

Department of Transportation

Coast Guard

46 CFR Part 28

Commercial Fishing Industry Vessel Regulations for Aleutian Trade Act
Vessels; Proposed Rule
DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 28

[CGD 94-025]
RIN 2115-AE77

Commercial Fishing Industry Vessel Regulations for Aleutian Trade
Act Vessels

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise regulations for U.S. commercial fishing industry vessels subject to the Aleutian Trade Act (ATA) of 1990. This proposed rule would promulgate a new subpart regulating certain equipment requirements and operating procedures for fish tender vessels operating in the Aleutian trade. These regulations would allow for the continued cargo service by water to remote communities in Alaska while ensuring increased safety standards for the vessels engaged in this trade.

DATES: Comments must be received on or before November 14, 1993.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 94-025), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Mark D. Bobal, Office of Marine Safety, Security and Environmental Protection (G-MVI-4), Room 1405, U.S. Coast Guard Headquarters, Washington, DC 20593-0001, (202) 267-2307.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 94-025) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8\1/2\ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under ADDRESSES. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Mark D. Bobal, Project Manager, Office of Marine Safety, Security and Environmental Protection, and Mr. Nicholas Grasselli, Project Counsel, Office of Chief Counsel.

Regulatory History

On April 19, 1990, the Coast Guard published a notice of proposed rulemaking (NPRM) for Commercial Fishing Industry Vessels (55 FR 14924). In the NPRM, the Coast Guard proposed to regulate U.S. documented or state numbered uninspected fishing, fish processing, and fish tender vessels, including vessels engaged in the Aleutian Trade, to implement the provisions of the Commercial Fishing Industry Vessel Safety Act of 1988. Subsequent to the NPRM, Congress enacted the Aleutian Trade Act of 1990 (ATA), significantly affecting the impact of the proposed regulations on vessels engaged in the Aleutian trade. The ATA provides for continued cargo service to remote communities in Alaska while ensuring increased safety standards for fish tender vessels operating in the Aleutian trade. As a result of the ATA, the Coast Guard published a supplemental notice of proposed rulemaking, (SNPRM), in the Federal Register on October 27, 1992 (57 FR 48670).

In response to the SNPRM, the Coast Guard received over 206 comments specifically opposing, and only 4 comments favoring, the proposed ATA regulations. In a second SNPRM, the Coast Guard is now proposing to increase the safety standards for these vessels consistent with the comments received to the first SNPRM and establish a separate subpart in 46 CFR Part 28 for vessels engaged in the Aleutian trade.

Background and Purpose

The Aleutian Trade Act of 1990. On November 16, 1990, the President signed Pub. L. 101-595, The Aleutian Trade Act of 1990 ('`the ATA``'). The ATA applies only to fish tender vessels engaged in the transportation of cargo (including fishery related products) for hire to or from a place in Alaska west of 153 deg. West longitude and east of 172 deg. East longitude and only, if that place receives weekly common carrier service by water, to or from a place in the United States (except a place in Alaska). The ATA requires these fish tender vessels to meet new safety and manning standards over a specified period of time. Additional background information concerning the ATA and the Coast Guard's interpretation of the Act, may be found at page 48670 of the SNPRM published October 27, 1992.

Discussion of Comments

In response to the SNPRM of October 27, 1992, the Coast Guard received four comments supporting the ATA. They were from a common carrier, a ship yard, a naval architect and an interested party that did not identify its affiliation. Additionally, the Coast Guard received 206 comments opposing the ATA. These comments were from fishermen, fishing vessel companies, naval architects, shipyards, the State Legislature and Governor of Alaska, an insurance company, and the general public.

The primary objections to the proposed requirements were: (1) The potential for severe economic hardship to the operators of ATA vessels, and the people and companies the vessels serve in the outlying areas; (2) the possibility that common carriers serving the Aleutian area would have a monopoly on seaborne commerce in this area and could significantly increase rates; and (3) the lack of need for additional regulations when considering the positive safety record of ATA vessels. Additionally, comments opposed the proposed rules by arguing that: (1) The Coast Guard greatly underestimated the cost of compliance; (2) the Commercial Fishing Industry Vessel Safety Act states that the Coast Guard cannot require alterations to existing vessels; and (3) the standards proposed are excessive and greater than those required of an inspected cargo vessel.

Discussion of Proposed Rules

In response to the large number of comments opposing the first SNPRM, the Coast Guard will revise its proposed regulations and issue a second SNPRM. The Coast Guard believes this SNPRM proposes standards that would upgrade safety requirements aboard ATA vessels and yet be responsive to the comments received to the first SNPRM. In this SNPRM, the Coast Guard is proposing a new subpart G, to be entitled Aleutian Trade Act Vessels. Each section is summarized in the following paragraphs.

Subpart A--General Provisions

Section 28.040 Incorporation by Reference

This section lists the industry standards that are incorporated by reference and the corresponding sections where each standard is reference as the governing requirement.

In the interest of keeping the regulations as uncomplicated as possible, the number of standards incorporated by reference has been

minimized.

National Fire Protection Association, NFPA, sections 310-13 and 310-15 of NFPA 70 is referenced in Sec. 28.865.

Society of Automotive Engineers, SAE, section J1475 is needed for compliance in Sec. 28.880.

Underwriters Laboratories, UL, standard 217-1985, ``Single and Multiple Station Smoke Detectors'' to supplement the information in Sec. 28.830

Subpart G--Aleutian Trade Act Vessels

Section 28.800 Applicability and General Requirements

This section describes the revised applicability for ATA vessels proposed for this subpart. Fish tender vessels engaged in the Aleutian trade are subject to inspection under the provisions of 46 U.S.C. 3301 (1), (6), or (7) except those that:

1. Are not more than 500 gross tons;
2. Have an incline test performed by a marine surveyor; and
3. Have written stability instructions posted on board the vessel.

