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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

(CGD86-025; CGD 86-079)

RIN 2115-AD 12

Commercial Fishing Industry Vessel Regulations

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is developing safety regulations for uninspected fishing, fish processing and fish tender vessels to implement the provisions of the Commercial Fishing Industry Vessel Safety Act of 1988 (Act), Pub. L. 100-424. Response to this advance notice will help the Coast Guard determine the appropriate standards to propose for these vessels.

DATE: Comments on this advance notice must be received on or before February 27, 1989.

ADDRESSES: Comments should be submitted in writing to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 86-079), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001. The comments and materials referenced in this notice will be available for examination and copying between the hours of 8 a.m. and 4 p.m., Monday through Friday, except federal holidays, at the Marine Safety Council (G-LRA-2), Room 3600, Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. Comments may also be delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Noman Lemley, Office of Marine Safety, Security and Environmental Protection, (202) 287-0001.

SUPPLEMENTARY INFORMATION: The public is invited to participate in the earliest stages of this rulemaking procedure by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this advance notice (CGD 86-079), identify the specific issues of this advance notice to which each comment applies, and give reasons for the comments. Receipt of comments will be acknowledged if a stamped self-addressed post card or envelope is enclosed with the comments. All comments received

before the expiration of the comment period will be considered before further action is taken. No public hearing is currently planned for this notice, however, one may be held at a time and place to be set in a later notice in the Federal Register if written requests for a hearing are received and the Coast Guard determines that the opportunity to make oral presentations at this stage will aid the rulemaking process.

This advance notice outlines the requirements that are being considered and requests specific information that commentors believe will aid the Coast Guard in developing proposed regulations for uninspected fishing, fish processing and fish tender vessels. Views, data, or arguments that are considered pertinent should be submitted.

An Advance Notice of Proposed Rulemaking was published in the Federal Register on July 9, 1987 (52 FR 25890) (CGD 86-025) addressing potential requirements for uninspected fish processing vessels necessary to implement the Commercial Fishing Industry Vessel Act (Pub. L. 98-364). A correction document was published on August 10, 1987 (52 FR 29556). That project is overtaken by this rulemaking since Pub. L. 100-424 has revised the requirements of Public Law 98-364. Therefore, Coast Guard Docket 86-025 is withdrawn. Comments received by the Coast Guard under CGD 86-025 will be placed in the docket with those received on this rulemaking.

Drafting Information

The principal persons involved in drafting of this advance notice are Mr. N.W. Lemley, Office of Marine Safety, Security and Environmental Protection and CDR G.A. Gallion, Office of the Chief Counsel.

Background

Commercial fishing is now one of the most dangerous industries in the United States. On the average, 84 fishermen die and 250 fishing vessels are total losses each year. The Coast Guard investigates 1100 marine casualties involving fishing vessels each year. A lack of comprehensive regulatory safety requirements has been perceived as a contributing cause of this high casualty rate. Commercial fishing is the only major marine commercial industry for which inspection, licensing, operation and equipment regulations, other than for basic safety equipment, are essentially non-existent.

Each year the Coast Guard responds to approximately 3000 offshore search and rescue (SAR) cases involving commercial fishing vessels. These cases

result in the saving of over 500 lives and over \$75 million in property annually. The Coast Guard's SAR data base for FY86 and FY87 also shows, not surprisingly, that more than 85% of the commercial fishing vessels assisted are greater than 25 feet in length, and about 20% of cases occur more than 20 miles offshore. Although fishing vessels account for about 5% of the SAR cases worked by the Coast Guard, the cases on average tend to be more serious in nature, requiring more rescue resources and more rescue time. For these reasons, commercial fishing vessel SAR cases account for nearly 15% of the operating cost of the Coast Guard's SAR program. SAR statistics for Alaska alone show that 25% of SAR cases involve commercial fishing vessels and about 250 lives and \$30 million of property are saved each year.

The Coast Guard, recognizing the importance of improving the safety record of the U.S. fishing fleet, but not having specific legal authority to regulate, developed a voluntary safety program for the commercial fishing industry in 1985. The program includes voluntary design standards developed and published by the Coast Guard as Navigation and Vessel Inspection Circular No. 5-86 (NVIC 5-86) and a Vessel Safety Manual for personnel training published by the North Pacific Fishing Vessel Owners' Association (NPFVOA). Both were well received throughout the U.S. as well as internationally. They provide practical advice on improving fishing vessel safety. The Congress, recognizing the need to make significant improvements more quickly, adopted legislation to assure corrective action in several specific safety areas. The President signed the legislation September 9, 1988.

