COMSC INSTRUCTION 4700.15D

From: Commander, Military Sealift Command

Subj: OVERHAUL, REPAIR AND MAINTENANCE OF MSC VESSELS IN FOREIGN SHIPYARDS

Ref: (a) 10 U.S.C. § 7310, as amended by Pub. L. 110-417, § 1012
(b) 50 App. U.S.C. § 1744(d), as amended by Pub. L. 109-364, § 3503
(c) ASN (S&L) memorandum of 2 Feb 1987 (NOTAL)

Encl: (1) MSC Form 4700/18, Overhaul, Repair and Maintenance of MSC Vessels in Foreign Shipyards

1. Purpose. To establish Commander, Military Sealift Command (COMSC) policy and responsibility for implementing 10 USC § 7310, “Overhaul, repair, etc. of vessels in foreign shipyards: restrictions,” clarify when the overseas deployed status of certain MSC vessels must be reevaluated, and describe the amended requirements of reference (a) for an annual report to be provided to Congress documenting overseas ship repair.

2. Cancellation. COMSCINST 4700.15C.

3. Applicability. The requirements of this instruction apply to all Military Sealift Command (MSC) owned (United States Naval Ships, “USNS”) and bareboat chartered ships, whether active duty, civilian mariner (CIVMAR) or contractor operated. Compliance with this instruction shall be required in all MSC ship operating contracts.

4. Discussion. Reference (a) restricts repairs accomplished overseas on U.S. naval ships. This law states that a naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) homeported in the United States or Guam may not be overhauled, repaired or maintained by a shipyard located outside of the United States or Guam, other than in the case of voyage repairs. For determining compliance with this law, the following definitions apply:
a. **Voyage Repair.** Voyage repairs include:

   (1) Corrective maintenance on mission or safety essential items necessary for a ship to deploy, to continue on its deployment, or to comply with regulatory requirements.

   (2) Scheduled maintenance, only to the extent that said maintenance is absolutely necessary to ensure machinery and equipment operational reliability (e.g., diesel top end overhaul) or to comply with regulatory requirements.

   (3) Voyage repairs do not include corrective maintenance actions that may be deferred until the next scheduled regular overhaul and drydocking availability in the United States or Guam without degrading operational readiness, the environment, habitability standards or personnel safety, or adversely impacting regulatory compliance.

b. **Homeport.** MSC does not designate homeports for USNS or bareboat chartered ships. In order to establish an equivalent status for MSC ships, the Secretariat has determined that MSC ships anticipated to be deployed overseas for more than two consecutive years shall, for the purposes of ref (a), be considered homeported overseas. See reference (c). All other ships shall be regarded as homeported in the United States or Guam.

c. **Foreign Ship Repair Source.** A foreign ship repair source is any facility that repairs vessels and is located outside the United States or Guam. Overseas ship industrial assistance facilities, including Naval Ship Repair Facilities (SRFs), are foreign ship repair sources including those located in U.S. territories or possessions, other than Guam. USN tenders are not regarded as foreign ship repair sources regardless of their geographic location.

d. **Vessels Under the Jurisdiction of the Secretary of the Navy.** Vessels under the jurisdiction of the Secretary of the Navy include USNS ships (including USNS ships being operated and maintained by other government agencies) and ships which are bareboat chartered by the Navy. MSC time chartered ships (such as time-chartered Prepositioning ships) and voyage chartered ships are not considered to be under the jurisdiction of the Secretary of the Navy and therefore are not required to comply with the provisions of Title 10 U.S. Code, Section 7310(a).

e. **Maritime Administration's Ready Reserve Force (RRF) vessels.** Reference (a) is applicable to any vessel maintained
by the Secretary of Transportation in support of the Department of Defense, including any vessel assigned to the Ready Reserve Force. See reference (b). However, such vessels are not covered by this instruction. The operation, maintenance and repair of RRF vessels, even when activated and under MSC OPCON, is the responsibility of the Maritime Administration.

2. **Policy**

   a. All MSC ships shall be maintained in a safe material condition, adequate to accomplish assigned missions.

   b. **Overseas homeported ships**

      (1) Ships shall be considered homeported overseas for the purpose of accomplishing maintenance and repair when specifically approved as such by ASN (RD&A). Ships considered homeported overseas are not subject to reference (a).

      (2) All maintenance and repair on ships considered to be homeported overseas may be accomplished by foreign ship repair sources.

      (3) Repair of ships being prepared for, or returning from, overseas homeporting shall be scheduled to maximize the use of the industrial capacity of the United States and Guam. For scheduled overhauls not exceeding six months in duration, any overseas homeported ship scheduled to complete its overseas deployment within one year of a scheduled overhaul date shall delay the overhaul until it can be accomplished in a shipyard in the United States or Guam. Repairs needed to restore the material condition of safety or mission essential equipment, or to maintain regulatory or environmental compliance, shall not be deferred until return from overseas assignment, but shall be accomplished at the earliest opportunity.

      (4) Any ship repair availability that is planned to exceed six (6) months in duration and is scheduled for accomplishment within 15 months of a ship’s scheduled return date to the United States or Guam, shall be accomplished in the United States or Guam.