Section 28.805 Launching of Survival Craft

This section would require ATA vessels to comply with 46 CFR subpart B, which requires inflatable liferafts (SOLAS A Packs) for 100% complement coverage. To facilitate the manual launching of survival craft which have a mass of more than 110 pounds, (50 kg), each vessel must have a gate or another opening in its bulwarks, deck rails, or lifelines.

Section 28.810 Deck Rails, Lifelines, Storm Rails and Hand Grabs

This section would adopt the same requirements of subpart D, which are essentially identical to those found in subchapter I.

Section 28.815 Bilge Pumps, Bilge Piping, and Dewatering Systems

This section would require two power bilge pumps, each with a separate source of power (e.g. one electric pump and one mechanically driven or power take-off (PTO) pump) connected to a fixed system. However, a portable powered pump could substitute for one of the required pumps as long as it meets specific criteria as promulgated in these regulations. In contrast, subpart D requires one powered bilge pump connected to a fixed system while subchapter I requires three powered pumps for cargo vessels.

Section 28.820 Fire Pumps, Fire Mains, Fire Hydrants, and Fire Hoses

This section would require one power driven fire pump, connected to fixed piping, capable of delivering water at a minimum of 50 gallons per minute. In addition, a portable pump must be carried that has a capacity of 9500 gallons per hour and is capable of being connected to the firemain and hoses. However, if the vessel already has a portable pump satisfying the second bilge pump requirement, no additional portable pump would be required as long as it is properly equipped to handle both firefighting and flood control.

Section 28.825 Excess Fire Detection and Protection Equipment

This section would cover excess fire detection and protection equipment and is in lieu of Sec. 28.155.

Section 28.830 Fire Detection System

This section would grandfather existing systems and equipment within specific limits and regulations, and provides acceptance latitude. It would require that accommodation spaces to be fitted with modular smoke detectors, and require manual remote shutdown of certain machinery outside of certain spaces.

Section 28.835 Fuel Systems

This section would incorporate applicable regulations of subchapter F for any replacement and or alteration to the existing grandfathered piping. It would also add the requirement for remote shutoff valves on certain fuel tanks, metal shields under filters, and limits the length of nonmetallic flexible hose used (for vibration purposes only).

Note: Some of the piping aboard ex-Navy yard oilers used in the Aleutian trade was built and installed to Navy specifications and was encased in cement ballast. This arrangement would be grandfathered. In contrast, subpart D requires all fuel lines to be constructed of seamless material only, except short lengths of flex hose for vibration. Cargo vessels have the same requirements and, additionally, all valves and fittings must meet specific regulations of subchapter F.

Section 28.840 Means for Stopping Pumps, Ventilation, and Machinery

This section would contain requirements for remote controls similar to those applicable to cargo vessels.

Section 28.845 General Requirements for Electrical Systems

This section would adopt nearly all of the requirements of subpart D which provide for acceptance of recognized standards such as Underwriters Laboratory (UL). An added grandfathering clause would allow acceptance of existing materials and installations, on a case by case basis. For example, existing cables and wiring runs could be allowed to remain as presently constructed and routed. However, any replacement wiring or new installations would have to meet specific requirements. In comparison, the installation of all electrical systems and interior communications as to design, construction, and material acceptance for cargo vessels must be done in accordance with subchapter J.

Section 28.850 Main Source of Electrical Power

This section proposes general requirements for electrical systems that are presently found on ATA vessels.

Section 28.855 Electrical Distribution Systems

This section requires that a distribution system which has neutral

bus or conductor have the neutral bus or conductor grounded. It also requires a grounded distribution system to have only one connection to ground. The one connection to ground must be at the switchboard, or on a nonmetallic vessel at the common ground point.

Section 28.860 Overcurrent Protection and Switched Circuits

This section would require the same standards found in subpart D, which are similar to the requirements for inspected vessels contained in 46 CFR subchapter J--Electrical Engineering Regulations.

Section 28.865 Wiring Methods and Materials

This section would require the same standards for wires and conductors found in subpart D.

Section 28.870 Emergency Source of Electrical Power

This section would require an emergency source of electrical power which is capable of supplying connected loads for at least 3 hours and which is physically separated from the main machinery space. This segregation would help ensure that one casualty did not disable all sources of electrical power. If the source is a battery, specific regulations would have to be satisfied. Note: No emergency generator is required--it is believed the combination of a duty engineer and back-up fire & bilge pumps as well as additional powered portable pump should be sufficient. Subpart D requires an independent source of electrical power located outside the machinery space capable of supplying all loads listed above plus the steering gear, and fire & bilge pumps continuously for 3 hours. Cargo vessels require emergency lighting for 6 hours.

Section 28.875 Radar, Depth Sounding, and Auto-pilot

This section would adopt the equipment requirements of subpart D for radar and depth sounding devices. In addition, procedures would be proposed for the use of an auto-pilot.

Section 28.880 Hydraulic Equipment

This section would grandfather some existing hydraulic hose runs and materials. It provides specifics for fluid, hose, fittings, and compatibility for use. It adds the requirement for fail-safe system components and provides requirements that enhance operator safety. It reduces existing overuse of nonmetallic hydraulic flex hose by limiting its use in runs where flexibility is not specifically required. However, any retrofit of hydraulic hoses would have to be accomplished over a period of time, such as replacing the flex hose with hard piping only whenever renewals, replacements or alterations are being accomplished. In comparison, subpart D specifically limits the allowable length of nonmetallic flexible hose to 30'' while subchapter I requires specific material approval in applicable sections of subchapter F.

Section 28.885 Cargo Gear

This section would take the cargo equipment found presently on

these vessels and incorporate them with subchapter I requirements.

