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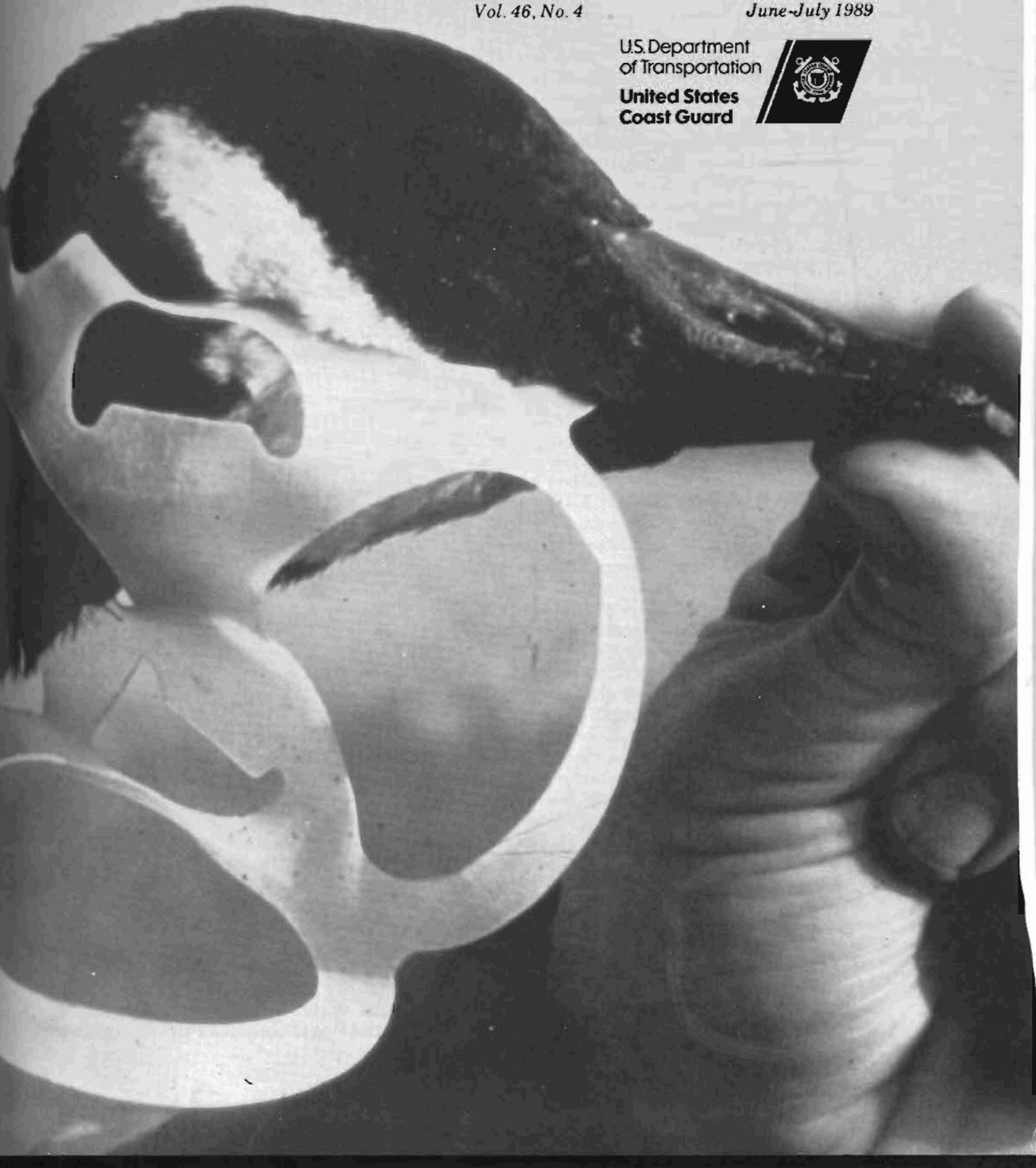

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Cover

Ocean pollution comes in many forms. Much of it comes from common items people throw into the water or leave on the beach -- six-pack rings, fishing lines, and strapping bands. These items entangle and kill sea birds, fish, and mammals. Plastics can last many hundreds of years, harming even large animals like the gray whale. Even small plastic bags can be hazards -- sea creatures mistake them for jellyfish. With plastic filling their stomachs, animals may die of starvation or poisoning. Our cover photo shows a sea bird that nearly strangled after slipping its head through a six-pack ring. Make it a policy that no one throws plastic trash, or trash of any kind, into the water from your vessel. *(Photo provided by the Coast Guard's Public Information Assist Team)*

MARPOL Annex V: Long Overdue

MST1 Steve Wischmann

From the air, the long stretch of Texas beach looks warm and inviting. Below the smooth path of the Coast Guard helicopter are sunbathers and fishermen. But the heights traveled by the helicopter distort reality. When driving along the beach, one sees a disgusting array of trash for as far as the eye can see. One quickly notices that most of the material spoiling the beach is made of plastic. Paper products are few and far between, but the plastic milk jugs, buckets, drink containers, and six-pack rings are everywhere. Of course, we come upon several drums as well. The Coast Guard supervises the recovery of these beached drums when it is determined that they may contain hazardous material. That task is worthwhile but endless. There are a lot of industrial drums of all sizes floating in the Gulf of Mexico. If the drums washing onto the beach are a constant problem, the plastic trash is overwhelming. What can be done to solve this problem,? One of the answers is MARPOL Annex V. This international maritime cooperation was designed to regulate garbage dumping in the world's oceans.

The International Convention for the Prevention of Pollution from Ships (MARPOL) was initiated in 1973 with the adoption of MARPOL Annex I. This body of regulations, which went into effect April 6, 1987, deals with the ocean transport and handling of noxious liquid substances, the chemicals not considered oil. Annexes III and IV are forthcoming and will address hazardous substances shipped in packaged form and marine sewage waste, respectively. MARPOL Annex V regulates ocean pollution by trash, plastic trash in particular. This section of the MARPOL regulations was ratified by the United States in 1987 and went into effect December 31, 1988. The implementation of enforcement for these regulations is progressing steadily.

Annex V's requirements prohibit dumping plastic materials into the oceans at any distance from land. At-sea dumping of other garbage items is regulated by distance from land and garbage types. The plastics addressed by this part of the MARPOL agreement include, but are not limited to, items ranging from plastic bags, styrofoam cups, and six-pack holders, to syringes and plastic cigarette lighters. MARPOL Annex V applies to all watercraft, including recreational and commercial craft, both foreign and domestic, when in U.S. navigable waters out to the 25-mile mark. Dumping plastic items is prohibited anywhere on the oceans. The nations required to comply with this agreement are those who are signatory. Nations which are not signatory will most likely comply by virtue of conducting shipping business in the United States, and they may face penalization from the Coast Guard if they do not adhere to the MARPOL convention requirements while in U.S. waters. Though MARPOL Annex V does not address land-based pollution, it does identify a large contributor to the problem of garbage-infested beaches. In 1975 the National Academy of Science estimated that the total yearly amount of litter generated in the oceans was approximately 14 billion pounds. Much of this tonnage was plastic trash.

What makes plastic trash particularly troublesome is the fact that it takes hundreds of years to decompose. Some plastic items will break down quicker than others, but as a rule, plastic requires tremendous amounts of time to go away on its own. Some new technologies are addressing the problem of plastic trash decay. Many plastic products are now being produced in degradable form. Plastic recycling is also a growing industry. The frightening aspect of the plastic trash problem is the fact that even if we quit dumping trash into the seas today, we would still have trash, particularly plastic trash, washing up on our beaches for generations to come.

