroughly reviewed and considered. We appreciate your attention to this matter and look forward to your response. Please do not hesitate to contact us if we can be of assistance on this request.

Sincerely,


Kay Bailey Hutchison
US Senator


John Cornyn
US Senator


John Culberson
Member of Congress


Pete Olson
Member of Congress

CC: Acting Commissioner Jayson P. Ahern



Harvey Gulf International Marine, LLC

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Operations Office
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Galliano, LA 70354
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July 30, 2009

VIA FEDERAL EXPRESS

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street, NW
Mint Annex
Washington, DC 20229

Attn: Trade and Commercial Regulations Branch

Dear Sir or Madam:

On behalf of my company and our more than 200 employees, I write to express our support for the determination made by your agency with respect to the application of our Nation's coastwise laws to the carriage of merchandise by vessels serving offshore oil and gas facilities in the U.S. Gulf of Mexico as published on July 17, 2009. I write so that you will have an appreciation for the significance of this matter to our employees and our company.

We are a family owned and operated business. Founded in the 1950s, we now own and operate the largest ocean-going towing vessels in the Gulf of Mexico. Our fleet includes 10 Ocean Towing Vessels and 5 new-generation Offshore Supply Vessels, including a Multi-Purpose Supply Vessel and an Offshore Supply and Mooring Line Storage Vessel. We specialize in towing drilling rigs and providing Offshore Supply and Multi-Purpose Support Vessels for deepwater water operations in the Gulf of Mexico. We offer the highest possible bollard pull for towing vessels and provide the largest cargo capacities for offshore supply services. We also design and equip some of our offshore supply vessels for dual operation as dive/construction and mooring line support vessels, affording greater flexibility to customers.

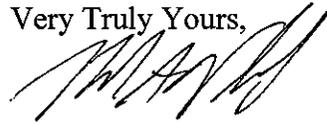
As you can appreciate, we have a substantial stake in the success of the domestic oil and gas industry, as well as the American workers and companies who serve that industry by providing equipment and other merchandise used in the production of energy in the Gulf of Mexico. We believe that cargo transported to offshore oil or gas facilities must be carried in U.S. flag vessels as a matter of law and of good economic policy. For too long, foreign-flag vessels have been carrying merchandise that should have been carried in U.S.-flag vessels. When Congress enacted the Jones Act and other coastwise laws, it did so as a means of preserving a strong U.S. merchant marine. Although these laws have been amended from time to time,

throughout the history of our country Congress has steadfastly defended the concept that vessels that transport cargo and passengers between points or places in the United States must be crewed by Americans, owned by Americans, and built in America. Given the economic challenges facing our economy, it is more important than ever that the law be interpreted correctly so that hard-working Americans in the U.S. Gulf Region will have additional business opportunities that otherwise would go to foreign-flag companies and foreign workers.

By ensuring that merchandise delivered to offshore oil and gas projects is carried on U.S.-flag vessels, the agency can help promote jobs and economic growth here in the United States. We are constantly looking for new opportunities and making investment decisions with respect to the construction of additional vessels. By providing certainty with respect to the application of the law in the future, we can make those investments with confidence that our vessels will have continued business opportunities.

We appreciate the opportunity to share our comments on this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'R. Vosbein, Jr.', written in a cursive style.

Robert A. Vosbein, Jr.
General Counsel and
Chief Administrative Officer



Eric Galerne

8524 Hwy 6 North
Unit 118
Houston, Texas 77095

August 1stth, 2009

by Federal Express Next Day Delivery

**US CUSTOMS AND BORDER PROTECTION
OFFICE OF INTERNATIONAL TRADE
REGULATIONS AND RULINGS
ATT: TRADE AND COMMERCIAL REGULATIONS BRANCH
799 9TH STREET
N.W. MINT ANNEX
WASHINGTON, D.C. 20229**

To whom it may concern,

I am writing to you today, to request an extension to the **"PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE AND EQUIPMENT BETWEEN COASTWISE POINTS"** comment period. This requested extension is vital and necessary to properly prepare a response on this complex issue concerning the "correctness of the intended actions" as requested by US Customs and Border Protection.

