

APPENDICES



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APPENDIX A

GRANDFATHERING PROVISIONS

A.1 PURPOSE

The purpose of this Appendix is to authorize specific circumstances under which interpretations of the tonnage regulations may be applied that predate the interpretations promulgated by changes to this MTN.

A.2 DISCUSSION

This MTN is intended to provide sufficient interpretive information to enable correct and consistent application of the tonnage measurement regulations. While the MSC's goal is to ensure the interpretive information is clear and keeps pace with the evolution of vessel designs, the MSC recognizes that designers and measurement organizations may apply reasonable interpretations of the regulations that are subsequently superseded by changes to the MTN. The MSC's position is that once tonnages have been certified using reasonable interpretations of the regulations, it is not necessary to remeasure a vessel for the purpose of applying later interpretations, unless requested by the vessel's owner. Further, in order to provide relief to owners who are having vessels designed or redesigned on the basis of interpretations that are subsequently superseded, the MSC considers that grandfathering should be extended to such vessels, and to identical sister vessels.

A.3 GRANDFATHERING AUTHORIZATION

Interpretations of the tonnage regulations that immediately predate the interpretations promulgated by a change to this MTN may be applied at the option of the vessel's owner, for vessels in any of the following three categories:

- (a) A vessel for which tonnages have not been certified and which was contracted for on or before the date of the MTN change.
- (b) A vessel for which tonnages have been certified, but which has undergone modifications that were contracted for on or before the date of the MTN change.
- (c) A sister vessel that is identical from the standpoint of tonnage measurement to a vessel described in either Section A.3(a) or Section A.3(b) above.

A vessel for which tonnages have already been certified should not be remeasured for the purpose of applying the latest interpretations of this MTN, except upon request by the vessel's owner and at the owner's expense.

A.4 CONSIDERATION OF OTHER VESSELS

The MSC recognizes that there may be unique circumstances under which grandfathering should be extended to vessels other than those described in Section A.3 above. The MSC will give consideration to requests to extend grandfathering to other vessels. Such requests must be made in writing to the Commanding Officer, MSC, and must be accompanied by information detailing the specific stage of design and/or construction of the vessel on the date of the MTN change that promulgated the superseded interpretations.

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APPENDIX B

DISCUSSION OF CHANGES

SUBPART B - CONVENTION MEASUREMENT

Section 69.63 - Net Tonnage A statement was added authorizing vessel owners/agents to attest to the number of passengers to be carried, in the event that a Ship's Passenger Certificate (or equivalent) has not been issued or will not be issued. In the former case, this change is needed to help avoid unnecessary delays in issuing tonnage certificates in those situations where vessel construction is complete, but appropriate passenger certification documents have not yet been issued.

Section 69.65(d) - Termination of Measurements This section was clarified to reflect that framing of deck structures is ignored when calculating volumes.

Section 69.65(h)(4) - Unenclosed Machinery The list of examples of unenclosed machinery was revised to include movable lift boat support legs.

SUBPART C - STANDARD MEASUREMENT

1. **Section 69.109(q)(7) - Adjusting Breadth Measurements** The figure for this section, which was inadvertently deleted in Change 5 due to an editing error, has been reinstated.

2. **Section 69.117(d)(1) - General** This section was revised to clarify that if a structure is divided into compartments, only those compartments which are open to weather may be exempted as open space. The section was also clarified to highlight that there are no provisions of the regulations that permit open space to progress from one structure to another (e.g., a break to a sunken forecastle), or vertically through openings within a structure. The restriction on progression of open space vertically was described in decision letters dated 6/1/1984, 7/28/1998 and 2/2/2001. Progression of open space to a sunken forecastle within the same structure was provided for in a decision letter dated 5/19/1989.