Petty Officer Wischmann, a Marine Science Technician First Class, currently serves as a pollution investigator at the Coast Guard Marine Safety Office in Corpus Christi, Texas.

With the rising tide of environmental awareness comes a sterling opportunity for all of us to make ourselves, and those around us, aware of the urgency of the matter. We must begin now, and not a moment later, to combat the destruction of the ocean environment. The MARPOL agreements are good steps to that end. Several things that can and should be done are listed below:

- The United States, being the largest industrial polluter in the world, should take an aggressive lead in research and development of effective plastic recycling. In addition, our technological preeminence should be applied to developing degradable plastics, especially for consumer items.

- All people of this country, and eventually the world, must be motivated to recycle when the opportunity presents itself. Recycling is an area of technology that must be vigorously pursued for plastics, as well as other materials, such as glass and paper. Recycling works.

- As the enforcement agency for the Annex V regulations in this country, the Coast Guard must implement its enforcement with the same enthusiasm and professionalism it has demonstrated in the enforcement of the other MARPOL regulations.

Ocean pollution is a global problem, yet as Americans we have a unique opportunity to help correct it. We must do this, and we will. We must look to the day when a visit to the beach will not be a shocking reminder that the oceans have been blatantly abused. The time for action is now. As is fitting, the Coast Guard will help lead the fight against the polluting of our waters.

A Winch Snags Another Life

Thomas J. Pettin

A carefree fishing expedition became a deadly nightmare when a man aboard a fishing vessel was pulled into the cable drum of a winch and crushed. It is unknown why the victim grabbed the cable; however, he might have grabbed it to correct the lay of the cable as it was being wound onto the drum. The cable snagged his hand and pulled his torso into the drum.

The winch that caused the accident is used to lower and raise port and starboard fishing nets. It operates by a master control which engages a clutch connected to the main engine, and the clutch drives the mechanical gears of the winch. A friction brake is used to slow and stop the drum from turning. The winch, which was over 40 years old and badly corroded, had no personnel guards or emergency shutoff or disengage controls. The cables on the drum were badly frayed and rusty. The winch is usually in use 8 or more hours per day to lower and raise the booms and nets. During this time, the drums are rotated at a high rate of speed to keep the catch in the nets.

Just before the casualty, the victim had engaged the control to pull in the nets. As the cable began to wind, the victim grabbed the line with his left hand. His left thumb became caught between the drum and the cable, and in an instant his left arm was pulled into the drum. A companion nearby tried to engage the control lever to stop the drum from turning, but the victim's body was being pulled against the control lever. As the drum continued to wind, it pulled the victim's upper torso into the winch. This crushed his chest and amputated his left arm and shoulder. This horrible event occurred in less than one minute. The victim showed no signs of life, and removing his body from the winch was not attempted.

This was the third known winch-related casualty occurring in Louisiana waters in 1988. An almost identical accident occurred a few months earlier aboard a trawler. That accident resulted in a leg amputation.

As part of the investigations into these accidents, the winches on several shrimp vessels were examined, and the fishermens' ideas were solicited. One experienced shrimp vessel captain stated that everyone in the industry has known someone who has gotten caught in a winch. It is probable that many reportable casualties occurring on commercial fishing vessels are not being reported.

There are no federal regulations concerning winches on uninspected fishing vessels. Winches, however, are addressed in Navigation and Vessel Inspection Circular (NVIC) 4-82, entitled "Uninspected Commercial Vessel Safety," and NVIC 5-86, "Voluntary Standards for U.S. Uninspected Commercial Fishing Vessels." Both NVICs address the inherent hazards associated with winches. Winches used aboard fishing vessels are large pieces of equipment. They may cover 20 percent of the aft deck work area on a fishing trawler. The winches are most often found with few, if any, personnel guards around their chain/gear driven parts or rotating drums.

The proximate cause of this casualty was the victim's unsafe movement while operating a diesel-powered winch. A contributing cause was the lack of adequate personnel guards on the winch.

The Coast Guard investigating officer into this case stated that the commercial fishing industry is largely unfamiliar with existing federal regulations applicable to vessels in the fisheries service, especially in the Gulf of Mexico. He also stated that the industry is largely unfamiliar with Coast Guard published Navigation and Vessel Inspection Circulars (NVICs), Marine Safety Newsletters, safety publications, etc. A further dissemination of safety information can be made through more Coast Guard contacts with industry trade associations and ice plant/packing plant facilities, during routine Coast Guard boardings, and through marine safety newsletters specific to the fishing industry.∎

IMO Resolutions

Resolution A.535(13) adopted on 17 November 1983

The International Maritime Organization is the specialized agency of the United Nations that deals with maritime affairs. Every 2 years there is a meeting of the IMO Assembly. One of the results of the IMO Assembly is the publication of a series of Assembly Resolutions. These resolutions primarily address either budget and policy issues or are technical in nature. The technical resolutions have their genesis from the organization's two primary committees: the Maritime Safety Committee and the Marine Environment Protection Committee. There are 10 technical Subcommittees which address the full range of ship design construction and operation. Often there are topics or issues which may not require development of international regulations, but which are important. Assembly resolutions can serve this purpose.

Each month we will be publishing a relevant resolution. This month's resolution was developed as a result of the grounding of the **Amoco Cadiz**. *One of the problems encountered in this disaster was the salvage tug's inability to secure lines to the vessel to pull it from danger. The Design and Equipment Subcommittee analyzed a series of casualties and developed recommendations for the provision of emergency towing requirements for tankers. As a result, Assembly Resolution A/13/Res. 535 was adopted. The text of that resolution is provided herewith.*

THE ASSEMBLY,

RECALLING Article 16(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations concerning maritime safety,

NOTING that ships carrying oil, liquefied gases or other hazardous liquids in bulk (referred to hereinafter as tankers), in emergencies such as complete mechanical breakdowns, may need to be towed out of danger,

RECOGNIZING that some existing tankers are equipped with special fittings for use at single-point moorings which may be suitable for emergency towing,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its forty-eighth session,

1. ADOPTS the Recommendation on Emergency Towing Requirements for Tankers, the text of which is set out in the Annex to this resolution;
2. RECOMMENDS that all Governments concerned take appropriate steps to give effect to the Recommendation as soon as possible;
3. REQUESTS the Maritime Safety Committee to keep the Recommendation under review, in particular in respect to new towing concepts which may be introduced and to report as necessary to the Assembly.

Recommendation on Emergency Towing Requirements for Tankers

1 Purpose

The purpose of this Recommendation is to facilitate salvage and emergency towing operations on new and existing tankers primarily to reduce the risk of pollution. The Recommendation recognizes the need for harmonization of components in the towing system and uses as a reference the system shown in figure 1. The major components of the system are the tug or towing vessel; the towline; the pennant, the chafing chain; the fairlead; and the towing gear connection or strongpoint on the vessel to be towed. The system should facilitate ease of connection and should be capable of being connected and released on bard the towed vessel in the absence of main power. The system should be standardized at the point of connection of the towline to the chafing chain.

2 Requirements

2.1 Application

All tankers greater than 50,000 tonnes deadweight built after adoption of this resolution should be fitted with emergency towing arrangements at the bow and stern. All tankers greater than 100,000 tonnes deadweight built before adoption, should be fitted with emergency towing positions at the bow and stern at the first scheduled drydocking following adoption but not later than five years after adoption. Each towing position should be fitted with a strongpoint, chafing chain, and fairlead.