Section 28.890 Examination and Certification of Compliance

This section would require that each ATA vessel be examined for compliance once every two years. The examination would be performed by the American Bureau of Shipping (ABS), a similarly qualified organization, or another accepted organization. The organization performing the examination would be required to provide the owner and the cognizant Coast Guard District Commander, (Attention: Fishing Vessel Safety Coordinator) with a copy of the signed certification letter if the vessel was found to be in compliance. A copy of a certification letter would also be required to be maintained on board the vessel. With respect to the inspection provisions, 46 U.S.C. 3302(c) was amended by exempting fishing, fish processing, and fish tender vessels of not more than 500 gross tons from consideration as a freight vessel, a seagoing barge, or a seagoing motor vessel under 46 U.S.C. 3301 (1), (6), and (7) if, when the vessel transports cargo to or from Alaska, that place does not receive weekly common carrier service by water from a place in the United States; or the cargo is of a type not accepted by that common carrier service; or in the case of a fish tender vessel, the vessel is not engaged in the Aleutian trade.

A fish tender vessel engaged in the Aleutian trade is not subject to inspection under the provisions of 46 U.S.C. 3301 (1), (6), and (7), if the vessel is not more than 500 gross tons, has an incline test performed by a marine surveyor, and has written stability instructions posted on board. These provisions were effective May 16, 1991.

Section 28.895 Survey and Classification

This proposed section would require each ATA vessel which undergoes a major conversion completed after July 27, 1990, to be classed by the ABS or another organization determined by the Commandant to be similarly qualified.

Section 28.900 Loadlines

This section would require that a fish tender vessel of not more than 500 gross tons, engaged in the Aleutian trade, obtain a loadline certificate.

Section 28.905 Post Accident Inspection

This proposed section was suggested by a common carrier during the first SNPRM to require that an ATA vessel undergo a general or partial survey by a Coast Guard Representative following an accident or if a defect is discovered which affects the safety of the vessel. This requirement would be similar to that found in subchapter I for cargo vessels, however a third party would be conducting this post accident inspection.

Section 28.910 Repairs and Alterations

This proposed section, again suggested during the first SNPRM, would require the managing operators of an ATA vessel to notify a Coast Guard Representative prior to making repairs or alterations to an ATA vessel that may affect the safety of the vessel.

Section 28.915 Manning and Crew

This proposed section would establish manning requirements for a fish tender vessel of not more than 500 gross tons, engaged in the Aleutian trade.

This section also proposes that machinery spaces be under the control, when at sea, of an engineer designated as in charge. This designation may be: (a) In writing by the owner, operator, or master; (b) by an entry in the ship's log if one is maintained; or (c) by a designation on the emergency instructions required under Sec. 28.265. If designated engineers are not part of the vessel's complement, then all the requirements of subpart D would have to be met in addition to this subpart. Any component or system on a vessel found to be in conflict between the regulations found in subparts D and G, then the higher standard will apply. ATA amended 46 U.S.C. 8702 to require that a fish tender vessel engaged in the Aleutian trade comply with the crew requirements set out in Sec. 8702, but allowed the percentage of the deck crew, who are required to have merchant mariners documents endorsed for a rating of at least able seaman, to be reduced from 65 to 50 percent of crew size. These provisions were effective November 16, 1991.

Lastly, the ATA amended 46 U.S.C. Chapter 73 to allow acceptance of service on an ATA vessel to be used by an individual to qualify for an endorsement as an ``able seaman--fishing industry'', ``able seaman--unlimited'' or ``able seaman--special.'' If the service is on board a vessel of at least 100 gross tons, the service may be accepted to qualify as an ``able seaman--limited''.

Incorporation by Reference

Additional material would be incorporated by reference and listed in 46 CFR 28.040: National Fire Protection Association (NFPA 70-1987), sections 310-13 and 310-15 would be incorporated in Sec. 28.865; Society of Automotive Engineers, SAE, section J1475 would be incorporated in Sec. 28.880; and Underwriters Laboratories, UL, standard 217-1985, ``Single and Multiple Station Smoke Detectors'' would be incorporated in Sec. 28.830. Copies of this material will be available for inspection where indicated under ADDRESSES, and from the sources listed in Sec. 28.040.

Before publishing a final rule, the Coast Guard will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The Coast Guard estimates that only 20 vessels out of an estimated

U.S. commercial fishing fleet in excess of 120,000 vessels would be affected by this rule. This proposed rule includes a number of grandfathered provisions. Therefore, the Coast Guard believes that existing equipment onboard these 20 vessels should be upgraded and replaced only when the existing equipment is no longer serviceable.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ``Small entities'' may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields; and (2) governmental jurisdictions with populations of less than 50,000.

An estimated 20 commercial fishing industry vessels are involved in the Aleutian Trade Act. A number of these vessels are owned or operated by small entities. However, the Coast Guard estimates that the cost of complying with these revised proposed regulations will be minor. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If however, you think that your business qualifies as a small entity and that this proposal will have a significant economic impact on your business, please submit a comment (see ADDRESSES) explaining why you think your business qualifies and in what way and to what degree this proposal will economically affect your business.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This notice proposes regulations for ATA vessels only. Since this rule affects specific vessels both inside and outside state waters, the Coast Guard intends to preempt State action addressing the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. These proposed rules are to enhance certain safety equipment requirements and general operating procedures of ATA vessels and have no significant effect on the environment. A ``Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational

safety and health, Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR part 28 as follows:

PART 28--REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

1. The authority citation for part 28 is revised to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 8104, 10603; 49 U.S.C. 5103; 49 CFR 1.46.

2. Section 28.40(b) is revised to read as follows:

Sec. 28.40 Incorporation by reference.

