

- (6) Inoperable bilge system;
- (7) Intoxication of the master or individual in charge of a commercial fishing vessel. An individual is intoxicated when he/she is operating a commercial fishing vessel and has an alcohol concentration of .04 percent, or the intoxicant's effect on the person's manner, disposition, speech, muscular movement, general appearance or behavior is apparent by observation;
- (8) A lack of adequate operable navigation lights during periods of reduced visibility;
- (9) Watertight closures missing or inoperable;
- (10) Flooding or uncontrolled leakage in any space; or
- (11) A missing or expired certificate of class, as required by 46 U.S.C. 4503(1), for a fish processing vessel.

(c) A Coast Guard Boarding Officer may direct the individual in charge of a fish processing vessel that is missing a Load Line Certificate, or that does not comply with the provisions of the Load Line Certificate issued by the American Bureau of Shipping or a similarly qualified organization, to return the vessel to a mooring and to remain there until the vessel obtains such a certificate.

[CGD 96-046, 61 FR 57273, Nov. 5, 1996, as amended at CGD 96-046, 62 FR 46676, Sept. 4, 1997; USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

#### § 28.70 Approved equipment and material.

(a) Equipment and material that is required by this subchapter to be approved or of an approved type, must have been manufactured and approved in accordance with the design and testing requirements in Subchapter Q of this chapter or as otherwise specified by the Commandant.

(b) A listing of current and formerly approved equipment and materials may be found on the internet at: <http://cgmix.uscg.mil/equipment>. Each OCM I may be contacted for information concerning approved equipment.

[CGD 88-079, 56 FR 40393, Aug. 14, 1991, as amended by USCG-2004-18884, 69 FR 58344, Sept. 30, 2004]

#### § 28.73 Accepted organizations.

An organization desiring to be designated by the Commandant as an accepted organization must request such designation in writing. As a minimum the organization must verify that it is an organization—

- (a) With a Code of Ethics;
- (b) Whose surveyors are familiar with the requirements of this chapter related to commercial fishing industry vessels;
- (c) Whose surveyors are familiar with the operations and equipment on board commercial fishing industry vessels;
- (d) Whose only interest in the fishing industry is in ensuring the safety of commercial fishing industry vessels and surveying commercial fishing industry vessels;
- (e) That has grievance procedures;
- (f) That has procedures for accepting and terminating membership of an individual, including minimum professional qualifications for surveyors;
- (g) That maintains a roster of present and past accepted members and surveyors; and
- (h) That has an Apprentice/Associate program for surveyors.

#### § 28.76 Similarly qualified organizations.

An organization desiring to be designated by the Commandant as a similarly qualified organization must request such designation in writing. As a minimum the organization must verify that it—

- (a) Publishes standards for vessel design and construction which are as widely available as and which are of similar content to the standards published by the ABS;
- (b) Performs periodic surveys in a wide range of localities during and after construction to ensure compliance with published standards, including drydock examinations, in a manner similar to the ABS;
- (c) Issues certificates testifying to compliance with the published standards;
- (d) Has as its primary concern the survey and classification of vessels;
- (e) Has no interest in owning or operating fishing, fish processing, or fish tender vessels; and