I have been involved with commercial diving and commercial coastwise/non coastwise vessel operations on every US shore line from the Great Lakes to Alaska, since 1977. I am still actively involved in the maritime industry as both a small business owner and as an employee and perhaps that gives me an insight to the "correctness" of this ruling, a perspective perhaps not apparent from Washington, DC.

The ruling states "Comments are invited on the correctness of the intended action" and the extension is required to fully develop the legal "correctness" arguments that will be made. The ruling also has significant consequences that will be enumerated in my final comment submission.

The phrase "correctness of the intended actions" requires an evaluation of the action with respect to the current law as a reference. In addition, the ruling must be evaluated for procedural "correctness". Neither are easy tasks given the complexity of both the action and law, but tasks I am willing to take on provided sufficient time is afforded in a comment period. Thirty (30) days is not sufficient time. To quote US Customs and Border Protection's own Sandra Bell "many complicated factors can be involved in customs issues". The FOIAs I have filed with your office have a 20 business day expected turnaround period so their response would not arrive before the proposed 30 days comment period would expire.

Eric Galerne

8524 Hwy 6 North
Unit 118
Houston, Texas 77095

Page 2 of 4 (cont)

To demonstrate the merit for the extension, some of the legal arguments that may be presented include, but are not limited to,

1. Procedural due process issues concerning how this ruling has come into being
 - a. compliance with other required Acts including but not limited to the Regulatory Flexibility Act,
 - b. compliance with US Customs and Border Protection stated policy of coordinating its actions with other interested agencies when administering and enforcing the "Jones Act"
 - c. reliance on facts, opinions and information from biased, private parties without internal or external independent study or investigation by the US Customs and Border Protection agency
2. Legal "correctness" issues apart from due process include
 - a. ambiguous language that is not clear and effectively renders the concept of "Informed Compliance" impossible for industry to comply, as required under the US Customs Modernization Act (Mod Act).
 - b. Resultant regulatory interference with US Congressional international treaties and requires an analysis of whether US Customs and Border Protection is "exceeding its authority"
 - c. Resultant regulatory barriers to free trade
 - d. Tortuous interference with commerce
 - e. Resultant barriers to other government agency mission mandates
 - f. Resultant regulatory overturning of longstanding precedent from which individuals, small businesses and industry has relied upon for investments that will now be "taken" and
 - g. the embellishing of the "merchandise" definition beyond that which is contained in the Merchant Marine Act of 1920 (Jones Act) and as later re-codification to CFR 46 Subpart 55102(a) which is at the base of the issue.

Eric Galerne

8524 Hwy 6 North
Unit 118
Houston, Texas 77095

Page 3 of 4 (cont)

These and other legal issues will be developed as it relates to "Comments are invited on the correctness of the intended action" provided I am granted sufficient time to respond. I have prepared a MS Project schedule attached which details the time frames of the various tasks that will be required to respond. The statutory response period is included in my schedule for the FOIA requests filed with the US Customs and Border Protection, the responses to which, I require to fully support the case.

The 30 day comment period offered is both the minimum by rule and within the discretion of US Customs and Border Protection to extend. Extensions are commonplace in agencies all through the government, especially in complex cases, such as this.

As an employee, with a full time job, a part time MBA student and a small business person, I have finite resources to commit, most of which, is my free time. I estimate the total effort to take 240 hours to complete including time expended to date. (see schedule). I estimate being able to commit 2 hours per day on average so it will take 120 calendar days to complete. The Customs and Border Protection took over 120 days to analyze, draft and publish its case for the proposed changes and though we are disparate in other resources, I would request equal time.

Therefore, I respectfully request an extension of 90 days, extending the comment period from 30 to 120 days, without which, a proper response on the "correctness of the intended actions" cannot be delivered. Please refer to the attached schedule.

After all, what's 90 days for a complex issue spanning 89 years of regulatory history and an issue that was the basis for one of America's first founding Laws, the Judiciary Act of 1789.

