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confirm that individuals have received the required instruction.

With regard to the cost impact of establishing a voluntary acceptance program, the Coast Guard anticipates that the cost to qualified individuals will be minimal, involving only the submission of a few documents. The cost to crewmembers of commercial fishing industry vessels who depend upon the services of Coast Guard accepted instructors will vary depending on the instructional methods employed in any particular training program. The Coast Guard anticipates that the number of Coast Guard accepted instructors will be high enough to encourage healthy competition and a wide variety of reasonably priced instructional opportunities.

The Coast Guard invites comments from the public and the industry particularly with respect to the following issues:

(a) Is the proposed list of criteria sufficiently clear and objective to ensure that administration of the program will be fair, efficient, and effective?

(b) Should any other organizations be explicitly recognized as certificating individuals as instructors under item B.3 above?

(c) Should the letter of acceptance be valid only for a limited period, subject to renewal?

Subpart D—Additional Requirements for Certain Vessels

Section 28.300 Applicability

This section describes the revised applicability proposed for this subpart. This section implements 46 U.S.C. 4502(c) of the Act as amended by the ATA. The requirements of this subpart would be in addition to the requirements of 46 CFR part 28, subparts A, B, and C. This subpart would apply to certain vessels as described in paragraphs (a) through (c).

Paragraph (a) includes each commercial fishing industry vessel which has its keel laid or is at a similar stage of construction, or which undergoes a major conversion completed, on or after September 15, 1991 and that operates with more than 16 individuals on board.

Paragraph (b) includes existing fish tender vessels engaged in the Aleutian trade that do not fall into the category described in paragraph (c).

Paragraph (c) provides an exception to the applicability proposed for this subpart in conjunction with the phase-in period for vessels in the Aleutian trade. Paragraph (c) addresses fish tender vessels engaged in the Aleutian trade that:

1. (a) Operated in the Aleutian trade before September 8, 1990; or

(b) Were purchased before September 8, 1990, to be used in the Aleutian trade and enter into the Aleutian trade before June 1, 1992; and

2. Have not undergone a major conversion. These vessels will be exempt from the requirements of this subpart until one year after the effective date of the final rule.

The ATA, in conjunction with 46 U.S.C. 4502(e) of the Act, provides discretion to the Coast Guard in determining which standards in 46 U.S.C. 4502(c) should be applicable to fish tender vessels engaged in the Aleutian trade. The intent of the ATA is to improve the safety of fish tender vessels in the Aleutian trade, but still allow continued cargo service to outlying places in Alaska. Therefore, the Coast Guard has determined that all fish tender vessels engaged in the Aleutian trade should comply with this subpart in its entirety.

"Aleutian trade" is contingent upon the existence of weekly common carrier service by water. If there is no such service, service provided by fish tender vessels exclusively is not considered Aleutian trade service. Therefore, a fish tender vessel that is currently serving a place in Alaska west of 152 West longitude and east of 172 East longitude where weekly common carrier service does not exist is not in the "Aleutian trade". However, it should be noted that if weekly common carrier service by water is established to such a place, then a fish tender vessel providing this service would be in the "Aleutian trade" and must comply with this section or discontinue its service to that place.

The proposal to make subpart D applicable to the Aleutian trade may have significant impact on the safety of these vessels. They may also impose a significant cost for existing vessels depending upon whether the vessel continues in the Aleutian trade or discontinues service to places which have weekly common carrier service by water. The Coast Guard requests specific economic information from owners of vessels which may be affected by these proposed requirements.

Subpart E—Stability

Approximately 70% of deaths involving commercial fishing industry vessels are related to poor or inadequate stability. The Act recognized the hazards of improper design or operation as they relate to stability. It requires stability regulations for commercial fishing industry vessels which are built, or the physical characteristics of which are substantially altered in a manner that affects the fishing vessel's stability, after December 31, 1993.

An examination of search and rescue records and vessel casualty data for 1987 and 1988 reveals that the majority of stability related cases can be attributed to insufficient intact stability in waves, unintentional flooding of the vessel, or operational loading errors. An intact stability and flooding standard would help prevent capsizing or sinking in most of these cases.

Casualty data for the years 1982 to 1987 shows that stability related casualty rates are independent of vessel length or vessel hull material. The data also shows that stability related casualties are independent of the geographic area of operation.

The Coast Guard received approximately 50 comment letters dealing with the stability of commercial fishing industry vessels in response to the NPRM. The majority of them expressed the opinion that the proposed regulations in the NPRM were too stringent for commercial fishing industry vessels less than 79 feet (24 meters) in length. However, it appeared that these opinions dealt primarily with the effect of the proposed requirements on existing designs which undergo a substantial alteration. The Coast Guard's position is that the operational stability of smaller commercial fishing industry vessels is clearly of major concern and must be addressed.

Existing commercial fishing industry vessels were specifically excluded from the Act unless they were substantially altered. Since the majority of commercial fishing industry vessels are less than 79 feet (24 meters) in length, and because of the concern expressed about the appropriateness of the stability regulations proposed in the NPRM for these smaller vessels, the Coast Guard is readdressing operational stability for commercial fishing industry vessels less than 79 feet (24 meters) in length in this SNPRM. The intent of these proposed requirements remains unchanged, to provide the industry with standards to be considered in designing new commercial fishing industry vessels. This should result in new designs and new methods of operation. These new methods of operation should increase the attention paid to stability in all loading conditions and should help to reduce the rate of casualties attributable to stability-related problems.

Section 28.500 Applicability

This section describes the revised applicability proposed for this subpart.

It has been revised to take into account fish tender vessels engaged in the Aleutian trade, which are less than 500 Gross Tons (GT) and to include vessels less than 79 feet (24 meters) in length. Vessels less than 79 feet (24 meters) in length have been divided into two groups: those greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length and those 50 feet (15.2 meters) in length and less.

The ATA was not addressed in the final rules establishing 46 CFR part 28 published in the Federal Register on August 14, 1991 (FR 40364); however, the preamble to those rules mentioned that the ATA would be addressed in this SNPRM. Under the ATA a fish tender vessel engaged in the Aleutian trade is exempt 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 it is less than 500 GT, has an inclining test performed by a marine surveyor, and has written stability instructions on board the vessel. The preamble to the final rules recommended the requirements in 46 CFR part 28, subpart E as appropriate standards pending promulgation of regulations which address vessels in the ATA. In this SNPRM, the Coast Guard is proposing these requirements as the appropriate regulations by revising this section to include fish tender vessels engaged in the Aleutian trade.

As previously stated, several comment letters responding to the NPRM suggested that those proposed rules were too stringent for commercial fishing industry vessels less than 79 feet (24 meters) in length. Of particular concern were the proposed requirements dealing with intact righting energy, water on deck, and severe wind and roll. An ad hoc group calling themselves Naval Architects for Fishing Vessel Safety (NAFVS) pointed out that thes requirements were developed for vessels greater than 79 feet (24 meters) in length, and that when applying some of these criteria to the ves[illegible] than 79 feet (24 meters) in leng[illegible]ult was redundancy and not [illegible]ly increased safety. For exam[illegible] small vessel complies with the intact righting energy criteria, it more than likely already complies with the severe wind and roll criteria. Therefore, they argue that it is redundant to require the vessel to comply with both criteria since safety is not enhanced. Additionally, the NAFVS suggested that the intact righting energy criteria only be required for commercial fishing industry vessels greater than 45 feet (13.7 meters) in length, because there is no evidence that these criteria is appropriate for vessels smaller than 45 feet (13.7 meters) in length. The Coast Guard partially agrees with these opinions.

The criteria proposed in the NPRM were developed for vessels greater than 79 feet (24 meters) in length, however, that does not necessarily mean that they are not appropriate for vessels less than 79 feet (24 meters) in length. Other countries such as the United Kingdom (UK) have required vessels as small as 40 feet (12 meters) in length to comply with the same intact righting energy criteria as proposed in the NPRM. The Coast Guard's position on this issue is that there is not enough information available to support or refute an extension of these criteria to all vessels less than 79 feet (24 meters) in length. Therefore, the Coast Guard has decided not to impose the same intact righting energy criteria as proposed in the NPRM. The regulations proposed in this SNPRM reflect the Coast Guard's new position that these regulations should take into account the size of the vessels, their operation, and the expected cause of many of the casualties classified as stability related.

Casualty data reveals that stability related casualties that resulted in loss of life or loss of the vessel, in many instances, resulted from human error. This was particularly true for vessels less than 50 feet (15.2 meters) in length. Human error includes overloading the vessel at sea (i.e. overfilling the fish holds), improper loading of topside weights, or not maintaining the watertight integrity of the vessel at all times. The master or individual in charge of the vessel must be aware of how changing weights affects stability. If they were aware, the incidence of capsizing and sinking would decrease. This approach, of concentrating on the master or the individual in charge of the vessel and how the vessel is operated, will not be economically burdensome and the mandatory measures will not be very intrusive. However, if in due course an improvement in safety does not result, then more stringent requirements will be considered in the future.

Based upon the casualty review previously mentioned and the comment letters, in particular those of the NAFVS, the Coast Guard proposes that vessels less than 79 feet (24 meters) in length be broken down into two groups with varied requirements. A vessel greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length would be required to comply with the requirements of subpart E except §§ 28.565 (water on deck) and 28.575 (severe wind and roll). This will be addressed further in the discussion of those sections. A vessel 50 feet (15.2 meters) in length or less would be excluded from the majority of this subpart, provided it:

1. Has stability instructions developed by a qualified individual which comply with § 28.530;

2. Has a letter of attestation signed by the owner and the master or individual in charge of the vessel which complies with § 28.505; and

3. Complies with the alternative subdivision requirement of § 28.525.

Due to the casualty date available and the argument made by the NAFVS, that the stability requirements are not applicable to all vessels less than 79 feet in length, the Coast Guard is proposing a breakpoint of 50 feet (15.2 meters). While the international community has been using 40 feet (12 meters) as their breakpoint, the Coast Guard's position, which is based on the stability related casualty data available, is that 50 feet (15.2 meters) is the more appropriate breakpoint for the U.S. commercial fishing industry.

Section 28.505 Vessel Owner's Responsibility

This section proposes additional responsibilities for the owner of a vessel subject to this subpart by requiring a letter of attestation. The Coast Guard's position in both the final rules and this SNPRM is not to require third party involvement in stability analysis (i.e. only the owner and the designer). The responsibility for ensuring compliance with the stability requirements is the owner's. To reinforce this and to promote designers, masters or individuals in charge of vessels, working cooperatively with vessel owners, a letter of attestation signed by both the owner and the master or individual in charge of the vessel, is proposed.

The intent of requiring this letter of attestation is twofold. First it would ensure that the stability instructions are accepted by the owner and easily understood by the master or individual in charge of the vessel. Secondly, it would ensure that the stability instructions are familiar to the master or individual in charge of the vessel. Stability instructions, no matter how accurate or appropriate are of no benefit if they are not used properly. This letter of attestation should promote use of the stability guidance provided. The letter of attestation would be maintained by the owner and be made available upon request. It would be required to be updated whenever a change in the vessel's ownership occurs, the master or individual in charge changes, or the

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vessel is codified. A sample letter is provided.

It is important to note that the letter of attestation must be signed by both the owner and the master or individual in charge of the vessel. If the owner and the master or individual in charge of the vessel is the same person, the letter must still be signed in both places, because the two parts of the letter state two different things. The Coast Guard's position is that this will help ensure that the owner accepts the guidance provided by the qualified individual as appropriate for the vessel. It will also help ensure that the master or individual in charge of the vessel, the individual who actually uses the guidance, knows the guidance exists and understands the guidance provided and its importance to the safety of the vessel and the individuals on board. The letter of attestation should also promote communication among the qualified individual, the vessel owner, and the master or individual in charge of the vessel. The qualified individual may have the technical training and experience in stability, but the master or individual in charge of the vessel is more familiar with vessel operations. Therefore, in order to come up with appropriate stability instructions, both individuals should provide input.

Section 28.520 Alternative Simplified Stability Test for Small Vessels

This section proposes a simplified stability test to evaluate the intact stability of a commercial fishing industry vessel in lieu of the more complicated stability test and stability calculations in §§ 28.525 through 28.545 and §§ 28.565 through 28.575. This simplified stability test could be used by owners of vessels less than 79 feet (24 meters) in length, if the angle of downflooding exceeds 40 degrees. A vessel which met the proposed requirements for a simplified stability test would be exempt from the subdivision requirements of § 28.530, if compliance with the alternative subdivision requirements in § 28.525 were demonstrated.

As stated in the preamble to the NPRM, the Committee and the Coast Guard District Fishing Vessel Safety Coordinators have stressed the importance of providing a simple method of evaluating stability for small commercial fishing industry vessels. Several comment letters suggested that, for vessels less than 79 feet (24 meters) in length which do not carry deck loads, IMO resolution A.207, the Roll Period Test, is an appropriate simple method of evaluating stability. The comment letters also pointed out that Navigation and Vessel Inspection Circular (NVIC) 3-76, Stability of Fishing Vessels, addresses the use of the roll period test. However, they did not note that NVIC 3-76 did not endorse the use of the roll period test for commercial fishing industry vessels less than 79 feet (24 meters) in length.

In NVIC 5-88, Voluntary Standards for U.S. Uninspected Commercial Fishing Vessels, the Coast Guard declined to endorse the use of this roll period test for four specific reasons. These are:

1. The roll period is only indicative of the fishing vessel's initial upright metacentric height (GM) and not the full range of stability nor the area under the righting arm curve. These and other important stability characteristics such as the maximum righting arm (the angle at which the maximum righting arm occurs) are important factors in stability evaluation.

2. The data used to develop the nomogram shown in IMO Resolution A/ES.IV/168 was taken from European fishing vessels and coastal freighters. The Coast Guard is not convinced that the roll coefficients recommended are appropriate for U.S. fishing vessels considering the variety of fisheries and the diversity of hull forms and arrangements.

3. A roll test may not be used by the operator to evaluate the fishing vessel's stability while underway by operators who do not fully understand the limitations of measuring the roll period to evaluate stability. Measuring the roll period in still water is a case of free oscillation where the measured roll period is the fishing vessel's natural roll period. This may or may not be the case when the fishing vessel rolls in a seaway. If waves of a constant period act upon the fishing vessel for a significantly long period of time, the measured roll period will be that of the waves. If waves of a constant period are not experienced, the measured roll period may be the natural roll period of the fishing vessel, or, more likely, a combination of the fishing vessel's natural period of roll and the period of the seaway. This combination puts additional forces on the vessel and could provide the master or individual in charge of the vessel with inaccurate information which could lead to severe problems.

4. Finally, the Coast Guard is concerned that the roll coefficients do not accurately account for the changes in the roll gyradius as the fishing vessel operates between full load and burned out (10% capacity of consumables, i.e., fuel and water tanks) conditions. A significant change in the roll gyradius means that the actual GM may be much different than that indicated from measuring the roll period and calculating the GM based in the equations given. While this test could be done at different loading conditions, this would make the test very time consuming. Additionally, the results may not be accurate enough to determine the true stability of the vessel which may lead to a false sense of security on the pat of the master or individual in charge of the vessel.

Since 1975, the UK has required a modified version of this roll period test, on a pass/fail basis, as an alternative to the IMO Intact Stability criteria. While the UK endorses this type of test, it requires that the test be repeated every four years on those commercial fishing industry vessels that have passed a previous roll period test. Additionally, the UK has come to appreciate the limitations of the roll period test in that it only measures the initial GM, in calm water, and then only in a full load departure condition which may or may not be the worse operating condition.

Based on the experiences of the UK and the reasons listed above, the Coast Guard has decided not to adopt the roll period test as an alternative method of evaluating a commercial fishing industry vessel's stability. However, the Coast Guard is still interested in providing a simple method of evaluating the stability of a vessel and invites interested parties to submit comments on this subject.