2.2 Strength of towing system components

Towing system components (strongpoint, chafing chain, fairlead, and supporting structure) should have a working strength of at least 2000 kN (working strength is defined as one half ultimate strength). The strength should be sufficient for all angles of towline up to 90° from the ship's centreline.

2.3 Location of strongpoint and fairlead

The bow and stern strongpoint and fairleads should be located so as to facilitate towing from either side of the bow or stern and minimize the stress on the towing system. The axis of the towing gear should, as far as practicable, be parallel to and not more than 1.5 m from either side of the centreline. The distance between the strongpoint and the fairlead should be not less than 2.7 m and not more than 5 m.

2.4 Strongpoint

The towing connection should be a stopper or bracket or other fitting of equivalent strength and ease of connection to the satisfaction of the Administration.

2.5 Fairleads

.1 Size. Fairleads should have an opening large enough to pass the largest portion of the chafing chain, towing pennant, or their connections. The minimum opening should be an oval with horizontal axis of at least 600 mm and vertical axis of 450 mm.

.2 Type. Fairleads should be constructed so that the chafing chain will be constrained within the fairlead during the towing operation.

.3 Geometry. Fairleads should be configured to avoid the risk of fouling when a strain is taken on the chain and to minimize the reduction in strength of the chafing chain when the chain is at a 90° angle to the fairlead. The ratio of the fairlead chain bearing surface diameter to chain diameter should be at least 7:1. The outboard lips of the fairleads should as far as practicable be flush with the bulwarks. The inboard end of the fairlead should be fitted to avoid fouling of any part of the towing system when under load or being handled.

.4 Vertical location. The fairleads should be located as close as possible to the deck and, in any case, in such a position that the chafing chain is approximately parallel to the deck when it is under strain between the strongpoint and the fairlead.

2.6 Chafing chain

.1 Stowage. The chafing chain should be stowed in such a way as to be rapidly connected to the strongpoint.

.2 Length. The chafing chain should be long enough to ensure that the towing pennant remains outside the fairlead during the towing operation. A chain extending from the strongpoint to a point at least 3 m beyond the fairlead should meet this criterion.

.3 Construction. The chafing chain should be 76 mm in diameter, grade U-3, stud link chain.

.4 Connecting links. One end of the chafing chain should be suitable for connection to the strongpoint. The other end should be fitted with a standardized pear-shaped open link. Connecting links should be constructed of grade U-3 steel.

2.7 Fittings for connection

Tankers should be fitted in the bow and stern with suitable fittings which facilitate

passing the towing pennant from the rescue vessel using the rescue vessel's power.

3 Information to be available for a towing vessel

3.1 Any ship requiring towing assistance should have available on board information concerning emergency towing arrangements at the bow and stern. A standard list of such information is given in the appendix to this Recommendation.

3.2 This information should be displayed permanently on the navigating bridge or be otherwise readily available for immediate transmission to the towing vessel.

4 Existing tankers

When considering the requirements in paragraph 2 for tankers greater than 100,000 tonnes deadweight built before adoption of this Recommendation, the Administration should take into account existing fittings and arrangements and permit their use wherever reasonable and practicable. Notwithstanding the above, the requirements in paragraph 2.6.4 should be maintained.

List of Information To Be Transmitted to the Towing Ship

1 Usable strongpoints

Type
Dimensions
Working strength in tonnes (one half ultimate strength)

1.1 For a stopper
Maximum and minimum size of chain accepted

1.2 For a towing bracket
Clearance between side plates
Length and thickness of towing bracket pin
Clear distance between pin and base plate
Distance between back of pin and front of side plates

1.3 For bitts (ships not fitted with special strongpoint)
Diameter of bitts
Possibility of using two pairs of bitts simultaneously
Working strength in tonnes (one half ultimate strength)

2 Fairleads

Type
Internal dimensions (dimensions of horizontal and vertical axes)
Distance between fairlead and strongpoint
Position in relation to ship's centreline and deck

3 Other Components Available on Board

3.1 Existence of a chafing chain
Diameter
Grade
Length beyond fairlead
Dimensions of open link

3.2 Existence of a towing pennant wire
Diameter
Length
Strength

3.3 Other components, if any
Possibility of using ship's winches to haul a towing wire on board. ∎

"It'll never get off the ground."

Hazardous Materials Information Exchange

A new management tool is available to federal, state, and industry hazardous materials management and emergency response personnel. The Hazardous Materials Information Exchange (HMIX) is an electronic bulletin board sponsored jointly by the Federal Emergency Management Agency (FEMA) and the Department of Transportation's Research and Special Programs Administration (RSPA).

The HMIX is designed to provide emergency response, contingency planning personnel, and others involved in the hazardous materials community with a mechanism to communicate with one another and to provide a centralized database to allow them to pool their resources to better prevent, prepare for, or mitigate hazardous materials emergencies.

Information in the HMIX can be obtained by either of two ways. Users who are equipped with a personal computer, a 300, 1200, or 2400 baud modem, and any communications software can dial commercial (312) or FTS 972-3275. This service is FREE (the caller pays only for associated phone charges) and can be accessed 24 hours a day, 7 days a week. Those without a computer or who need assistance can call, toll free, 1-800-PLANFOR. An information systems technician is available to provide assistance Monday through Friday, 8:30 a.m. to 4:40 p.m. Central Time. In Illinois, call 1-800-367-9592 for help

The HMIX system consists of a bulletin service and seven information "conferences." The bulletin service provides current items of interest to system users. The information conferences includes listings of the following:

- workshops, symposia, etc.;
- instructional material and literature;
- toll-free telephone numbers and on-line databases;
- abstracts of regulations, laws, and news events; and
- organizational contacts.

In addition to information dissemination, the HMIX enables all users to readily communicate with one another.

After logging onto the HMIX, the user is guided through the system by a menu-driven program that allows even a computer novice to select and access information with a series of one- or two-character commands that are displayed on the screen. The user may scan the bulletin, read today's mail for messages, or join a conference. A user who accesses the conference of laws and regulations, for example, will find regulations and laws divided into six categories: Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Occupational Safety and Health Administration (OSHA), Superfund Amendments and Reauthorization Act of 1986 (SARA), Transportation, Archived Transportation Information, and Other. The user selects the desired listing, and it is displayed on the screen. A user joining the regional public- and private-sector hazmat information conference will find listings divided into 10 federal regions and eight information categories. The person then selects the region and information category of interest with a two-character command.

Since the HMIX was designed to provide a centralized "clearinghouse" and "exchange" system to pool resources from all over the country, users are encouraged to contribute to the system any information on training courses, programs, literature, or events that may be of interest or use to others. Information can be added in two ways:

- (1) If the information is in machine-readable format, it can be uploaded directly from the user's personal computer to the bulletin board.

- (2) The user may send the information to one of the HMIX Coordinators (FEMA or RSPA).

FEMA and RSPA are encouraging users to upload information directly to the board where possible. A HMIX User's Guide, which provides detailed instructions on the operation of the bulletin board, is available to anyone who desires a copy. The User's Guide and HMIX brochure may be obtained by dialing toll-free 1-800-PLANFOR.∎

The Three R's of Bareboat Chartering: Rights, Responsibilities, and Risks

Do you bareboat charter vessels for use by yourself or your company? Did you know that the penalties for any deficiencies found on the vessel or for improper operation of the vessel were your responsibility?