Sincerely yours,



Eric Galerne. PMP
Concerned US Citizen and Small Business Operator

Attachments

- a. 10 FOIA Requests of US Customs and Border Protection related to this issue
- b. MS Project Schedule of Comment Period Requirement

Eric Galerne

8524 Hwy 6 North
Unit 118
Houston, Texas 77095

Page 4 of 4 (cont)

Copies by fax to:

CONGRESSMAN JOHN A. CULBERSON
1514 Longworth House Office Building
Washington, D.C. 20515
Main: 202-224-2934
Fax: (202) 225-4381

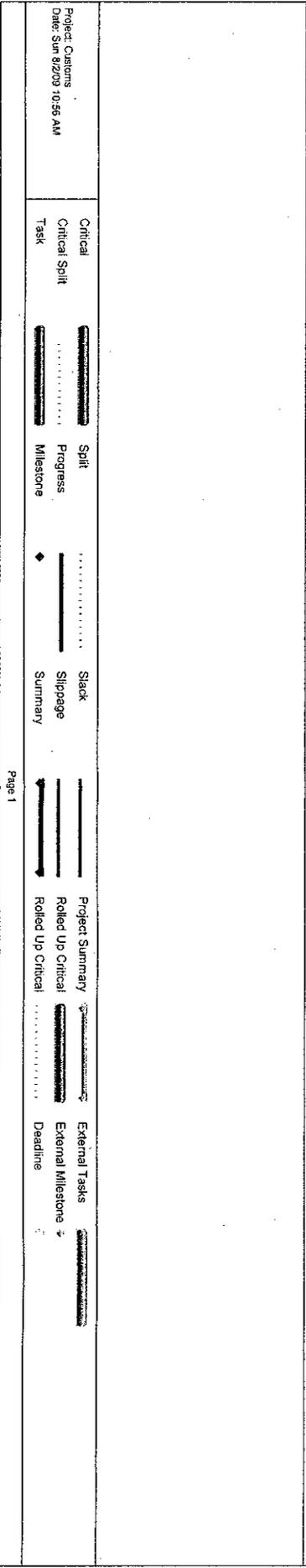
US SENATOR JOHN CORNYN
517 Hart Senate Office Bldg
Washington, DC 20510
Phone: (202) 225-2571
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SENATOR KAY BAILEY HUTCHISON
284 Russell Senate Office Building
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514 Cannon HOB
Washington, D.C. 20515
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SECRETARY JANET NAPOLITANO
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

ID	Task Name	Duration	Start	Finish	July	August	September	October	November
1	Customs Proposed Ruling	240 hrs	Fri 7/17/09 8:00 PM	Fri 11/13/09 10:00 PM	6/29	7/5	7/13	7/20	7/27
2	Read Ruling	8 hrs	Fri 7/17/09 8:00 PM	Mon 7/20/09 10:00 PM					
3	Determine Extension Required	0 hrs	Mon 7/20/09 10:00 PM	Mon 7/20/09 10:00 PM					
4	Write Letter For Comment Period Extension	18 hrs	Tue 7/21/09 8:00 PM	Wed 7/29/09 10:00 PM					
5	Formulate and Produce Extension Schedule	10 hrs	Thu 7/30/09 8:00 PM	Mon 8/2/09 10:00 PM					
6	Write and Mail FOIAs	10 hrs	Thu 7/30/09 8:00 PM	Mon 8/2/09 10:00 PM					
7	CAP Research	1 hr	Thu 7/30/09 8:00 PM	Thu 7/30/09 8:00 PM					
8	Mail	1 hr	Thu 7/30/09 8:00 PM	Thu 7/30/09 10:00 PM					
9	Department of Energy	1 hr	Fri 7/31/09 8:00 PM	Fri 7/31/09 8:00 PM					
10	Department of Defense	1 hr	Fri 7/31/09 9:00 PM	Fri 7/31/09 10:00 PM					
11	Small Business Administration	1 hr	Sat 8/1/09 8:00 PM	Sat 8/1/09 8:00 PM					
12	US Coast Guard	1 hr	Sat 8/1/09 9:00 PM	Sat 8/1/09 10:00 PM					
13	US Navy	1 hr	Sun 8/2/09 8:00 PM	Sun 8/2/09 8:00 PM					
14	State Department and US Congress	1 hr	Sun 8/2/09 9:00 PM	Sun 8/2/09 10:00 PM					
15	Mineral Management Service	1 hr	Mon 8/3/09 8:00 PM	Mon 8/3/09 8:00 PM					
16	Department of Labor	1 hr	Mon 8/3/09 9:00 PM	Mon 8/3/09 10:00 PM					
17	Highlight Issues	10 hrs	Tue 8/4/09 8:00 PM	Sat 8/8/09 10:00 PM					
18	Define Incorrectness	8 hrs	Sun 8/9/09 8:00 PM	Wed 8/12/09 10:00 PM					
19	Define Support Documents	12 hrs	Thu 8/13/09 8:00 PM	Tue 8/18/09 10:00 PM					
20	Search for Documents	18 hrs	Wed 8/19/09 8:00 PM	Thu 8/27/09 10:00 PM					
21	Research Legal Basis	36 hrs	Fri 8/28/09 8:00 PM	Mon 9/14/09 10:00 PM					
22	Receive FOIA Responses	0 hrs	Mon 9/14/09 10:00 PM	Mon 9/14/09 10:00 PM					
23	Work on Comment Letter	120 hrs	Tue 9/15/09 8:00 PM	Fri 11/13/09 10:00 PM					



