

MSC Guidelines for Review of Major Conversion Determinations

Procedure Number: E1-30

Revision Date: 01/31/2000

References

- a. MARPOL 73/78, Annex I, Chapter I, Regulation 1(8)(a)
 - b. SOLAS 1974 Chapter II-2 Part A, Regulation 1, Section 3
 - c. Title 46, USC § 2101 (14a)
 - d. Title 46, USC § 3701(3)(d)
 - e. Title 46, USC § 4503
 - f. Title 33, CFR 151.05, 157.03, 157.08, 157.10, 157.10c, 157.10d, 157.24a, 157.118, 157.216, 164.39
 - g. Title 46, CFR 28.50, 28.300, 28.305, 28.500, 28.720, 110.01-3, 114.400, 154.7, 170.055, 172.220, 174.355, 175.400
 - h. NVIC 07-68, 10-81 Ch. 1, 10-82 Ch. 2, 11-84, 02-90, 10-94
 - i. Marine Safety Manual Vol. II, Chapter 33
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Disclaimer

These guidelines were developed by the Marine Safety Center staff as an aid in the preparation and review of vessel plans and submissions. They were developed to supplement existing guidance. They are not intended to substitute or replace laws, regulations, or other official Coast Guard policy documents. The responsibility to demonstrate compliance with all applicable laws and regulations still rests with the plan submitter. The Coast Guard and the U. S. Department of Transportation expressly disclaim liability resulting from the use of this document.

Contact Information

If you have any questions or comments concerning this document, please contact the Marine Safety Center by e-mail or phone. Please refer to the Procedure Number: E1-30.

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General

The definition of major conversion can be found in statute and regulation in the majority of the vessel applicability sections. However, all have their origins in Title 46, United States Code (USC), 2101 (14a) which itself is derived from MARPOL. The term "major conversion" is commonly used in statutory and

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regulatory language; however, there is no distinction between that term and "major modification."

Under Title 46, USC 2101 (14a) a "major conversion" means a conversion of a vessel that:

- a) Substantially changes the dimensions or carrying capacity of the vessel;
- b) Changes the type of the vessel;
- c) Substantially prolongs the life of the vessel; or
- d) Otherwise so changes the vessel that it is essentially a new vessel

Major conversion determinations have long provided a way to ensure that vessels have kept pace with current safety requirements. Although the concept of "grandfathering" has long been accepted in the regulatory processes, major conversion determinations have provided a counterbalance to this practice.

Various requests for set guidelines in the application of criteria (A) and (C) from 46 USC 2101 (14a) have been denied. The wording of the law lacks specificity but this is not a detriment. Since each vessel conversion or repair has unique aspects, the wording of law purposely allows the Coast Guard flexibility in its application. Previous decisions and interpretations must be consulted to ensure consistency. By not setting specific guidelines, such as a percentage of structure modified, the Coast Guard has encouraged the proper repair of existing vessels without the owner worrying about crossing into the major conversion arena. However, when a definite intent to extend the service life of the vessel has been planned, it is appropriate to bring the entire vessel into compliance with the latest safety standards where reasonable and practicable.

Determinations must evaluate the conversion in relation to the criteria. It does not matter if the conversion affects the vessel positively or negatively, the determination must be neutral. It makes no difference whether the vessel increases or decreases in size or if the capacity increases or decreases, all are treated the same.

Determinations, which involve criterion (B) from 46 USC 2101 (14a), must not confuse type with service. A tank barge which has been carrying an unregulated cargo (Subchapter C) and wishes to become certificated to carry regulated cargo (Subchapter D) has not changed vessel type, it has only changed service. The barge was constructed as a tank barge and will remain a tank barge.

Major conversion determinations concerning commercial fishing vessels are relatively new and must be handled delicately. There are three types of commercial fishing industry vessels found in Title 46, USC 2101. These are:

- a. Title 46, USC 2101 (11a) "fishing vessel" means a vessel that

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commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. Title 46, USC 2101 (11b) "fish processing vessel" means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

c. Title 46, USC 2101 (11c) "fish tender vessel" means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

Each of the individual definitions for these commercial fishing vessels are explicit and well defined by statute. An alteration to a vessel, which crosses a definition, is viewed as a major conversion. This has a major impact on a vessel changing to a fish processing vessel for it may require classification with ABS or DNV. Congress recognized this and elaborated in the June 27, 1988 House of Representatives Congressional Record H 4733.

"...section 8(c) of the bill provides a definition for the term 'major conversion.' Among other things this includes conversion that changes the type of a vessel. The committee intends that this factor be interpreted using common sense and not be used as a catchall to cover every sort of conversion. For example, conversion of an oil supply vessel to a fish processing vessel obviously constitutes a major conversion; substitution of one type of processing equipment for another does not. While the committee does not intend to limit the ability of the Coast Guard to ensure vessel safety, neither does the committee intend that broad and intrusive regulations be enacted to the detriment of the commercial fishing industry."

The congressional record states "substitution of one type of processing equipment for another does not" constitute a major conversion. However, the congressional record does not address the addition of processing equipment on a fishing vessel or a fish tender vessel. The addition of processing equipment on these vessels constitutes a major conversion because it meets the definition of criterion (B) above.

Procedure

Incoming Documents. All incoming major conversion determination requests shall be routed to the engineering division for assignment to the major conversion project officer.

It is a goal of the Marine Safety Center to respond to requests for major conversion determinations in no more than **two weeks** from the date of receipt. The major conversion project officer shall acknowledge receipt of the project to

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the submitter if not already done, provide a point of contact at the Marine Safety Center, and request additional information as required.