* * * * *

(b) The material approved for incorporation by reference in this part and the sections affected are:

- American Boat and Yacht Council (ABYC),
P.O. Box 747, 405 Headquarters Dr., Suite 3, Millersville,
MD 21108-0747:
E-1-1972--Bonding of Direct Current Systems.....
28.345
E-8-1985--Alternating Current (AC) Electrical Systems on
Boats.....
28.345
E-9-1981--Recommended Practices and Standards Covering
Direct Current (DC) Electrical Systems on Boat.....
28.345
H-2-1989--Ventilation of Boats Using Gasoline.....
28.340
H-25-1986--Portable Fuel Systems for Flammable Liquids...
28.335
H-33-1989--Diesel Fuel Systems.....
28.335
P-1-1986--Installation of Exhaust Systems for Propulsion
and Auxiliary Engines.....
28.380
International Maritime Organization (IMO),
Publications Section, 4 Albert Embankment, London SE1 7SR,
England:
Resolution A.658(16) ``Use and Fitting of Retro-
Reflective Materials on Life-Saving Appliances'', dated
November 1989.....
28.135
National Fire Protection Association (NFPA),
60 Batterymarch Park, Quincy, MA 02269:
70-1990--National Electrical Code (also known as ANSI/
NFPA 70-1990).....
28.350
28.370

302-1989--Pleasure and Commercial Motor Craft.....
28.335

28.340

28.345

17-1985--Dry Chemical Extinguishing Systems.....
28.330

17A-1986--Wet Chemical Extinguishing Systems.....
28.330

310-13--Conductor Construction and Applications.....
28.865

310-15--Ampacity.....
28.865

Society of Automotive Engineers (SAE),
400 Commonwealth Drive, Warrendale, PA 15096:
SAE J 1475-1984--Hydraulic Hose Fitting for Marine
Applications.....
28.880

SAE J 1942-1989--Hose and Hose Assemblies for Marine
Applications.....
28.405

Underwriters Laboratories, Inc. (UL),
333 Pfingsten Rd., Northbrook, IL 60062:
UL 217-1985--Single and Multiple Station Smoke Detectors.
28.325

28.830

UL 710-1990--Exhaust Hoods for Commercial Cooking
Equipment.....
28.330

3-4. Section 28.50 is amended by adding the following definitions in alphabetical order to read as follows:

Sec. 28.50 Definition of terms used in this part.

* * * * *

Aleutian trade means the transportation of cargo, including fishery related products, for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees West longitude and east of 172 degrees East longitude if that place receives weekly common carrier service by water, to or from a place in the United States, except a place in Alaska.

* * * * *

Coast Guard Representative means a person employed by the U.S. Coast Guard, an accepted organization, or a similarly qualified organization approved in examining commercial fishing industry vessels. Contact Chief, Fishing Vessel and Offshore Safety Branch, Commandant, (G-MVI-4), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001 for a current list of accepted organizations or similarly qualified organizations.

* * * * *

5. The heading of subpart C is revised to read as follows:

Subpart C--Requirements for Documented Vessels That Operate Beyond the Boundary Lines or With More Than 16 Individuals On Board, or for Fish Tender Vessels Engaged in the Aleutian Trade

6. Section 28.200 is revised to read as follows:

Sec. 28.200 Applicability.

Each documented commercial fishing industry vessel must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part if it:

- (a) Operates beyond the Boundary Lines;
- (b) Operates with more than 16 individuals on board; or
- (c) Is a fish tender vessel engaged in the Aleutian trade.

7. Part 28 is amended by adding subchapter G to read:

Subpart G--Aleutian Trade Act Vessels

Sec.

- 28.800 Applicability and general requirements.
- 28.805 Launching of survival craft.
- 28.810 Deck rails, lifelines, storm rails and hand grabs.
- 28.815 Bilge pumps, bilge piping, and dewatering systems.
- 28.820 Fire pumps, fire mains, fire hydrants, and fire hoses.
- 28.825 Excess fire detection and protection equipment.
- 28.830 Fire detection system.
- 28.835 Fuel systems.
- 28.840 Means for stopping pumps, ventilation, and machinery.
- 28.845 General requirements for electrical systems.
- 28.850 Main source of electrical power.
- 28.855 Electrical distribution systems.
- 28.860 Overcurrent protection and switched circuits.
- 28.865 Wiring methods and materials.
- 28.870 Emergency source of electrical power.
- 28.875 Radar, depth sounding, and auto-pilot.
- 28.880 Hydraulic equipment.
- 28.885 Cargo gear.
- 28.890 Examination and certification of compliance.
- 28.895 Survey and classification.
- 28.900 Loadlines.
- 28.905 Post accident inspection.
- 28.910 Repairs and alterations.
- 28.915 Manning and crew requirements.

Subpart G--Aleutian Trade Act Vessels

Sec. 28.800 Applicability and General Requirements.

(a) This subpart applies to each fish tender vessel engaged in the Aleutian trade that has not undergone a major conversion and:

- (1) Was operated in the Aleutian trade before September 8, 1990; or
- (2) Was purchased to be used in the Aleutian trade before September 8, 1990, and entered into service in the Aleutian trade before June 1, 1992.

(b) Except as noted otherwise in this subpart, a vessel subject to

this subpart must also comply with the requirements of subparts A, B, and C of this part.

(c) Each fish tender vessel engaged in the Aleutian trade that undergoes a major conversion after September 15, 1991 must comply with the additional requirements of subpart D of this part.

(d) A fish tender vessel engaged in the Aleutian trade is subject to inspection under the provisions of 46 U.S.C. 3301 (1), (6), or (7) unless it:

(1) Is not more than 500 gross tons;

(2) Has an incline test performed by a marine surveyor; and

(3) Has written stability instructions posted on board the vessel.

(e) A vessel that does not have a designated engineer as part of its complement must comply with the requirements of subpart D of this part in addition to the requirements of this subpart.

Sec. 28.805 Launching of survival craft.

In addition to the survival craft requirements in subpart B of this part, each vessel must have a gate or other opening in the deck rails, lifelines, or bulwarks adjacent to the stowage location of each survival craft which has a mass of more than 110 pounds (50 KG), so that the survival craft can be manually launched.

Sec. 28.810 Deck rails, lifelines, storm rails and hand grabs.

(a) Except as otherwise provided in paragraph (d) of this section, deck rails, lifelines, grab rails, or equivalent protection must be installed near the periphery of all weather decks accessible to individuals. Where space limitations make deck rails impractical, hand grabs may be substituted.

(b) The height of deck rails, lifelines, or bulwarks must be at least 39 $\frac{1}{2}$ inches (1 meter) from the deck, except where this height would interfere with the normal operation of the vessel, a lesser height may be substituted.