3. **Section 69.117(d)(2) - End Openings** This section was revised to clarify that a combination of two 3' X 4' openings is required to open the associated space to weather, and that only interior compartments to which open space progresses may be exempted as open space. In addition, a clarification was added to reflect that the coaming height restriction applies to the deck outside the opening rather than the deck inside the opening, based on a decision letter dated 5/19/1989, which described practice allowing progression of open space to a continuation of the compartment below the level of the opening. This is also consistent with the underlying premise of the regulations that a coaming offers protection from the sea and weather. Finally, a restriction was added to preclude progression of space inside the end compartment if the compartment deck height increases by more than 2 feet. This is based on Treasury Decision 53088 dated 8/28/1952, and decision letters dated 2/10/1956, 11/25/1964 and 7/24/1968. A decision letter dated 3/13/1947, which concluded that shell plating does not constitute a coaming, is superseded.

4. **Section 69.117(d)(2)(i) - Two 3' X 4' Tonnage Openings** This section was revised to clarify that circulation of open space through both openings is required, based on decision letters dated 1/14/1948, 11/24/1948, 3/13/1956, 4/16/1963, 2/12/1968, 5/14/1969, 7/20/1970, 8/31/1979 and 6/6/1984.

5. **Section 69.117(d)(2')** - **Additional Requirements for End Openings** This new section was added to provide additional requirements for end openings, as follows:

- a. **Section 69.117(d)(2')(i) - In the Clear Requirements** The words "in the clear" of Section 69.117(d)(2) were interpreted to mean that the opening must be unobstructed for a distance of 30 inches inside and outside of the opening (including "open" structures like ladders), based on decision letters dated 9/11/1964, 4/26/1966, 7/23/1987, 3/27/1992 and 1/24/2003, and an appeal letter from OCMI, New Orleans dated 9/25/1979. This allows for obstructions that are less than two feet in height, based on decision letters dated 10/18/1978 and 6/1/1979. The 30 inch criteria supercedes the 3 foot criteria of decision letters dated 5/1/1972, 12/2/1974, 10/18/1978, 8/31/1979, 10/28/1979 and 6/1/1984. Criteria were also added for evaluating whether obstructions of a temporary nature (other than authorized cover plates or boards) are considered to close the opening. These criteria permit obstructions of a temporary nature whose movement to another location in the vessel would not adversely impact the safe operation of the vessel. Deck cargo is also not considered to close the opening. The criteria are generally less restrictive than a variety of other criteria used in the past, including whether or not the item was "attached to the bulkhead" (decision letters dated 9/16/1964 and 9/22/1964), "stationary" (decision letter dated 10/31/1968), "semi-portable" (decision letter dated 5/1/1972), "fastened" in place (decision letters dated 10/18/1978 and 10/28/1979), "permanently installed" (decision letter dated 3/1/1994), or merely could be considered as an appurtenance (decision letter dated 8/31/1979). Decision letters dated 1/28/1963, 2/14/1964, 9/11/1964, 1/26/1965, 8/20/1965, 9/30/1965 and 7/3/1968, which precluded obstructions of any kind, are superseded. Finally, a decision letter dated 6/1/1984, which required that there be a "full height clear deck access" on either side of the tonnage opening, is superseded. Rather, only the space directly in way of the opening need be in the clear.
- b. **Section 69.117(d)(2')(ii) - Minimum Opening Dimensions** A clarification was added to reflect that the minimum width and height dimensions of the opening be maintained throughout the entire opening, based on decision letters dated 3/2/1929, 12/11/1945, 6/2/1947, 4/23/1951, 5/25/1964 and 11/25/1964. This supersedes a decision letter dated 9/30/1920, allowing rounded corners to infringe upon the clear opening requirement.
- c. **Section 69.117(d)(2')(iii) - Progression of Open Space Within the Structure** Requirements were included on progression of open space throughout a compartment having an exterior bulkhead opening or openings. Once a compartment is considered open, the entire compartment is eligible for exemption as open space, regardless of whether or not appurtenances or other obstructions within the compartment interfere with the progression of open space throughout the compartment. In the clear requirements for interior bulkhead openings continue to apply. This approach is consistent with that of decision letters dated 6/19/1947, 1/14/1948, 7/3/1961 and 5/25/1964, and the 1989 changes to the tonnage regulations which provided for exemption of open space through the use of openings in interior bulkheads of compartments. Other approaches described in decision letters 11/6/1953, 2/10/1956, 3/13/1956, 1/24/1959, 4/26/1966, 5/29/1967, 7/24/1968, 10/31/1968 (two letters), 5/2/1969, 8/11/1976, 8/31/1979, 8/28/1980, 6/1/1984, 4/20/1987, 7/14/1987, 3/1/1994, 7/21/1997, 7/28/1998 and 1/24/2003 are superseded, most of which involved establishing an unobstructed "progression path" from an associated exterior bulkhead opening.
- d. **Section 69.117(d)(2')(iv) - Angled or Curved Bulkheads** Criteria were added for evaluating openings in curved or sloped end bulkheads. Specifically, a 45 degree criterion was established for use in evaluating when a sloped or angled bulkhead constitutes an end or side bulkhead. Also, the projected area was specified for use in applying minimum size requirements. The 45 degree criterion has been authorized under a variety of circumstances to define the point of transition between the sides and ends of structures (e.g., decision letters dated 6/19/1980, 6/23/1980, and 1/15/1986).