      (5) Subject to the following exceptions, if an overseas homeported ship returns to the United States or Guam at any time during its overseas assignment, the policy governing U.S. homeported ships shall apply during such return, and the homeport status shall be reevaluated.
(a) Exceptions: The policy governing U.S. homeported ships shall not apply, and the homeport status shall not be reevaluated, if a vessel returns to the United States or Guam for the primary purpose of:

1. performing a medical evacuation  
2. performing emergency repairs necessary to avoid damage to the environment  
3. performing salvage operations  
4. performing emergency repairs to shipboard equipment  
5. replacing a US Coast Guard required crew member because of a medical or family related emergency, or  
6. transferring cryptographic or other classified material required for the performance of the ship's mission.

c. U.S. or Guam homeported ships

(1) Only voyage repairs as defined in paragraph 4a may be performed on U.S. or Guam homeported ships by foreign ship repair sources ships.

(2) When a ship is scheduled for future assignment overseas, overhaul, repair or maintenance shall not be purposely deferred so that overhaul, repair or maintenance, other than voyage repairs, which would otherwise have been performed in the U.S. or Guam will be performed in a foreign shipyard.

6. Action

a. Program Managers and Technical Directors shall monitor adherence to the policy requiring that overseas maintenance and repair of U.S. or Guam homeported USNS ships be limited to voyage repairs as defined in paragraph 4a above.

b. The Engineering Director (N7) shall, at least annually, prepare for COMSC signature a request for ASN (RD&A) approval of a list of ships that COMSC recommends be designated as homeported overseas. The Engineering Director (N7) shall
maintain the list of ships approved as homeported overseas and shall update the list to reflect fleet requirements.

c. Enclosure (1) shall be completed by Program Managers and Technical Directors and used to provide supporting documentation for the request to ASN (RD&A). Upon completion, Encl (1) shall be submitted to N7.

d. If a change in the homeport status is necessary for a ship, such as when a naval fleet auxiliary or combat logistics force ship rotates to or from forward deployed status, or a change in the ship’s mission will require extended operations in a different geographical area, the cognizant Program Manager or Technical Director shall complete Encl. (1) and submit it to N7. Upon review, N7 shall prepare for COMSC signature a request to ASN (RD&A) to change the ship’s homeport status.

e. If an overseas homeported ship returns to the United States or Guam for a brief period, other than for the reasons listed in paragraph 5.b.(5)(a), such as to perform voyage repairs, to conduct a maintenance or repair availability, or to accomplish a single operational requirement, COMSC shall reevaluate the ship's homeport designation based on the criteria in paragraph 4b. When the ship’s operational period in the United States or Guam is complete and the ship returns to overseas deployment for a period anticipated to be longer than two years, COMSC shall notify ASN (RD&A) by email or naval message, of the vessel’s return to the US or Guam and MSC’s intention to maintain the vessel’s status as homeported overseas unless otherwise directed by ASN(RDA). If the vessel is not anticipated to be deployed overseas for a period greater than two years, such vessel shall be considered homeported in the United States or Guam.

f. For overseas availabilities, the Program Managers and Technical Directors shall evaluate voyage repair requests, service orders and all work packages for application of Title 10 U.S. Code, Section 7310(a) restrictions. When MSC contracts with ship operating companies require those companies to award and manage the overhaul, maintenance and repair of vessels subject to this instruction, the contracting officer shall evaluate for compliance with this instruction, the ship operating company’s requests for approval of subcontracts prior to granting subcontracting approval.

g. As required by reference (a), an annual report for the previous fiscal year shall be provided to Congress to document
overseas ship repair. The data for this report shall be provided by the Program Managers by the 15th business day of each month in an Access database located on: S:\WNYD\MSCHQ\NOERASE\N7\N7X\Foreign Rprs, ASN, & Guam\Database\foreign shipyard1. The data required to compile this report shall include:

(1) The justification under law for the repair
(2) The name and class of vessel repaired
(3) The category of repair (Voyage Repair, Regular Overhaul, etc.)
(4) Name of the foreign shipyard
(5) Number of days in port for repair
(6) Cost of repair and difference, if any, from price of contract
(7) Schedule for repair, amount of work in man-days, whether work was completed on time, and if not, the reason for delay
(8) Homeport of vessel
(9) If repair was performed under contract awarded through competitive procedures or other procedures

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OVERHAUL, REPAIR AND MAINTENANCE OF MSC VESSELS IN FOREIGN SHIPYARDS

Department of Navy policy requires specific ASN (RD&A) approval to authorize overhaul, repair, or maintenance of MSC ships in repair facilities outside the United States or Guam. This approval requires a determination that the ship will remain deployed overseas for periods exceeding two years. If a ship returns to the U.S. or Guam at any time during its overseas deployment, its status must be reevaluated. Please provide the following information to support your request to list the ship as overseas deployed and authorized for repair in foreign shipyards.

1. Ship Name:

2. Hull No:

3. When was the last time the ship returned to the United States or Guam?

4. Is ship currently on the ASN approved list of overseas ships?

If Yes: How much longer will ship remain deployed overseas? (if there is not a projected end date, state “Indefinitely”. If “Indefinitely”, stop here.

If No: What are the approximate start and end dates of the overseas deployment?

5. For major availabilities (i.e. regular overhaul, drydocking, etc.) planned during this deployment indicate approximate start and end dates of availability and type of availability. Evaluate and briefly summarize mission impact if the ship were to return to the US or US territory for execution of the availability.

Submitted By:

Program Manager (Sign and Print Name) / Date

Concur and Included in Request Letter to ASN (RD&A):

Engineering Director (Sign and Print Name) / Date

Evaluated for Compliance with Title 10 U.S. Code, Section 7310(a):

Office of Counsel (Sign and Print Name) / Date