Several comment letters expressed the opinion that a downflooding angle greater than 40 degrees in all load conditions was very difficult to determine from mere observation, and therefore, would require an extensive amount of calculations. This in turn would defeat the whole purpose of using the simplified test. They suggested that a simple way to determine the downflooding angle be developed. Additionally, they expressed the opinion that while this simplified stability test was adequate for passenger vessels, it was inappropriate for commercial fishing industry vessels because they tend to operate with far less freeboard than passenger vessels. The Coast Guard disagrees with the argument that this test is not appropriate for commercial fishing industry vessels. While the simplified stability test was developed for passenger vessels, the Coast Guard's position is that it is an adequate alternative for commercial fishing industry vessels. It may be of limited use for existing commercial fishing industry vessels, however, this test along with the stability regulations

in general, is intended to promote new fishing vessel designs with larger freeboards.

Several comment letters expressed the opinion that this section be reserved for future study. The Coast Guard disagrees. The Coast Guard's position is that this simplified stability test is a satisfactory alternative. However, the Coast Guard is always interested in suggestions to improve safety. Interested parties are invited to continue to conduct research and attempt to develop other methods to simplify stability evaluations.

The Coast Guard is actively pursuing the development and use of advanced methods for evaluating small vessel stability, particularly for commercial fishing industry vessels. Advanced criteria which are based on dynamic motions in extreme seas (a non-linear boundary condition problem) able to predict a level of protection against capsizing given a particular hull form and sea state condition would be very useful. The research being conducted throughout the U.S. and in other countries is still mainly in the theoretical stage. However, a greater level of effort and coordination is being provided by the Coast Guard, which in time, will lead to practical solutions. The Coast Guard's position is that with the growth of computer technology and the need to develop a criteria usable by the majority of naval architects and fishing vessel designers, alternative approaches to evaluating the stability of commercial fishing industry vessels will be available in the future.

Section 28.525 Alternative Subdivision

This section proposes regulations pertaining to alternate subdivision requirements on vessels less than 79 feet (24 meters) in length. This section, when used in conjunction with the simplified stability test for commercial fishing industry vessels less than 79 feet (24 meters) in length in § 28.520, would allow evaluation of the stability of the majority of commercial fishing industry vessels without a stability booklet and detailed stability calculations.

Thirteen comment letters expressed the opinion that the proposed alternative subdivision for vessels less than 79 feet (24 meters) in length contained in the NPRM was too restrictive and would result in bulkhead spacing of 2–3 feet (0.6–0.9 meters) because of the lower freeboards typical of commercial fishing industry vessels. The comment letters recommended placing watertight bulkheads at each end of the engineroom, the lazarette, and fish holds. The comment letters indicated that this would be more than satisfactory and less restrictive. The Coast Guard agrees and has adopted these recommendations.

The NPRM proposed a bulkhead spacing similar to that on small passenger vessels. This criterion requires bulkheads to be more closely spaced as freeboard (a measure of reserve buoyancy) is reduced. Since the freeboard on commercial fishing industry vessels less than 79 feet (24 meters) in length is typically much smaller than the freeboard on small passenger vessels of similar size, the bulkhead spacing is less. This would not allow sufficient space to install an engine or steering gear, stow fishing gear and related equipment, nor provide for a workable internal arrangement.

Review of casualty data shows that unintentional flooding of commercial fishing industry vessels is a serious problem and many vessel losses and fatalities can be prevented if there are watertight compartments which limit unintentional flooding. Therefore, the Coast Guard proposes requiring watertight bulkheads around the engineroom, the lazarette, the fish holds, and any other space with a non-watertight closure on the main deck. In addition, this section proposes that compliance with §§ 28.250 and 28.255 be required for all vessels. This would ensure that these compartments could be de-watered if they are unintentionally flooded. In line with keeping these spaces watertight, sluice valves would be prohibited from being installed in the watertight bulkheads. A sluice valve is a valve that is attached at the bottom of a bulkhead with no connecting piping and used for allowing liquid to flow from one compartment into an adjoining one. Sluice valves are difficult to maintain watertight over long periods of time and represent a degradation of bulkhead's watertight integrity.

This section also proposes that a statement be included on the stability instructions for operating personnel, stating that the watertight bulkheads will be maintained watertight at all times. This will help operating personnel to understand the importance of maintaining watertight integrity and act as a reminder to ensure the bulkheads are not compromised.

Section 28.565 Water on Deck

This section proposes to revise the applicability of this section to exclude all commercial fishing industry vessels less than 79 feet (24 meters) in length. There were several comment letters submitted in response to the NPRM that suggested that the water on deck requirement was a redundant requirement if a vessel meets the proposed intact stability criteria and has adequate freeing ports. Also, the comment letters suggested that this requirement was not appropriate to vessels less than 79 feet (24 meters) in length and should not be required for these vessels. The Coast Guard agrees and proposes to require compliance with this requirement only for vessels over 79 feet (24 meters) in length.

The adverse effects of water on deck has been a concern to the Coast Guard for some time. Water on deck is a result of decks being swamped from heavy seas and the water not draining quickly enough through the freeing ports in the bulwarks. This can detrimentally affect the stability of a commercial fishing industry vessel by adding to the displacement of the vessel, raising its vertical center of gravity (VCG), creating additional free surface, and increasing the rolling acceleration and the roll angle. As a result, water on deck has been a contributing factor to many capsizings and sinkings on vessels less than 79 feet (24 meters) in length. However, it cannot be determined if it was a major factor in these casualties. Review of the casualty data indicates that in most of the capsizings and sinkings, the vessels were not in compliance with the intact righting energy criteria as recommended in NVIC 5–86 and now being proposed as required criteria in this SNPRM. If these vessels were in compliance with the recommended intact righting energy criteria, the additional water on deck may not have caused the vessels to capsize and sink. Therefore, the Coast Guard's position is that, at this time, requiring the commercial fishing industry vessels less than 79 feet (24 meters) in length to meet both the proposed intact righting energy criteria and the water on deck criteria is unnecessary. Meeting the proposed intact righting energy criteria along with the use of the required stability information developed by the "qualified individual" should be sufficient.

Section 28.570 Intact Righting Energy

Several comment letters suggested that the proposed intact righting energy criteria were too stringent for small commercial fishing industry vessels and therefore, the criteria be reduced. The Coast Guard partially agrees.

The intact righting energy criteria were developed for vessels greater than 79 feet (24 meters) in length. To extend the requirement to comply with the proposed criteria to all vessels less than 79 feet (24 meters) in length would not be in the best interests of the industry

especially in light of the fact that this industry has been unregulated for so long. The Coast Guard's position is that some of the vessels less than 79 feet (24 meters) in length can be designed to meet this criteria and it would enhance the safety of the vessel.

Countries in the international community, such as the UK, have required vessels down to 40 feet (12 meters) in length to comply with the same criteria as proposed here. In fact, the UK is in the process of extending this criteria to all fishing vessels regardless of size. However, this has not yet taken place and no data is available to evaluate what affect this will have on the safety of these smaller vessels. The Coast Guard's position is that the commercial fishing industry vessels less than 79 feet (24 meters) in length be broken down into two groups, those vessels greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length, and those vessels 50 feet (15.2 meters) in length and less.

The applicability of this section for these two proposed groups of vessels is addressed in § 28.500. No changes to the criteria have been made. Interested parties are invited to continue to conduct research and attempt to develop a better understanding of the relevance of the intact righting energy criteria for these vessels.

Section 28.575 Severe Wind and Roll

This section proposes revised applicability to exclude all commercial fishing industry vessels less than 79 feet (24 meters) in length. Several comment letters suggested that this section was not appropriate for vessels less than 79 feet (24 meters) in length. The comment letters raised the question of whether severe wind and roll has played a major role in the capsizing of vessels less than 79 feet (24 meters) in length. While severe wind and roll may have contributed, they suggest that it was not the major factor. The comment letters suggest that the profile of a commercial fishing industry vessel less than 79 feet (24 meters) in length is so small, that a severe wind would not play a significant factor. The Coast Guard partially agrees.

The Coast Guard's position is that since the Coast Guard is proposing that all commercial fishing industry vessels less than 79 feet (24 meters) in length must meet the intact righting energy criteria and have the stability instructions developed by the "qualified individual", that requiring these vessels to meet the criteria in this section would be unnecessary. Therefore, vessels less than 79 feet (24 meters) in length would not be required to meet the severe wind criteria.

Section 28.600 Stability for Load Line Assignment

This section proposes regulations related to stability requirements for all commercial fishing industry vessels that operate with a Load Line Certificate. In the past, any commercial fishing industry vessel that was required to have a load line had to demonstrate adequate stability. The criteria by which an owner demonstrated adequate stability was developed by various policy decisions. The Coast Guard's position is that such criteria should be the subject of rulemaking to permit comment by the public. Therefore, the Coast Guard proposes that each vessel must conduct a stability test in accordance with § 28.535. Following the stability test, additional stability criteria must be met. Two sets of stability criteria are proposed and either may be applied. In either case, commercial fishing industry vessels will not be required to meet damage stability.

Casualty statistics reviewed by the Coast Guard do not support a requirement for damage stability. The loss of a commercial fishing industry vessel due to collision damage is rare. A majority of the stability related losses have been attributed to a loss of watertight integrity due to inadequate closures or improper maintenance of closures. The Coast Guard's position is that the stability evaluation associated with the assignment of a load line and the annual survey required to maintain a Load Line Certificate, could prevent such casualties.

In addition to the annual survey conducted by the load line assigning authority, stability information would be required for the master or individual in charge of the vessel. Stability information would be required to comply with § 28.530. This section also addresses issuance of Load Line Certificates to vessels not required to obtain such certificates. These vessels would be required to meet the same stability requirements as vessels required to obtain a Load Line Certificate.

This section proposes to extend this alternative to vessels less than 79 feet (24 meters) in length. Currently only vessels 79 feet (24 meters) or more in length are eligible for Load Line Certificates. The Coast Guard's position is that by allowing a commercial fishing industry vessel the option of obtaining and maintaining a load line, the safety of that vessel should be enhanced. It should be noted that vessels less than 79 feet (24 meters) in length are eligible for only limited domestic service Load Line Certificates. The certificates are not recognized under the International Load Line Convention.

The existing load line regulations, 46 CFR subchapter E, were developed for vessels greater than 79 feet (24 meters) in length. The purpose of the load line regulations is to:

1. Establish the load line marks which when placed on the vessel indicate the maximum amidships draft to which the vessel can be lawfully submerged;

2. Set forth the minimum requirements for load line marks, annual surveys relating to the Load Line Certificates, the issuing of the Load Line Certificates, and the carriage of the certificates on board; and

3. Establish the rules and regulations for the enforcement of load line requirements.

Because the load line regulations, 46 CFR subchapter E, were developed for larger vessels, slight modifications to the regulations are being proposed for the vessels less than 79 feet (24 meters) in length. In particular, the proposed modifications deal with the minimum tabular freeboard to be used from Table 42.20–15(b)(1) and calculation of the minimum bow height. Both proposed modifications are tied to using a length of 80 feet (24.3 meters) as the minimum. Table 42.20–15(b)(1) establishes the tabular freeboard. This value is then adjusted depending on various design features which affects stability such as position of deck line, depth, and similar factors. The Coast Guard's position is that any proposal should allow naval architects the same flexibility to take advantage of design features that enhance stability provided for vessels greater than 79 feet (24 meters) in length by the existing load line regulations. However, the Coast Guard also recognizes that smaller vessels are more susceptible to factors which reduce stability, such as the dynamic effects of a seaway and water on deck. The Coast Guard's position is that commercial fishing industry vessels less than 79 feet (24 meters) in length should be required to use a tabular freeboard equal to that of a vessel 80 feet (24.3 meters) in length and then apply all freeboard corrections, deductions, and other calculations using the actual vessel length.

As for the minimum bow height requirement, the Coast Guard noted a similar trend. As the vessel got smaller the minimum bow height did too. The Coast Guard's position is that the minimum bow height for a vessel of 80 feet (24.3 meters) in length, is 51 inches (1.3 meters) and should not be reduced on a vessel less than 79 feet (24 meters) in length. Consequently, the Coast Guard proposes that the minimum bow

height for vessels less than 79 feet (24 meters) in length should be determined assuming the vessel to be 80 feet (24.3 meters) in length.

All other calculations are to be performed using the actual vessel length. This approach will allow commercial fishing industry vessel designers to take advantage of design features which improve stability while ensuring adequate freeboard assignments which will maintain or increase the safety of commercial fishing industry vessels.

These proposed regulations will not affect the current regulatory project dealing with the load line regulations (CGD 86-013). The current project deals only with required load lines and will not address the issue of voluntary load lines.

Subpart F—Fish Processing Vessel and Fish Tender Vessels Engaged in the Aleutian Trade

Section 28.700 Applicability

This section proposes revised applicability of this subpart to include fish tender vessels in the Aleutian trade as required by the ATA. 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 28.720 Survey and Classification

This section proposes to exclude fish tender vessels engaged in the Aleutian trade from being required to be classed. The ATA only required that fish tender vessels engaged in the Aleutian trade be examined once every two years for compliance with the regulations of this subchapter, it does not require the classing of these vessels.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 but is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040, February 26, 1979). A draft Regulatory Evaluation is available in the docket for inspection or copying where indicated under "**ADDRESSES.**"

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). An estimated 90–95 percent of the total number of commercial fishing industry vessels are independently owned. Even investor and company owned fishing vessels are predominantly associated with small businesses. Therefore, virtually the entire industry can be said to be composed of small businesses. Although the cost of the regulations is estimated to be minor when compared to the total annual revenues of the domestic industry of over $2.5 billion, compliance costs fall disproportionately on a number of individual classes of fishing vessels.

The cost of these proposed regulations is estimated to be minor with respect to commercial fishing vessels less than 36 feet (11 meters) in length operating inside the Boundary Lines in cold water. The economic impact of these regulations on commercial fishing industry vessels with less than 4 individuals on board and that operate beyond the Boundary Line may be significant. Examples of vessels that fall into this category are combination vessels, vessels that use a wide variety of gear types such as troll lines, still lines, pot hauling gear, long lines, oyster tongs, and dredges. The economic impact on these vessels will depend upon the safety equipment already on board these vessels.

A documented 36-foot vessel with less than four individuals on board operating beyond the Boundary Line could incur capital costs estimated to be $1,400 and annual costs estimated to be $320. While this may be a significant amount to invest in a fishing vessel worth $10,000 to $20,000, this is substantially less than the $4,500 it would have cost if the current survival craft tables remained unchanged.

Part-time and seasonal operators represent a significant proportion of many fisheries. The cost of complying with the regulations is the same for part-time and seasonal operators as it is for full-time operators. Therefore, these regulations may lead some part-time and seasonal operators to discontinue commercial fishing activities.

Stability is also an area that may adversely impact small fishing vessel owners, which are all believed to qualify as small entities. The cost of stability tests alone can be from $1,000 to $5,000 per fishing vessel. Since most commercial fishing industry vessels are custom built and would be required to have a stability test of some form, the economic burden could be relatively high. However, since the majority of the commercial fishing industry vessels are less than 50 feet (15.2 meters) in length, the capital cost is estimated to be $1,925 per vessel since the Coast Guard is proposing to eliminate stability tests on these vessels. For those vessels greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length, the total capital cost could be from $3,575 to $18,213.

If you feel that your business qualifies as a small entity and would suffer significant, negative, economic impact, please submit a comment explaining why your business qualifies as a small entity and to what degree the proposed regulations would economically affect your business. Cost data submitted will be thoroughly evaluated before publication of the final rule.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule which contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements.