(c) All deck rails or lifelines must be permanently supported by stanchions at intervals of not more than 7 feet (2.3 meters). Stanchions must be through bolted or welded to the deck.

(d) Portable stanchions and lifelines may be installed in locations where permanently installed deck rails would impede normal cargo operations or emergency recovery operations.

(e) Deck rails or lifelines must consist of evenly spaced courses. The spacing between courses must not be greater than 15 inches (0.38 meters). The opening below the lowest course must not be more than 9 inches (0.23 meters). Lower courses are not required where all or part of the space below the upper rail is fitted with a bulwark, chain link fencing, wire mesh, or an equivalent.

(f) A suitable storm rail or hand grab must be installed where necessary in a passageway, at a deckhouse side, at a ladder, and a hatch where an individual might have access.

Sec. 28.815 Bilge pumps, bilge piping, and dewatering systems.

Instead of Sec. 28.255, each vessel to which this subpart applies must meet the following requirements:

(a) Each vessel must be equipped with a fixed, self priming, powered, bilge pump connected to a bilge manifold and piping capable of draining any watertight compartment, other than tanks and small buoyancy compartments, under all service conditions. Large spaces, such as engine rooms and cargo holds, must be fitted with more than one suction line.

(b) In addition, each vessel must be fitted with a fixed second, or back-up bilge pump having an independent and separate source of power from the pump required in paragraph (a) of this section. One of the bilge pumps may be attached to the propelling engine.

(c) A portable bilge pump may substitute for the secondary pump required above, as long as it is:

(1) Self priming and provided with a suitable suction hose of adequate length to reach the bilges of each watertight compartment it must serve and is fitted with a built-in check valve and strainer;

(2) Fitted with a discharge hose of adequate length to ensure overboard discharge. A portable pump must be capable of dewatering each space it serves at a rate of at least 2 inches (51 millimeters) of water depth per minute; and

(3) Capable of being quickly and efficiently attached to the vessel's fixed bilge suction main or discharge piping (such as with ``camlocks'', etc.) for alternate emergency use.

(d) Except where an individual pump is provided for a separate space or for a portable pump, each individual bilge suction line must be provided with a stop valve at the manifold and a check valve at some accessible point in the bilge line to prevent unintended flooding of a space.

(e) Each bilge suction line and dewatering system must be fitted with a suitable strainer to prevent clogging of the suction line. Strainers must have an open area of not less than three times the open area of the suction line.

(f) Except for a fire pump required by 46 CFR 28.820, a bilge pump may be used for other purposes.

(g) Each vessel must comply with the oil pollution prevention requirements of 33 CFR parts 151 and 155.

Sec. 28.820 Fire pumps, fire mains, fire hydrants, and fire hoses.

(a) Each vessel must be equipped with a portable fire pump and a self-priming, power driven fire pump connected to a fixed piping system.

(1) The fixed fire pump must be capable of delivering an effective stream of water from a hose connected to the highest outlet. It must have a minimum capacity of 50 gallons per minute at a pressure of not less than 60 pounds per square inch at the pump outlet. If multiple pumps are installed, they may be used for other purposes provided at least one pump is kept available for use on the fire system at all times.

(2) The portable fire pump must have a minimum capacity of 9500 gallons per hour and be capable of being connected to National Standard Fire Hose of the size utilized on board the vessel. A single portable pump carried to satisfy the bilge system requirements of Sec. 28.815(c) may also satisfy the requirements of this section.

(b) All parts of the firemain located on exposed decks shall either be protected against freezing or be fitted with both cut-out and drain valves.

(c) Each vessel must have a sufficient number of fire hydrants to reach any part of the vessel using a single length of hose.

(d) Each fire hydrant must have at least one length of fire hose connected to the outlet at all times, a spanner, and a hose rack or other device for stowing the hose at all times.

(e) Each length of fire hose must be a minimum of 1\1/2\' diameter lined commercial fire hose and be fitted with a nozzle made of corrosion resistant material capable of providing a solid stream and a spray pattern. Firehose shall not be used for any other purpose other than fire extinguishing, drills, and testing.

Sec. 28.825 Excess fire detection and protection equipment.

In lieu of Sec. 28.155, each vessel to which this subpart applies must meet the following requirements:

(a) Installation of fire detection and protection equipment in excess of that required by the regulations in this subpart is permitted provided that the excess equipment does not endanger the vessel or individuals on board in any way. The excess equipment must, at a minimum, be listed and labeled by an independent, nationally recognized testing laboratory and be in accordance with an appropriate industry standard for design, installation, testing, and maintenance.

(b) An existing fixed gas fire extinguishing system that is in excess of the required fire protection equipment required by subparts A, B, and C of this part, may remain in place and continued in service as long as all parts of the system are maintained in good condition to the satisfaction of the Coast Guard Representative, and subject to the following:

(1) A fixed fire extinguishing system capable of automatic discharge upon heat detection, may only be installed in a normally unoccupied space. For the purpose of this section, the machinery space aboard a fish tender operating in the Aleutian trade is considered occupied.

(2) A fixed fire extinguishing system must:

(i) Be capable of manual actuation from outside the space protected;

(ii) Produce an audible alarm to indicate the discharge of the extinguishing agent for 20 seconds before the agent is released into the space;

(iii) The branch line valves of all fire extinguishing systems shall be plainly and permanently marked indicating the spaces serviced;

(iv) The control cabinets or spaces containing valves or manifolds for the various fire extinguishing systems shall be distinctly marked in conspicuous red letters at least 2 inches high:

``STEAM FIRE APPARATUS''

``CARBON DIOXIDE FIRE APPARATUS''

``FOAM FIRE APPARATUS'', or

``WATER SPRAY FIRE APPARATUS'' as the case may be;

(v) Instructions for the operation of the system must be located in a conspicuous place at or near all pull boxes, stop valve controls, and in the agent storage space;

(vi) If the space or enclosure containing the supply or controls is to be locked, a key to the space or enclosure shall be in a break-glass-type box conspicuously located adjacent to the opening, and;

(vii) Be equipped with a sign at the alarm stating: ``WHEN ALARM SOUNDS--VACATE AT ONCE. CARBON DIOXIDE BEING RELEASED'', or list other fire extinguishing agent.

