

U.S. Department of
Homeland Security

United States
Coast Guard



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16713/5/2
March 21, 2019

H. Allen Black III, Esq.
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

Dear Mr. Black:

I am writing in response to your letter of March 7, 2019 by which you sought on behalf of Great Lakes Dredge & Dock Company, LLC, ("Great Lakes") confirmation that the installation of Portable Accommodation Modules ("PAMs") on two of its non-self-propelled dredges used in domestic dredging operations would not adversely impact the U.S. built status, and thereby the coastwise eligibility, of those vessels.

By your description, the foreign-manufactured PAMs, are intended to be placed on the main deck of each vessel and attached either by welding to foundations (that would be built onto the main deck in a U.S. shipyard) or by the use of container locks. You have asked, specifically, (1) whether the PAMs would be considered "components of the hull or superstructure" of the vessels, for purposes of 46 C.F.R. § 67.97(a), and (2) if so, and based upon weight calculations you provided, whether they would be considered "major components".

I need not reach your second question. Like, e.g., independent LNG tanks or pre-fabricated machinery flats, the PAMs would not contribute to the vessels' hull strength or structural integrity and, as they are typically (as in this case) installed on a weather-exposed deck, they would be outside the vessels' flotation envelope. As such, they would not be considered components of the hull or superstructure for purposes of 46 C.F.R. § 67.97(a). Moreover, notwithstanding that they were manufactured outside of the United States, because they are to be assembled onto the vessels in the United States, the "assembled entirely in the United States" requirement of 46 C.F.R. § 67.97(b) is, likewise, not implicated. See, Philadelphia Metal Trades Council, MTD, AFL-CIO v. Allen, 2008 WL 4003380, (E.D. Pa., August 25, 2008).

For the foregoing reasons, I confirm that the placement of the foreign-manufactured PAMs on the vessels in question, as you have described, will not implicate the coastwise eligibility of those vessels.

Sincerely,

A handwritten signature in cursive script that reads "Christina G. Washburn".

Christina G. Washburn
Director