

§ 15.710

and which are adequately moored, anchored, or otherwise secured in a harbor of safe refuge for the remainder of that 24-hour period may operate with one navigational watch;

(2) Which are underway more than 12 hours in any 24-hour period must provide a minimum of a two-watch system;

(3) In no case may the crew of any watch work more than 12 hours in any 24-hour period, except in an emergency.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-1999-6224, 64 FR 63235, Nov. 19, 1999; USCG-1999-5040, May 15, 2002; USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.710 Working hours.

In addition to prescribing watch requirements, 46 U.S.C. 8104 sets limitations on the working hours of licensed individuals and crew members, prescribes certain rest periods, and prohibits unnecessary work on Sundays and certain holidays when the vessel is in a safe harbor. It is the responsibility of the master or person in charge to ensure that these limitations are met. However, under 46 U.S.C. 8104(f), the master or other licensed individual can require any part of the crew to work when, in his or her judgment, they are needed for:

(a) Maneuvering, shifting berth, mooring, unmooring;

(b) Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;

(c) Saving of life on board another vessel in jeopardy; or,

(d) Performing fire, lifeboat, or other drills in port or at sea.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-2004-18884, 69 FR 58343, Sept. 30, 2004]

§ 15.715 Automated vessels.

(a) Coast Guard acceptance of automated systems to replace specific personnel or to reduce overall crew requirements is predicated upon the capabilities of the system, the system's demonstrated and continuing reliability, and a planned maintenance program that ensures continued safe operation of the vessel.

(b) The OCMI considers the capabilities of an automated system in establishing initial manning levels; how-

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ever, until the system is proven reliable, a manning level adequate to operate in a continuously attended mode will be specified on a vessel's COI. It remains the responsibility of the vessel's master to determine when a continuous watch is necessary.

§ 15.720 Use of non-U.S. licensed and/or documented personnel.

(a) United States vessels which need to replace one or more persons while on a foreign voyage and outside the jurisdiction of the United States, in order to meet manning requirements, may utilize non-U.S. licensed and documented personnel, except for the positions of master and radio officer, until the vessel returns to a port at which in the most expeditious manner replacements who are citizens of the United States can be obtained.

(b) The citizenship requirements of 46 U.S.C. 8103 (a) and (b) are waived, except for the requirement that the master must be a U.S. citizen, with respect to the following vessels:

(1) A U.S.-documented offshore supply vessel (OSV) (as that term is defined in 46 U.S.C. 2101(19)) that is operating from a foreign port; and

(2) A U.S.-documented mobile offshore drilling unit (MODU) (as that term is defined in 46 U.S.C. 2101(15a)) that is operating beyond the water above the U.S. Outer Continental Shelf.

(c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).

(d) The master shall assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a license or document which is equivalent in experience, training, and other qualifications to the U.S. license or document required for the position and that the person possesses or will possess the training required to communicate to the extent required by § 15.730.

[CGD 89-061, 55 FR 1212, Jan. 12, 1990]

§ 15.725 Sailing short.

Whenever a vessel is deprived of the service of a member of its complement,

and the master or person in charge is unable to find appropriate licensed or documented personnel to man the vessel, the master or person in charge may proceed on the voyage, having determined the vessel is sufficiently manned for the voyage. A report of sailing short must be filed in writing with the Officer in Charge, Marine Inspection (OCMI) having cognizance for inspection in the area in which the vessel is operating, or the OCMI within whose jurisdiction the voyage is completed. The report must explain the cause of each deficiency and be submitted within twelve hours after arrival at the next port. The actions of the master or person in charge in such instances are subject to review and it must be shown the vacancy was not due to the consent, fault or collusion of the master or other individuals specified in 46 U.S.C. 8101(e). A civil penalty may be assessed against the master or person in charge for failure to submit the report.

§ 15.730 Language requirements.

(a) The provisions of 46 U.S.C. 8702 relating to language apply generally to vessels of at least 100 gross tons except:

(1) Vessels operating on rivers and lakes (except the Great Lakes);

(2) A manned barge (except a seagoing barge or a barge to which chapter 37 of 46 U.S.C. applies);

(3) A fishing vessel, fish tender vessel, whaling vessel, or yacht;

(4) A sailing school vessel with respect to sailing school instructors and sailing school students;

(5) An oceanographic research vessel with respect to scientific personnel;

(6) A fish processing vessel which entered into service before January 1, 1988, and is not more than 1600 gross tons or which enters into service after December 31, 1987, and has not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and,

(7) All fish processing vessels with respect to those personnel primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) 46 U.S.C. 8702(b) requires that on board vessels departing U.S. ports 75 percent of the crew in each department on

board is able to understand any order spoken by the officers.

(c) The words *able to understand any order spoken by the officers* relates to any order to a member of the crew when directing the performance of that person's duties and orders relating to emergency situations such as used for response to a fire or in using lifesaving equipment. It is not expected that a member of the deck department understand terminology normally used only in the engineroom or vice versa.

(d) Whenever information is presented to the Coast Guard that a vessel fails to comply with the specified language requirements the Coast Guard investigates the allegation to determine its validity. In determining if an allegation is factual, the Coast Guard may require a demonstration by the licensed individuals and crew that appropriate orders are understood. The demonstration will require that orders be spoken to the individual members of the crew by the licensed individuals in the language ordinarily and customarily used by the licensed individuals. The orders must be spoken directly by the licensed individual to the crew member and not through an interpreter. Signs, gestures, or signals may not be used in the test. The Coast Guard representative will specify the orders to be given and will include not only daily routine but orders involving emergencies, either of a departmental or of a general nature. This test will be conducted, if possible, at a time reasonably in advance of the vessel's departure, to avoid delays.

Subpart G—Computations

§ 15.801 General.

The OCMI will determine the specific manning levels for vessels required to have certificates of inspection by part B of subtitle II of title 46 U.S.C. The masters or individuals in command of all vessels, whether required to be inspected under 46 U.S.C. 3301 or not, are responsible for properly manning vessels in accordance with the applicable laws, regulations, and international conventions.

[CGD 81-059, 54 FR 149, Jan. 4, 1989]