e. **Section 69.117(d)(2')(v) - Deck or Platform on Exterior Side of Opening** This new section was added to clarify that a permanent deck or platform must be installed on the exterior side of an end bulkhead opening within a distance of 2 feet below the opening, based on decision letters dated 10/29/1964, 10/30/1970, 4/15/1971, 8/31/1979, 6/1/1984, 9/24/1987, 6/9/1988, 3/27/1992 and 6/2/1997. This requirement is ultimately derived from the 2 foot coaming height requirement (which is not applicable to side openings), notwithstanding decision letters that referred to "access" to tonnage openings (including letters dated 10/29/1964, 5/1/1972, 12/2/1974, 6/1/1984, 9/24/1987, and 6/2/1997). Either gratings or solid decking are allowed, consistent with past practice.

6. **Section 69.117(d)(3) - Open Space Progression to Interior Compartments** This section was revised to include the 2' deck height restriction of Section 69.117(d)(2), and to add a number of requirements, as follows:

a. **Section 69.117(d)(3)(i) - Establishing Compartment Boundaries** The term "compartment" was defined to be a portion of a larger space sectioned off in some manner by bulkheads. As provided for in decision letters dated 6/5/1956, 5/25/1964, 4/26/1966, 10/31/1968 and 8/31/1979, treatment of open passageways and dead-ended spaces as part of the same open compartment (until such point that the passageway or dead-ended space increases in height or width) was authorized. Finally, use of a "projected" boundary was authorized for situations where one boundary of the compartment is not clearly defined, such as situations involving corners.

b. **Section 69.117(d)(3)(ii) - Progression of Open Space From Other Interior Compartments** General requirements for progression of open space from one interior compartment (or series of compartments) to another were included, as follows:

- (1) Opening Locations A statement was added clarifying that open space can progression through tonnage openings installed in longitudinal, as well as transverse bulkheads, based on decision letters dated 11/24/1948, 1/28/1963, 10/31/1968 and 8/31/1979.
- (2) Circulation Requirement For emphasis, the circulation requirement of Section 69.117(d)(2)(i) were referenced.
- (3) Obstructions to Interior Bulkhead Openings For emphasis, the in the clear requirements of Section 69.117(2')(i) were referenced.
- (4) Obstructions for Openings Where Boundary Not Clearly Defined Requirements were included on how to establish the location of an opening in a interior bulkhead of a compartment for those situations where the bulkhead is not well defined. The approach used is generally consistent with that authorized by the decision letters dated 5/25/1964 and 8/31/1979, although the approach of this new section ignores obstructions that are more 30 inches from the "opening".
- (5) Temporary Covers for Openings A clarification was added that temporary covers for openings in interior bulkheads must be installed on the side of the bulkhead toward the associated end bulkhead, based on decision letters dated 9/24/1987 and 2/17/1995, and Figure 12 of 46 CFR 69.123. A clarification was included to reflect that the cover may be installed on either side of the opening for situations where there is "circulation".
- (6) Propelling Machinery Space Bulkheads A statement was added to reflect that there is no longer a prohibition against progression of open space through a propelling machinery space bulkhead, consistent with decision letters dated 8/6/1976 and 9/4/1996. The prohibition, addressed in

decision letters dated 4/11/1967, 10/30/1967, 2/12/1968, 8/31/1979 and 11/20/1980, was an attempt to prevent an unsafe downflooding situation in certain scenarios, and was unrelated to requirements of the tonnage regulations, or the underlying statute. However, a note was added to highlight the potential safety impact of such openings.