The Commercial Fishing Industry Vessel Safety Act of 1988 requires safety regulations, studies of licensing and inspection issues, and the establishment of a Commercial Fishing Industry Vessel Advisory Committee, all provided in an effort to greatly improve safety in this dangerous industry. The Coast Guard solicited applications for appointment to membership on the Committee in the Federal Register on September 23, 1988 (53 FR 37975). Implementation of the law will impact about 33,000 documented fishing industry vessels and about 100,000 fishing industry vessels numbered under state laws.

Discussion

On September 9, 1988, Title 46 United States Code, was amended in Chapter 45 (Uninspected Commercial Fishing Industry Vessels, Sections 4501 through

4508) by the Commercial Fishing Industry Vessel Safety Act of 1988, Pub. L. 100-424. This Chapter, as amended, is applicable to all uninspected fishing vessels, fish processing vessels and fish tender vessels. It does not apply to fish processing vessels of more than 5000 gross tons and fish tender vessels of more than 500 gross tons since they are subject to inspection under 46 U.S.C. 3301 (11) and (12). Also, it does not apply to vessels engaged solely in sport fishing that are subject to inspection under 46 U.S.C. 3301(8) as small passenger vessels and are regulated under 46 CFR Subchapter T, or to vessels carrying 6 or less passengers that operate as uninspected passenger vessels regulated under 46 CFR Subchapter C. Vessels that alternate between commercial and sport fishing must comply with the requirements for the service in which they are engaged.

The Act requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Certain of these requirements may be made applicable only to documented vessels that operate beyond the boundary line described in 46 CFR Part 7 or that operate with more than 16 individuals on board. In prescribing regulations, the Secretary must consider the specialized nature and economics of the operations and the character, design, and construction of these vessels. Requiring alteration of a vessel or associated equipment that was constructed or manufactured before the effective date of the regulations is not permitted. Certain fish processing vessels must meet the requirements for classification by the American Bureau of Shipping or other similarly qualified organization. Chapter 45 also provides

for the enforcement of the regulations as well as authority for termination of a voyage when conditions warrant that action.

To implement the Act, the Coast Guard will assess information concerning the appropriate safety equipment and operational standards, their costs, and the current safety practices in fishing, fish processing and fish tender vessel operation. The Coast Guard is considering adding the standards developed to Subchapter C of Title 46, Code of Federal Regulations in a new part which would apply only to uninspected fishing industry vessels. The Coast Guard envisions using the requirements of 46 CFR Subchapter C, together with the voluntary standards of the American Boat and Yacht Council and the voluntary standards in the Coast Guard's NVIC 5-86, as a basis for developing the standards. The Coast Guard published notification of the issuance of NVIC 5-86 in the Federal Register of October 20, 1986 (51 FR 37247), indicating that it contains recommended standards for commercial fishing vessels. In addition to the location described in the ADDRESSES section above, NVIC 5-86 may be seen at any Coast Guard District Headquarters, Marine Inspection or Marine Safety Office. It may be purchased by sending a check to Commandant (G-MTH), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC, 20593-0001 in the amount of \$11.00 payable to the U.S. Treasury.

The Act authorizes the Secretary of Transportation to prescribe regulations over a wide range of safety issues, and directs issuance of regulations to require installation, maintenance and use of

specific equipment. Subjects to be addressed by this rulemaking include:

- (1) Navigation equipment such as compasses, anchors, charts, radars, radar reflectors and depth sounders,
 - (2) Radio communication equipment such as emergency position indicating radio beacons and radios allowing communications with land based search and rescue units,
 - (3) Visual distress signals,
 - (4) Lifesaving equipment such as life preservers, buoyant apparatus, liferafts and immersion suits,
 - (5) Life rails, grab rails, and other equipment to address risk of serious injury,
 - (6) Firefighting equipment such as portable and semiportable extinguishers, detection systems, fixed extinguishing systems and fire alarms,
 - (7) Flame arrestors or similar devices for gasoline engines,
 - (8) Use and installation of insulation materials,
 - (9) Storage of flammable and combustible materials,
 - (10) First aid equipment,
 - (11) Fuel, ventilation and electrical systems,
 - (12) Operational stability including bilge pumps, bilge alarms, and stability information,
 - (13) Collection of casualty information, and
 - (14) Information relative to a seaman's duty to notify his employer regarding illness.
- The Act has varied applicability depending on the date of vessel construction or conversion, area of operations, or number of persons on board. The categories of applicability of safety standards are given in the following table:

TABLE.—APPLICABILITY OF SAFETY STANDARDS

Section 46 U.S.C.	Vessels affected	Nature of authority to regulate
46 U.S.C. 4502(a)—Requires the Development of Regulations for Equipping All Affected Vessels With Specified Safety Equipment.		
4502(a)	All Uninspected Commercial Fishing Industry Vessels. <i>Includes:</i> All state numbered vessels. (See footnote 1). All documented vessels. (See footnote 2).	The Coast Guard is required to develop regulations in the areas discussed in this section of the Act.
46 U.S.C. 4502(b)—Requires the Development of Regulations for Equipping All Affected Vessels With Specified Lifesaving and Navigation Equipment.		
4502(b)	Only those documented Uninspected Commercial Fishing Industry Vessels that operate beyond the boundary line or that operate with more than 16 individuals on board. (See footnote 3). <i>Includes:</i> (1) All documented vessels that operate beyond the boundary line. (2) All documented vessels that operate with more than 16 individuals on board.	The Coast Guard is required to develop regulations in the areas discussed in this section of the Act. The Coast Guard is permitted to develop regulations to minimize risk of injury to the crew during vessel operations.

TABLE.—APPLICABILITY OF SAFETY STANDARDS—Continued

Section 46 U.S.C.	Vessels affected	Nature of authority to regulate
46 U.S.C. 4502(c)—Permits the Development of Regulations for Equipping All Affected Vessels With Specified Navigation, Lifesaving, Fire Protection and Fire Fighting Equipment		
4502(c)	Uninspected Commercial Fishing Industry Vessels built or converted after 31 December 1988 that operate with more than 16 individuals on board. <i>Includes:</i> (1) All new or converted state numbered vessels that operate with more than 16 individuals on board. (2) All new or converted documented vessels that operate with more than 16 individuals on board.	The Coast Guard is <i>permitted</i> to develop regulations in the areas discussed in the section of the Act.
46 U.S.C. 4502(d)—Requires the Development of Regulations for Operating Stability		
4502(d)	Uninspected Commercial Fishing Industry Vessels built or substantially altered in a manner that affects operating stability after 31 December 1989. <i>Includes:</i> (1) All new or substantially altered state numbered vessels. (See footnote 4.) (2) All new or substantially altered documented vessels.	The Coast Guard is <i>required</i> to develop regulations in the areas discussed in this section of the Act.

Footnote 1: State numbered vessels are those which are not documented with the Coast Guard and therefore registered with the a state. The Coast Guard issues certificates of number in locations where states do not register vessels. Currently, only Alaska does not have an approved numbering system.

Footnote 2: Any vessel of at least 5 net tons which engages in the fisheries, unless exempted under 46 CFR 67.01-7, must be documented. Documentation required for the operation of vessels in certain trades, serves as evidence of vessel nationality, and, with certain exceptions, permits vessels to be subject to preferred mortgages.

Footnote 3: Boundary lines are set forth in 46 CFR 7. In general, they follow the trend of the seaward high water shorelines and cross entrances to small bays, inlets and rivers. In some areas they are along the 12 mile line which marks the seaward limits of the contiguous zone.

Footnote 4: Substantially altered means alteration of a vessel to engage in a different fishery or to have significant amounts of equipment or permanent topside weights added that would materially alter its seakeeping characteristics so as to make it an unstable platform.

Comments and recommendations on specific items are requested which will assist the Coast Guard in formulating the proposed standards outlined below. The Coast Guard welcomes information that commentors might offer the assist it in considering the specialized nature and economics of fishing, fish processing and fish tender vessel operations; their character, design, and construction; and the costs associated with equipment, construction, reporting and operating requirements being considered.

The entries in the following outline of the proposed requirements indicate which of the legal cites authorizes the specific requirements.

Outline of Proposed Requirements

Subchapter C—Uninspected Vessels

Add as Parts 27, 28 and 29:

PART 27—UNINSPECTED COMMERCIAL FISHING INDUSTRY VESSELS

Section 27.01 Authority and Purpose.

Section 27.05 Application.

Section 27.10 Definitions of terms used in Parts 27, 28, and 29 (Buoyant apparatus and vessel examination may have different meanings than now used for inspected vessels.)

Section 27.15 Exemptions and Equipments.

(Vessels of less than 36 feet and not operating on the high seas are exempted

from the requirements for life boats or liferafts by the Act. The Act also authorizes the Secretary of Transportation to exempt vessels from specific regulations prescribed under the Act for good cause. This section would give procedures for establishing good cause. This section would also provide for determinations by the Coast Guard in establishing equivalents to the regulations.)

