U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

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16720
Policy Letter No. 02-01

FEB 8 2002

From: Commandant
To: Distribution

Subj: REGULAR COMPLEMENT OF CREW DETERMINATIONS FOR UNITS ENGAGED IN OUTER CONTINENTAL SHELF (OCS) ACTIVITIES

Ref: (a) Title 33, Code of Federal Regulations (CFR), Part 141, Subpart A
(b) Navigation & Vessel Inspection Circular (NVIC) No. 7-84

1. This policy letter is promulgated to clarify the U.S. Coast Guard's position regarding the interpretation of references (a) and (b), as they apply to the processing of employment exemptions for specialists, professionals or technically trained personnel working on units engaged in OCS activities. In addition to this policy letter, G-MOC will be updating reference (b) to clarify the entire OCS employment exemption process. This policy letter is cancelled upon publication of a change to reference (b).

2. G-MOC is responsible for processing the four classes of exemptions listed in reference (b), as these exemptions require a Coast Guard legal determination or coordination with the Department of Labor. To a lesser extent, G-MOC also receives exemption requests from industry to determine whether or not personnel are considered "specialists, professionals or technically trained personnel called in to handle emergencies or other temporary operations" as defined in 33 CFR 141.15(b). 33 CFR 141.15(c) authorizes the OCMI to determine whether a particular individual or position is part of the regular complement of a unit as defined in 33 CFR 141.15(b).

3. As of the date of this letter, G-MOC will forward all OCS "regular complement of crew" exemption requests to the local OCMI for determination per 33 CFR 141.15(c). If your unit receives an exemption request that falls into any of the other classes listed in reference (b), they should be forwarded to G-MOC.

4. Specialists, professionals and technically trained personnel called in to handle emergencies; temporary operations; or repairs are typically <u>not</u> considered to be part of the regular crew complement of a unit. However, each request shall be handled on a case-by-case basis. Some of the factors that shall be considered when making these determinations are: (1) job description relative to the unit; (2) the period of time requested or anticipated; (3) type of operations (i.e. emergency, specialized); (4) degree of expertise or training needed; and (5) safety considerations. The following examples are provided for clarification:

a. A commercial diver temporarily aboard a MODU or platform for emergency repairs or inspection services would <u>not</u> be considered a part of the regular crew complement of a unit. However, a commercial diver aboard a dive support vessel (DSV) would be considered a part of the regular crew complement since commercial divers are normally employed aboard DSVs.

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b. A weld inspection technician periodically aboard a pipe-lay barge to ensure quality assurance or to operate equipment that requires specialized training would not be considered a part of the regular crew complement of a unit. However, a welder aboard a pipe-lay barge would be considered a part of the regular crew complement since welders (industrial personnel) are normally employed on this type of vessel.

c. A petroleum engineer or consultant temporarily aboard a MODU during well logging or specialized drilling operations would not be considered a part of the regular crew complement of a unit. However, an assistant driller or rig electrician would be considered a part of the regular crew complement of a unit since these positions are normally employed aboard this type of vessel.

5. When the OCMI determines that a position(s) is part of the regular crew complement of a unit, a denial letter shall be sent to the requestor with a copy to G-MOC-2.

6. For your convenience, two sample response letters are provided as enclosures (1) and (2). If you have any further questions regarding this matter, please contact the Foreign and Offshore Compliance Division (G-MOC-2) at the phone number listed above.

J. D. SARUBBI
By direction

Encl: (1) Sample Approval Letter
(2) Sample Denial Letter

Dist: CG LANTAREA (Am)
CG PACAREA (Pm)
All Districts (m)
All Activities
All Marine Safety Offices

U.S. Department of Transportation
United States Coast Guard

Commanding Officer
United States Coast Guard

<Address Information>
Staff Symbol:
Phone:
FAX:
Email:

16720

<Requestor Address Information>

Dear <Requestor>:

I have reviewed your request dated <Date>, seeking an exemption from the citizenship requirements of Title 33, Code of Federal Regulations, Part 141 (33 CFR 141). The <Job Description or Position> described in your letter falls within the regulatory definition of "technically trained personnel" found in 33 CFR 141.15 (b), and is not subject to the citizenship restrictions for "members of the regular complement of the unit". <Name of Person(s) Exempted>, a <List Nationality> citizen, may temporarily remain aboard the <Vessel or Unit Name> in support of the <Name of Project or Operations> for the express purpose as stated by your letter.

This office must be notified immediately if the operations or job description change from the information provided in your request, so that we may determine whether the change alters the applicability of the exemption provisions of 33 CFR 141.15. Should you have any questions or concerns, please contact <Unit POC> of my staff at the telephone number listed above.

Sincerely,

Enclosure (1)

U.S. Department
of Transportation

**United States
Coast Guard**

Commanding Officer
United States Coast Guard

<Address Information>
Staff Symbol:
Phone:
FAX:
Email:

16720

<Requestor Address Information>

Dear <Requestor>:

I have reviewed your request dated <Date>, seeking an exemption from the citizenship requirements of Title 33, Code of Federal Regulations, Part 141 (33 CFR 141). The <Job Descriptions or Positions> described in your letter are considered to be "members of the regular complement of the unit". Therefore, your request is disapproved and the citizenship requirements outlined in 33 CFR 141 are applicable for these positions.

Please refer to the Navigation & Vessel Inspection (NVIC) No. 7-84 for all other types of exemptions and submission requirements. NVIC 7-84 can be accessed online at http://www.uscg.mil/hq/g-m/nvic/7_84/n7-84.htm. Should you have any questions or concerns, please contact <Unit POC> of my staff at the telephone number listed above.

Sincerely,

Copy: G-MOC-2

Enclosure (2)