Project: Customs
Date: Sun 8/2/09 10:56 AM

Critical Task
Split
Progress
Milestone
Slack
Summary

Project Summary
Rolled Up Critical
Rolled Up Critical
External Tasks
External Milestone
Deadline

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MARINE INTERIOR SYSTEMS

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street N.W.
Mint Annex
Washington, D.C. 20229

Attention: Trade and Commercial Regulations Branch

I am writing to you on behalf of Marine Interior Systems, LLC. U.S. Customs and Border Protection recently proposed to modify its interpretation of the "Jones Act" to ensure that vessels servicing the offshore oil and gas industry will be U.S. flagged. We strongly support it.

Marine Interior Systems, LLC is a full service joiner contractor. Our parent company, Branton Enterprises, was established in 1970 and is headquartered in Harahan, Louisiana. We have offices in Covington, LA, New Orleans, LA and Ocean Springs, MS. Collectively, we have worked throughout the Gulf Coast, East Coast, Great Lakes, the inland waterways, and the Northwest Coast. We have extensive experience outfitting interiors in accordance with regulations for various flag states as classed by the U.S. Coast Guard and others.

We employ 120 field-work employees. We have completed joiner work on more than 250 vessels and living quarters in recent years. We have a significant stake in the domestic maritime industry. Those companies and workers that work in this industry provide equipment and other merchandise used in the production of domestic energy in the Gulf of Mexico. Our livelihood depends in large part on the success of the domestic maritime industry.

We specialize in the supply of joiner linings, partitions, floors and doors; furniture and furnishings; insulation; accommodation modules; and engineering services of interior packages to meet our customer's needs. As you can imagine, expanding and clearly guaranteeing opportunities for American businesses servicing our own energy needs off the U.S. Gulf Coast will in turn require significant new investments directly by, and indirectly for, U.S. flagged vessels.

Cargo transported to offshore energy facilities should be carried in U.S. flagged vessels. It makes sense for our employees, the industry, and the United States economy. Finalizing the July 17, 2009 determination as quickly as possible will provide much needed domestic business opportunities and preserve a strong U.S. merchant marine. Now is an opportune time for the U.S. Government to act, given the significant economic challenges facing our country.



MARINE INTERIOR SYSTEMS

We appreciate the opportunity to share our comments on this matter and urge your expedited action on it.

Sincerely,
Marine Interior Systems, LLC



Steven E. Hubert,
President

MASTER BOAT BUILDERS INC.

13

Mailing Address
P.O. Box 702
Bayou La Batre, AL 36509



Street Address
14979-A Alba Ave.
Codon, AL 36523

Office: (251) 824-2388
Fax: (251) 824-4401

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street, NW
Mint Annex
Washington, DC 20229

Attention: Trade and Commercial Regulations Branch

To Whom It May Concern:

My company was established in 1977, as a builder of fishing boats. Today, we also build a significant number of offshore service vessels. We serve the oil and gas industry in the Gulf of Mexico. We are currently building, or have recently completed delivery of, vessels for distinguished domestic companies such as Abdon Callais Offshore, Marquee Group, and Odyssey Marine.

We think your proposal regarding the applicability of the Jones Act for vessels that carry cargoes for the oil and gas industry in the Gulf of Mexico is long overdue. We strongly support its approval for the following reasons -

1. It provides certainty, backed by the U.S. Government, for U.S. flag vessels to carry merchandise to offshore facilities instead allowing foreign vessels to do the job.
2. It would result in additional business opportunities for my company and other domestic businesses.
3. It supports jobs for hard-working Americans.
4. The American economy needs it.