This proposal contains collection of information requirements in the following sections: 28.60, 28.275, and 28.505.

The reporting and recordkeeping requirement associated with this rule is being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35. The following particulars apply:

DOT No: 2115; OMB Control No: XXXX.

Administration: U.S. Coast Guard.

Title: Commercial Fishing Industry Vessel Regulations.

Need for Information: This information collection requirement is needed to (1) ensure that stability calculations are conducted, stability instructions that are understandable and usable are provided, and that the master or individual in charge of the vessel knows about the instructions and attests that they will be used; (2) ensure that the training required by 46 CFR 28.270 is conducted by qualified instructors who use courses that meet the minimum standards as determined by the Coast Guard; (3) provide documentation to the boarding officers that the required training has been conducted by a qualified individual; and (4) provide documentation to the boarding officer that indicates that certain regulations

have been exempted for the boarded vessel.

Frequency: On occasion.

Burden Estimate: 1,989.5 hours annually.

Respondents: 7,555 annually.

Form(s): None.

Average Burden Hours per Respondent: 0.25 hours (15 minutes).

For further information contact: The Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20503, (202) 395-7340.

Federalism

The Coast Guard has analyzed this proposal in accordance with 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 proposed rulemaking establishes additional safety standards for commercial fishing industry vessels. The authority to regulate concerning the safety of commercial fishing vessels in all navigable waters is committed to the Coast Guard by statute. Furthermore, since commercial fishing vessels tend to move from port to port in the national marketplace, safety standards for commercial fishing vessels should be of national scope to avoid unreasonably burdensome variances. Therefore, if this rule becomes final, the Coast Guard intends it to preempt State action addressing the same subject matter.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. These proposed rules are expected to have no significant effect on the environment. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 46 CFR Part 28

Fire prevention, Fishing vessels, Incorporation by reference, Lifesaving equipment, Main and auxiliary machinery, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Stability.

In consideration of the foregoing, the Coast Guard proposes to amend chapter I, title 46, Code of Federal Regulations, 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, 4505, 4506, 6104, 10603; 49 U.S.C. app. 1804; 49 CFR 1.46.

2. Paragraph (b) of § 28.40 is amended by adding in alphabetical order the following entry to read as follows:

§ 28.40 Incorporation by reference.

* * * * *

American Society for Testing and Materials (ASTM) 1916 Race St., Philadelphia, PA 19103.

F-1321-90—Standard Guide for Conducting a Stability Test (Lightweight Survey and Inclining Experiment) to Determine the Light Ship Displacement and Centers of Gravity of a Vessel—28.535.

* * * * *

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

§ 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.

Note: Since a place is in the Aleutian trade only if weekly common carrier service by water to that place exists, changes in weekly common carrier service will affect a place's status with respect to the Aleutian trade.

* * * * *

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).

* * * * *

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

* * * * *

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

* * * * *

4. A new § 28.60 is added to read as follows:

§ 28.60 Exemption letter.

(a) *Specific exemption.* A commercial fishing industry vessel may be exempted from certain requirements of this part upon written request if the District Commander determines:

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

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

(b) When an exemption is granted to a commercial fishing industry vessel by the District Commander, a letter describing the exemption will be issued by the District Commander and must be maintained on board the vessel for the term of the exemption.

(c) *Class exemption.* The District Commander may issue an exemption applicable to a class of vessels for limited time periods. Such an exemption will be in writing and will specify the terms under which the class exemption is granted. These class exemptions must be maintained on board each vessel to which the exemption applies.

5. A new § 28.65 is added to read as follows:

§ 28.65 Termination of unsafe operations.

(a) A Coast Guard Boarding Officer may direct the master or individual in charge of a vessel 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) Especially hazardous conditions include but are not limited to, operation with:

(1) Insufficient lifesaving equipment on board including but not limited to:

(i) An insufficient number of serviceable PFDs or immersion suits on board; and

(ii) An insufficient number of complement of serviceable survival craft for the number of persons on board.

(2) No operable Emergency Position Indicating Radio Beacon, if required, or without operable communication equipment, if required. When both are required, then at least one must be operable.

(3) Insufficient firefighting equipment on board.

(4) Excessive gasoline liquid or vapors in any space.

(5) Instability resulting from overloading or improper loading.

(6) Inoperable bilge system.

(7) Intoxication of the master or individual in charge of the vessel, as defined in 33 CFR 95.020.

(8) A total lack of operable navigation lights during periods of reduced visibility.

(9) Required watertight closures missing or inoperable.

(10) Flooding or uncontrolled leakage in any space.

(11) Failure to have a currently endorsed Load Line Certificate, when required.

(c) A Coast Guard Boarding Officer may direct the individual in charge of a fish processing vessel that does not have on board a 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.

6. Section 28.120 is amended by revising paragraph (a), removing paragraph (b), redesignating and republishing paragraphs (c) through (h) as paragraphs (b) through (g) respectively, and revising tables 28.120 (a), (b), and (c) to read as follows:

§ 28.120 Survival craft.

(a) Except as provided in paragraphs (c) through (g) of this section, each vessel must carry the survival craft specified in Table 28.120(a), Table 28.120(b), or Table 28.120(c), as appropriate for the vessel, in an aggregate capacity to accommodate the total number of persons on board.

(b) Except as provided by § 28.305, compliance dates for the requirements for the number and type of survival craft in Tables 28.120(a), 28.120(b), and 28.120(c) are:

(1) For a documented vessel that operates in the North Pacific Area, September 1, 1992;

(2) For a documented vessel that operates in the Great Lakes or in the Atlantic Ocean north and east of a line drawn at a bearing 150° true from Watch Hill Light, Rhode Island, September 1, 1993;

(3) For each other documented vessel, September 1, 1994; and

(4) For each other vessel, September 1, 1995.

(c) Each survival craft installed on board a vessel before September 15, 1991 may continue to be used to meet the requirements of this section provided the survival craft is:

(1) Of the same type as required in Tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type; and

(2) Maintained in good and serviceable condition.

(d) Each inflatable liferaft installed on board a vessel before September 15, 1991 may continue to be used to meet the requirements for an approved inflatable liferaft, provided the existing liferaft is maintained in good and serviceable condition as required by Table 28.140, and it is equipped with the equipment pack required by Tables 28.120(a), 28.120(b), or 28.120(c), as appropriate for the vessel type. Where no equipment pack is specified in Tables 28.120(a), 28.120(b), or 28.120(c), a coastal service pack is the minimum required.

(e) An approved lifeboat may be substituted for any survival craft required by this section, provided it is arranged and equipped in accordance with part 94 of this chapter.

(f) The capacity of an auxiliary craft carried on board a vessel which is integral to and necessary for normal fishing operations will satisfy the requirements of this section for survival craft except for an inflatable liferaft, provided the craft is readily accessible during an emergency and is capable of safely holding all individuals on board the vessel. If the auxiliary craft is equipped with a Coast Guard required capacity plate, the boat must not be loaded so as to exceed the rated capacity.

(g) A vessel less than 36 feet in length which meets the positive flotation provisions of 33 CFR part 183 is exempt from the requirement for survival craft in paragraph (a) of this section for operation on the following waters:

(1) Within 12 miles of the coastline, any waters; and

(2) Rivers.

TABLE 28.120(a).—SURVIVAL CRAFT FOR DOCUMENTED VESSELS

Area	Vessel type	Survival craft required
Beyond 50 miles of coastline	All	Inflatable liferaft with SOLAS A pack.
Between 20–50 miles of coastline, cold waters	All	Inflatable liferaft with SOLAS B pack.
Between 20–50 miles of coastline, warm waters	All	Inflatable liferaft.
Beyond Boundary Line, between 12–20 miles of coastline, cold waters.	All	Inflatable liferaft.
Beyond Boundary Line, within 12 miles of coastline, cold waters	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, warm waters	All	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters.	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.	All	None.
Great Lakes, cold waters	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters	All	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters	All	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(b).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH NOT MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 20 miles of coastline	All	Inflatable buoyant apparatus.
Beyond Boundary Line, between 12–20 miles of coastline cold waters.	All	Inflatable buoyant apparatus.
Beyond Boundary Line, within 12 miles of coastline, cold waters	36 feet (11 meters) or more in length	Buoyant apparatus

TABLE 28.120(b).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH NOT MORE THAN 16 INDIVIDUALS ON BOARD—Continued

Area	Vessel type	Survival craft required
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, warm waters	All	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold water.	36 feet (11 meters) or more in length	Buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Inside Boundary Line, warm waters; or Lakes, bays sounds, warm waters; or Rivers, warm waters.	All	None.
Great Lakes, cold waters	All	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline warm waters	All	Buoyant apparatus.
Great Lakes, within 3 miles of coastline warm waters	All	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

TABLE 28.120(c).—SURVIVAL CRAFT FOR UNDOCUMENTED VESSELS WITH MORE THAN 16 INDIVIDUALS ON BOARD

Area	Vessel type	Survival craft required
Beyond 50 miles of Coastline	All	Inflatable liferaft with SOLAS A pack.
Between 20–50 miles of coastline, cold waters	All	Inflatable liferaft with SOLAS B pack.
Between 20–50 miles of coastline, warm waters	All	Inflatable liferaft.
Beyond Boundary Line, between 12–20 miles of coastline, cold waters.	All	Inflatable liferaft.
Beyond Boundary Line, within 12 miles of coastline, cold waters	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Beyond Boundary Line, within 20 miles of coastline, warm waters	All	Life float.
Inside Boundary Line, cold waters; or Lakes, bays, sounds, cold waters; or Rivers, cold waters..	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Inside Boundary Line, warm waters; or Lakes, bays, sounds, warm waters; or Rivers, warm waters.	All	None.
Great Lakes, cold waters	36 feet (11 meters) or more in length	Inflatable buoyant apparatus.
Do	Less than 36 feet (11 meters) in length	Buoyant apparatus.
Great Lakes, beyond 3 miles of coastline, warm waters	All	Buoyant apparatus.
Great Lakes, within 3 miles of coastline, warm waters	All	None.

Note: The hierarchy of survival craft in descending order is lifeboat, inflatable liferaft with SOLAS A pack, inflatable liferaft with SOLAS B pack, inflatable liferaft with coastal service pack, inflatable buoyant apparatus, life float, buoyant apparatus. A survival craft higher in the hierarchy may be substituted for any survival craft required in this table.

7. 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

8. Section 28.200 is revised to read as follows:

§ 28.200 Applicability.

Each documented commercial fishing industry vessel that operates beyond the Boundary Line or that operates with more than 16 individuals on board or is a fish tender vessel engaged in the Aleutian trade, must meet the requirements of this subpart in addition to the requirements of subparts A and B of this part.

9. A new § 28.275 is added to read as follows:

§ 28.275 Acceptance criteria for instructors and course curricula.

(a) Except as provided in paragraph (b) of this section, an individual who is trained in the proper procedures for conducting the drills and performing the instruction required by § 28.270(a) shall submit a written request and the following documentation to the cognizant OCMI:

(1) A valid license for the operation of an inspected vessel of 100 gross tons or more; or

(2) Proof that the individual:

(i) Has at least one year (360 days) of underway, seagoing experience as a seaman on a U.S. documented commercial fishing industry vessel within five years of the written request;

(ii) Has submitted a statement that the individual has never been denied a Coast Guard license or had a license suspended or revoked;

(iii) Has submitted a detailed course summary outlining the curriculum of the contingencies required in § 28.270(a), and the methods of instruction to be utilized; and

(iv) Meets one of the following criteria:

(A) Has been employed for at least one academic year as an instructor of seamanship, survival at sea, or other maritime safety related U.S. Coast Guard approved training course;

(B) Is certified as an instructor by the Coast Guard Auxiliary;

(C) Is certified as an instructor by the American Red Cross, American Heart Association, or the National Association of Underwater Instructors;

(D) Is certified as a firefighter with special training or unique experience in shipboard firefighting; or

(E) Is certified as a police officer with special training or experience in marine law enforcement.

(b) An individual who can not qualify as an instructor under paragraph (a) of this section, may request Coast Guard acceptance based on documentation which establishes, to the cognizant OCMI's satisfaction, that the individual has received recent, specialized, professional training or experience which relates directly to the contingencies listed in § 28.270(a).

(c) Each OCMI shall:

(1) Issue a letter of acceptance to any qualified individual; and

(2) Maintain a list of accepted instructors in their zone.

(d) Letters of acceptance shall be valid for a period of five years.

(e) Coast Guard accepted instructors may issue documents to individuals confirming that they received the required instruction.

10. The heading of subpart D is revised to read as follows:

Subpart D—Additional Requirements for Certain Vessels

11. Section 28.300 is revised to read as follows:

§ 28.300 Applicability and general requirements.

This section, in addition to the requirements of subparts A, B, and C of this part, applies to the following vessels:

(a) Each commercial fishing industry vessel which has its keel laid or is at a similar stage of construction, or which undergoes a major conversion completed, on or after September 15, 1991, and that operates with more than 16 individuals on board.

(b) Each fish tender vessel engaged in the Aleutian trade except for those described in paragraph (c) of this section.

(c) On *[one year after the effective date of the final rule.]*, 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 enters into service in the Aleutian trade before June 1, 1992.

12. Section 28.500 is revised to read as follows:

§ 28.500 Applicability.

(a) Except as provided in paragraphs (b) through (d) of this section, this subpart applies to each commercial fishing industry vessel that is not required to be issued a load line under subchapter E of this chapter and that—

(1) Has its keel laid or is at a similar stage of construction or undergoes a major conversion started on or after September 15, 1991;

(2) Undergoes alterations to the fishing or processing equipment for the purpose of catching, landing, or processing fish in a manner different than has previously been accomplished on the vessel; or

(3) Has been substantially altered on or after September 15, 1991.

(b) A fish tender vessel in the Aleutian trade, must comply with §§ 28.530 and 28.535.

(c) For a vessel less than 50 feet (15.2 meters) in length, compliance with §§ 28.505, 28.525, and 28.530 may be substituted for compliance with the remainder of this subpart.

(d) Prior to a vessel being assigned a Load Line Certificate, compliance with § 28.600 must be demonstrated.

13. Section 28.505 is amended by adding new paragraphs (c) and (d) to read as follows:

§ 28.505 Vessel owner's responsibility.

* * * * *

(c) A letter of attestation must be signed by the owner and the master or individual in charge of the vessel prior to operation of the vessel. The letter of attestation must be maintained by the owner of the vessel and made available upon request. The letter of attestation must indicate at least that:

(1) The stability test and calculations required by this subpart have been performed to the owner's satisfaction by a qualified individual and have been accepted by the owner.

(2) The stability instructions required by § 28.530 have been developed in consultation with and accepted by the owner and that they are in a format that is understandable to the owner and the master or individual in charge of the vessel.

(3) The stability instructions required by § 28.530 will be followed by the master or individual in charge of the vessel.

(d) A sample letter of attestation is provided as follows:

[Sample]

Letter of Attestation

For: F/V

(Vessel Name)

O.N. ———————

I am the owner of the F/V _____ and I certify that this vessel as currently configured has been inclined (if applicable), has stability instructions for operating personnel that have been developed in consultation with an individual I consider qualified, and the instructions have been discussed with the master or individual in charge of the vessel. The stability instructions are on board the vessel and are in a format that permits the master or individual in charge of the vessel to readily ascertain the stability of the vessel in any loading condition. In making this determination, I have been guided by the recommendations of _____ (my qualified individual), and the stability requirements in 46 CFR part 28 subpart E.

I further certify that I have provided the necessary training to ensure that the master or individual in charge of the vessel has the qualifications to properly use the stability information and that the instructions will be followed. I will not permit any alterations to be made to the F/V _____ which will affect the stability, without first consulting with a qualified individual and recertifying the adequacy of the stability information provided to the master or individual in charge of the vessel.