- c. **Section 69.117(d)(3)(iii) - Treatment of Bars and Similar Subspaces** A provision for allowing progression of open space behind counters that meet certain minimum requirements was included, based on decision letters dated 2/17/1995 and 6/15/1995 (two letters). This supersedes the prohibition against progression of open space behind a permanent counter of a decision letter dated 8/31/1979.
7. **Section 69.117(d)(4) - Shifting Boards in Channel Sections** This section was revised to clarify that anything that seals the shifting boards will render the opening as closed.
8. **Section 69.117(d)(5) - Plates/Boards with Hook Bolts** This section was revised to incorporate changes similar to the changes made to Section 69.117(d)(4), and to reflect that the cover plates or boards must fay against the exterior surface of the bulkhead. This latter requirement is based on decision letters dated 9/27/1987 and 2/17/1995, and Figure 12 of 46 CFR 69.123.
9. **Section 69.117(d)(6) - Plates/Boards with Bolts and Crosspieces** This section was revised to incorporate changes similar to the changes made to Section 69.117(d)(5). It also includes the clarification that there is nothing to preclude use of a single plate as a crosspiece in a "sandwich" configuration, consistent with the discussion in the Federal Register of August 31, 1999 (64 FR 47402) and decision letters dated 3/8/1979 and 9/25/2001. Finally, a statement was included to reflect that, unlike the temporary cover configuration involving hook bolts, there are no bolt spacing requirements for this configuration.
10. **Section 69.117(d)(6') - Additional Requirements for Tonnage Opening Covers** This new section was added to provide additional requirements for tonnage opening covers, as follows:
- a. **Section 69.117(d)(6')(i) - Cover Plates and Boards** A clarification was added that a cover plate or board must be a single entity, although it can be composed of different elements and materials. This is based on decision letters dated 4/1/1941, 3/24/1946, 6/3/1946, 1/5/1949, 12/16/1980 and 4/15/1982. A second clarification was added to highlight the acceptability of "plug type" closures that fully meet all requirements of Section 69.117(d)(5) or (6), based on decision letters dated 12/16/80, 4/15/1982 and 11/26/1997. Earlier "plug" configurations that were disallowed by decision letters dated 1/7/1958 and 12/11/1969 apparently were not fitted with a lip to fay against the bulkhead, thereby rendering the opening closed.
- b. **Section 69.117(d)(6')(ii) - Attachments and Penetrations** A clarification was added that a cover plate or board may be fitted with attachments or penetrations, provided they do not render the opening other than non-tight. This is based on decision letters dated 9/13/1950, 11/22/1950, 8/29/1952, 4/24/1956, 12/10/1965, 4/11/1967, 8/6/1969, 8/31/1979, 6/1/1984 and 8/29/1988.
- c. **Section 69.117(d)(6')(iii) - Cover Fasteners** A requirement was added that a cover must "fall free" if the fasteners holding it in place are removed, and that the fasteners must be accessible at all times. The latter requirement is based on a decision letter dated 12/19/1969. Temporary covers for securing devices are allowed, consistent with past practice.
- d. **Section 69.117(d)(6')(iv) - Alternate Covers** A clarification was added that wire mesh or a fabric-like material such as canvas may be applied over an otherwise uncovered opening without rendering the open closed. This is based on the requirements of 46 CFR 69.117(d)(2), which provides for wire

mesh screen or canvas to be secured over certain end openings, and decision letters dated 12/30/1915, 5/17/1940, 1/27/1941, 11/4/1941, 12/16/1946, 11/21/1947, 5/14/1948, 1/18/1949, 7/5/1949, 7/3/1950, 8/15/1950, 4/24/1956 and 5/20/1964. A statement was included to highlight that doors and similar items cannot be used as a temporary cover, based on decision letters dated 6/1/1984, 2/25/1986 and 8/29/1988. A decision letter dated 10/7/1947, which authorized a cover plate fitted to a roller track, is superseded.