We appreciate the opportunity to share our thoughts on this important determination.

Thank you,

A handwritten signature in cursive script, appearing to read "Mike Rice".

Mike Rice

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August 3, 2009

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
ATTN: Trade and Commercial Regulations Branch
799 9th Street, N.W. Mint Annex
Washington D.C. 20229

RE: PROPOSED MODIFICATION AND REVOCATION OF RULING LETTER
RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE
JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE AND
EQUIPMENT BETWEEN COASTWISE POINTS.

To Whom It May Concern:

As a person who works closely with the marine industry, I support the decision of Customs and Border Protection to uphold the original intent of the Merchant Marine Act of 1920, better known as the Jones Act.

The economic and national security benefits of the Jones Act are vital to our marine industry and to our country. It ensures that the United States will always have a safe, reliable, and economically efficient domestic transportation system. It safeguards the jobs of many American workers and creates opportunities for employment and economic growth in the U.S.

It is important that we protect the sea trade routes. It is in the best interest of U.S. shipyards, mariners, and shipping companies that standards and regulations remain high to keep our coast and waterways safe.

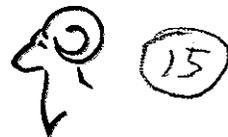


Numa "Bumpy" Triche

ARIES MARINE CORPORATION

CORPORATE OFFICE

P. O. DRAWER 51789
LAFAYETTE, LA 70505
PHONE (337) 232-8147
FAX (337) 232-8818



August 3, 2009

United States Customs and Border Protection
Attention: Trade and Commercial Regulations Branch
Office of International Trade, Regulations and Rulings
799 9th Street NW
Mint Annex
Washington, DC 20229

Dear Ladies and Gentlemen,

Please consider these comments, submitted on behalf of our company and our 350 employees, in support of your recent determination regarding the applicability of U.S. coastwise laws to merchandise carried by vessels to serve offshore oil and gas facilities in the U.S. Gulf of Mexico. I urge its adoption as quickly as possible. Finalizing this determination will go a long ways towards supporting our domestic maritime industry in the Gulf of Mexico.

For your consideration, Aries Marine Corporation is a privately held Louisiana company formed in 1981 to own and operate self-elevating workboats and supply vessels in the Gulf of Mexico. We are headquartered in Lafayette and also maintain a sales and warehouse facility in nearby Youngsville. We provide two primary services

- Our self-elevating work boats, also called "liftboats" or jack-ups, provide mobile yet stable work platforms, crane capabilities, and living accommodations for work crews performing services to offshore oil and gas production platforms. These liftboats range in length from 105' to 200', and are capable of operating in maximum water depths of 160'.
- Primarily associated with drilling operations, our supply boats provide Aries with a diverse business mix within the marine industry. Our OSV's, as they are commonly called, are the delivery trucks of the offshore sector. Our vessels range in length from 166' to 254', many of which are dynamic positioning.

Currently, there are 28 vessels in the Aries fleet. Because our fleet is so diverse, Aries has worked for all of the major producers as well as most of the independents in the Gulf of Mexico. We have established a top reputation due to all Aries operations being conducted by experienced, safety-minded personnel. We take tremendous pride in the cleanliness of our vessels, the efficiency of our operations, and our excellent safety record.

Immediate action by the United States Customs and Border Protection, to make certain that cargo delivered to offshore projects are carried on domestic vessels, will promote jobs and economic growth for the U.S. economy. This certainty will present new business opportunities for my company and others serving the Gulf of Mexico.

I greatly appreciate the opportunity to share our thoughts on the pending proposal and support comments submitted by our trade association, the Offshore Marine Service Association.

Thank you,

Court B. Ramsay
President/CEO



FREEDOM MARINE SERVICES

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111 EVERGREEN DRIVE • HOUMA, LOUISIANA 70364 • PHONE: 985.872.9511 • FAX: 985.872.9564

www.freedom-marine.com

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street NW
Mint Annex
Washington, D.C. 20229

Direct to: Trade and Commercial Regulations Branch

To Whom It May Concern:

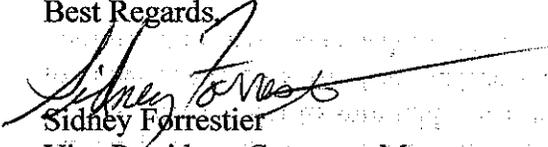
Freedom Marine offers offshore supply vessels, providing reliable transportation, support services for the oil & gas exploration, and production industries in the Gulf of Mexico. Based in Houma, Louisiana, we operate and manage a fleet of vessels providing services throughout the region.

I am writing in support of your July 2009 proposal about the use of Jones Act vessels to serve the oil and gas industry in the Gulf of Mexico. We think you should implement the proposal as soon as possible in order to spur additional business opportunities for companies like mine. Also, as a member of the Offshore Marine Service Association, you will be receiving more detailed comments on what is at stake for the maritime industry as a whole.

We believe CBP should insist, as a matter of law, that cargo transported to offshore oil or gas facilities is carried by U.S.-flagged vessels. We appreciate your clarifying that foreign-flag vessels may no longer transport merchandise from one coastwise point to another simply because the merchandise--whether wellhead assemblies, machinery and other production equipment--is installed there from the transporting vessel. Congress intended that these types of cargoes be carried on U.S.-flagged vessels.

We are prepared to meet the demands for domestic offshore industry. Our fleet of supply vessels includes the M/V Gulf Endeavor (a 165' Class Supply Vessel), the M/V Clint Jett (a 180' Class Supply Vessel), and the M/V JF Jett (a 200' Class Supply Vessel). Our inland and offshore vessel services include the transportation of drilling materials and delivering critical supplies and crews to both offshore drilling rigs and production platforms. In addition to transportation needs, our vessels provide construction support, maintenance support, installation support, and the removal of offshore facilities from the Gulf of Mexico. Thank you for considering our comments and those of the Offshore Marine Service Association.

Best Regards,


Sidney Forrestier

Vice President, Company Manager

Allied Shipyard, Inc.

P.O. Box 1240
310 Ledet Street
Larose, Louisiana 70373

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August 3, 2009

Trade and Commercial Regulations Branch
Office of International Trade, Regulations and Rulings
United States Customs and Border Protection
799 9th Street NW, Mint Annex
Washington, D.C. 20229

Dear Sir or Madam,

Please consider these comments in support of your July 2009 proposal regarding the use of Jones Act vessels to service the oil and gas industry in the Gulf of Mexico. Our Louisiana-based company, *Allied Shipyard, Inc.*, has been in business since the 1960's. We have delivered a variety of vessels (tugs, fishing, research, passenger vessels, etc.) to a number of companies over the years. In addition, we now do a great deal of vessel repair work. We are thus committed to a strong domestic merchant marine, especially one that will continue to grow as it serves the domestic oil and gas industry.

On behalf of my company, I am hopeful that the U.S. Customs and Border Protection will move quickly to finalize the pending proposal as it will have a tremendous economic gain for a number of U.S. companies in a stressful economy. We strongly encourage efforts by the Federal Government to ensure that cargo transported to offshore oil and gas facilities be carried by U.S.-flag vessels. *Allied Shipyard, Inc.* is ready to provide comprehensive marine services to an expanded U.S. maritime industry given the increasing importance of our domestic energy supply.

We need this decision by the U.S. Customs and Border Protection to be made effective as soon as possible. By doing so, you can help create an investment environment in which companies will continue to invest in the future with new vessels, and thus will help create more American jobs.

Thank you for considering our views.

Sincerely,



Gavin Callais

President



DELTA TOWING LLC



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August 3, 2009

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street, NW - - Mint Annex
Washington, D.C. 20229

Attention: Trade and Commercial Regulations Branch

To Whom It May Concern:

Thank you for the opportunity to provide comments regarding the pending Jones Act modification proposal. My company provides marine towing services based out of Houma, Louisiana.

I am writing to you to express our **support for the proposal** and to encourage you to implement it as soon as possible.

Delta Towing, LLC is a small business in the Gulf Coast. We employ some of the finest workers in the maritime industry and have a proven ability to serve the oil and gas industry. We strongly believe that American offshore sites ought to be served by American companies. Foreign companies and foreign workers have been taking an increasing amount of business from companies like ours and it is time that the U.S. Government makes it clear that this work should be done by Americans, for Americans.

We are also a member of the Offshore Marine Service Association (OMSA) and would like to take this opportunity to express our strong support for their detailed comments on this topic as well.

We appreciate the opportunity to share our thoughts.

Sincerely,

Barry Matherne
Delta Towing, LLC

SCURLOCK ELECTRIC, L.L.C.

BALDOR

INDUSTRIAL ELECTRIC MOTORS

1903 GRAND CAILLOU ROAD
HOUMA, LOUISIANA 70363
PHONE (985) 868-2253
FAX NO. (985) 851-7508

GENERAL ELECTRIC
SUPPLIES



AUTHORIZED DISTRIBUTORS

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August 3, 2009

U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
ATTN: Trade and Commercial Regulations Branch
799 9th Street, N.W., Mint Annex
Washington D.C. 20229

**RE: PROPOSED MODIFICATION AND REVOCATION OF RULING LETTERS
RELATING TO THE CUSTOMS POSITION ON THE APPLICATION OF THE
JONES ACT TO THE TRANSPORTATION OF CERTAIN MERCHANDISE
AND EQUIPMENT BETWEEN COASTWISE POINTS**

To whom it may concern,

In a national climate that witnesses the exporting of so many businesses and industries out of the United States, I support the decision of Customs and Border Protection to uphold the original intent of the Merchant Marine Act of 1920, better known as the Jones Act. Edison Chouest Offshore has operated successfully in the U.S. coastwise trade since 1960.

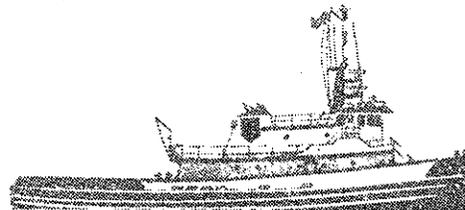
U.S. mariners and vessel operators have proven for decades the ability to fulfill the ever-changing needs of the country's maritime industry. The Jones Act ensures the United States will always have a safe, reliable, and economically efficient domestic transportation system. This cornerstone statute provides America the vital waterborne commerce it needs and deserves. It also protects the jobs of a highly trained workforce that supports all facets of the industry.

For too many years, our legal system has allowed individuals to interpret and bend the laws in favor of one's own benefit. Identifying what is considered "coastwise trade" and then requiring foreign entities to follow those laws has established a precedent. This action will protect the livelihood of thousands of American workers. It will ensure our nation's deeply rooted history in the global maritime trade continues to lead the way for other countries. For the sake of United States marine companies and the thousands of dedicated workers they employ, I applaud this effort wholeheartedly.

A handwritten signature in cursive script that reads "Leslie T. Walker, Jr." followed by a flourish.
Leslie T. Walker, Jr.
President

GLOBAL TOWING SERVICE, LLC

Inland and Offshore Tugs and Barges



August 3, 2009

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U.S. Customs and Border Protection
Office of International Trade, Regulations and Rulings
799 9th Street, NW - - Mint Annex
Washington, D.C. 20229

Attention: Trade and Commercial Regulations Branch

To Whom It May Concern:

Thank you for the opportunity to provide comments regarding the pending Jones Act modification proposal. My company provides marine towing services based out of Larose, Louisiana.

I am writing to you to express our **support for the proposal** and to encourage you to implement it as soon as possible.

Global Towing services, LLC is a small business in the Gulf Coast. We employ some of the finest workers in the maritime industry and have a proven ability to serve the oil and gas industry. We strongly believe that American offshore sites ought to be served by American companies. Foreign companies and foreign workers have been taking an increasing amount of business from companies like ours and it is time that the U.S. Government makes it clear that this work should be done by Americans, for Americans.

We are also a member of the Offshore Marine Service Association (OMSA) and would like to take this opportunity to express our strong support for their detailed comments on this topic as well.

We appreciate the opportunity to share our thoughts.

Sincerely,


Wiley Falgout
Global Towing Services, LLC

INLAND AND OFFSHORE TRANSPORTATION

344 Buchannon Street, Lockport, LA 70374 • Phone (504) 693-3242 • FAX (504) 693-3247