_____

(Date)

_____

Fishing Vessel's Owner Signature

I am the master or individual in charge of the subject fishing vessel. I have been provided stability instructions by the owner. I understand the instructions and will follow the instructions in their entirety.

_____

(Date)

_____

Master or Individual in Charge of Fishing Vessel Signature

14. Section 28.520 is revised to read as follows:

§ 28.520 Alternate simplified stability test for small vessels.

(a) A vessel greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length which has a downflooding angle of not less than 40 degrees at the deepest operating draft may comply with this section in lieu of the requirements of §§ 28.535 through 28.545 and §§ 28.565 through 28.575.

(b) Each vessel must be in the following condition when the test described in paragraph (c) of this section is performed:

(1) Construction of the vessel must be complete in all respects.

(2) Permanent ballast, if to be installed on the vessel, must be solid and on board in its final position.

(3) Each fuel and water tank must be approximately three-fourths full.

(4) Each fish hold must be approximately three-fourths full of water. If fish or fish products are stowed in a manner that prevents shifting, the fish hold may be filled with a solid weight equal to that of the water when the fish hold is three-fourths full, arranged in a manner to approximate the same longitudinal and vertical centers of gravity as if water were used.

(5) The weight of personnel, fishing equipment, and the maximum load of fish to be carried on deck must be on board and distributed so as to provide normal operating trim and to simulate the vertical center of gravity causing the least stable condition that is likely to occur in service.

(6) Each non-return closure on a weather deck drain must be kept open during the test.

(c) Each vessel must not exceed the limitation in paragraph (d) of this section, when subject to the following heeling moment:

M=(P)(A)(H), where—
M=wind heel moment, in foot-lbs;
P=wind pressure equal to—
15.0 lbs/square foot (73.0 kilograms/square meter) except for operation on protected waters;
7.5 lbs/square foot (36.6 kilograms/square meter) for operation on protected waters;
A=Area, in square feet (square meters) of the projected lateral surface of the vessel above the waterline; and
H=Height, in feet (meters), of the center of area (A) above the waterline.

(d) A vessel must not exceed the following limits of heel after the heeling moment of paragraph (c) of this section is imposed:

(1) On a flush deck or well deck vessel, no more than one-half of the freeboard measured to the top of the weather deck at the side of the vessel may be immersed, except that on a well deck vessel with scuppers operating on protected waters, the full freeboard may be immersed if the full freeboard is not more than one-fourth of the distance from the waterline to the gunwale.

(2) On an open boat, no more than one-fourth of the freeboard may be immersed.

(3) The angle of heel must not exceed 14 degrees, in any case.

(e) The heel must be measured at—

(1) The point of minimum freeboard; or

(2) At a point three-fourths of the vessels' length from the bow if the point of minimum freeboard is aft of this point.

15. Section 28.525 is revised to read as follows:

§ 28.525 Alternative subdivision.

(a) A vessel 50 feet (15.2 meters) in length or less must comply with this section.

(b) A vessel greater than 50 feet (15.2 meters) in length but less than 79 feet (24 meters) in length may comply with this section in lieu of meeting the requirements of § 28.580.

(c) Watertight bulkheads must be maintained around the engineroom, the lazarette, the fish holds, and each other space with a non-watertight closure on the main deck.

(d) Each vessel regardless of length must comply with §§ 28.250 and 28.255. Sluice valves are prohibited in bulkheads required by paragraph (c) of this section to be watertight.

(e) A statement must be included on the stability instructions required by § 28.530, stating that watertight bulkheads must not be compromised.

16. Section 28.585 is amended by revising paragraph (a) to read as follows:

§ 28.585 Water on deck.

(a) Except for a vessel less than 79 feet (24 meters) in length, each vessel with bulwarks must comply with the requirements of this section.

* * * * *

17. Section 28.575 is amended by revising paragraph (a) to read as follows:

§ 28.575 Severe wind and roll.

(a) Except for a vessel less than 79 feet (24 meters) in length, each vessel must meet paragraphs (f) and (g) of this section when subjected to the gust wind heeling arm and the angle of roll to windward as specified in this section.

* * * * *

18. Section 28.600 is revised to read as follows:

§ 28.600 Stability for load line assignment.

(a) Prior to issuance of a Load Line Certificate in accordance with the provisions of 46 CFR Subchapter E, whether such certificate is required or not, a vessel must comply with—

(1) The requirements of this section; and

(2) The requirements of 46 CFR Subchapter E.

(b) Each vessel must be inclined in accordance with § 28.535, and comply with the requirements of—

(1) Sections 170.170 and 170.173 of part 170 and subparts B and E of part 173, if involved in lifting and towing respectively; or

(2) Sections 28.545, 28.570, 28.575, and subpart E of part 173, if involved in towing.

(c) Except as provided in paragraph (d) of this section, when applying § 28.570 each vessel must have positive righting arms to an angle of heel of at least 60 degrees.

(d) A vessel need not comply with paragraph (c) of this section provided that:

(1) Each hatch in the watertight/weathertight envelope, such as the live tank hatch, is normally kept closed at sea and is only opened intermittently, under the direct control of the master or individual in charge of the vessel; or

Flooding through these hatches does not result in progressive flooding to other below deck spaces on the vessel.

(e) In each case of loading, a space accessed by such a hatch is assumed to be flooded full or flooded to the level having the most detrimental effect on stability, when free surface effects are considered, whichever is the worst case.

(f) Except for a full tank of seawater, permanent ballast must be of the solid, fixed type.

(g) For a vessel less than 79 feet (24 meters) in length, 46 CFR Subchapter E is modified as follows:

(1) The minimum tabular freeboard of 8 inches must be used from Table 42.20-15(b)(1).

(2) The minimum bow height must be calculated as if the vessel is 80 feet (24.3 meters) in length.

(3) All other freeboard corrections, deductions, and other calculations must be based on the actual vessel length.

19. The heading of subpart F is revised to read as follows:

Subpart F—Fish Processing Vessel and Fish Tender Vessels Engaged in the Aleutian Trade

20. Section 28.700 is revised to read as follows:

§ 28.700 Applicability.

Each fish processing vessel or fish tender vessel engaged in the Aleutian trade, which is not subject to inspection under the provisions of another subchapter of this chapter must meet the requirements of this subpart.

21. Section 28.720 is amended by revising paragraph (a) to read as follows:

§ 28.720 Survey and classification.

(a) Except for a fish tender vessel engaged in the Aleutian trade, each vessel which is built after or which undergoes a major conversion completed after July 27, 1990, must be classed by the ABS, or a similarly qualified organization.

* * * * *

Dated: October 19, 1992.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 92-25895 Filed 10-26-92; 8:45 am]

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U.S. Department
of Transportation

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Coast Guard**

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STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
AKHIOK	0	1	3	4
AKIACHAK	0	5	62	67
AKIA..	0	0	28	28
AKUTAN	0	32	0	32
ALAKANUK	0	3	79	82
ALEKNAGIK	11	19	37	67
ALEXANDER CREEK	0	0	3	3
ALITAK	0	2	0	2
AMBLER	0	2	9	11
ANCHOR POINT	2	224	60	286
ANCHORAGE	31	900	696	1627
ANDERSON	0	4	2	6
ANGOON	2	96	74	172
ANIAK	0	5	10	15
ANVIK	0	0	10	10
ATKA	0	43	0	43
ATMAUTLUAK	0	8	25	33
AUKE BAY	4	72	56	132
BARROW	0	1	4	5
BETHEL	2	52	200	254
BIG LAKE	1	19	16	36
BIRD CREEK	0	0	1	1
BUCKLAND	0	0	1	1
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
AKHIOK	4
AKIACHAK	62
AKIAK	28
AKUTAN	15
ALAKANUK	80
ALEKNAGIK	45
ALEXANDER CREEK	3
ALITAK	1
AMBLER	9
ANCHOR POINT	119
ANCHORAGE	1050
ANDERSON	4
ANGOON	105
ANIAK	10
ANVIK	10
ATKA	19
ATMAUTLUAK	30
AUKE BAY	70
BARROW	5
BETHEL	213
BIG LAKE	21
BIRD CREEK	1
BUCKLAND	1

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
CANTWELL	0	0	2	2
CENTRAL	0	1	0	1
CHEFORNAK	1	15	17	33
CHENEGA	0	7	0	7
CHENEGA BAY	0	20	2	22
CHEVAK	1	0	19	20
CHICKALOON	0	0	1	1
CHICKEN	0	1	0	1
CHIGNIK	1	50	16	67
CHIGNIK BAY	0	2	1	3
CHIGNIK LAGOON	2	55	22	79
CHIGNIK LAKE	2	10	5	17
CHINIAK	0	7	1	8
CHITINA	0	0	1	1
CHUATHBALUK	0	0	2	2
CHUGIAK	1	46	32	79
CIRCLE CITY	0	0	3	3
CLAM GULCH	0	68	52	120
CLARKS POINT	8	21	17	46
CLEAR	0	2	0	2
COFFMAN COVE	2	7	4	13
COLD BAY	0	3	5	8
COLLEGE	0	0	1	1
Total (Continued)	1012	14797	10659	26468

Permit Holders By Community

Community	# Pmt Holders
CANTWELL	2
CENTRAL	1
CHEFORNAK	20
CHENEGA	3
CHENEGA BAY	10
CHEVAK	19
CHICKALOON	1
CHICKEN	1
CHIGNIK	25
CHIGNIK BAY	3
CHIGNIK LAGOON	24
CHIGNIK LAKE	9
CHINIAK	6
CHITINA	1
CHUATHBALUK	2
CHUGIAK	58
CIRCLE CITY	3
CLAM GULCH	59
CLARKS POINT	28
CLEAR	1
COFFMAN COVE	10
COLD BAY	7
COLLEGE	1

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
COOPER LANDING	0	8	3	11
COPPER CENTER	0	17	7	24
CORDOVA	6	580	536	1122
CRAIG	4	378	106	488
CROOKED CREEK	0	0	1	1
DEERING	0	0	4	4
DELTA JUNCTION	0	18	1	19
DILLINGHAM	57	202	291	550
DOT LAKE	0	0	1	1
DOUGLAS	8	83	70	161
DUTCH HARBOR	2	85	2	89
EAGLE RIVER	0	75	45	120
EDNA BAY	2	49	25	76
EEK	0	7	52	59
EGEGIK	4	22	48	74
EKUK	0	0	1	1
EKWOK	1	3	5	9
ELFIN COVE	3	56	38	97
ELIM	4	0	51	55
ELMENDORF AFB	0	1	0	1
EMMONAK	3	0	97	100
ENGLISH BAY	0	1	6	7
ESTER	0	1	2	3
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
COOPER LANDING	5
COPPER CENTER	14
CORDOVA	523
CRAIG	221
CROOKED CREEK	1
DEERING	4
DELTA JUNCTION	11
DILLINGHAM	341
DOT LAKE	1
DOUGLAS	82
DUTCH HARBOR	41
EAGLE RIVER	75
EDNA BAY	25
EEK	52
EGEGIK	57
EKUK	1
EKWOK	6
ELFIN COVE	40
ELIM	42
ELMENDORF AFB	1
EMMONAK	96
ENGLISH BAY	7
ESTER	2

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
EXCURSION INLET	0	1	3	4
FAIRBANKS	3	109	111	223
FALLS BAY	0	0	1	1
FALSE PASS	0	11	9	20
FORT YUKON	0	1	1	2
FORTUNA LEDGE	3	0	11	14
FRITZ CREEK	1	35	5	41
FUNTER BAY	2	0	2	4
GAKONA	0	5	3	8
GALENA	0	1	35	36
GIRDWOOD	0	20	22	42
GLENNALLEN	0	7	9	16
GOLOVIN	0	0	20	20
GOODNEWS BAY	3	36	33	72
GRAYLING	0	0	13	13
GUSTAVUS	9	49	20	78
HAINES	19	196	107	322
HALIBUT COVE	0	17	8	25
HEALY	0	0	2	2
HOLY CROSS	0	0	10	10
HOMER	13	1205	372	1590
HOONAH	6	140	125	271
HOOPER BAY	8	1	55	64
Total (Continued)	1012	14797	10659	26468

Permit Holders By Community

Community	Pmt Holders
EXCURSION INLET	3
FAIRBANKS	165
FALLS BAY	1
FALSE PASS	10
FORT YUKON	2
FORTUNA LEDGE	13
FRITZ CREEK	18
FUNTER BAY	4
GAKONA	5
GALENA	35
GIRDWOOD	29
GLENNALLEN	11
GOLOVIN	15
GOODNEWS BAY	54
GRAYLING	12
GUSTAVUS	34
HAINES	142
HALIBUT COVE	14
HEALY	2
HOLY CROSS	10
HOMER	611
HOONAH	127
HOOPER BAY	57

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
HOPE	0	2	1	3
HOUSTON	0	0	2	2
HUSLIA	0	0	1	1
HYDABURG	1	71	34	106
HYDER	0	10	2	12
IGIUGIG	0	1	6	7
ILIAMNA	2	3	24	29
INDIAN	0	0	1	1
IVANOF BAY	1	4	0	5
JUNEAU	55	470	410	935
KAKE	8	93	82	183
KALSKAG	0	0	4	4
KALTAG	2	0	16	18
KARLUK	0	0	1	1
KASAAN	0	5	2	7
KASIGLUK	1	3	43	47
KASILOF	4	153	146	303
KENAI	5	296	221	522
KETCHIKAN	37	601	369	1007
KIANA	0	0	2	2
KING COVE	2	173	61	236
KING SALMON	7	29	30	66
KIPNUK	2	101	31	134
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
HOPE	2
HOUSTON	2
HUSLIA	1
HYDABURG	57
HYDER	4
IGIUGIG	6
ILIAMNA	27
INDIAN	1
IVANOF BAY	3
JUNEAU	528
KAKE	110
KALSKAG	4
KALTAG	18
KARLUK	1
KASAAN	1
KASIGLUK	45
KASILOF	166
KENAI	293
KETCHIKAN	489
KIANA	2
KING COVE	81
KING SALMON	40
KIPNUK	106

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
KIVALINA	0	0	5	5
KLAWOCK	0	107	26	133
KLUKWAN	0	0	1	1
KODIAK	18	1552	460	2030
KOKHANOK	1	0	9	10
KOLIGANEK	1	11	18	30
KONGIGANAK	0	20	28	48
KOTLIK	9	0	79	88
KOTZEBUE	3	12	145	160
KOYUK	3	0	14	17
KOYUKUK	0	0	2	2
KWETHLUK	1	9	60	70
KWIGILLINGOK	0	37	25	62
LARSEN BAY	0	23	16	39
LEVELOCK	0	4	13	17
LITTLE PORT WALT	0	0	2	2
LOWER KALSKAG	0	1	3	4
MANLEY HOT SPRIN	0	0	11	11
MANOKOTAK	26	70	129	225
MARSHALL	0	8	37	45
MCGRATH	0	0	3	3
MCKINLEY PARK	0	0	1	1
MEKORYUK	6	23	42	71
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
KIVALINA	5
KLAWOCK	71
KLUKWAN	1
KODIAK	843
KOKHANOK	10
KOLIGANEK	22
KONGIGANAK	35
KOTLIK	78
KOTZEBUE	150
KOYUK	14
KOYUKUK	2
KWETHLUK	64
KWIGILLINGOK	44
LARSEN BAY	24
LEVELOCK	15
LITTLE PORT WALT	2
LOWER KALSKAG	4
MANLEY HOT SPRIN	11
MANOKOTAK	121
MARSHALL	38
MCGRATH	3
MCKINLEY PARK	1
MEKORYUK	42

