



16703  
30 May 1997

From: Commander, Eighth Coast Guard District  
To: Distribution

Subj: 6000 GT ITC TONNAGE ISSUES FOR OSVs

Ref: (a) Federal Register of 18 Dec 96, Vol. 61, No. 244, pp.  
66613-66616

1. Reference (a) published an interpretive final rule establishing an International Tonnage Convention (ITC) alternate tonnage of "less than 6000 GT" for Offshore Supply Vessels (OSVs). The interpretive final rule amends the definition of OSV found in 46 CFR 125.160 (Subchapter L) by including vessels measuring less than 6000 ITC tons.

2. Recently, questions have been raised regarding the impact of this interpretive final rule on the exemption in 46 USC 3702(b) allowing OSVs to transfer excess fuel from the vessel's fuel tanks to offshore oil drilling or production facilities without having to meet the "tank vessel" requirements. This exemption is particularly important for OSVs with respect to "double hull" construction standards. Since the exemption technically applies to documented vessels: (1) not more than 500 GT; (2) not a tanker; and (3) in the service of oil exploitation...there arises a valid question as to the continued applicability of the exemption to OSVs measuring more than 500 GT (i.e., up to 5999 ITC tons). Clearly, it was the intent of Congress that the tank vessel provisions in 46 USC, Chapter 37 should not be applied to OSVs which would only be required to meet those requirements due to the transfer of excess fuel from the vessel's fuel supply tanks to offshore oil drilling or production facilities. Congressional intent on the subject of applying tank vessel requirements to OSVs is further clarified in the "Historical and Statutory Notes" section following the definitions contained in 46 USC 2101. In the Subsection titled "Tank Vessel Definition Clarification," Subparagraph (b) states that, "The following vessels are deemed not to be tank vessels for the purposes of any law: (1) An Offshore Supply Vessel; (2) A fishing or fish tender...."

3. Since vessels measuring less than 6000 ITC tons can now be certificated as OSVs under 46 CFR Subchapter L, it follows that the same privileges intended by Congress for this class of vessels should continue to apply in the absence of Congressional intent to the contrary. This position has been confirmed with the Project Officer for the OSV ITC Alternate Tonnage Interpretive Final Rule.

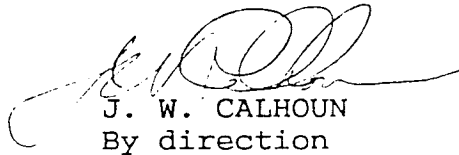
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4. In view of the above, the following guidance applies:

Vessels less than 500 GT (regulatory) or 6000 GT (ITC), certificated as OSVs in compliance with 46 CFR Subchapter L continue to enjoy the exemption from tank vessel requirements contained in 46 USC 3702(b) regarding the transfer of excess fuel from the vessel's fuel tanks to offshore oil exploration or production facilities.

5. Direct questions on this matter to LCDR Bill Daughdrill at (504) 589-6271.



J. W. CALHOUN  
By direction

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