

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by CGD 95-072, 60 FR 50461, Sept. 29, 1995; CGD 94-025, 60 FR 54444, Oct. 24, 1995; CGD 96-041, 61 FR 50726, Sept. 27, 1996; CGD 97-057, 62 FR 51042, Sept. 30, 1997; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999]

§ 28.50 Definition of terms used in this part.

Accepted organization means an organization which has been designated by the Commandant for the purpose of examining commercial fishing industry vessels under the provisions of § 28.073.

Accommodations include:

- (1) A messroom.
- (2) A lounge.
- (3) A sitting area.
- (4) A recreation room.
- (5) Quarters.
- (6) A toilet space.
- (7) A shower room.
- (8) A galley.
- (9) Berthing facilities.
- (10) A clothing changing room.

Alcohol concentration means either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

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.

Approved means approved by the Commandant unless otherwise stated.

Auxiliary Craft means a vessel that is carried onboard a commercial fishing vessel and is normally used to support fishing operations.

Boundary lines means the lines described in part 7 of this chapter. 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 that marks the seaward limits of the territorial sea and, in other areas, they come ashore.

Buoyant Apparatus means a buoyant apparatus approved by the Commandant.

Coast Guard Boarding Officer means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act

of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

Coast Guard Representative means a person employed at the cognizant U.S. Coast Guard Marine Safety Office or Marine Inspection Office, or an accepted organization, or a similarly qualified organization approved in examining commercial fishing industry vessels. Contact Office of Compliance, Fishing Vessels Safety Division, Commandant (G-MOC-3), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001 for a current list of accepted organizations or similarly qualified organizations.

Coastal Service Pack means equipment provided in liferafts approved by the Commandant for coastal service.

Coastal waters means coastal waters as defined in 33 CFR 175.105.

Coastline means the territorial sea baseline as defined in 33 CFR 2.20.

Cold water means water where the monthly mean low water temperature is normally 59 °F (15 °C) or less.

Commandant means the Commandant of the Coast Guard or an authorized representative of the Commandant of the Coast Guard.

Commercial fishing industry vessel means a fishing vessel, fish tender vessel, or a fish processing vessel.

Currently corrected means corrected with changes contained in all Notice to Mariners published by the Defense Mapping Agency Hydrographic/Topographic Center.

Custom engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed for a specific space requiring individual calculations for the extinguishing agent volume, flow rate, and piping, among other factors, for the space.

District Commander means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within a district.

Documented vessel means a vessel for which a Certificate of Documentation has been issued under the provisions of 46 CFR part 67.

Equipment Packs means equipment provided in liferafts approved by the Commandant.

Especially hazardous condition means a condition which may be life threatening or lead to serious injury if continued.

Fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

Fish processing vessel means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

Fish tender vessel means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing or fish tender vessel or a fish processing facility.

Fishing vessel means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Fishing Vessel Drill Conductor means an individual who meets the training requirements of 46 CFR 28.270(c) for conducting drills and providing instruction once a month to each individual on board those vessels to which Subpart C of this section applies.

Fishing Vessel Safety Instructor means an individual or organization that has been accepted by the local Officer-in-Charge, Marine Inspection to train Fishing Vessel Drill Conductors to conduct drills and provide instruction on those vessels to which subpart C of this part applies.

Gasoline as used in this part includes gasoline-alcohol blends and any other fuel having a flash point of 110 °F (43.3 °C) or lower.

Inflatable Buoyant Apparatus means an inflatable buoyant apparatus approved by the Commandant.

Inflatable Liferaft means an inflatable liferaft that is approved by the Commandant.

Length means the length listed on the vessel's Certificate of Documentation or Certificate of Number.

Lifeboat means a lifeboat approved by the Commandant.

Liferaft means a liferaft approved by the Commandant.

Major conversion means a conversion of a vessel that—

(1) Substantially changes the dimensions or carrying capacity of the vessel;

(2) Changes the type of the vessel;

(3) Substantially prolongs the life of the vessel; or

(4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant.

Mile means a nautical mile.