PART 28 REQUIREMENTS

Section 28.01 Application.

Section 28.05 Life Preservers and other Lifesaving Equipment.

Section 28.05.1 Life Preservers and Ring Lifebuoys.

(One USCG approved life preserver for each person on board plus an additional number to provide for emergency situations when some members of the crew may not have access to principal life preserver stowage locations are being considered. One ring life buoy on each side as a minimum and equivalency provisions for providing for man overboard retrieval are also being given consideration. Requirements relating to work vests are also envisioned. Requirements for lifesaving gear for individuals would be similar to those found in 46 CFR Subchapter C, Part 25, which are currently applicable to these vessels. Additionally, an approved immersion

suit would be an acceptable substitute for a life preserver.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.05.5 Liferafts.

(Liferafts to accommodate 100% of those on board are being considered. Liferafts would ultimately, by some specific date, be required to be USCG approved, but as an interim measure the liferafts on board could be used, if serviceable and adequate, to meet safety needs. The survival equipment may also be different from that in approved liferafts if it is adequate to meet safety needs. Hydraulic release units or alternate float-free arrangements and servicing will be addressed.)

(Applicability: 4502(b); 4502(c), not applicable to vessels less than 36 feet in length not operating on the high seas).

Section 28.05.10 Immersion Suits.

(One USCG approved immersion suit of a suitable size will be required for each person on board. These would only be required north of 32 degrees north latitude and south of 32 degrees south latitude. Design standards, stowage, and maintenance requirements would be included as well as provisions to address continued carriage of nonapproved immersion suits considered acceptable.)

(Applicability: 4502(b), 4502(c)).

Section 28.05.15 Marking, Stowage, Maintenance.

(Requirements for marking, stowage and periodic maintenance are being considered. Life preservers would be required to be marked with the name of the vessel, while immersion suits would not since they often are the property of the crew and may be moved from vessel to vessel. Rafts would not be required to be marked with the vessel name since they are not always carried on the same vessel. Equipment would be required to be easily accessible in an emergency and stowed so that it can be used in drills where drills are required. Lifesaving equipment would be required to be maintained in a ready for use condition. Where servicing is required, a periodic schedule would be specified.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.10 Distress Signals.

(USCG approved signals, 6 hand red flares and 6 hand orange smoke signals, or alternatively 12 combination flare and smoke distress signals, stowed in a watertight container are being considered.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.20 Emergency Position Indicating Radio Beacons (EPIRBs).

(Type, stowage and maintenance requirements. The provisions will reflect those found in 46 CFR 25.26, published in the Federal Register August 17, 1988 (53 FR 31004). The new 406 Mhz EPIRB is required on vessels that operate on the high seas on or after August 17, 1989.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.30 Fire Extinguishing and Detecting Equipment.

Section 28.30.1 Fire Extinguishers.

(A USCG approved B-U would be required in each galley and engineroom, and a USCG approved A-U would be required in each space accessed by the crew. These are similar requirements to those now found in NVIC 5-86 and 46 CFR Subchapter C, Part 25.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.30.5 Fire Extinguishing Systems.

(Fixed systems for enginerooms on certain sized vessels are being considered. USCG approved Halon or carbon dioxide systems are envisioned.)

(Applicability: 4502(c)).

Section 28.30.10 Fire Pumps.

(Fire pumps for certain sized vessels are being considered.)

(Applicability: 4502(c)).

Section 28.30.15 Fire Alarms.

(Alarm systems for certain sized vessels are being considered for machinery and living spaces.)

(Applicability: 4502(b), 4502(c)).

Section 28.30.20 Fire Detection Systems.

(Detection systems for certain sized vessels are being considered for machinery and living spaces.)

(Applicability: 4502(b), 4502(c)).

Section 28.35 Bilge Systems.

(Fixed bilge piping, fixed bilge pumps and high level alarms are being considered. Such requirements would be similar to standards in NVIC 5-86.)

Section 28.35.1 Bilge Alarms

(Bilge alarms are being considered for spaces subject to entry of water during vessel operations through openings or seal failures, such as lazarettes and enginerooms.)

(Applicability: 4502(c)).

Section 28.35.5 Bilge Pumps and Fixed Piping

(Applicability: 4502(c)).

Section 28.40 Stowage and Handling of Flammable and Combustible Material.