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
METLAKATLA	1	75	49	125
MEYERS CHUCK	1	14	11	26
MOOSE PASS	1	7	2	10
MOSER BAY	0	0	2	2
MOUNTAIN VILLAGE	2	1	91	94
N KENAI	0	2	0	2
NAKNEK	4	79	138	221
NAPAKIAK	0	10	41	51
NAPASKIAK	0	2	29	31
NELSON LAGOON	0	8	38	46
NENANA	0	3	26	29
NEW STUYAHOK	6	45	41	92
NEWHALEN	1	0	2	3
NEWTOK	2	5	14	21
NIGHTMUTE	7	3	13	23
NIKISHKA	0	9	7	16
NIKISKI	0	42	38	80
NIKOLAEVSK	0	16	6	22
NINILCHIK	2	87	65	154
NOATAK	0	0	11	11
NOME	3	35	34	72
NONDALTON	3	0	17	20
NOORVIK	0	0	8	8
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
METLAKATLA	66
MEYERS CHUCK	13
MOOSE PASS	5
MOSER BAY	2
MOUNTAIN VILLAGE	93
N KENAI	2
NAKNEK	149
NAPAKIAK	41
NAPASKIAK	29
NELSON LAGOON	30
NENANA	26
NEW STUYAHOK	54
NEWHALEN	3
NEWTOK	16
NIGHTMUTE	17
NIKISHKA	9
NIKISKI	51
NIKOLAEVSK	8
NINILCHIK	89
NOATAK	11
NOME	59
NONDALTON	20
NOORVIK	8

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
NORTH POLE	1	29	13	43
NULATO	1	0	17	18
NUNAPITCHUK	0	2	51	53
OLD HARBOR	3	63	38	104
OSCARVILLE	0	0	5	5
OUZINKIE	0	49	13	62
PALMER	3	84	60	147
PAXSON	0	4	1	5
PEDRO BAY	0	0	6	6
PELICAN	4	148	58	210
PERRYVILLE	2	7	7	16
PETERSBURG	176	891	456	1523
PILOT POINT	1	8	25	34
PILOT STATION	0	1	51	52
PITKAS POINT	0	0	1	1
PLATINUM	1	9	9	19
POINT BAKER	2	47	49	98
POINT HOPE	0	0	1	1
PORT ALEXANDER	3	97	38	138
PORT ALICE	0	3	1	4
PORT ALSWORTH	0	1	4	5
PORT BAILEY	0	0	2	2
PORT GRAHAM	0	9	13	22
Total	1012	14797	10659	26468

(Continued)

Permit Holders By Community

Community	# Pmt Holders
NORTH POLE	35
NULATO	18
NUNAPITCHUK	50
OLD HARBOR	41
OSCARVILLE	5
OUZINKIE	29
PALMER	86
PAXSON	1
PEDRO BAY	6
PELICAN	73
PERRYVILLE	9
PETERSBURG	539
PILOT POINT	29
PILOT STATION	51
PITKAS POINT	1
PLATINUM	15
POINT BAKER	48
POINT HOPE	1
PORT ALEXANDER	53
PORT ALICE	2
PORT ALSWORTH	4
PORT BAILEY	2
PORT GRAHAM	13

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
PORT HEIDEN	3	7	20	30
PORT LIONS	0	70	16	86
PORT MOLLER	1	0	0	1
PORT WILLIAMS	0	1	0	1
PRUDHOE BAY	0	1	0	1
QUINHAGAK	1	13	82	96
RAMPART	0	0	6	6
RUBY	0	0	13	13
RUSSIAN MISSION	0	2	15	17
SAINT GEORGE ISL	0	33	0	33
SAINT MARYS	2	1	71	74
SAINT MICHAEL	8	0	1	9
SAINT PAUL ISLAN	0	38	0	38
SALCHA	0	8	4	12
SAND POINT	0	312	112	424
SAXMAN	0	1	2	3
SCAMMON BAY	8	0	53	61
SELAWIK	0	0	3	3
SELDOVIA	2	145	41	188
SEWARD	5	246	56	307
SHAKTOOLIK	13	0	40	53
SHELDON POINT	0	0	22	22
SHISHMAREF	0	1	0	1
Total (Continued)	1012	14797	10659	26468

Permit Holders By Community

Community	# Pmt Holders
PORT HEIDEN	24
PORT LIONS	35
PORT MOLLER	1
PORT WILLIAMS	1
PRUDHOE BAY	1
QUINHAGAK	85
RAMPART	6
RUBY	13
RUSSIAN MISSION	16
SAINT GEORGE ISL	18
SAINT MARYS	72
SAINT MICHAEL	9
SAINT PAUL ISLAN	20
SALCHA	8
SAND POINT	136
SAXMAN	2
SCAMMON BAY	48
SELAWIK	3
SELDOVIA	82
SEWARD	123
SHAKTOOLIK	36
SHELDON POINT	22
SHISHMAREF	1

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
SITKA	46	1230	430	1706
SKAGWAY	0	9	3	12
SKWENTNA	0	0	1	1
SLANA	0	1	0	1
SLEETMUTE	0	0	1	1
SOLDOTNA	4	217	157	378
SOUTH NAKNEK	2	6	44	52
SPENARD	0	5	0	5
STEBBINS	4	0	26	30
STERLING	0	28	10	38
STEVENS VILL	0	0	3	3
SUTTON	0	0	1	1
TALKEETNA	2	7	10	19
TANANA	0	0	20	20
TATITLEK	0	6	4	10
TENAKEE	1	22	10	33
THORNE BAY	3	39	12	54
TOGIAK	100	120	290	510
TOK	2	7	3	12
TOKSOOK BAY	15	34	61	110
TRAPPER CREEK	0	3	4	7
TULUKSAK	0	0	26	26
TUNTUTULIAK	2	22	45	69
Total (Continued)	1012	14797	10659	26468

Permit Holders By Community

Community	# Pmt Holders
SITKA	692
SKAGWAY	6
SKWENTNA	1
SLANA	1
SLEETMUTE	1
SOLDOTNA	245
SOUTH NAKNEK	47
SPENARD	1
STEBBINS	26
STERLING	23
STEVENS VILLAGE	3
SUTTON	1
TALKEETNA	13
TANANA	20
TATITLEK	5
TENAKEE	18
THORNE BAY	23
TOGIAK	303
TOK	5
TOKSOOK BAY	70
TRAPPER CREEK	7
TULUKSAK	26
TUNTUTULIAK	52

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION
1992 PERMITS BY ALASKA COMMUNITY

Permits By Community

Community	Interim Entry(E)	Interim Use (I)	Permanent Pmts (P)	Total
TUNUNAK	9	9	28	46
TWIN HILLS	7	7	13	27
TWO RIVERS	0	0	1	1
TYONEK	0	1	20	21
UGASHIK	0	0	1	1
UNALAKLEET	22	6	142	170
UNALASKA	4	76	2	82
UPPER KALSKAG	0	1	3	4
VALDEZ	1	162	35	198
WARD COVE	10	68	47	125
WASILLA	5	149	88	242
WHALE PASS	0	2	1	3
WHITE MOUNTAIN	0	0	3	3
WHITTIER	0	37	2	39
WILLOW	0	20	11	31
WISEMAN	0	0	2	2
WRANGELL	69	466	200	735
YAKUTAT	4	148	174	326
Total	1012	14797	10659	26468

Permit Holders By Community

Community	# Pmt Holders
TUNUNAK	37
TWIN HILLS	17
TWO RIVERS	1
TYONEK	20
UGASHIK	1
UNALAKLEET	121
UNALASKA	34
UPPER KALSKAG	3
VALDEZ	103
WARD COVE	57
WASILLA	147
WHALE PASS	2
WHITE MOUNTAIN	3
WHITTIER	16
WILLOW	14
WISEMAN	2
WRANGELL	303
YAKUTAT	179

UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

March 8, 1993

The Honorable Bill Hudson, Chairman
and Members
House Labor and Commerce Committee
House of Representatives
State Capitol Building
Juneau, Alaska 99801-1182

Dear Representative Hudson and Committee Members:

United Fishermen of Alaska endorses House Joint Resolution No. 33 and encourages passage of this resolution and expediency in sending this resolution to Congress.

United Fishermen of Alaska has outlined in its February 26th letter to the U.S. Coast Guard why it feels it is imperative that an extension be given to the public comment period. A copy of this letter is enclosed for your information.

I have also included copies of correspondence from several of our member associations regarding this matter for your information. We have requested that our member associations send their comments to us by Tuesday, March 9th, 4:30 p.m. Additional comments received will be forwarded to you on Wednesday, March 10th.

If you have any questions, please feel free to call me at 586-2820 or Dean Paddock, Co-Chair of the UFA Coast Guard Regulations Committee, at 463-4970.

Sincerely,

Jerry McCune
President

Enclosures

cc: The Honorable Harley Olberg

UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 11
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

February 26, 1993

FAXED TO 202/267-4163 on February 26, 1993
HARD COPY TO FOLLOW.

Executive Secretary
Marine Safety Council
(G-LRA-2/3406) (CGD88-079a)
U.S. Coast Guard Headquarters
2100 Second Street, S.W.
Washington, D.C. 10593-0001

Dear Marine Safety Council Members:

United Fishermen of Alaska wishes to submit the following comments and suggestions pertinent to the proposed Fishing Industry Vessel Regulations (Federal Register/Vol. 57, No. 208/October 27, 1992/ Proposed Rules) 46 CFR Part 28 [CGD 88-079a].

The regulations propose that vessels undergoing a "major conversion" (Page 48670) or "substantial alteration" (Page 48671) will be required to comply with stability rules.

We ask that fishing industry participants be selected to work with government officials and clearly define "major conversion" and "substantial alteration."

On Page 48673, authority is granted to enforcement officials to terminate a voyage "when an operation is considered to be life threatening or to have the possibility of leading to a serious injury."

We insist that the language, "the possibility of leading to a serious injury" be removed from the proposed regulations. Our industry is, by nature, risky and dangerous. Conscientious operators do all they can not to subject their crews to excessive risk. The threat or risk or serious injury cannot be regulated out of the fishing industry. Authority granted here is arbitrary and ambiguous.

Before the Coast Guard adopts the "A.S.T.M. F-1321-90" standard guide for conducting a stability test (Page 48572), we would ask for adequate assessment and review of the information by fishing industry participants. Please note that the Federal Register stated on Page 48678, "The research being conducted throughout the U.S. and in other countries is still mainly in the theoretical stage."

On Page 48675, in subpart E, "The Coast Guard's position is that the operational stability of smaller commercial fishing industry vessels is clearly of major concern and must be addressed." We suggest that compliance to stability standards is most easily achievable in the design of new commercial fishing vessels. In light of the mandate that "The Coast Guard consider the economics of the operations and the character, design and construction of commercial fishing industry vessels," United Fishermen of Alaska feels that imposing new and costly vessel stability requirements on the time tested variety of vessels present in our fisheries (Page 48671) is unnecessary, especially when applied to smaller vessels, whose owners and operators are still struggling physically and financially to comply with the previously imposed set of vessel safety and safety equipment requirements.

The language in Section 28.520, "The alternate simplified stability test for small vessels" needs simplification and clear explanation.

In Section 28.565, reference to "proposed intact righting energy criteria" is made. Please detail this criteria since it isn't present in the proposed regulations. Section 28.565 states "Required stability information developed by the 'qualified individual' should be sufficient." We ask for the criteria that the Coast Guard will apply to determine the "qualified individual."

We request that individuals from our industry work intimately with the Coast Guard, through the Intergovernmental Personnel Act, if possible.

We appreciate the Coast Guard's concern for safety in our industry, but we believe the proposed regulations do not achieve that goal efficiently and effectively. We would like a larger role in crafting vessel stability regulations.

We believe it is essential that broad response to these proposed rules be generated. These proposed rules have not reached the circulation level that the previous ones did. These regulations are particularly difficult to understand. In that light, we request an extension of public comment period for the benefit of the fishing industry participants who do not understand or are not yet exposed to the Coast Guard's most recent proposed rules.

We appreciate your consideration of our requests and look forward to your response.

Sincerely,

Rich Davis, Chairman
Coast Guard Regulations Committee
UNITED FISHERMEN OF ALASKA

cc: The Honorable Ted Stevens, United States Senate
The Honorable Frank Murkowski, United States Senate
The Honorable Don Young, United States House of Representatives

UCIDA

UNITED COOK INLET DRIFT ASSOCIATION
P.O. Box 389 • Kenai, Alaska 99611 - 0389
(907) 283-3600 • FAX (907) 283-3306

March 5, 1993

To: UFA
From: Theo Matthews, Administrative Assistant, UCIDA
Subject: HJR No.33

Please be advised that UCIDA endorses HJR No.33. We appreciate Representative Olberg's efforts to extend the public comment period and require public hearings on the proposed USCG commercial fishing vessel safety regulations.

While commercial fishermen were successful in having the initial comment period extended, the Coast Guard has not been successful in clarifying the meaning of many sections of the proposed rule. This is especially true with respect to stability requirements for smaller vessels and alterations to existing vessels.

UCIDA has received differing "expert" opinions as to the meaning of these proposed regulations. Clearly, if the "experts" cannot agree on the meaning of the regulations, our membership would be best served if more time was allowed for comment and better communication was established between the Coast Guard and the commercial fishing fleet.

Sincerely,

Theo Matthews

Theo Matthews
Administrative Assistant

CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

Phone (907) 424-3447 Fax (907) 424-3430

February 26, 1983

Executive Secretary,
Marine Safety Council
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Sir:

Cordova District Fishermen United (CDFU) was established in 1936 and is the oldest commercial fishing organization in Alaska. We represent approximately 300 fishermen who participate in seine and gillnet fisheries in Prince William Sound and the Copper River Delta. CDFU supports the Coast Guard and it objectives to promote safety at sea, however, we have some concerns regarding the supplemental notice of proposed rulemaking for the Commercial Fishing Industry Vessel Regulations.

To begin with, the proposed rules are difficult to understand, particularly those sections related to stability. As a lay reader, I'm at a loss to figure out what these regulations really mean and how they will affect existing fishing vessels. For those portions that I do understand, it is evident that these new regulations will make it extremely expensive for vessel owners to bring their boats into compliance.

In addition, there appears to be a great deal of confusion over how these regulations will be implemented and how they are to be interpreted by marine architects and the fishing industry. Since these proposed regulations are so technical and unclear, CDFU urges the Coast Guard to re-evaluate the need for making such sweeping changes and to actively solicit and incorporate suggestions from commercial marine architects and professionals in the commercial fishing industry. This is one area where the IPA (Intergovernmental Personnel Act) or a private contractor might effectively be used to provide practical feedback.

CDFU is also concerned that the definition of "substantial change" is too broad. Under the proposed definition, a new or existing vessel is "substantially altered" if the modification adds 3% or more to its weight, increases the vessel's windage or changes the way the vessel catches, lands or processes fish. If an existing vessel undergoes a conversion that falls under these new criteria, it will have to meet the new vessel standards for stability which are virtually impossible to meet on most existing fishing vessels. A modification as basic as

adding a radio antennae could be interpreted as affecting a vessel's windage and would be treated as a substantial alteration.

It appears that the Coast Guard has greatly under-estimated the cost to fishermen that these new regulations will impose. For example, the regulations will require that watertight bulkheads be maintained around the engine room, the lazarette, the fish holds, and any other space with a non-watertight closure on the main deck. In addition, each bulkhead space will be required to have its own dewatering system. If the space is a bilge area subject to flooding from seawater piping, has a through-hull fitting below waterline, or has a non-watertight closure on the main deck, it will have to be equipped with a high water alarm. These new requirements quickly add up to a great deal of money and will make compliance extremely expensive for existing vessels.

Many of our fishermen work outside the boundary line on the Copper River Flats. The new regulations require that vessels fishing outside the boundary line have a buoyant apparatus on board. Boats over 36 feet in length, must be equipped with an inflatable buoyant apparatus and boats under 36 feet must have a regular buoyant apparatus. As well-intended as this requirement may be, most gillnetters on the Copper River Flats are one-person operations and a buoyant apparatus would not be of use in a man-overboard situation. Commercial fishing vessels are already required to carry a Coast Guard approved life ring which is adequate. We suggest that inflatable rafts such as Zodiacs and Avons be allowed as acceptable substitutes for the buoyant apparatus and inflatable buoyant apparatus requirements.

Finally, we request that the Coast Guard hold regional hearings on the proposed regulations. The 800 number is a nice idea, but public hearings are essential and the most effective way to get feedback from fishermen on how these regulations, when applied, will affect their fishing vessels. CDFU urges the Coast Guard to reconsider its implementation of the new stability and safety regulations and work more closely with boatbuilders, marine architects and commercial fishermen before publishing the final rule.

Sincerely,
CORDOVA DISTRICT FISHERMEN UNITED

Mary L. McBurney, Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young

UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

March 10, 1993

The Honorable Bill Hudson, Chairman
and Members
House Labor and Commerce Committee
House of Representatives
State Capitol Building
Juneau, Alaska 99801-1182

Dear Representative Hudson and Committee Members:

On March 8th, United Fishermen of Alaska wrote to you endorsing House Joint Resolution No. 33, encouraging its passage, and requesting expediency in sending this resolution to Congress.

At that time, we also included our correspondence, as well as several UFA member association's correspondence, to the U.S. Coast Guard regarding the proposed Fishing Vessel Regulations.

Today, I am sending you additional copies of correspondence and comments that we have received since that time from other UFA member associations regarding the Coast Guard regulations.

If you have questions or need additional information, please feel free to call me at 586-2820.

Sincerely,

Jerry McCune
President

Enclosures

cc: The Honorable Harley Olberg

Alaska Longline Fishermen's Assoc.
P.O. Box 1229 Sitka, AK 99835 (907) 747-3400

February 23, 1993

Executive Secretary, Marine Safety Council
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593-0001

Dear Executive Secretary,

The Alaska Longline Fishermen's Association (ALFA) is a fishing vessel owner and deckhand organization based in Sitka Alaska. Members' vessels range from 16 foot skiffs to 85 foot schooners. On behalf of ALFA's members, I am submitting the following comments on 46 CFR part 28, rulemaking CGD 88-079a: Commercial Fishing Industry Vessel Regulations.

Subpart E- Stability: This section addresses "major conversions" and "significant alterations" of vessels under 79 feet. We recognize the intent behind requiring vessels which undergo major conversions to undergo stability testing; however, we believe that the effect may in some cases decrease safety.

For example: a fishermen in our organization has a 54 foot wooden vessel that is 20 years old and has participated in the Alaska longline fisheries for 15 years. The vessel has been well maintained and has survived enough storms to prove its seaworthiness. The wheel house on the vessel has become soft, and the owner intended to replace it this winter with a lighter (aluminum) wheel house of slightly different configuration (galley on deck vs. in the foc'sle). However, since the vessel does not have water-tight bulkheads and has fairly low free-board, the owner is concerned that the vessel would not pass stability requirements proposed for vessels between 50 and 79 feet and knows that he can not afford to install bulkheads, etc. Hence the vessel owner will not put on a newer, more solid wheelhouse, and the safety of the vessel will in all likelihood be compromised.

Similar scenarios can be expected to occur with scores of wooden boats over and under 50 feet throughout the State. To prevent the intent of the regulation from being undermined, we would suggest the following: vessels under 79 feet that have a demonstrated stability record be allowed to replace or reconstruct hull, superstructure, rigging, etc. provided that the replacement is of the same or similar configuration. Clearly vessels which have participated safely in the Alaska commercial fisheries for an extended period of time have demonstrated their seaworthiness and stability. Providing some flexibility in the replacement or alteration stipulations of the new regulations will ensure that vessel owners, particularly owners of wooden vessels, are not prevented or dissuaded from performing essential maintenance and/or upgrades.

Subpart B- Requirements for all vessels

Section 28.120: Survival craft

We appreciate the effort the CG has expended to develop a tiered system for survival craft requirements (i.e., vessels less than 36 feet, vessels operating within 12 miles of the shore, 20 miles, etc.). The cost of purchasing and maintaining an inflatable liferafts would be prohibitive for vessels under 36 feet. We are, however, aware that the buoyant apparatus and buoyant inflatable apparatus are unsuited to rough water. Since very few ocean-going vessels sink in calm water, the requirements seem inappropriate to our fleet. Although we recognize that inflatable rafts such as Achilles, Zodiacs, etc., do not meet the positive floatation requirements under part 138, we consider their usefulness in an off-shore sinking situation superior to that of a buoyant apparatus or buoyant inflatable apparatus. We suggest that the regulations be amended to include these inflatable rafts provided the raft is in good condition, meets a minimum size requirement (e.g., 8 feet for two people, 12 for 4, etc.) and is fitted with a hydrostatic release or carried in such a way that it would float free should the vessel sink or capsize. Inflatable rafts are likely to save far more lives than a BA or BIA; they are also far more useful to fishermen on a daily basis.

Subpart C

Section 28.275: Acceptance criteria for instructors and course curricula

Regarding organizations that should be explicitly recognized as certificating individuals as instructors under item B.3: ALFA recommends that the Coast Guard explicitly recognize the Alaska Marine Safety Education Association (AMSEA) under this section.

In the past year, AMSEA has trained over 6,000 people in marine safety and survival. Many of our Association's members have participated in AMSEA courses and all have been impressed by the outstanding training and education provided through the AMSEA network. From their base in Southeast Alaska, AMSEA provides readily and efficiently accessible training and information to Alaska's fishing industry. Citing AMSEA explicitly in this section would increase public awareness of the AMSEA network's services.

I hope that these comments are helpful and will receive careful consideration. The proposed safety regulations will have a significant impact on the Alaska fishing industry; please bear in mind the severity of these impacts as you review industry comments.

Thank you for your time and attention.

Sincerely,

Linda Behnken
(exec. director, ALFA)

cc: UFA

Alaska
Trollers
Association
130 Seward St., No. 213
Juneau, Alaska 99801
(907) 586-9400

February 27, 1993

Executive Secretary
Marine Safety Council (G-LRA-2/3406)(CGD 88-079a)
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, D.C. 20593-0001

Dear Sirs:

On behalf of the Alaska Trollers Association I am responding to your call for comment on Federal Register Vol. 57, No. 208, Commercial Fishing Industry Vessel Regulations; Proposed Rule.

First, the time-frame for comment has been short and under-publicized. You should note that most fishermen do not receive the Federal Register by mail and had no way of knowing that the Coast Guard was asking for their input. The fleet that I represent conducts a winter fishery from October 11 through April 14. The regulations were not even received in my office until a few days before Thanksgiving. How were people supposed to find out about this? From my perspective, the Coast Guard has not gone out of its way to solicit comment from those who would be most critically impacted by these regulations.

Second, I would like to point out that these proposed regulations are very poorly written and difficult to understand. Contradictions abound within this very confusing document and I have been unable to find anyone, including your own 13th & 17th districts staff, that has a good enough grasp on the proposals to articulate them to the fleet. How can we, the general public, be expected to provide meaningful comment on something we can't even understand?

Subpart C

<u>Section 28.60 Exemption Letter</u>
ATA does not support time limitations on exemptions for classes of vessels.

<u>Section 28.65 Termination of Unsafe Operations</u>
In this section the Coast Guard's options to terminate a commercial fishing operation are spelled out, but what is the process to allow the operator to continue once the hazardous condition is corrected? Must the Coast Guard re-inspect the vessel? This item is unclear.

Section 28.120 Survival Craft

ATA prefers that the Coast Guard reinstate the existing Section 28.120(b), which exempts a vessel with less than four individuals on board which operates within 12 miles of the coastline from the requirement for survival craft.

Another alternative for vessels with less than four individuals on board operating within 12 miles of the coastline, would be to allow a Zodiac (or similar quality) inflatable raft to be substituted for an inflatable buoyant apparatus or buoyant apparatus.

The inflatable buoyant apparatus (IBA) is a large (10-12 people), costly (up to $2500 -- not $1400 as stated) means to accomplish what many fishermen are already doing -- carrying a raft to get the crew out of the water in case of emergency. My understanding is that the IBA was designed for use on inside waters, so what makes it appropriate for Alaska?

A buoyant apparatus doesn't even appear to address the Coast Guard's stated intent "...to extend the survival time of individuals who would otherwise be in the water."

ATA has been generally supportive of the Commercial Fishing Safety Act of 1988, but we cannot support additional regulation that burdens our fleet financially yet does little to improve safety. Requiring good quality inflatable rafts, like the Zodiac, makes much more sense.

Subpart C

Section 28.300 Applicability

Paragraph (a) is an unfair and burdensome requirement. Why would the Coast Guard require that any vessel built or undergoing conversion prior to a final rule come under the terms of that rule? The costs associated with this requirement would be substantial to the owner of the vessel. If the goal is for the industry to build safer vessels based on improved standards, then the effective date should be set for some period after any new standards are in place and should be based on the date the contract is signed, not the date the keel is laid.

Section 28.275 Acceptance Criteria for Instructors and Course Curricula

Operators should not be mandated to acquire expensive training and licenses for which they have no need. In Alaska, this would often mean traveling a great distance

in addition to the course expense. There is already a network through which the Coast Guard could work to establish meaningful curriculum for operators and crew. We would encourage the Coast Guard to accept the alternative of low-cost port training, similar to that being offered by many groups already working with the commercial fishing industry.

Subpart E -- Stability

ATA does not support the proposed stability requirements or letters of attestation for boats under 79 feet, and requests an exemption for boats under 79 feet from Subpart E.

The stability requirements outlined are unreadable and contrary. Just when you think a boat under 50 feet is exempt, another item springs up that suggests that it really isn't.

For example, the proposal states that owners of boats 50 feet and under are excluded from the majority of Subpart E if they get stability instruction from a "qualified" individual, and sign a letter of attestation stating that they accept and understand this "instruction". Who is a "qualified" individual and is there one in each port? And, has the Coast Guard considered how the "qualified" individual will ascertain the performance of a boat under various load conditions without testing it? As for the letter of attestation, who would sign such a letter of liability without substantial information and documentation? This takes, at minimum, a drawing of the boat. Most owners of older boats, which make up a significant portion of the troll fleet, do not have line drawings of their boats. This means that the "qualified" person would have to pull the boat out of the water and make the drawings at a cost of about $5000. In addition, to cover themselves, any truly "qualified" person is going to want to run a few tests, which average $3000 - $5000. [We aren't even sure which tests will be appropriate since there is no current international IMO model for vessels under 79 feet.]

Then there is the "significant alteration" item. Many of our small boat operators have diversified into other fisheries. Do they need a stability test and letter of attestation each time they add a bait shack and/or a halibut reel? Will the addition of new safety equipment require a stability test? Where do you draw the line?

Major conversions of vessels looks to be problematic as well. A significant issue for the troll fleet will be that people could avoid doing the necessary work to extend the

life or improve the safety of their boats, simply because they can't afford the stability testing.

Are boats 50 foot and under really exempt from any part of Subpart E? After many phone calls to whom we believe to be "qualified" individuals, it appears that no one is exempt under the proposed regulations, and worse yet, *most of our fleet will probably fail to meet the stated criteria.*

The most ridiculous part is what could be required without any regard to the Coast Guard's own statement on p. 48678 of the proposed regulations that:

> The Coast Guard is actively pursuing the development and use of advanced methods for evaluating small vessel stability, particularly for commercial fishing industry vessels....The research being conducted throughout the U.S. and in other countries is still mainly in the theoretical stage. However, a greater level of effort and coordination is being provided by the Coast Guard, which in time, will lead to practical solutions.

Why does the Coast Guard seek to implement costly, unproven, THEORY in lieu of practical solutions? If there are no practical standards for stability for small commercial fishing vessels, then there is no rational for the Coast Guard to take its proposed action at this time.

Out of curiosity, how many trollers capsize? ATA would be interested in examining information that demonstrates this to be a problem in the troll fleet.

Small Entities

Our association represents the commercial troll fleet which is made up of many small business people, many of whom fish within 12 miles of the coast. In fact, most of Alaska's 2500 troll permit holders will be substantially impacted if these regulations are implemented.

Since the implementation of the Commercial Fishing Industry Vessel Safety Act of 1988, trollers have made significant investments in newly required safety gear. I would guess that many of our members are still paying off the last round of requirements and will be hard-pressed to comply with the latest proposals.

For example, consider a troller that fishes a 46 foot boat within 12 miles who has just paid for a few of the more expensive safety items: EPIRB ($2500), 2 survival suits

($400 each), IBA ($2500), and stability standards ($8000). For this short list, the individual spent a minimum of $13,800. In 1990, the average Alaska powertroller earned $32,000 (The McDowell Group, 1992). This makes the $13,800 safety bill 43 percent of our sample troiler's annual earnings.

The troller who fishes a 52 foot boat beyond 12 miles added another $2000 for a life raft (difference between the IBA and life raft), and spend the equivalent of 49 percent of his or her annual earnings.

Remember, the above estimates do not consider all of the safety gear, training, modifications, or maintenance that may be necessary to fulfill all of the obligations of the existing or proposed safety regulations. Nor was there any mention of the other costs associated with the business of being a fishermen or providing for themselves or their families.

Safety regulations are already placing a significant economic burden on the troll fleet. ATA considers the proposed regulations ineffective, unreasonable, and financially crippling for small boat operators.

The proposed regulations are untenable as they do not reflect technical or economic reality for our vessels or fishermen. ATA recommends that the Coast Guard withdraw the proposed regulations until such time as it can achieve the goals of reasonable, achievable, economical, readily understood standards of safety, which will be mandatory for industry compliance. Future proposals should provide a minimum comment period of 120 days and include a high level of interaction between the affected fishermen and Coast Guard personnel.

In closing, I suggest that the Coast Guard spend ample time reviewing existing and proposed safety regulations with its staff, so that each district has the same information and can get that information out to the public. This step could go a long way toward increasing the public's confidence in the regulatory process.

Cordially,

Dale A. Kelley

Dale A. Kelley
Executive Director

Area K Seiners Association
P.O. Box 2399 Kodiak, Alaska 99615
Phone 907/486-4686 FAX 907/486-7655

March 9, 1993

TO: Alaska State Legislators

Area K Seiners Association would like to support Alaska House Joint Resolution #33 introduced by Representative Olberg.

The problems with the new USCG Safety Regulations are covered completely in this resolution. Also, we agree wholeheartedly with all of the sections in Resolution #33. Kodiak is having a very difficult time realizing compliance with the new regulations, let alone any future regulations; many of the fishermen are still uncertain as to what their individual requirements are and some are financially unable to comply at all!!!

AKSA would like to thank the legislature for becoming involved in this issue as we have been quite ineffective as individuals in changing this whole process.

Sincerely,

AKSA Board of Directors

Bruce Schactler Chip Treinen
Mary Jacobs Eric Manzer
Oliver Holm

Bristol Bay Driftnetters' Association, Inc.
P.O. Box 21951
Juneau, AK 99802
Phone (907) 463-4970 • FAX (907) 586-1001

February 26, 1993

U.S. Coast Guard Marine Safety Council
2100 Second Street, S.W.
Washington, DC 20593-000

Ladies and Gentlemen:

I am writing in regard to the recently proposed Fishing Industry Vessel Regulations, and wish to place a number of comments on the record in behalf of those members of the industry who belong to this association.

Bristol Bay Driftnetters Association, Inc. has been actively participating in the review of those regulations which have been implemented to date. We recognize that reasonable regulations are desirable for the well-being of the industry. It is our intention that those comments which follow be regarded by you as an effort to deal with the mandate given you under the act in a positive and constructive manner.

We recognize that the Coast Guard is entering new territory with some of the issues addressed under the present set of proposals. This is especially true in regard to stability requirements for vessels under 79 feet in length. Because of the far-reaching implications of your possible actions in this area, we would urge that the process of arriving at your final regulatory action be a very careful one. We are not marine architects, but we are cognizant of the caveats which they have raised on this issue. Accordingly, we would suggest that a process be established for arriving at guidelines. We believe that, in addition to Coast Guard personnel, recognized marine architects and experienced small-boat operators be included in a working group. Presently proposed requirements for stability tests and letters of attestation should be dropped at this time.

It is our observation that most (though admittedly not all) hull types presently utilized in the fishery have evolved over the course of decades, and even centuries. They have stood the test of time. For this reason, we feel that attention is more profitably directed toward new construction.

Requirements centering upon modification of existing hulls do not appear to us to be the most fertile field for improvement. Proposed installation of additional bulkheads constitutes both an engineering and economic nightmare in most cases. Benefits which might accrue are highly tentative at best.

We believe that inflatable boats should be allowed and included under the requirement for buoyant apparatus and inflatable buoyant apparatus in many cases, particularly in vessels under 36 feet in length.

We are very concerned about the rather loose guidelines suggested under which the "termination of voyage" power may be exercised. We would also note that the proposals do not clearly specify under what conditions a voyage may be resumed. As presently proposed, we can envision the development of unacceptably arbitrary enforcement practices which are not in the tradition and spirit of the service.

The fact that many terms in the proposed regulatory package are not well defined is a matter of serious concern. This is again true in the matter of a vessel owner's ability to make changes to his vessel. The past history of government behavior in such regulatory initiatives where the extent of what is and is not allowable is not clearly specified renders this proposal unacceptable. When dealing with small boats, the level of government oversight implied in these proposals is both oppressive and unnecessary.

We are commercial fishermen. The requirements of this industry are far from static. We need to be able to make modifications to our vessels due to changing requirements for landing and handling our catch. In the Bristol Bay fishery in which we participate (currently approximately 1900 vessels which are 32 feet in length or less), I know of no instance of either loss or swamping attributable to alteration of basic vessel plan. My association with this fishery covers a period of 37 years. The present proposals can create a major problem where one does not now exist.

While we appreciate the convenience of being able to register our comments through your 800 number, you should be aware that the existence of this present round of regulatory proposals is just now making itself felt within the commercial fishing community in Alaska. We are experiencing regulatory overload (and apparently will continue to experience it for some time yet!). If the agency really wants to see a workable set of regulations emerge from this exercise in the future, we would urge (1) an initial comment period of at least 120 days, and (2) public hearings.

The commercial fishing media has taken an unusually long period of time to translate the Federal Register into something more easily understandable. Consequently, the present process has largely been denied the participation of many of the very people (fishermen, among others) who can best make a worthwhile contribution.

We want to thank you for your consideration of our thoughts. I want to refer in closing to the old question which I fear may have application here. "How come we never have time to do it right the first time, but we always have time to do it over?"

Sincerely,

Dean Paddock

Bristol Bay Driftnetters Association, Inc.
Dean Paddock, Executive Director

NORTHERN SOUTHEAST REGIONAL AQUACULTURE ASSOCIATION, INC.

(907) 747-6850 1308 SAWMILL CREEK ROAD SITKA, ALASKA 99835 FAX (907) 747-1470

Executive Secretary
Marine Safety Council (G-LRA-2/3406) (CGD 88-079a)
USCG Headquarters
2100 2nd st. SW
Washington, DC 20593-0001

Dear Marine Safety Council Members:

This letter is to comment on the proposed new fishing industry vessel regulations. No one seems to find the language understandable including Coast Guard representatives and marine architects.

Compliance by the whole U.S. fishing fleet would virtually be impossible. Adequate services providing stability tests are just not available. Even so, the cost to vessel owners would be prohibitive, especially for small boat owners and owners of multiple vessels. A large revenue generating segment of U.S. Commerce would be rendered bankrupt, with a loss of millions of dollars to government. It should also be obvious that stability tests for vessels, under 79', that have been proven either by design or by having been around for at least 5 years, should be exempt.

The fishing industry recognizes the intent here, and appreciates your efforts. Their must be a more practical approach to increasing safety at sea that does not entail creating a bureaucracy or another parasite industry on the fishermen.

We suggest more time be taken to exchange ideas with the industry involved. We need an effective, cost efficient way to operate safely and profitably to everyone's benefit.

Sincerely,

Grant Miller

Grant Miller, President
NSRAA Board of Directors

A000314/002

Petersburg Vessel Owners Association

P.O. Box 232
Petersburg, Alaska 99833
Phone (907) 772-9323 Voice and Fax

March 3, 1993

THE FOLLOWING COMMENTS WERE MADE BY TELEPHONE TO THE UNITED STATES COAST GUARD VIA A TOLL FREE 800 NUMBER ON FEBRUARY 28, 1993 REGARDING PROPOSED ADDITIONAL RULES TO THE COMMERCIAL FISHING INDUSTRY VESSEL REGULATIONS

My name is Kris Norosz. I am Director of the Petersburg Vessel Owners Association and am speaking on their behalf. I had intended to submit formal written comments regarding the US Coast Guard's proposed supplemental rules. Severe illness has prevented me from accomplishing this during the past week so I have to resort to making a few brief comment via the telephone.

First I have made numerous attempts over the past month to have my questions answered by the US Coast Guard and others in the safety field regarding these proposed rules. The frustration I have experienced trying to get simple answers to simple questions is absolutely unbelievable.

I truly believe that the US Coast Guard and our association are both concerned about safety in our industry. Our vessels readily complied when EPIRBs, survival suits, and life rafts became required equipment for our vessels. Most of us were already carrying such equipment. We applaud the US Coast Guard for their voluntary dockside boarding program.

However, the new proposed regulations have us fit to be tied! We are extremely frustrated and confused and are becoming angry that this process must be so difficult.

Let me make a few brief points:

1. The Federal Register and Code of Federal Regulations are difficult to obtain and not easily understood. New proposals for the fishing industry must be in layman's terms if you truly expect meaningful comments.

2. Establishing compliance dates which are earlier than the date the rules are finally adopted is ludicrous. Applicability dates for vessels less than 79 feet cannot be retro active! We need to know the rules prior to building or reconstructing if we are to be able to comply!

3. We are concerned that the new vessel criteria or alternative tests will be activated by minimal changes to a vessel. The alternate test are either impractical or so conservative that only a handful of vessels will ever pass.

4. How do we know if changes we make to our vessels result in our vessels being "substantially altered"? We believe these proposed regs will force us to check with a naval architect everytime we make any changes to our vessels (including changes to the rigging). This will be done at considerable expense to the vessel owner.

5. We fail to see the reason for requiring the letters of attestation and view this requirement to be overly burdensome and needless.

We believe the proposed rules need to be seriously reconsidered, edited, rewritten, and then a new supplemental proposed rule needs to be released to the public with a minimum of a 120 day comment period.

The proposed rules should be accompanied by a guide written in layman's term. In addition, extensive explanations of the proposed rule should be published in the commercial fishing trade journals and regional public hearings should be held. Fishermen must have access to knowledgable personnel who can readily explain the proposed changes. Only then will the fishing public be able to make meaningful comments.

It is our desire to work in conjunction with the US Coast Guard to make our industry a safer one. Thank you for this opportunity to comment.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HJR 33

Revision Date: —

Dept. Affected: March 9, 1993

Title: Relating to US Coast Guard commercial fishing regulations

BRU:

Component:

Sponsor: Rep. Olberg, Moses, Sitton, et al.

Requestor:

COMPONENT SERIAL NO.

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: $ 0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Lynda Greimes, Aide
Division: House Labor & Commerce Committee
Phone: 465-6827
Date: 3/10/93

Approved by Chairman Commissioner: Bill Hudson
Agency:
Date: 3/10/93

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Page of

HJR

64

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 6, 1994 FURTHER REFERRALS:

Date of Committee Action: 4/12/94

The LABOR AND COMMERCE Committee considered: HJR 64

HOUSE JOINT RESOLUTION NO. 64 PROJECTS OF ALASKA AEROSPACE DEV. CORP.

Relating to the projects of the Alaska Aerospace Development Corporation for satellite ground stations and a rocket launch facility.

RECOMMENDATIONS: [ ] the same title
be replaced with _____ [ ] a new title

[ ] have attached amendments(s)
[X] do pass
[ ] do not pass
[ ] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact _____ [ ] fiscal note(s) _____

[X] zero fiscal note House Labor & Commerce [ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Brian D Porter	✓				
Joe Sulte	✓				
W.K. Williams	✓				
Bill Hudson	✓				

Bill Hudson

CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 64

F I S C A L N O T E

REQUEST:
Revision Date: April 12, 1994
Dept.Affected University of Alaska
Title: Relating to projects of the Alaska Aerospace Development Corporation
BRU:
Sponsor: House Labor & Commerce Cmt.
Components: Aerospace Development Corp.
Requestor:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST $

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Chair: Bill Hudson
Phone: 465-4954
Division: House Labor & Commerce Committee
Date: 4/12/94
Approved By:
Agency:
Date:

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HJR 64

F I S C A L N O T E

REQUEST:
Revision Date: April 12, 1994
Dept.Affected University of Alaska
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OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST $

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Chair: Bill Hudson
Phone: 465-4954
Division: House Labor & Commerce Committee
Date: 4/12/94
Approved By:
Agency:
Date:

SAMSON
TUG AND BARGE

ALASKAN OWNED
AND
OPERATED

March 22, 1994

Pat Lander
Alaska Aerospace
Anchorage, Alaska

Dear Pat,

Following is our rate quotation for shipping the rocket motors from Seattle to Kodiak.

The rate is based upon the shipment of two motors per sailing.

In order to keep the price down, Samson Tug and Barge would have to modify a 40 foot shipping platform with stanchions so that we can better utilize the deck space on our barges. The cost to modify each platform would be $6,500.00, payable by the shipper. We would need two platforms to make the trip to Kodiak and back (empty) to Seattle in a six-week period. If the motors were to move more frequently, we would have to modify two more at an additional cost to you.

Our rate for shipping the motors will be $11,500.00 per motor, and includes loading to the barge in Seattle and unloading to the first place of rest at the Kodiak dock. Marine insurance for the shipments will be provided for an additional 8% of the ocean revenue

If Keep From Freezing service is required, and additional charge of $.65 per hundred pounds will be charged. The shipper must supply the means to heat the crates, and the heating system must be compatible with our 220V, 3-phase generators.

The shipper is responsible to supply all required federal, state, and city permits to receive the motors at the Seattle terminal. An additional charge of $4.00 per ton will apply for Kodiak wharfage.

All the above rates and charges are predicated upon a 36 month agreement that the shipper will ship all rocket motors via Samson Tug and Barge's service with a 5% increase per year in the ocean rate.

In addition, Samson Tug and Barge would like to remain as the primary carrier for shipments of northbound and southbound supplies, parts, and building materials, provided they are not of a time-sensitive nature.

Our barges depart Seattle every 14 days with a transit time to Kodiak of 10 days, year-round.

We are an Alaskan owned and operated common carrier headquartered in Sitka, Alaska.

Please call with any questions or comments, and thank you for the opportunity to quote on this cargo.

Sincerely,

Rick Knight
MARKETING MANAGER

SAMSON
TUG AND BARGE

ALASKAN OWNED AND OPERATED

March 24, 1994

Ron Sabatino
Lockheed Space Operations
1100 Lockheed WAY LSO 003
Titusville, Florida 32780

Dear Mr. Sabatino,

After further consideration, we have determined that by modifying a 40 foot shipping platform with longer stanchions, we can better utilize the deck space on our barges, thereby lowering the cost of shipping the rocket motors from Seattle to Kodiak.

The initial cost to modify each platform would be $6,500.00, payable by the shipper. One platform would be needed per rocket motor in order to make the trip (loaded) to Kodiak and return the empty platform back to Seattle in a six week period. If the motors were to move more frequently, we would have to modify more platforms to accomodate the schedule.

Our ocean rate for shipping the motors (9'x 9'x 29'.....137,000 lbs) will be $11,500.00 per motor. The rate includes loading to the barge in Seattle and unloading to the first place of rest at our Kodiak dock. Marine insurance will be provided for an additional 8% of the ocean charges.

If Keep From Freezing service is required, an additional charge of $.65 per hundred pounds will be charged. The shipper must supply the means to heat the crates, and the heating system must be compatible with our 220 volt, 3-phase generation system.

The shipper is responsible to supply all federal, state, and city permits to receive the motors at our Seattle terminal. An additional charge of $4.00 per short ton will apply for Kodiak wharfage. Seattle wharfage is included in the rate.

All rates and charges are predicated upon the shipment of all rocket motors on Samson Tug and Barge, as stated in a signed agreement between shipper and carrier, over a 36 month period, with a 5% increase in the ocean rate every 12 months. In addition, Samson Tug and Barge Company would like to remain the primary carrier for all shipments of northbound supplies, parts, building materials, and related equipment, with the understanding that there may be shipments that are of a time-sensitive nature that may need to move by alternate routes.

Our barges depart Seattle every 14 days with a 10 day transit time to Kodiak. We are an Alaskan owned and operated common carrier headquartered in Sitka, Alaska.

Please call with any questions or comments, and thank you for the oportunity to quote on this cargo.

Sincerely,

Rick Knight
MARKETING MANAGER

24 March 1994

Mr. Pat Ladner
Executive Director
Alaska Aerospace Development Corp.
3601 C Street, Suite 1400
Anchorage, AK 99503

Dear Pat:

As an Alaska based air carrier, MarkAir would very much like to participate in the Alaska Orbital Launch Complex located in Kodiak, Alaska. For almost half a century, MarkAir has been a proud participant in the air transportation industry. From our beginning in Fairbanks, Alaska in 1947, MarkAir has grown and changed, and today ranks as Alaska's largest air carrier, providing scheduled passenger and cargo service to 15 destinations in the Continental United States and 145 communities throughout the state of Alaska.

The early 1990's have seen a dramatic new phase of MarkAir's growth - an expansion of service within Alaska and from Alaska to Seattle and other destinations across the U.S., including New York, Chicago, Cincinnati, Dallas/Fort Worth, Atlanta, Minneapolis, Phoenix, Washington, D.C., San Diego, Los Angeles, San Francisco, Kansas City, Denver and Las Vegas. Utilizing Boeing 737-400, 300 and Boeing 737-200 combination passenger/cargo jets MarkAir offers reliable and flexible service throughout the United States.

(907) 243-1414 • 800-544-0181 • Telex: 090-25274 MARKAIR AHG
P.O. Box 196769 • 4100 W. International Airport Road • Anchorage, Alaska 99519-6769

As a participant in the program MarkAir could offer the AADC the lowest fare in the markets we serve for a minimum of three years. Following are some examples of these fares:

Chicago to Anchorage - $306.00 one way
Washington, D.C to Anchorage - $363.00 one way
San Francisco to Anchorage - $254.00 one way
San Francisco to Kodiak - $306.00 one way
San Francisco to Fairbanks - $274.00 one way
Anchorage to Kodiak - $92.00

As I stated, these are just a few examples of the fares MarkAir could offer. In most cases our published fares are lower than the current Government fares, however, if the Government fare happens to be lower than our published fare we would be happy to match the Government fare. Please keep in mind that these examples are current fares, and I'm sure you are aware they change quite often.

Thank you for the opportunity to discuss this partnership with you. If you are interested in MarkAir's participation, please let me know and we will be happy to draw up a contract. I can be reached at 907/266-3626.

Sincerely,

Steven Smith
Director Passenger Sales

APR-12-94 TUE 11:01 AADC FAX NO. 9075613339 P.06

SENT BY:Xerox Telecopier 7020 ; 4- 6-94 ; 9:07AM ; 9074655442→ 9075613339;# 1

NO.184 002

Fax: Ladner 561-3339

From: Comm. Fuks

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

Bilan ... cc: WJH

RECEIVED

APR 6 1994

March 21, 1994

The Honorable Walter J. Hickel
Governor of the State of Alaska
Office of the Governor
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Wally:

Thank you for writing to me about the Alaska Aerospace Development Corporation (AADC). I have also been contacted by Mayor Carolyn Floyd of Kodiak on this matter. Your support for the facility on Kodiak is important. My staff has been briefed by AADC on the proposed site and Mayor Jerome Selby talked to me personally about it when he was in town a few weeks ago.

I will try to support the effort on the Kodiak facility because of your urging and because of the possible economic benefits to the State that you suggest.

Thanks again for your letter. My staff has begun working to help.

With best wishes,

Cordially,

TED STEVENS

RECEIVED

APR - 1 1994

GOVERNOR'S OFFICE

APR-12-94 TUE 11:01 AADC FAX NO. 9075613339 P. 06

SENT BY:Xerox Telecopier 7020 ; 4- 6-94 ; 8:07AM ; 9074655442→ 9075613339;# 1

NO. 184 002

Fax: Ladner 561-3339

From: Comm. Fuks

Brian ...
cc: WJH

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

RECEIVED
APR 6 1994

March 21, 1994

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Office of the Governor
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I will try to support the effort on the Kodiak facility because of your urging and because of the possible economic benefits to the State that you suggest.

Thanks again for your letter. My staff has begun working to help.

With best wishes,

Cordially,

Ted

TED STEVENS

RECEIVED
APR - 1 1994
GOVERNOR'S OFFICE

P. O. Box 25
Kodiak, AK 99615
March 22, 1994

Mike Sullivan
Natural Resource Manager
Division of Land
3601 C Street
Anchorage, AK 99510-7005

Dear Mr. Sullivan:

Thankyou for your letter of March 1, 1994, informing me about the Alaska Aerospace Corporation and their intention of placing an orbital launch facility near Narrow Cape on Kodiak Island.

As far as I know, I am the only land owner other than Bill Burton in the entire area for several miles. I have five acres, US Survey No. 5703, which borders their proposal on the south.

Having been associated with this area for forty-five years, I think it is an excellent choice for the aerospace development. Knowing about the weather conditions, the temperature, and the open space, as well as the roads and communications, I would consider their choice ideal compared to any other location. There should be no interference with anything going on in the area at the present time.

My cattle run with Mr. Burton's cattle and buffalo on his ranch. Also on my five acres, I have cabins and two houses, and am continually building and improving the area as a camp site. There were approximately 150 people attending camps last year during the summer months.

I would encourage the Corporation to locate in the Narrow Cape area for the following reasons:

(1) There are roads already built left over from WWII.

(2) There is electrical power that comes from the Kodiak Electric Association, which is hydroelectric power with a diesel backup.

(3) The area has the best climate on Kodiak Island with very little snow that seldom stays on the ground over a week, since it is located on the east side of the Island, where the ocean currects run in three directions, effecting the weather.

(4) There is adequate open space.

Personally as I look toward the future, I can see nothing but an expanded business growing in leaps and bounds. An article in our paper last night told of a company that expects to launch 840 satellites that will orbit the earth at a low altitude by the year

2001. Proposed by two of the country's most accomplished high-tech entrepreneurs today, the $9 billion project would consist of a satellite communications network that would link every spot on our globe.

If I can be of any further assistance, please contact me.

Yours truly,

De Witt Fields

PTI COMMUNICATIONS

3940 Arctic Blvd.
Anchorage, Alaska
99503

907/ 562-1231

March 28, 1994

Mr. Pat Ladner
Executive Director
Alaska Aerospace Development Corp
3601 C Street, Suite 1400
Anchorage, AK 99503

Dear Mr. Ladner:

This letter will confirm our earlier conversation.

PTI Communications is very interested in being a partner for the Kodiak Alaska Orbital Launch Complex (AOLC).

As the local exchange telephone company on Kodiak Island, PTI has resources to contribute to your project in communications engineering, construction and system design fields.

We look forward to establishing a working relationship with the Alaska Aerospace Development Corporation in order to assist the achievement of the goals established by your organization.

If you have any questions or need further information, please call me at 564-3003.

Sincerely,

Jan J. Williams
Customer Service Manager

cc: Bernie Murray
Chuck Stauffer

WALTER J. HICKEL
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 3, 1994

The Honorable Ted Stevens
United States Senate
522 Hart Office Building
Washington, DC 20510-0201

Dear Ted,

It is my understanding that the Alaska Aerospace Development Corporation (AADC) recently selected Kodiak Island as the site for the development of an orbital launch facility. I am writing to express my support for that decision.

The development of an orbital launch facility within the State of Alaska is a positive step towards diversification of the state's economy. It is anticipated that the launch facility will result in increased economic development within the state, including the creation of highly-skilled and high-paying jobs. It is also anticipated that the launch facility and the personnel who work there will provide the citizens of Kodiak Island with valuable educational opportunities.

For the reasons stated above, I urge your continued support of the AADC and its development of an orbital launch facility on Kodiak Island. Thank you for your consideration of this important issue.

With best regards.

Sincerely,

S/S WALTER J. HICKEL

Walter J. Hickel
Governor

bcc: Mr. Pat Ladner
WJH/BPM/ec

0101
Support for AK Aerospace Development Corp. Kodiak site

Introduced by:	Mayor Selby
Requested by:	Assembly
Drafted by:	Mayor Selby
Introduced:	01/25/94
Adopted:	01/25/94

KODIAK ISLAND BOROUGH
RESOLUTION NO. 94-04

A RESOLUTION URGING THE ALASKA AEROSPACE DEVELOPMENT CORPORATION TO DESIGNATE CAPE CHINIAK, KODIAK ISLAND AS THE ALASKA LAUNCH FACILITY SITE

WHEREAS, the Alaska Aerospace Development Corporation has been going through the process of selecting a site for the construction of an Alaska orbital launch facility; and

WHEREAS, Cape Chiniak, Kodiak Island is one of the three finalist sites under consideration by the Corporation for the placement of the launch facility and

WHEREAS, the Corporation has initiated negotiations with the Lesnoi Corporation to lease the land that would be necessary for development of the launch facility; and

WHEREAS, the Cape Chiniak site is superior to the other two finalists under consideration due to the downrange open ocean to the south of Kodiak Island; and

WHEREAS, the infrastructure necessary for bringing in the rockets and satellites for launching exists on Kodiak Island in the form of both sea and air transportation, thereby reducing the expenditure that would be required to develop a viable launch facility site at Cape Chiniak; and

WHEREAS, the Kodiak harbor offers an ice-free port that would accommodate year round utilization for transportation of necessary rockets and supporting equipment; and

WHEREAS, the addition of scientific effort concerning communication satellites would be compatible with the growing scientific community in Kodiak dealing primarily with fisheries and related research;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: The Alaska Aerospace Development Corporation is urged to designate Cape Chiniak as the preferred site for placement of the Alaska orbital launch facility.

Section 2: The Kodiak Island Borough stands ready to provide what assistance it can through its resource management and community development departments to the Alaska Aerospace Corporation in bringing this faciilty to completion.

Section 3: The Kodiak Island Borough Assembly is willing to consider reasonable tax exemptions and other economic considerations if the Chiniak site is selected.

ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THIS TWENTY-FIFTH DAY OF JANUARY, 1994

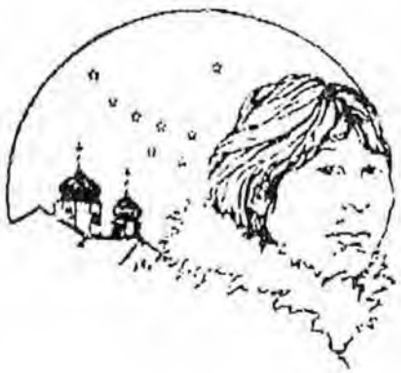
KODIAK ISLAND BOROUGH

Jerome M. Selby, Borough Mayor

Jack L. McFarland, Presiding Officer

ATTEST:

Donna F. Smith, Borough Clerk



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
PHONE (907) 486-5736

January 28, 1994

Mr. Pat Ladner, Executive Director
Alaska Aerospace Development Corporation
3601 C Street, Suite 1400
Anchorage, AK 99503

Dear Mr. Ladner:

In response to your letter of January 24, 1994, I would like to reiterate that there is a great deal of support in the Kodiak Island community for the Chiniak site to be selected and used by your corporation as the Alaska launch facility. The Kodiak Island Borough Assembly is quite interested in seeing this project successfully completed at Chiniak and has adopted the enclosed resolution urging your board of directors to select the Chiniak site. The Assembly is willing to make reasonable tax exemptions in order to give the corporation a competitive advantage in becoming a successful launch site for commercial satellites.

You have outlined specific concerns in your letter, item one being the question of tax to Lesnoi for the land leased by the AADC. As Borough Assessor, Pat Carlson, pointed out to you during your visit, all developed property is taxable by state statute to the native corporation. Obviously, the placement of aerospace facilities on that land would meet the definition of developed property. However, the developed property would be limited to the footprint of actual utilization, which you described as including three specific sites: the launch pad, the control/office building and the assembly/warehouse building. Hence, very little of the land, perhaps five to ten acres, would be considered to be developed and thereby, taxable.

In response to item number two, our research of state law found that the Kodiak Island Borough Assembly could issue a tax exemption for the five to ten acres as economic development property under AS 29.45.050, Section M. The Assembly has indicated in the enclosed resolution that they are willing to consider an exemption, and quite frankly, I would anticipate that it would be adopted by the Assembly if your board were to select the Chiniak site. Hence, the land

tax would not be an issue and there would be no taxation of the land. Similarly, there would be no taxation on the buildings or other property owned by the AADC, since you are a tax exempt not for profit organization.

The land surrounding the foot print and included in the "safety zone" would continue to be considered undeveloped lands as long as there is no other activity on the land, which would mean a no tax status under state and federal law. The actual term of the exemption is something that would need to be discussed when a lease agreement between AADC and Lesnoi has been completed and forwarded to the Assembly for consideration. Their commitment to a possible fifteen year tax exemption would be somewhat guided by the terms of the lease. The Assembly understands the importance of AADC being able to compete nationally and internationally for commercial launching and it is the Assembly's intent to avoid placing AADC into an unfavorable competitive situation over a relatively small amount of tax revenue.

Item three concerns an exemption for launch related equipment which would be stored at the launch site. I would anticipate no problem with providing a tax exemption for such equipment stored at the facility for launching purposes. As we have indicated to you previously, the rockets and the satellites themselves would not be subject to taxation because they would not normally be within the Kodiak Island Borough boundaries for the ninety days in which they would be identified as taxable personal property by the Borough.

Your final item deals with zoning. I don't anticipate a problem obtaining appropriate zoning for this operation. I have talked with some of the folks living in the Chiniak area and have received a considerable amount of enthusiasm for the project at this time. Since zoning issues normally center on buffer zones and incompatible uses being located too closely, and AADC must by necessity provide a large buffer and safety zone around the launch site, I do not anticipate this being an issue, particularly with the large amount of land surrounding the potential site. It should be possible for the zoning process to be completed within a three month period of time.

Having discussed these items with the Assembly, I don't anticipate any of these issues to be a problem. The Assembly is quite amenable to doing anything reasonable to help the corporation get established in Chiniak and become a successful venture for launching rockets from the Cape Chiniak Launching Facility. Based upon our research, we would conclude that there are simply no roadblocks to

prevent you from being able to operate the Chiniak facility with no tax impact to AADC or to Lesnoi Corporation. The only concern I have heard expressed in the community at all other than outright enthusiasm for this project is the concern for the possibility of nuclear powered satellites or some other form of nuclear materials being used at the site. Since you have assured us there would be no nuclear materials involved in any of the launches at Chiniak, this should be a non-issue as well. I feel that you will have a great deal of support for this venture from the entire Kodiak community when you have completed your community information process. If I can provide you with any additional information or further clarification, please do not hesitate to contact me at 486-9300. We look forward to working with you and hope that you and your board of directors find our island as desirable for this venture as we find it desirable to live here. The Kodiak Island Borough is ready to assist you in any way that we can if Cape Chiniak is selected as your launch site.

Sincerely,

KODIAK ISLAND BOROUGH

Jerome M. Selby

Jerome M. Selby
Borough Mayor

THE
FOLLOWING
DOCUMENTS
ARE
POOR
ORIGINAL
COPIES

RECEIVED

FEB 2 3 1994

Al-Gin Inn
at
Kalsin Inn Ranch • Mile 30 Chiniak Hwy. • P.O. Box 1696 • Kodiak, AK. 99615

Kodiak, AK
Feb 21/94

Dear Pat,

This letter is in regards to the crew space that seem to be going into the Pasagshak or Chiniak area.

Kalsin Bay Inn has housed numerous development crews that have come into this area over the past 23 years. We are equipped with a hotel area adjacent to our Inn. We have 16 rooms, 2 men to a room, which meets union requirements for space. It also has a laundry facility, shower rooms, T.V. in the Commons area, books etc.

The Inn has a bar, liquor store, & full menu restaurant.

We have approx. 8 acres portions of this can be used for staging & storage area. There is a full [illegible] unit ice machine which has been used in the past.

We can house your crew & provide all meals.

We had a crew here in "1985" - Nelson Construction [illegible] (Bridge Builders) we fed 35 to 40 men daily 3 meals a day. Six years ago we housed & fed the crew of Fish hatch & [illegible] they built our [illegible] while. We fed 25 to 30 a day 3 meals.

Also we housed the crew of Ed [illegible] [illegible] when they were building the Narrow Cape Loran station. We also housed the crew & all

~~Al-Gin-Inn~~
at
Kalsin Inn Ranch • Mile 30 Chiniak Hwy. • P.O. Box 1696 • Kodiak, AK. 99615

II. Also we fed the W.W. Tee Company (Richard Welch) from Anchorage when they built the Coast Guard new Hospital.

We support you coming into our community and would appreciate the opportunity to do business with your company.

We are located at mile 29 Chiniak Hwy.
P.O. Box 1696, Kodiak, Ak 99615.
Contact Virginia (Ginny) Sargent or Wayne Sargent.

Respectfully,
Virginia Sargent

file Kodiak

MAYOR AND CITY COUNCIL
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February 24, 1994

Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, D.C. 20510-0201

RE: Orbital Launch Facility

Dear Senator Stevens:

The purpose of this letter is to communicate my support for the recent decision of the Alaska Aerospace Development Corporation (AADC) to develop an orbital launch facility on Kodiak Island. The City of Kodiak welcomes the development of such a facility, which we believe will bring both economic and educational benefits to the City and its residents.

It is my understanding that AADC is considering two sites on Kodiak Island, but has not yet selected the site for the launch facility. The City has no preference for which site is chosen, and is ready to provide its assistance to AADC regardless of the final selection.

We look forward to working with AADC as it moves toward development of the launch facility. It is our hope that you will continue to support both AADC and its orbital launch facility.

Thank you.

Sincerely,

CITY OF KODIAK

Carolyn L. Floyd

CAROLYN L. FLOYD
Mayor

CLF/mhd