North Pacific Area means all waters of the North Pacific Ocean and Bering Sea north of 48°30' north latitude including waters in contiguous bays, inlets, rivers, and sounds.

Officer in Charge, Marine Inspection (OCMI) means an officer of the Coast Guard who commands a Marine Inspection Zone described in 33 CFR part 3 or an authorized representative of that officer.

Open to the atmosphere means a space that has at least 15 square inches (9680 square millimeters) of open area directly exposed to the atmosphere for each cubic foot (0.0283 cubic meters) of net volume of the space.

Operating station means the principal steering station on the vessel from which the vessel is normally navigated.

Pre-engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed and tested to be suitable for installation as a complete unit in a space of a set volume, without modification, regardless of the vessel on which installed.

Similarly qualified organization means an organization which has been designated by the Commandant for the purpose of classing or examining commercial fishing industry vessels under the provisions of §28.76.

Switchboard means an electrical panel which receives power from a generator, battery, or other electrical power source and distributes power directly or indirectly to all equipment supplied by the power source.

Warm water means water where the monthly mean low water temperature is normally more than 59° F. (15° C.).

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Watertight means designed and constructed to withstand a static head of water without any leakage, except that “watertight” for the purposes of electrical equipment means enclosed so that equipment does not leak when a stream of water from a hose with a nozzle one inch (25.4 millimeters) in diameter that delivers at least 65 gallons (246 liters) per minute is played on the enclosure from any direction from a distance of 10 feet (3 meters) for five minutes.

Weather deck means the uppermost deck exposed to the weather to which a weathertight sideshell extends.

Weathertight means that water will not penetrate into the unit in any sea condition.

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§ 28.60 Exemption letter.

(a) *Types of exemptions.* (1) *Specific exemption* means an exemption for an individual commercial fishing industry vessel.

(2) *Class exemption* means an exemption for a class or fleet of commercial fishing industry vessels.

(b) *Exemption procedure.* A request for an exemption of either type must be in writing, have specific reasons for the request, and be sent to the Coast Guard District Office having jurisdiction over the waters where the vessel(s) will be operating. Coast Guard District geographical areas are described in 33 CFR part 3. The District Commander will review the request to determine that:

(1) Good cause exists for granting an exemption; and

(2) The safety of the vessel and those on board will not be adversely affected.

(c) The District Commander will either approve or deny the request in writing. In granting a request, the District Commander will specify the terms under which the exemption is granted and distribute the letter describing these terms to the party or parties requesting the exemption.

(d) *Exemption letter.* Exemption letters, or suitable copies, describing the terms under which the exemption is

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granted shall be maintained at all times on board each vessel to which any exemption applies.

(e) *Right of appeal.* Any person directly affected by a decision or action taken under this part may appeal in accordance with § 1.03 of this chapter.

(f) *Rescinding an exemption letter.* Exemptions granted may be rescinded by the District Commander if it is subsequently determined that the safety of the vessel and those onboard is adversely affected.

[CDG 96-046, 62 FR 46675, Sept. 4, 1997]

§ 28.65 Termination of unsafe operations.

(a) A Coast Guard Boarding Officer may direct the master or individual in charge of a vessel, with the concurrence of the District Commander, or staff authorized by the District Commander, to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the Boarding Officer observes the vessel being operated in an unsafe manner and determines that an especially hazardous condition exists. This may include directing the master or individual in charge of the vessel to return the vessel to a mooring and remain there until the situation creating the especially hazardous condition is corrected or other specific action is taken.

(b) Hazardous conditions include, but are not limited to, operation with—

(1) An insufficient number of life-saving equipment on board, to include serviceable Personal Flotation Devices (PFDs), serviceable immersion suits, or adequate survival craft capacity.

(2) An inoperable Emergency Position Indicating Radio Beacon (EPIRB) or radio communication equipment when required by regulation. There should be at least one operable means of communicating distress. When both are required, then at least one must be in operable condition to avoid termination of the voyage;

(3) Inadequate firefighting equipment on board;

(4) Excessive volatile fuel (gasoline or solvents) or volatile fuel vapors in bilges;

(5) Instability resulting from overloading, improper loading or lack of freeboard;