- e. **Section 69.117(d)(6')(v) - Impact on Vessel Safety** A discussion was included on safety aspects of openings, including watertightness and fire protection.

11. **Section 69.117(d)(7) - Structures Entirely Open From Aft End** This section was revised to clarify that open space may progress from a structure entirely open at the aft end to another compartment, provided minimum requirements for progression from other end openings are met. Also, flexibility was added to allow use of fabric-like material in addition to canvas to temporarily cover the opening, to reflect increasing use in the maritime industry of alternate materials.

12. **Section 69.117(d)(8) - Opposite Side Openings** This new section was added to provide the option of using opposite side openings as a means of exempting open space within an enclosed structure. This option explicitly appeared in the tonnage regulations prior to the 1989, but currently appears only implicitly within item (d) of the definition of "uppermost complete deck" in 46 CFR 69.103. Decision letters dated 2/4/1994 and 7/20/2000 authorized the use of opposite side openings. Specific criteria for side openings, which stem from Treasury Decision 51384 dated January 2, 1946, are included as follows:

- a. **Section 69.117(d)(8)(i) - Openings are Opposite** A requirement was included that the openings must be directly across from each other, as reflected in decision letters dated 7/11/1930, 8/25/1930, 7/20/1964, 12/2/1965, 8/31/1979, 4/20/1987 and 7/20/2000, and not separated by a bulkhead, as reflected in a decision letter dated 9/24/1987. Decision letters dated 11/24/1948 and 6/1/1984, which provided for progression of open space through openings in bulkheads between opposite side openings, are superseded.
- b. **Section 69.117(d)(8)(ii) - Opening Size** The specific opening size criteria of Treasury Decision 51384 were included. The criteria were clarified to reflect that for full length side openings, the "required height" of Treasury Decision 51384 refers to either a 3 foot height or the full height of the space, whichever is less. This permits the exemption of space between opposite side openings in the case where the sides of a structure are completely open, even though the height of the structure is less than 3 feet. This section also provides for using stanchions to separate a series of side openings, based on a decision letter dated 9/24/1987, and for taking into account rounded edges when minimum height restrictions apply, based on a decision letter dated 4/19/1948.
- c. **Section 69.117(d)(8)(iii) - Coamings** This new section was added to clarify that coaming height restrictions that apply to end openings do not apply to side openings, based on decision letters dated 7/20/1964 and 10/22/1980, although they do apply in the case of progression of open space within the structure. Presumably, the greater exposure of side openings to the weather obviates the need for a coaming height restriction. However, for space that has progressed inside the vessel, coaming height restrictions have consistently been applied.
- d. **Section 69.117(d)(8)(iv) - Progression of Open Space** This new section was added to reflect that open space may progress from space opened by opposite side openings, based on decision letters dated 12/14/1945, 11/24/1948 (two letters), 12/20/1948, and 6/1/1984. The prohibition of the decision letter dated 8/31/1979 against progression of open space from certain side openings appears to have no basis in the regulations, or earlier decision letters, and is superseded.

13. **Section 69.117(e)(5) - Coamings and Covers** This section was revised to clarify that sealing a temporary cover on a middle line opening will cause the opening to be considered as closed. While an explicit prohibition against sealing of middle line openings has not been included in the regulations since 1938, allowing such openings to be sealed is contrary to the underlying premise of the regulations upon which a shelter deck space can be exempted as open space by means of such an opening. This is reflected in an Executive Order dated April 1, 1942, which allowed making middle line openings to be made watertight during World War II.

14. **Section 69.117(g)(3) - Under-Deck** A procedure was added to ensure that under-deck water ballast space exemptions reflect only those portions of water ballast spaces that were included in the under-deck volume calculations, and not the portions that are outside of the line of the ordinary frames. This procedure combines elements of procedures formerly used by OCMI, Mobile and OCMI, New Orleans.