



OCS Employment Restrictions

Introduction

The 1978 amendments to the Outer Continental Shelf Lands Act require that U.S. owned vessels and facilities conducting Outer Continental Shelf (OCS) activities employ U.S. citizens or Legal Permanent Residents (LPR) as part of their regular crew complement. Any deviations are required to be filled with personnel in possession of a B-1 visa for transit or travel to the OCS. In this issue of the [Drill Down](#) we'll break down common misconceptions and clarify difficult to understand regulations for use by our industry partners and regulators.

Applicability of 33 CFR 141

[33 CFR Part 141](#) describes the requirements of personnel employed by units engaged in OCS activities and the restrictions of their employment. It is important to note that 33 CFR 141 only applies to foreign flagged/unflagged units with greater than 50% U.S. ownership, conducting OCS activities. This does **NOT** apply to U.S. vessels as their personnel are covered by separate statutes and regulations.

Regular crew complement defined

"Regular crew complement" ([33 CFR 141.15\(b\)](#)) includes personnel necessary for the routine functioning of the unit. This includes marine officers and crew and industrial personnel on the unit, such as tool pushers, drillers, roustabouts, floor hands, crane operators, derrickmen, mechanics, motormen, and general maintenance personnel. This also includes support personnel on the unit, such as cooks, stewards and radio operators.

"Regular crew complement" does **NOT** include specialists, professionals, or other technically trained personnel called in to handle emergencies or other temporary operations, nor does it include extra personnel on a unit for training or for specialized operation. Examples of this work is construction, alteration, well logging, or unusual repairs or emergencies.

Applying for Deviations

There are three different types of letters which can be issued, each for a specific purpose or reason:

- 1) **Letter of Exemption (LOE):** When granted, this letter allows employment of foreign nationals in specifically identified positions for 1 year. This determination is based on the unavailability of qualified U.S. citizens or LPR.
- 2) **Letter of Non-Applicability (LOA):** When issued, this letter determines a vessel or facility to be not subject to 33 CFR Part 141 with no expiration date. This determination is based on a unit being over 50% foreign owned, as determined by the Office of Commercial Vessel Compliance (CG-CVC).
- 3) **Letter of Determination (LOD):** When issued, this letter determines that specific personnel or positions are **NOT** part of the regular crew complement.

LOD requests should be made to the cognizant Officer in Charge, Marine Inspection (OCMI). LOE and LOA requests should detail the specific work being sought for employment and be made in writing and provided to:

COMMANDANT (CG-CVC)

ATTN: Office of Commercial Vessel Compliance

U.S. COAST GUARD

2703 Martin Luther King Jr Ave SE STOP 7501

WASHINGTON DC 20593-7501

The U.S. Department of State Foreign Affairs Manual (FAM) requires foreign worker applicants to possess one of the above three letters before being issued a B-1 OCS Visa.

Employer Responsibilities

Employers are required to maintain records for each employee on an OCS unit, including foreign workers, as detailed at [33 CFR 141.35](#). The employer shall maintain a written list of the positions that make up the regular complement of the unit and the name and nationality of the individual filling each position. This list may be in any format.

References

- [33 Code of Federal Regulations, Part 141](#)
- [Department of State, Foreign Affairs Manual \(FAM\), 9 FAM 402.2 \(B Visas\)](#)