Do you bareboat charter your vessel to others to defray the cost of ownership? Did you know that you risk losing your vessel by forfeiture to the government for the illegal actions of your charterer?

This article is intended to highlight some of the possible implications and consequences of bareboat charters of recreational vessels. *Recreational vessel owners who attempt to bareboat charter their vessel may be surprised to learn that they have taken on greater risks than anticipated.* We will look at the background of this form of charter and how it evolved and clarify the relationships of the involved parties. This article focuses on the charter of vessels less than 100 gross tons, but many of the same principles pertain to the charter of larger vessels as well.

First some definitions of terms to be used will be helpful. A *small passenger vessel* is a vessel of less than 100 gross tons carrying more than six passengers and is required to be inspected by the Coast Guard. An *uninspected passenger vessel* is a vessel less than 100 gross tons carrying six or fewer passengers and is not required to be inspected. However, it is required to be under the command of an operator licensed by the Coast Guard and to comply with the rules in Title 46, Code of Federal Regulations, Subchapter C for uninspected commercial vessels. *For most purposes, any individual carried on either type of vessel, other than the owner or crew, is considered a* passenger; *however, the law does make an exception for "a guest on board a vessel being operated only for pleasure who has not contributed consideration for carriage on board."* Note that there are two parts to this exception: "operated only for pleasure" *and* "has not contributed consideration." Vessels which meet both of these criteria are considered *recreational vessels*. Consideration need not be in the form of money. Consideration includes anticipated future financial gain, such as that anticipated when entertaining business clients or prospective clients.

When an owner attempts to bareboat charter his or her vessel, he or she must consider the following issues: (1) If there *is not* a valid bareboat charter, does the vessel meet pertinent inspection and manning requirements, and is the vessel properly documented or numbered; and (2) If there *is* a valid bareboat charter, is the vessel nevertheless still carrying "passengers" (i.e., is the charterer carrying passengers). This again raises the inspection, manning and documentation concerns. As will be discussed below, *having a valid bareboat charter does not necessarily absolve an owner of risks and responsibilities.*

The bareboat charter has evolved as a highly complex contractual agreement between a vessel owner and a charterer who is willing to accept the benefits and consequences of ownership for a period of time. Historically, it was a device used with respect to large commercial vessels for multi-year periods. As the charterer accepts the benefits and liabilities of ownership, the owner must relinquish command, control, and possession of the vessel. It is *not* sufficient to establish this transfer solely on terms of the contract.

The courts have long held that the establishment of a bareboat charter must be contingent on more than the mere weight of the paper to support it. The actual conduct of the involved parties must be consistent with the written agreement. The vestiges of ownership must have in fact passed from the owner to the charterer for the term of the charter. The burden of establishing the existence of the bareboat charter rests with the owner, and this is indeed a heavy burden. *When the dealings and relationships between the involved parties are indicative of anything less than complete transfer*

Reprinted from the Coast Guard's Boating Safety Circular #68, March 1989, p. 9

of command, control, and possession, the courts are reluctant to find that the vessel was legally bareboat chartered.

The owner, charterer, and master/skipper all should be aware of their responsibilities and the risks involved in a bareboat charter.

Owner: Under the terms of a valid bareboat charter, the owner (be it an individual, partnership, corporation, etc.) of the vessel retains exclusive title to the vessel for the duration of the bareboat charter. Of course, as with any lease or rental-type agreement, the owner will receive some compensation or consideration for the use of the property.

The owner is charged with furnishing a generally seaworthy vessel, free of defects, to the charterer. To ensure this and that the vessel is returned in original condition (normal wear and tear excepted), it is generally stipulated that a survey by the owner and charterer is completed prior to commencement of the charter. This "on charter" survey establishes the condition of the vessel at the time the vessel is "handed over"to the charterer. It is also generally accepted that an "off charter" survey is conducted at the termination of the charter period to ensure that the vessel is returned in original condition exclusive of normal wear and tear.

Even with a valid bareboat charter of the vessel, the owner faces certain risks. *If the charterer improperly uses the vessel (for example, a pleasure yacht being used for commercial purposes), the vessel may be subjected to seizure and forfeiture.* Other violations may also call for seizure and forfeiture; for example, smuggling. *The owner may remain responsible for violations irrespective of the charter status.* An example may prove helpful:

A documented yacht (recreational vessel) is bareboat chartered to a group of individuals. The documentation of a vessel serves to establish its nationality and provides evidence of its qualification to engage in a given trade. There are five categories of U.S. federal documentation: **registry** (allows vessel to engage in foreign trade); **coastwise** (restricts trade between any two points embraced within the coastwise laws of the United States to vessels built, manned, owned, and controlled by U.S. citizens); **Great Lakes; fishery;** and **recreational**. Day sails -- with limited exceptions -- from a U.S. port are coastwise trade. The group hires a non-U.S. citizen as master or captain, and they take along a few paying passengers on a coastwise voyage to help defray expenses. All of this may be without the knowledge of the owner. If the vessel is a yacht documented only for recreation, it may not carry passengers. The vessel may be seized and forfeited for violation of the document and engaging in a protected (coastwise) trade. The owner may be held liable for civil penalties for allowing the vessel to be under the control of a non-U.S. citizen and for carrying passengers without the necessary safety certificates and licensed personnel.

If it is subsequently determined that no bareboat charter of the vessel existed, additional responsibilities fall on the owner. If the vessel is damaged or lost, the possibility exists that insurance coverage may be voided (depending on the terms of the insurance policy). If persons are injured, the owner may be sought as the responsible party, which becomes particularly important if merchant seamen are the injured parties. There will still be the civil penalties noted above with which to contend. In general, if it is found that a bareboat charter did not exist, the owner will be considered to have carried passengers on board the vessel. Any payment for the cruise/voyage would be sufficient to establish consideration for carriage on board.

Charterer: Under a valid bareboat charter, the charterer stands in the shoes of the owner of the vessel. The charterer has complete command, control, and possession of the vessel as if it were his or her own. There is usually a clause dealing with return of the vessel in the same condition as it was in at the start of the charter (off-charter survey). *Also, as the "owner" for the term of the charter, the charterer must assume responsibility for the vessel operations within the maritime laws and regulations.* Herein lies the risk to the charterer under this form of agreement.

The charterer, under a valid bareboat charter arrangement, assumes ownership for the purposes of several of the liabilities attendant to vessel operations. Under the laws dealing with merchant seamen protection, the owner (in this case the bareboat charterer) owes employees a safe place to work and proper equipment with which to work. The charterer becomes the warrantor of seaworthiness for his or her employees and passengers or guests. Proceedings resulting from negligent operation of the vessel may be directed toward the

charterer. Violations resulting from the carriage of passengers on a vessel which does not meet the regulations for passenger service may be directed to the charterer as well as the owner.

Coast Guard investigations have revealed numerous instances where vessels that were purported to be under a bareboat charter were actually engaged in the carriage of passengers. More often than not, purported charterers did not understand the bareboat charter agreement or the potential liabilities and risks they were assuming. The Coast Guard has found vessels operating with large numbers of persons with inadequate lifesaving, fire protection, navigation, and other safety equipment. There have even been cases of total vessel losses due to structural inadequacy of the vessel and/or operator error while under a purported bareboat charter. The maritime safety laws and regulations have evolved over a considerable period of time and they are generally written and amended as a result of casualties and loss of life. The use of bareboat charters to circumvent these important safety laws is of great concern, especially where unsuspecting charterers do not fully understand the consequences of the charter.