(3) Any modification, alteration, or new installation of a fixed gas fire extinguishing system must meet the additional requirements of subpart D of this part.

Sec. 28.830 Fire detection system.

(a) Each accommodation space must be equipped with an independent modular smoke detector or a smoke actuated fire detecting unit installed in accordance with Sec. 76.33 of this chapter.

(b) An independent modular smoke detector must meet UL 217 and be listed as a ``Single Station Smoke Detector--Also Suitable for Use in Recreational Vehicles.''

Sec. 28.835 Fuel systems.

(a) Portable fuel systems including portable tanks and related fuel lines and accessories are prohibited except where used for outboard engines or portable bilge/fire pumps.

(b) Each integral fuel tank must be fitted with a vent pipe connected to the highest point of the tank terminating in a 180 degree (3.14 radians) bend on a weather deck and be fitted with a flame screen.

(c) Test cocks must not be fitted to fuel oil tanks.

(d) Valves for removing water or impurities from diesel fuel oil systems will be permitted in the machinery space provided they are away from any potential source of ignition. Such valves shall be fitted with caps or plugs to prevent leakage.

(e) Oil piping drains, strainers and other equipment subject to normal oil leakage must be fitted with drip pans or other means to prevent oil draining into the bilge.

(f) All nonmetallic filters and strainers must be fitted with a metal shield attached to their base in such a way as to prevent direct flame impingement in the case of a fire.

(g) Shutoff valves shall be installed in the fuel supply piping lines, one as close to each tank as practicable, and one as close to each fuel pump as practicable. Valves shall be accessible at all times.

(h) Fuel oil piping subject to internal head pressure from diesel oil in a tank must be fitted with a positive shutoff valve, installed to close against the flow at the tank. This valve is to be capable of remote actuation from outside the space in which the tank/piping is located, accessible at all times, and suitably marked.

(i) Except as permitted in this paragraph (i), the fuel supply piping shall be of seamless steel, annealed seamless copper, brass, nickel copper, or copper nickel alloy having a minimum wall thickness of 0.035 inches (0.9 millimeters). Existing fuel oil piping may remain in service as long as it is serviceable to the satisfaction of the Coast Guard Representative. Any replacement, alterations, modifications or new installations to the fuel oil piping system must be made in accordance with the material requirements of this section. A short length (no more than 30 inches, (762mm)), suitable metallic or nonmetallic flexible tubing or hose is permitted in the fuel supply line at or near the engine to prevent damage by vibration. If

nonmetallic flexible hose is used it must:

- (1) Not exceed the minimum length needed to allow for vibration;
- (2) Be visible, easily accessible, and must not penetrate a watertight bulkhead;
- (3) Be fabricated with an inner tube and outer-covering of synthetic rubber or other suitable material reinforced with wire braid;
- (4) Be fitted with suitable, corrosion resistant, compression fittings; and
- (5) Be installed with two hose clamps at each end of the hose, if designed for use with clamps. Clamps must not rely on spring tension and must be installed beyond the bead or flare or over the serrations of the mating spud, pipe, or hose fitting.

Sec. 28.840 Means for stopping pumps, ventilation, and machinery.

All electrically driven fuel oil transfer pumps, fuel oil unit and service pumps, and ventilation fans shall be fitted with remote controls from a readily accessible position outside of the space concerned so that they may be stopped in the event of fire occurring in the compartment in which they are located. These controls shall be suitably protected against accidental operation or tampering and shall be suitably marked.

Sec. 28.845 General requirements for electrical systems.

(a) Electrical equipment exposed to the weather or in a location exposed to seas must be waterproof or watertight, or enclosed in a watertight housing.

(b) Aluminum must not be used for current carrying parts of electrical equipment or wiring.

(c) As far as practicable, electrical equipment must not be installed in lockers used to store paint, oil, turpentine, or other flammable or combustible liquids. If electrical equipment, such as lighting, is necessary in these spaces, it must be explosion-proof or intrinsically safe.

(d) Explosion-proof and intrinsically safe equipment must meet the requirements of Sec. 111.105 of this chapter.

(e) Metallic enclosures and frames of electrical equipment must be grounded.

Sec. 28.850 Main source of electrical power.

(a) Applicability: Each vessel that relies on electricity to power any of the following essential loads must have at least two electrical generators to supply:

- (1) The propulsion system and its necessary auxiliaries and controls;
- (2) Interior lighting;
- (3) Steering systems;
- (4) Communication systems;
- (5) Navigation equipment and navigation lights;
- (6) Fire protection or detection equipment;
- (7) Bilge pumps; and
- (8) General alarm system.

(b) Each generator must be attached to an independent prime mover.

Sec. 28.855 Electrical distribution systems.

(a) Each electrical distribution system which has a neutral bus or conductor must have the neutral bus or conductor grounded.

(b) A grounded electrical distribution system must have only one connection to ground. This ground connection must be at the switchboard.

Sec. 28.860 Overcurrent protection and switched circuits.

(a) Each power source must be protected against overcurrent. Overcurrent devices for generators must be set at a value not exceeding 115 percent of the generators full load rating.

(b) Except for a steering circuit, each circuit must be protected against both overload and short circuit. Each overcurrent device in a steering system power and control circuit must provide short circuit protection only.

(c) Each ungrounded current carrying conductor must be protected in accordance with its current carrying capacity by a circuit breaker or fuse at the connection to the switchboard or distribution panel bus.

(d) Each circuit breaker and each switch must simultaneously open all ungrounded conductors.

(e) The grounded conductor of a circuit must not be disconnected by a switch or an overcurrent device unless all ungrounded conductors of the circuit are simultaneously disconnected.