(Quantity limitations, stowage, handling, and transfer requirements similar to the provisions of 46 CFR Part 105 are being considered. These requirements will not address pollution concerns currently covered elsewhere in the regulations. They may include stowage of combustible solids, such as packing materials, and other items such as paint.)

(Applicability: 4502(b), 4502(c)).

Section 28.45 Fuel, Ventilation, and Electrical Systems

Section 28.45.1 Fuel Systems

(Specific standards for fuel piping and fuel tanks are being considered. Standards similar to recreational vessel standards such as those of the American Boat and Yacht Council or, for vessels on the high seas or carrying more than 16 individuals, standards in 46 CFR Subchapters F and T, are being contemplated. The use of nonconventional fuels, such as liquefied gas, will be addressed.)

(Applicability: 4502(c)).

Section 28.45.5 Ventilation

(A requirement for two fire proof and gastight vent ducts with one extending

to the bilge for each space containing internal combustion machinery is being considered. Spaces containing fuel tanks would be required to be fitted with gooseneck vents at least 1 1/2 inches in diameter. Fuel tanks would be required to be fitted with vents exiting on the exterior of the hull and fitted with flame screens of corrosion resistant wire mesh. Requirements similar to those of 46 CFR Subchapter T are being contemplated. The removal of explosive vapors is the primary concern.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.45.10 Electrical Systems

(Specific requirements for electrical systems are being considered. Standards similar to those for recreational vessels such as those of the American Boat and Yacht Council or, for vessels on the high seas or carrying more than 16 individuals, standards in 46 CFR Subchapters J and T, are being contemplated.)

(Applicability: 4502(c)).

Section 28.50 Equipment to Minimize Injuries

Section 28.50.1 Protection from Moving Machinery

(Requirements to provide protective shields, etc., for exposed moving machinery parts are being considered.)

(Applicability: 4502(b), 4502(c)).

Section 28.50.5 Cooking and Heating Appliances

(Standards for cooking and heating appliances, fuels and their installation, similar to those in 46 CFR Subchapter T, are being considered.)

(Applicability: 4502(d), 4502(c)).

Section 28.50.10 Life Rails and Grab Rails

(Standards for rails at the periphery of weather decks and standards for grab rails at deck house sides and in corridors are being considered.

Requirements similar to those in 46 CFR Subchapter T are being contemplated.)

(Applicability: 4502(b), 4502(c)).

Section 28.55 Structural Fire Protection

(Fire resistant bulkheads between the engineroom accommodation spaces are being considered for larger vessels, as is use of noncombustible insulation.)

(Applicability: 4502(c)).

Section 28.60 Means of Escape

(Provisions are being considered which would assure effective access to lifesaving equipment. Additionally, for larger vessels the general rule would be

to provide two means of escape from areas frequented by the crew. Text similar to that of 46 CFR Subchapter T, Part 177.15 is being considered.)

(Applicability: 4502(b), 4502(c)).

Section 28.65 First Aid Kits

(First aid kits meeting an industry standard, or a medicine chest for larger vessels, are being considered.)

(Applicability: 4502(b), 4502(c)).

Section 28.70 Operational Stability

Section 28.70.1 Stability Standards

(The intact and damaged stability standards in NVIC 5-86 are being considered for all sizes of vessels and all services. The approval of calculations and stability guidance would be necessary. Roll testing and simplified forms of determining stability are considered to be unacceptable. Procedures will be included to specify how the Coast Guard will accept evidence of compliance with stability requirements from an insurance company, a classification society or other qualified organization. The Coast Guard is considering accepting certification of compliance only from approved third party organizations.)

(Applicability: 4502(d)).

Section 28.70.5 Stability Guidance for Vessel Operators

(Guidance material would be required to be carried in a simplified form that would permit a master to make a knowledgeable judgment about vessel loadings. There are several acceptable formats for presenting such guidance. Therefore, the form of the guidance would be the choice of the owner. Certification of compliance with the stability standards would include approval of the guidance material.)

(Applicability: 4502(d); this applies only to vessels built or substantially altered after 31 December 1989.)

Section 28.70.10 Inclining Tests

(Inclining tests will be necessary to determine the weight and center of gravity of the vessel without consumables, liquid ballast or fish on board for use in required stability calculations. Testing procedures used on inspected vessels and vessels with load lines are being considered and would require that the Coast Guard, or its approved representative, witness and approve the test. Requiring tests after major modifications and conversions is also being considered.)

(Applicability: 4502(d)).

Section 28.75. Navigation and Radio Communications Equipment.