Master/Captain/Skipper (Hired): As previously noted, the master's responsibility is to the charterer under a valid bareboat charter, as the charterer, not the owner, is the employer. Although the charterer is responsible for finding and hiring a master, the owner has an interest in the competency of the master. To this end, an owner may provide the charterer with a list of masters from which to choose; however, the charterer cannot be restricted to this list. This can make for a very difficult position for the hired skipper, in that he or she may be in a position of having to please both parties. Failure to satisfy the demands of the owner may result in removal from future approval or selection, while failure to accommodate the charterer can result in immediate dismissal. That difficulty notwithstanding, it is clear that the master's allegiance must be to the charterer. It is for this reason that the Coast Guard will not accept as a valid bareboat charter those charters where the owner acts as the vessel master. An owner cannot relinquish command of the vessel while acting as the master.

There are some risks associated with acting as the hired captain in addition to the traditional hazards. The Coast Guard has acted under the Suspension and Revocation Proceedings against licensed masters. In cases where the claim of a bareboat charter was defeated, masters have had their licenses suspended for operating a passenger-carrying vessel without the required equipment or inspection certificate. The law also provides for civil penalties against the owner, charterer, managing operator, agent, master, or individual in charge of those vessels which are operated without the required safety equipment or inspection certificates.

Summary

The Coast Guard has recently witnessed an increase in owners of previously bareboat chartered vessels applying for Coast Guard inspection and certification. This may possibly be attributed to an increased awareness of potential liabilities by vessel owners or, after consideration and discussion with Coast Guard inspection personnel, the perceived costs of operating inspected vessels was less than originally anticipated. Certainly that cost is less than the potentially catastrophic costs of litigation and liability resulting from a casualty where it is subsequently determined that no bareboat charter existed. Also, the cruise business is showing dramatic increases. There are more passenger dollars available and still more predicted for the future. Increased Coast Guard investigation and enforcement in this area may also be persuading owners of borderline or questionable charter operations to submit their vessel for certification. Vessel owners and operators who have successfully completed the certification process are very vocal and do not hesitate to report questionable operations. After all, they are in competition for the same clientele.

While the bareboat charter of recreational type vessels will continue, both parties to the purported charter must fully understand the three R's of chartering: Rights, Responsibilities, and Risks More often than not, charterers really do not understand the liabilities undertaken and the safety considerations for which they are responsible. Owners do not always fully appreciate the exposure they have to penalties and forfeiture for both legitimate and illegitimate charters. And most important, the Coast Guard is concerned that the fundamental intent of the vessel inspection and manning laws (i.e., the safety of passengers) could be

compromised when unsuspecting individuals enter into alleged bareboat charter arrangements.

When considering a bareboat charter, remember:

1. The owner must relinquish command, control, and possession of the vessel to the charterer.

2. The charterer is responsible for the operation and safety of the vessel, its crew, passengers, and all other persons aboard during the term of the charter.

3. The charterer is responsible for ensuring that the vessel complies with all regulations which are applicable to the service of the vessel.

4. The vessel owner may still be at risk to penalty action stemming from the charterer's misuse of the vessel.

5. A bareboat chartered vessel is still at risk of forfeiture if in violation of certain U.S. laws.

6. The master may also be held accountable for the safe operation of the vessel as well as ensuring compliance with all applicable safety equipment requirements and applicable inspection certificates.

Maritime Notes

MARAD Withdraws Notice of Proposed Rulemaking

The Maritime Administration has withdrawn a notice of proposed rulemaking it issued in 1983 to implement provisions of section 1603 of the Omnibus Reconciliation Act of 1981 (Public Law 97-35) which involved procedures for suspending operating differential subsidy (ODS) agreements. A notice of this action, 46 CFR New Part 295, is being published in the Federal Register.

Public Law 97-35 added section 614 to the Merchant Marine Act of 1936, as amended. This legislation, commonly called the Snyder Amendment, allows ODS operators to elect to suspend subsidy under ODS agreements for all or a portion of their vessels. Suspension of ODS results in termination of all attendant statutory and contractual restrictions in the ODS agreement, except those pertaining to the domestic trade, but requires a pro rata repayment of any construction-differential subsidy, if applicable.

MARAD's 1983 proposed rule establishing procedures for suspension privileges was published in the Federal Register on August 18, 1983. In 1984, however, the Maritime Subsidy Board began consolidated proceedings in Docket S-764 to consider applications by U.S.-flag subsidized bulk operators to amend their ODS agreements to allow carriage of preference cargoes without subsidy.

The board tentatively granted conditional approval of these applications on September 25, 1985, and found that the Snyder Amendment does not by its terms limit the board's ability to mutually amend an ODS agreement. (The board had previously found that the amendment was not intended to be exclusive and was upheld on this finding in a court review.) The board's final opinion and order in Docket S 764 was effective on April 15, 1986. The six bulk operators that had elected to suspend their ODS agreements had reinstated them by that date.

Since MARAD's order did not require repayment of CDS to permit carriage of bulk preference cargoes without subsidy, bulk

operators have found that procedure to be preferable to suspending ODS agreements and repaying CDS. The only liner operator that elected to suspend ODS under the Snyder Amendment is in bankruptcy.

Accordingly, MARAD is withdrawing its proposed rulemaking since it appears that any subsidized operators will elect to suspend their ODS agreement pursuant to the Snyder Amendment.

For additional information, contact Raymond Barberesi, Office of Trade Analysis and Insurance, Maritime Administration, 400 Seventh St., SW, Washington, DC 20590; telephone (202) 366-2282.

Merchant Marine Officers' Handbook Published

A revised and expanded edition of the Merchant Marine Officers' Handbook was published in early June.

This handbook, first issued nearly 50 years ago, has been completely updated to reflect the tremendous developments in the maritime industry since 1965, when the last edition was prepared. The fifth edition is new from cover to cover, written in the spirit of its very successful predecessors.

This text is the product of the experience of 21 mariners and one professional engineer whose combined experience in their respective field totals more than 500 years. Each of the 25 chapters contains information on a specific topic: electronics, celestial navigation, Rules of the Road, engineering, etc., that will be helpful to the third mate, experienced mariner, or student preparing for a licensing examination.

This handbook has been the bible for the seagoing deck officer since it first appeared in 1942. It has also found a place ashore on the decks of port captains, marine superintendents, port directors, and marine safety officers. It is designed to be a convenient and authoritative reference for the seagoing officer as well as the shoreside maritime industry.

The editor, William B. Hayler, is a veteran of World War II who has commanded various class ships and spent 20 years at the California Maritime Academy teaching seamanship, navigation, shiphandling, and Rules of the Road. Now retired, he is an avid small-boat sailor.

The Merchant Marine Officer's Handbook is available wherever nautical books are sold or directly from Cornell Maritime Press, P.O. Box 456, Centreville, Maryland 21617. It is priced at $50.00.

Introduction to Powerboat Cruising

An Introduction to Powerboat Cruising, published by William Morrow & Co., is a superior introduction and handbook for powerboat cruising by an internationally known author with 40 years' experience on the sea. All aspects of owning and operating a powerboat cruiser are covered, from advice on what to look for in a boat, to a survey of engines, fuel systems, electronics, and the best safety equipment. The most common forms of boathandling are expertly explained, from negotiating a crowded harbor to inland waterway and river cruising and the more challenging problems of running inlets and handling heavy seas. Author Dag Pike has distilled years of experience in his advice on accommodations, layout, and design, and he successfully reconciles the often conflicting goals of seaworthiness and comfort in his recommendations.