(f) Navigation light circuits must be separate, switched circuits having fused disconnect switches or circuit breakers so that only the appropriate navigation lights can be switched on.

(g) A separate circuit with overcurrent protection at the main distribution panel or switchboard must be provided for each radio installation.

Sec. 28.865 Wiring methods and materials.

(a) All cable and wire must have insulated, stranded copper conductors of the appropriate size and voltage rating of the circuit.

(b) Each conductor must be No.22 AWG or larger. Conductors in power and lighting circuits must be No.14 AWG or larger. Conductors must be sized so that the voltage drop at the load terminals is not more than 10 percent.

(c) Cable and wiring not serving equipment in high risk fire areas such as a galley, laundry, or machinery space must be routed as far as practicable from these spaces. As far as practicable, cables serving duplicated essential equipment must be separated so that a casualty that affects one cable does not affect the other. Existing cables and wires may remain as routed; however, any replacement wiring, new cabling and/or alterations must be routed as specified above.

(d) No unused or dead ended cables may remain after the permanent removal or alteration of an electrical device.

(e) Cable and wire for power and lighting circuits must:

(1) For circuits of less than 50 volts, meet 33 CFR 183.425 and

183.430; and

(2) For circuits of 50 volts or greater:

(i) Meet sections 310-13 and 310-15 of NFPA 70, except that asbestos insulated cable and dry location cable must not be used;

(ii) Be listed by Underwriters Laboratories Inc. as UL Marine Boat or UL Marine Shipboard cable; or

(iii) Meet Sec. 111.60 of this chapter.

(f) All metallic cable armor must be electrically continuous and grounded to the metal hull or the common ground point at each end of the cable run, except that final sub-circuits (those supplying loads) may be grounded at the supply end only.

(g) Wiring terminations and connections must be made in a fire retardant enclosure such as a junction box, fixture enclosure, or panel enclosure.

(h) Existing cable and wire may remain in place and continue in use as long as it is deemed serviceable to the satisfaction of Coast Guard Representative. Any new installation, replacement, modification or alteration must be done in accordance with the requirements of this section.

Sec. 28.870 Emergency source of electrical power.

(a) The following electrical loads must be connected to an independent emergency source of power capable of supplying all connected loads continuously for at least three hours:

- (1) Navigation lights;
- (2) Fire protection and detection systems;
- (3) Communications equipment;
- (4) General alarm system; and
- (5) Emergency lighting;

(b) The emergency power source must be aft of the collision bulkhead, outside of the machinery space, and above the uppermost continuous deck.

(c) An emergency source of power supplied solely by storage battery must also meet the following requirements:

(1) Each battery must be a lead-acid or alkaline type and be able to withstand vessel pitch, vibration, roll, and exposure to a salt water atmosphere;

(2) A battery cell must not spill electrolyte when the battery is inclined at 30 degrees from the vertical;

(3) Each battery installation must be in a battery room, in a box on deck, or in a well ventilated compartment. The batteries must be protected from falling objects;

(4) Each battery tray must be secured to prevent shifting with the roll and pitch of the vessel and lined with a material that is corrosion resistant to the electrolyte of the battery;

(5) Each battery bank installation must be fitted with its own drip-proof charging system; and

(6) Each deck box used for battery storage must be weathertight, and have holes near the top to allow gas to escape.

Sec. 28.875 Radar, depth sounding, and auto-pilot.

(a) Each vessel must be fitted with a general marine radar system

for surface navigation with a radar screen mounted at the operating station, and facilities on the bridge for plotting radar readings.

(b) Each vessel must be fitted with a suitable echo depth sounding device.

(c) Except as provided in 33 CFR 164.15, when the automatic pilot is used in areas of high traffic density, conditions of restricted visibility, and all other hazardous navigational situations, the master or person in charge shall ensure that:

(1) It is possible to immediately establish manual control of the unit's steering;

(2) A competent person is ready at all times to take over steering control; and

(3) The changeover from automatic to manual steering and vice versa is made by, or under the supervision of, the officer of the watch.

Sec. 28.880 Hydraulic equipment.

(a) Each hydraulic system must be so designed and installed that proper operation of the system is not affected by back pressure in the system.

(b) Piping and piping components must be designed with a burst pressure of not less than four times the system's maximum operating pressure.

(c) Each hydraulic system must be equipped with at least one pressure relieving device set to relieve at the system's maximum operating pressure.

(d) All material in a hydraulic system must be suitable for use with the hydraulic fluid used and must be of such chemical and physical properties as to remain ductile at the lowest operating temperature likely to be encountered by the vessel.

(e) Except for hydraulic steering equipment, controls for hydraulic equipment must be located where the operator has an unobstructed view of the hydraulic equipment and the adjacent working area. Protection shall be afforded to the operator of hydraulic equipment against falling or swinging objects and/or cargo.

(f) Controls for hydraulic equipment must be so arranged that the operator is able to quickly disengage the equipment in an emergency.

(g) Hydraulically operated machinery must be fail-safe or equipped with a holding device to prevent uncontrolled movement or sudden loss of control due to loss of hydraulic system pressure. A system is considered to be fail-safe if a component failure will result in a slow and controlled release of the load so as not to endanger personnel.

(h) Nonmetallic flexible hose assemblies must only be used between two points of relative motion, limited to the least amount of length that would afford maximum multidirectional movement of the equipment served.

(i) Hose end fittings must comply with SAE J1475, (Hydraulic Hose Fittings For Marine Applications). Field attachable fittings must be installed following the manufacturer's recommended practice (method).

(j) Nonmetallic flexible hose shall be marked with the manufacturer's name or trademark, type or catalog number and maximum allowable working pressure.

(k) Existing hydraulic piping, nonmetallic hose assemblies, and components may be continued in service so long as they are maintained in good condition to the satisfaction of the Coast Guard Representative, but all new installations, or replacements shall meet

the applicable specifications or requirements of this section.

Sec. 28.885 Cargo gear.

(a) The safe working load (SWL) for the assembled gear shall be marked on the heel of each cargo boom, crane, or derrick. These letters and figures are to be in contrasting colors to the background and at least one inch in height. The SWL is construed to be the load the gear is approved to lift, excluding the weight of the gear itself.

(b) All wire rope, chains, rings, hooks, links, shackles, swivels, blocks and any other loose gear used or intended to be used in cargo loading or unloading must be commensurable with the SWL rating in paragraph (a) of this section. This gear shall be visually inspected by the vessel's captain or his designee at frequent intervals, and in any event not less than once in each operating month.

(c) In addition to the inspection required in paragraph (b) of this section, a biennial thorough examination and proof load test, at a minimum of the SWL rating, shall be performed and witnessed by competent personnel. The proof load applied to the winches, booms, derricks, cranes and all associated gear shall be lifted with the ship's normal tackle with the boom or derrick at the lowest practicable angle. When the load has been lifted, it shall be swung as far as possible in both directions.

(d) After satisfactory completion of the tests and examinations required in paragraphs (b) and (c) of this section, all results and notations together with the date and location of each shall be maintained and available to Coast Guard representatives upon request.

Sec. 28.890 Examination and certification of compliance.

(a) At least once in every two years each ATA vessel must be examined for compliance with the regulations of this subchapter by the ABS, a similarly qualified organization, or a surveyor of an accepted organization.

(b) Each individual performing an examination under paragraph (a) of this section, upon finding the vessel to be in compliance with the requirements of this chapter, must provide a written certification of compliance to the owner or operator of the vessel.

(c) Each certification of compliance issued under paragraph (b) of this section must:

- (1) Be signed by the individual that performed the examination;
- (2) Include the name of the organization the individual performing the examination represents or the name of the accepted organization the individual belongs to; and
- (3) State that the vessel has been examined and found to meet the specific requirements of this chapter.

(d) A certification of compliance issued under paragraph (b) of this section must be retained on board the vessel until superseded.

(e) A copy of the certification of compliance issued under paragraph (b) of this section must be forwarded by the organization under whose authority the examination was performed to the Coast Guard District Commander (Attention: Fishing Vessel Safety Coordinator) in charge of the district in which the examination took place.

Sec. 28.895 Survey and classification.

(a) Each vessel which undergoes a major conversion completed after July 27, 1990, must be classed by the ABS, or a similarly qualified organization.

(b) Each vessel which is classed under paragraph (a) of this section must:

(1) Have on board a certificate of class issued by the organization that classed the vessel.

(2) Meet all survey and classification requirements prescribed by the organization that classed the vessel.

Sec. 28.900 Loadlines.

(a) A fish tender vessel of not more than 500 gross tons, engaged in the Aleutian trade, with no load line assigned at any time prior to June 1, 1992 is not subject to the loadline provisions of 46 U.S.C. Chapter 51 if it is not on a foreign voyage and:

(1) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 12, 1980; or

(2) was converted for use as a fish tender vessel before January 1, 1983.

(b) Prior to January 1, 2003, this section does not apply to a fish tender vessel engaged in the Aleutian trade if the vessel:

(1) operated in that trade before September 8, 1990 and has not undergone a major conversion; or

(2)(i) Was purchased to be used in that trade before September 8, 1990, and entered into that service before June 1, 1992; and

(ii) Has not had a load line assigned at any time before November 16, 1990.

Sec. 28.905 Post accident inspection.

The owner of or master of the vessel shall ensure that a general or partial survey is performed by a Coast Guard Representative every time an accident occurs, a defect is discovered which affects the safety of the vessel or the efficacy or completeness of its lifesaving appliances, firefighting or other equipment, or whenever any repairs or alterations are made that affect the safety of the vessel. Repairs or alterations which affect the safety of the vessel include, but are not limited to: Replacement, repair, or refastening of deck or hull planking, plating, and structural members; repair of plate or frame cracks; damage repair or replacement, other than replacement in kind, of electrical wiring, fuel lines, tanks, boilers and other pressure vessels, and steering, propulsion and power supply systems; alterations affecting stability; and repair or alteration of lifesaving, fire detecting, or fire extinguishing equipment. The survey shall be such as to insure that the necessary repairs or renewals have been effectively made, that the material and the workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the regulations in this part.

Sec. 28.910 Repairs and alterations.

Repairs or alterations which affect the safety of the vessel including repairs or alterations to the hull, machinery, or equipment, may not be made unless the owner, operator or master notifies a Coast Guard Representative. Repairs or alterations which affect the safety of the vessel include, but are not limited to, the: Replacement, repair, or refastening of deck or hull planking, plating, and structural members; repair of plate or frame cracks; damage repair or replacement, other than replacement in kind, of electrical wiring, fuel lines, tanks, boilers and other pressure vessels, and steering, propulsion and power supply systems; alterations affecting stability; and repair or alteration of lifesaving, fire detecting, or fire extinguishing equipment.

Sec. 28.915 Manning and crew requirements.

(a) A fish tender vessel of not more than 500 gross tons and engaged in the Aleutian trade, when at sea, shall be manned with sufficient licensed individuals and crew members to maintain at least 3 separate watches. However, if a fish tender vessel of not more than 500 gross tons is a ``qualified vessel'', then the licensed individuals and crew members shall be divided, when at sea, into at least 2 separate watches.

(b) Machinery spaces of a fish tender engaged in the Aleutian trade, when at sea, must be under the control of an engineer designated as in charge.

(1) This designation shall be:

(i) In writing and signed by the owner, operator or master;

(ii) Entered in the ship's log if one is maintained; or

(iii) On the emergency instructions required by Sec. 28.265.

(2) If a vessel does not have a designated engineer as part of its complement, then it must comply with the requirements of subpart D of this part in addition to the requirements of this subpart.

(c) At least 50 percent of the members of the deck crew on a fish tender vessel engaged in the Aleutian trade must have merchant mariners documents endorsed for a rating of at least able seaman.

Dated: September 1, 1994.

J.F. McGowan,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety,
Security and Environmental Protection.

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