

U.S. Department of
Homeland Security

United States
Coast Guard



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National Vessel Documentation Center

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December 18, 2024

Victor Burns
C-RAY, Inc.
San Diego, CA 92113

Dear Mr. Burns:

This letter is in response to your August 14, 2024 request for a foreign rebuild determination pursuant to 46 C.F.R. § 67.177 on the towing vessel KILLEEN, O/N 271661, as a result of repairs completed on the vessel in the port of Ensenada, Mexico. In your initial communication, you represented that the repairs constituted 2.6 percent of overall lightship weight of the vessel.

As is NVDC's practice in matters involving build determinations, we forwarded your inquiry to our colleagues in the Coast Guard's Naval Architecture Division for review. Upon initial review, the Naval Architecture Division requested additional supporting information, specifically a general arrangements plan (or similar); a more detailed write-up regarding the work performed in Mexico; and the audiogauging report. You provided the requested documents on or about October 17, 2024, which were subsequently passed along to the Naval Architecture Division for review.

The towing vessel KILLEEN underwent a variety of repairs in a Mexican shipyard in early 2024, including replacement of some steel plating in the hull and deck. The issue, upon review, is whether those replacements amount to a foreign rebuild that invalidates the vessel's U.S.-built status.

The basis of review is found in 46 C.F.R. § 67.177, which in pertinent part, provides that a vessel is deemed rebuilt foreign when "any considerable part of its hull or superstructure is *built upon* or *substantially altered* outside of the United States" (emphasis added). The regulation also stipulates that a vessel is deemed rebuilt when "a major component of the hull or superstructure not built in the United States is *added to* the vessel" (emphasis added). Therefore, the determination turns on the extent to which the steel plating replacements performed in Mexico modified its structural arrangements and/or flotation envelope by building upon, substantially altering, or adding to the vessel.

This review posed unique challenges, specifically due to the vessel's size – less than 70 feet in length. Much larger oceangoing vessels typically undergo special shipyard projects involving major structural modifications, adding or expanding superstructures, extensive repairing of substantial hull damage (due to collision or grounding accidents) in order to restore structural integrity and watertightness, and so on. Routine maintenance, on the other hand, typically entails

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machinery overhauls, painting, replacement of any deteriorated steel plating, and other repairs, but does not involve modifications to hull or superstructure.

Class society standards on steel replacement are to replace plating and stiffeners that have wasted more than 25 or 30 percent of original thickness preemptively to ensure the continued structural integrity and safety of the vessel until the next overhaul. These are repairs-in-kind where the replacement steel is the same as the original vessel.

The audiogauging report of hull and deck identified local areas of wasted steel, and various photographs show where the steel had been cropped out and replaced, with no other modifications to the hull or deckhouse. Accordingly, the steel work performed in the Mexican shipyard constituted repairs-in-kind that only replaced the original amounts of plating and stiffeners, and the repairs did not modify, alter, or add to the original hull or superstructure, nor change its original flotation envelope.

Therefore, based on our review, and in accordance with 46 C.F.R. § 67.177, it is my determination that the repairs made in the Ensenada, Mexico shipyard, including some steel plating in the hull and deck, do not render the vessel KILLEEN foreign-rebuilt, and do not change the vessel's U.S.-built status for coastwise endorsement eligibility.

Sincerely,



Christina Washburn
Director