(Equipment standards similar to those in NVIC 5-86 are being considered.)

Section 28.75.1 Navigation Equipment

Section 28.75.1.1 Nautical Charts

(Applicability: 4502(b), 4502(c)).

Section 28.75.1.2 Compasses

(Applicability: 4502(b), 4502(c)).

Section 28.75.1.3 Anchors

(Applicability: 4502(b), 4502(c)).

Section 28.75.1.4 Radar Reflectors

(Applicability: 4502(b), 4502(c)).

Section 28.75.1.5 Radar

(Applicability: 4502(c)).

Section 28.75.1.6 Depth Sounders

(Applicability: 4502(c)).

Section 28.75.5 Radio Communication Equipment

(Applicability: 4502(b), 4502(c)).

Section 28.80 Reporting of Casualty Information

(Consideration is being given to requiring self-insured owners, and/or any entity underwriting primary insurance for commercial fishing industry vessels, to periodically report information on accidents that result in a personnel injury, loss of life, or damage by or to a vessel, its outfitting, gear, or cargo. The thresholds being considered are personnel injuries that result in payments in excess of \$5,000 and material damage that results in payments in excess of \$25,000. These reporting requirements are separate from the casualty notification requirements of 46 CFR Part 4, which also require submission of accident information. Delegation to a third party organization of the information collection activity under these new regulations is also being considered.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.85 Instruction on Notification Relative to Seaman Incapacitation

(Notification procedures would be specified. The posting of a placard as required by the Act will be included.)

(Applicability: 4502(a), 4502(b), 4502(c)).

Section 28.90 Operations

Section 28.90.1 Preparations for Emergencies

(Consideration is being given to requiring the person in charge of the

vessel to provide vessel familiarization briefings for crew and to conduct periodic emergency fire and lifesaving equipment drills.)

(Applicability: 4502(b), 4502(c)).

PART 29—FISH PROCESSING VESSELS

Section 29.01 Application

(All uninspected fish processing vessels. Those over 5000 gross tons are required to be inspected under 46 USC 3301(11). Regulations addressing those vessels will be published under a separate docket (GGD 86-026).)

Section 29.05 Definitions

Section 29.10 Vessel Examination

(The Act requires an examination of all fish processing vessels by the Coast Guard at least every two years. Examination is limited to checking compliance with the requirements of Pub. L. 100-424.)

Section 29.15 Certification of Classification

(Certification of classification by American Bureau of Shipping or another similarly qualified organization is required by the Act for all fish processing vessels built or converted after July 27, 1990. Which organizations should be qualified is being considered.)

Preliminary Economic Analysis and Certification

Although the regulations being developed are considered to be non-major under Executive Order 12291, they are considered to be significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 23, 1979). The regulations being developed are considered significant because of the potential for substantial public interest and the substantial expansion of the regulatory program applicable to commercial fishing industry vessels. The regulations being developed are considered non-major because the economic data at this time does not warrant a conclusion that the program is likely to result in an annual effect on the economy of \$100 million or more, a major increase in the costs or prices for the affected industry or public, or significant adverse effects on competition, employment, or other market-place factors. One of the purposes of this ANPRM is to generate additional cost data with which, if warranted, a full regulatory evaluation can be made.

The regulations being developed would impact owners and operators of

uninspected fishing, fish processing and fish tender vessels and marine underwriters of those vessels. There may be certain of these vessels that can be classified as small entities. There may also be a significant economic impact on certain of these entities as a result of the costs associated with compliance with new equipment requirements being considered. The Coast Guard encourages specific comments describing in detail the size of entities to be affected by the regulations outlined above, including information regarding the number of vessels owned or operated and the number of individuals employed. The Coast Guard also encourages comments estimating the expected cost of complying with the outlined regulations. The information received will assist the Coast Guard in determining whether the regulations being developed will have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations being developed will require the submission of data concerning marine casualties by persons underwriting primary insurance for fishing, fish processing and fish tender vessels. The submission of this data is required by the Act. Information collection requirements will be submitted to the Office of Management and Budget for review under the Paperwork Management Act (44 U.S.C. 3501 et seq.)

Federalism

The regulations being developed will affect commercial fishing industry vessels and their underwriters. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the regulations being developed do not have sufficient federalism implications to warrant the preparation of Federalism Assessment.

Regulatory Identification Number

A regulatory information number (RIN) is assigned to each regulatory action listed on the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

October 27, 1988.

Clyde T. Lusk, Jr.,

*Vice Admiral, U.S. Coast Guard Acting
Commandant.*

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