Author Dag Pike is a marine surveyor, consultant, author of numerous nautical books, and a regular contributor to the marine press both here and abroad. He had spent most of his life at sea, including 20 years in offshore powerboat racing, culminating in several record-breaking runs. He is married and lives in England, where he relaxes aboard a 40-year-old canal boat on the River Severn.

Introduction to Powerboat Cruising is available from William Morrow & Co., 105 Madison Avenue, New York, NY 10016; price $18.95.

Safety Program To Tour East Coast

Thanks to a $56,975 Saltonstall-Kennedy grant, a Rhode Island Sea Grant-sponsored safety training program for commercial fishermen -- the only one of its kind on the East Coast -- went "on the road" to other ports in the Northeast this summer

The popular program is unique in its hands-on, learn-by-doing approach to fishing vessel safety training. Participants extinguish real fires using real firefighting equipment. They put on survival suits, jump into the water, and climb onto liferafts.

To book the training program for your area, call or write the Rhode Island Sea Grant Marine Advisory Service, The University of Rhode Island Fisheries Lab, 35 Steamboat Avenue, Wickford, Rhode Island 02852; telephone (401) 295-8893. *(Taken from the Spring 1989 issue of* **Nor'Easter** *magazine)*

Yacht Design Details

Roger Marshall, well-known yacht designer and sailor, imparts the best of his experience in this collection of more than 50 projects to improve your boat.

Projects range from the fundamental -- building a wet locker, louvered doors, cabin table, hatch cover, or built-in icebox -- to the frills -- making a cup rack, cutting board, or drink tray. While Yacht Design Details is a shortcut to a customized, more livable interior, it also shows how to improve masts, rigging, anchor and steering systems, deck details, and more projects that can spell higher performance and greater pleasure from your boat. Recommendations on tools and equipment, step-by-step line drawings, and easy-to-follow instructions allow amateur and expert alike to achieve the same professional results.

Roger Marshall is well known to the sailing community as a yacht designer for America's Cup entries as well as his own line of boats. He is the author of several yacht-design books and a contributing editor of *Motor Boating and Sailing* magazine. He and his family live in Rhode Island.

Yacht Design Details is available from William Morrow & Co., 105 Madison Avenue, New York, NY 10016; price $22.95.

Work Boat Show Readies for 11th Year

Plans are well underway for North America's premier work boat show, the International Work Boat and Commercial Fishing Expo. Now in its 11th year, the exposition is returning to the Louisiana Superdome in new Orleans on November 30-December 2, 1989.

Past attendees will see a welcome change in this year's event: the work boat show has been combined with the Gulf/Caribbean Fisheries Expo.

No matter what phase of the marine trades a person is involved in, that phase will be represented in the International Work Boat and Commercial Fishing Expo. Visitors will see products and ideas for owners and operators of offshore supply boats, inland tugs and barges, excursion and passenger vessels, commercial fishing boats, patrol boats, and other coastal working craft.

Along with the hundreds of exhibits expected at this year's show, visitors will also get the chance to attend the free seminars program held in conjunction with the work boat show. Produced by the editors and staff of Work Boat and National Fisherman magazines, the seminars will offer a comprehensive look at the changes ahead for marine trades. The joint effort by the two magazines will produce a seminars programs that will help keep vessel owners and operators competitive in their business.

For more information on exhibiting in or visiting the International Work Boat and Commercial Fishing Expo, contact National Fisherman Expositions, 5 Milk Street, P.O. Box 7437 DTS, Portland, Maine 04112; telephone (207) 772-3005; telefax (207) 772-5059.

What To Do With A Tuna Fish

You've just landed a beauty -- a giant bluefin tuna. But what to do next? How do you handle this huge, valuable fish to ensure top quality when you reach the dock?

The tremendous demand for fresh bluefin tuna, especially by the Japanese, makes this a lucrative catch for fishermen in the Northeast -- but only if the fish is handled properly.

As a follow-up to a recent workshop on tuna handling, the Woods Hole Oceanographic Institution Sea Grant Program has produced an information sheet to help fishermen. The sheet, entitled "Tips on Tuna Handling," contains text and figures on all aspects of on-board handling of tuna, including sections on landing, stunning, bleeding, gutting and gilling, and chilling. The sheet is plasticized for durability and has a grommet at the top so you can hang it in a handy location on your boat.

To obtain a free copy, write to WHOI Sea Grant Program, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543, or call (508) 548-1400, extension 2398. *(Taken from the Spring 1989 issue of* **Nor'Easter** *magazine)*

NTSB Recommends Boating-While-Intoxicated Laws

Those 25 states that have yet to enact boating-while-intoxicated (BWI) laws should do so to give law enforcement agencies adequate tools for dealing with drunk boaters, according to the National Transportation Safety Board.

In its report, "Progress of State Laws on Alcohol Use in Recreational Boating," the NTSB recounts legislative changes that have occurred around the country since its 1983 safety study examining the involvement of alcohol in recreational boating accidents and identifying a series of actions that could be taken to reduce the problem. Paramount among the recommendations issued by the Board were those addressed to each state and territory to enact BWI legislation.

The report notes that boating accidents in the United States account for more fatalities than any other mode of transportation except for motor vehicles. In 1987, 1,036 recreational boating fatalities were reported to the U.S. Coast Guard, more than were killed in aviation, rail, or commercial marine travel.

The Board's earlier study, performed in 1983, concluded that at least one third of all people killed in recreational boating accidents had a blood alcohol concentration of 0.10 percent or higher.

Some progress has been made. The 1987 fatality count was the lowest since the Coast Guard began keeping such statistics. That agency attributed the decline to the increasing awareness by boaters of the dangers of operating boats while drinking alcohol or using drugs.

The National Transportation Safety Board's complete printed report may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. The report's ordering number is PB 88-917009.

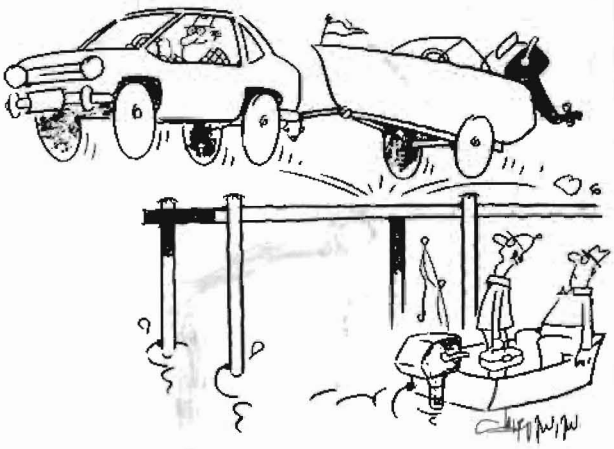
ABS Forms "Rapid Response Team"

The American Bureau of Shipping has implemented a program called the "Rapid Response Team" that provides immediate technical assistance to shipowners and offshore operators to minimize casualty losses. In the planning stage since late 1988, the team concept is designed to expedite emergency services that ABS has offered to the marine industry for more than 125 years. The team's main objective is to assist shipowners and offshore operators with the critical job of assessing damage after a casualty and to provide recommendations for moving the vessel to a safe refuge.

ABS has developed two levels of rapid-response service. The first level provides clients with on-call review, analysis, and consultation based on information that ABS already has in-house on a given ship or offshore unit. On a second level, clients supply ABS with additional information that allows ABS to calculate survivability, longitudinal strength, and damage and intact stability. ABS assesses this information using sophisticated computer programs to model the ship or offshore structure. These electronic models then enable the ABS Rapid Response Team to provide accurate and fast advice.

The leader of the Rapid Response Team will be an Assistant Chief Surveyor. The specific team members responding to a given situation will depend on the type of vessel or offshore structure involved and the nature of the casualty. This team marshals the extensive technical expertise and problem-solving capabilities of ABS in five vessel categories: ship and drilling unit structures; ship and drilling unit machinery and mechanical systems; floating production systems and moorings; offshore structure foundations; ship and mooring structure surveys.

The team is on call around the clock, 365 days a year, at (201) 368-3961 (weekdays, 8:00 a.m. to 5:00 p.m., Eastern Standard Time); at other hours and on weekends call (201) 337-8173 or (201) 635-7136.



"I've never seen anyone so eager to put a boat in the water."

Shipwrecks!

The steamer City of Rockland ended its career when it piled up on the ledges off Cox's Point at the mouth of the Kennebec River in Maine on September 2, 1923. It lay on the ledges for several days. The Merritt Chapman Company refloated the vessel and towed it to Boston where a survey decided that repairs would cost more than the ship was worth, and it was abandoned. *(Photo from the collection of William P. Quinn)*

Chemical of the Month

Eric P. Kowack

Ethylene Dibromide

Almost everyone who has driven a car has used ethylene dibromide (EDB). This chemical is commonly used as an antiknock agent in high-performance gasolines. It can be used for this because it acts as a scavenger for lead in gasoline. Lead is a common impurity found in fuel which decreases the smoothness of gas explosions in the pistons. Ethylene dibromide, also known as 1,2 dibromethane or bromofume, has many other uses. It can be used in grain fumigation, waterproofing preparation, and in organic synthesis. EDB is a colorless liquid with a characteristic sweet odor similar to chloroform.

Because ethylene dibromide is so common in today's modern society, it is important to realize the hazards of such a chemical. EDBreacts vigorously with metals such as aluminum, potassium, and other oxidizing agents. Although bromofume is a nonflammable liquid, it should be handled with care. It is toxic when it contacts skin, is inhaled, or when ingested. This chemical may also cause irritation to the eyes. Prolonged, excessive, or repeated exposures in any form are hazardous to health. Exposure can cause local inflammation, blisters, and ulcers on the skin. To effectively treat an exposure, the victim must first be removed from the area, and contaminated clothing should be removed. Wash the skin with soap and water. If necessary, flush the eyes with plenty of water and consult a physician.

Although ethylene dibromide is nonflammable, it produces poisonous gases when heated. For this reason, it is important to extinguish a fire quickly in areas where EDB is stored. For emergency assistance, call CHEMTREC at 1-800-424-9300. Use water spray, dry chemical, or CO2 to fight fires in the area. Use water spray to cool down the fire-exposed containers of EDB. In the event that poisonous vapors do escape, water spray should be used to disperse the vapors so that the persons fighting the fire will be protected from this carcinogen. Personal protective equipment includes a canister or self-contained type of air mask, neoprene gloves, and chemical safety goggles. Water spray can also be used to flood spills away from exposures.

Clean up a small spill with sand or some other noncombustible, absorbent material and then flush the area with water. For a larger spill, dike the liquid far ahead of the spill to isolate it for later disposal. Make sure to keep unnecessary people away and to stay upwind of the spill, keeping out of low areas. If a large spill does occur, the National Response Center must be contacted at 1-800-424-8802.

Ethylene dibromide can be safely shipped in glass bottles or metal drums. To prevent problems, EDB should be stored in a cool, dry area that is well-ventilated. The containers should be protected from physical damage. Ethylene dibromide is generally stable, but it is obviously a potentially dangerous compound. Therefore, it is stored and shipped in sealed containers and is regulated by the Coast Guard as a Subchapter D commodity for shipment under Title 46 of the Code of Federal Regulations. Ethylene dibromide carries an IMO classification of 6.1.

Eric P. Kowack was a Second-Class Cadet at the Coast Guard Academy when he wrote this article for LT Thomas Chuba's hazardous materials transportation class.

Chemical Name: Ethylene Dibromide

Formula: $C_2H_4Br_2$

Synonyms: 1,2 Dibromoethane; bromofume

Physical Properties:
boiling point: 131.4oC (268oF)
freezing point: 9.3oC (50oF)
vapor pressure: 17.4mm 30oC
481 ppsi (100oF)
1.609 ppsi (150oF)

Threshold Limit Values (TLV)
time-weighted average: 2 ppm
short-term exposure limit: 50 ppm for 5 minutes

Flammability Limits in Air
not flammable

Combustion Properties
flashpoint (c.c.): none
autoignition temperature: not flammable

Densities
vapor (air = 1): 6.48
specific gravity
(liquid at 20oC): 2.180
density
(at 20oC): 2.17

Identifiers
U.N. Number: 1605
CHRIS Code: EDB
Cargo Compatibility Group:
36 (Halogenated Hydrocarbons)

Nautical Queries

The following items are examples of questions included in the Third Mate through Master examinations and the Third Assistant Engineer through Chief Engineer examinations:

Engineer

1. To properly maintain firehose, you should _____.

A keep them rolled tightly with female coupling protected
B. keep exterior lining damp by periodic washdowns
C. thoroughly drain them after each use
D. keep them partially filled with fresh water

Reference: NAVTRA 10573, *Hull Maintenance Tech 3 & 2*

2. Oxygen in the boiler feedwater can result from _____.

A improper operation of the DC heater
B. steam leaks through the turbine glands
C. improper operation of the gland exhauster
D. vapor lock in the boiler feed pump

Reference: Osbourne, *Modern Marine Engineer's Manual*

3. You are adding refrigerant to your refrigerating system. You should _____.

A. refrigerant vapor to the receiver only
B. liquid refrigerant to the low side only
C. liquid refrigerant to the high side only
D. liquid refrigerant to the high or low side

Reference: Althouse, Turnquist and Bracciano, *Modern Refrigeration and Air Conditioning*

4. If the valve tappets in a diesel engine are set at greater clearances than those specified by the engine manufacturer, those valves will _____.

A. open late and close early
B. open with a greater valve lift
C. fail to open when the engine is cold
D. fail to open at normal operating temperature

Reference: Maleev, *Diesel Engine Operation and Maintenance*

5. A ground can be defined as an electrical connection between the wiring of a motor and its _____.

A. shunt field
B. circuit breaker
C. metal framework
D. interpole

Reference: Hubert, *Preventive Maintenance of Electrical Equipment*

Deck

1. Which of the following is a characteristic of cardinal marks?

A. Light rhythms indicating directional orientation
B. Vertical stripes
C. Square or triangular topmarks
D. Number-letter combinations for identification

Reference: Bowditch, *American Practical Navigator*

2. If a person suffers a simple fracture of a limb, you should _____.

A. attempt to set the fracture
B. prevent further movement of the bone
C. apply a tourniquet without delay
D. alternately apply hot and cold compresses

Reference: *Ship's Medical Chest; Medical Aid at Sea*

3. You are loading commercial explosives and a package shows stains on the outer packaging material. Which of the following is true?

A. The package can be transported if the shipper can prove that the stain is due to accidental contact with oil.
B. The package must be immediately removed from the vessel by carrying it ashore by hand.
C. The package should be left on deck and the Coast Guard Captain of the Port notified.
D. The package may be re-coopered on the fo'c'sle or stern well away from all persons and other hazardous cargo.

Reference: 49 CFR 176.110

4. Structural members that fit between the floors of a vessel and stiffen the double bottom are called _____.

A. boss plates
B. buckler plates
C. floor stiffeners
D. longitudinals

Reference: Baker, *Introduction to Steel Shipbuilding*

5. If the GMT is 1500, the zone time in 75' E longitude is _____.

A. 1000
B. 1500
C. 1700
D. 2000

Reference: Bowditch, *American Practical Navigator*

Answers

Engineer
1-C; 2-A; 3-C; 4-A; 5-C
Deck
1-A; 2-B; 3-A; 4-C; 5-D

If you have any questions concerning "Nautical Queries," please contact U.S. Coast Guard (G-MVP-5), 2100 Second St., SW, Washington, DC 20593-0001; telephone (202) 267-2705.

Keynotes

Notice of Proposed Rulemaking

CGD 89-003, Summons in Lieu of Seizure of Commercial Fishing Industry Vessels (April 10)

This proposal would provide for issuance of a summons to appear in lieu of seizure of a commercial fishing industry vessel for violations involving the possession of personal use quantities of a controlled substance. The Anti-Drug Abuse Amendments Act of 1988 requires the Attorney General, the Secretary of the Treasury, and the Secretary of Transportation to issue such regulations. These regulations would require, when a violation involving the possession of personal use quantities of a controlled substance is committed on a commercial fishing industry vessel that is proceeding to or from a fishing area or intermediate port of call or is actively engaged in fishing operations, that a summons to appear be issued in lieu of seizure of the vessel.

For further information, contact CDR Gerald Gallion, telephone (202) 267-1534.

CGD 84-069, Lifesaving Equipment (April 21)

This notice proposes a complete revision of the lifesaving equipment regulations for tank vessels, cargo and miscellaneous vessels, mobile offshore drilling units, passenger vessels, nautical school ships, offshore supply vessels, and oceanographic research vessels. The primary purpose of the project is to implement the provisions of the new chapter III of the Safety of Life at Sea Convention 1974, as amended in 1983, which came into force July 1, 1986. The proposed rules would also implement a number of recommendations arising from major vessel casualties. Lifesaving regulations for Great Lakes vessels and certain vessels in domestic trade which are not covered by the Safety of Life at Sea Convention would also be revised to require more effective lifesaving equipment. The proposed rules also reorganize the lifesaving regulations in order to simplify, clarify, and reduce redundancy. A number of specification regulations for Coast Guard approved equipment will also have to be revised to meet the new Safety of Life at Sea Convention requirements. Those revisions will be proposed under additional notices at a later date.

Comments must be submitted on or before August 21, 1989. Comments should be mailed to the Commandant (G-LRA-2) (CGD 84-069), U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001. For further information, contact Mr. Robert Markle, telephone (202) 267-1444.

CGD 87-015b, Tonnage Measurement of Vessels (April 26)

The Coast Guard is proposing a major revision of its vessel tonnage measurement regulations. The proposal would incorporate the system of measurement established under the International Convention on Tonnage Measurement of Ships, 1969, and provide a framework for phasing in the Convention Measurement System as the method of measuring ships domestically to establish uniformity in vessel measurement. The availability of the alternate domestic measurement systems would be continued for regulatory purposes so that the application of the laws of the United States would be preserved in order that vessels engaged in domestic commerce would not be adversely affected.

This revision is necessary to implement the statutory mandate calling for these changes. In the process of incorporating these changes into the regulations, the Coast Guard is proposing to rearrange and renumber the regulations in a more current and readable format.

This proposal should carry out the intent of Congress, while facilitating the use of these complex regulations by the maritime industry.

For further information, contact Mr. Dennis A. Lamont; telephone (202) 267-2992.

CGD 82-004 and CGD 86-074, Offshore Supply Vessels Including Liftboats (May 9)

This notice proposes regulations for inspection and certification of new offshore supply vessels (OSVs). These regulations would consolidate existing OSV standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics of these vessels, their methods of operation, and the types of service in which they are engaged. Specific rules are also proposed for liftboats, which are self-elevating OSVs. Liftboats have experienced a high rate of casualties, and specific regulations are needed to address their design, stability, construction, and operating procedures.

Comments on this notice must be received on or before September 6, 1989. Comments should be submitted to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 82-004/CGD 86-074), U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001. The comments and materials referenced in this notice are available for inspection and copying at the same address. Normal office hours are between 8:00 a.m. and 3:00 p.m., Monday through Friday, except federal holidays.

A draft Regulatory Evaluation has been placed in the public docket for this rulemaking, and may be inspected and copied at the Marine Safety Council, address above.

For further information, contact LCDR Michael Rosecrans; telephone (202) 267-2997.

Advance Notice of Proposed Rulemaking

CGD 87-069, Marine Transport of Bulk Solid Hazardous Materials (April 28)

The Coast Guard is considering amending its regulations concerning the bulk carriage of solid hazardous materials. The amendments being considered would add cargoes carried under Coast Guard Special Permit and cargoes included in the International Maritime Organization's Code of Safe Practice for Solid Bulk Cargoes (IMO Bulk Solids Code), including coal, to the list of hazardous cargoes permitted under the regulations. The Special Permit requirements and requirements of the IMO Bulk Solids Code would be included in the regulations. The amendments being considered would harmonize domestic regulations with international standards, and eliminate the cost of and need to apply for special permits, except for new, or infrequently shipped cargoes.

For further information, contact Mrs. Dawn Anderson; telephone (202) 267-1217.

Supplemental Notice of Proposed Rulemaking

CGD 81-059a, Licensing of Officers and Operators for Mobile Offshore Drilling Units (May 17)

This supplemental notice deals solely with the licensing of officers on mobile offshore drilling units (MODUs) and the manning of these vessels. This proposal would replace the Interim Final Rule published on October 16, 1987 (52 FR 38660). The effective date of that Interim Final Rule was suspended indefinitely on February 28, 1989 (54 FR 8334). The licensing structure implements National Transportation Safety Board (NTSB) recommendations for the establishment of personnel qualifications and manning regulations for this type of vessel. Compliance with these minimum standards will ensure that qualified individuals are on board to deal with marine safety related matters.

For further information, contact LCDR Gerald Jenkins; telephone (202) 267-0224.

Final Rule

CGD 89-025, Change of Address for Marine Safety Center (May 8)

Due to the relocation of the Marine Safety Center, these rules change the address for submitting vessel plans and other materials for Coast Guard review. The new address is U.S. Coast Guard Marine Safety Center (G-MSC), 400 Seventh St., SW, Washington, DC 20590-0001.

For further information, contact LCDR Michael Rosecrans; telephone (202) 267-2997.

CGD 84-098b, Emergency Evacuation Plans for Manned OCS Facilities (May 18)

The Coast Guard is issuing regulations which will require a comprehensive, site specific contingency plan for the emergency evacuation of all personnel from manned fixed facilities and mobile offshore drilling units (MODUs) on the Outer Continental Shelf (OCS). This final rule also establishes specific standards for standby vessels if they are designated in the emergency evacuation plan (EEP) as an integral part of the evacuation procedures. This rulemaking is a culmination of Coast Guard initiatives to require contingency planning for evacuation of OCS personnel under emergency conditions. This rule is also in response to legislative mandates concerning OCS evacuation procedures.

This regulation is effective on June 19, 1989, except for the information collection requirements in sections 146.140 and 146.210, which will become effective on a date to be published in the Federal Register. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 19, 1989.

For further information, contact LCDR Anthony Dupree, