

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Vessel Documentation Center

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September 24, 2019

Michael S. Budelmann, Esq.
Bauer Moynihan & Johnson LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121

Dear Mr. Budelmann:

I am writing in response to your letter of September 10, 2019. You wrote on behalf of your client, Curtin Maritime Corp. ("Curtin"), concerning the proposed construction of a vessel (the "Vessel") at a shipyard in the United States that has not yet been nominated. Your reason for writing was to assure that, based upon the description of the proposed Vessel and its manner of construction, it would be deemed to have been built in the United States (and, notwithstanding the foreign source of certain components as discussed in your letter and below, not rebuilt foreign) and, as such eligible upon completion to engage in the coastwise trades of the United States.

The Vessel hull will be approximately 200 feet in length, 85 feet wide and 12 feet in depth and will be newly-constructed at a U.S. shipyard, including all foundations, framing and supportive structure necessary for installation of a control tower, spuds and a crane. It is the source and installation of those latter items which appear to be the primary reasons that you have sought a determination from this office.

As a preliminary matter, however, you have indicated that steel plates and bulb flats may be purchased from abroad by the shipyard for use in the construction of the Vessel. Your letter indicates that you are well aware of the numerous precedents and long-established policy that permits foreign-sourced steel to be used in the construction of vessel in U.S. shipyards, without jeopardizing the status of those vessels as built in the United States, provided that the foreign steel is received by the shipyard in standard mill-produced shapes and sizes and that all work on the steel (all marking, cutting, drilling, beveling, bending, shaping, etc., howsoever minor) will be performed by the shipyard in the United States. As you letter acknowledges, you and Curtin are mindful of the determination issued by the National Vessel Documentation Center ("NVDC") on August 31, 2017, in connection with the F/V AMERICA'S FINEST which addressed this issue.

Based on past precedent and this long-established policy, your use of foreign-sourced steel plates and bulb flats as described, will not be an impediment to the qualification of the Vessel as built in the United States.

With regard to the control tower mentioned above, you have indicated that Curtin plans to remove a control tower from an existing towing vessel that is documented in the United States with a coastwise endorsement. As such, you have indicated that the control tower itself will have been wholly constructed in the United States and not rebuilt foreign at any point in its history. It will be removed from its present location to be installed in the Vessel by the shipyard in the United States nominated to construct the Vessel. As already indicated, that shipyard will also have constructed all foundations, framing and supportive structure necessary for the installation of the control tower.

As described, the control tower, its source, construction and installation, will also present no impediment to the qualification of the Vessel at issue here to be documented with a coastwise endorsement as built in the United States. Of course, the issue we address here is limited to the qualifications of the newly-constructed Vessel of your client and not documentation issues, if any, that may have to be addressed by that existing towing vessel.

Finally, you have indicated that Curtin plans to separately purchase foreign-manufactured spuds and a crane for the Vessel and have those items installed by the shipyard in the United States. Specifically, Curtin intends to purchase a foreign vessel which already has the spuds and crane installed, have the spuds and crane removed at a foreign shipyard, and then ship them to the United States for installation on the Vessel at the shipyard in the United States. Again, all necessary foundations, framing and supportive structure, including wells for the spuds, will be constructed at the shipyard in the United States.

The crane will be a full circle slewing, luffing jib type crane, able to perform rock breaking and dredging work. The crane, including its mounting ring, will be bolted to the Vessel's hull, not welded, and will be completely removable from the Vessel. The spuds will also be removable from the Vessel. When removed, the Vessel will remain a complete and intact vessel and will be fully capable of operating as a vessel without the spuds and crane.

As described, the spuds and crane would be considered outfitting and not part of the hull or superstructure of the Vessel. I refer you, in general, to the Review Criteria Memorandum posted on the NVDC website and to its subparagraphs e) and i), in particular. As outfit, and not part of the Vessel's hull or superstructure, their foreign source and construction will not be an impediment to the qualification of the Vessel to be documented with a coastwise endorsement as a vessel built in the United States.

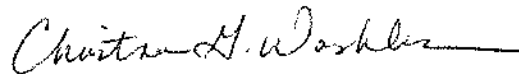
As described, I see nothing in the proposed construction of the Vessel that would cause it not to satisfy both prongs of the test established by 46 C.F. R. § 67.97 to determine vessels that are

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considered to be built in the United States; specifically, that (i) all major components of their hull and superstructure are fabricated in the United States, and (ii) that the vessel is assembled entirely in the United States. I also see nothing in this proposal which would negatively implicate the foreign rebuilding provisions of 46 C.F.R. § 67.177.

Consequently, I confirm that the Vessel, once completed and outfitted as you have described, would be considered built in the United States for purposes of 46 C.F.R. § 67.97 and would not be considered rebuilt foreign pursuant to 46 C.F.R. § 67.177. As such, it will be eligible to be documented with a coastwise endorsement and, as such will be qualified to engage in the coastwise trades of the United States.

Sincerely,



Christina G. Washburn
Director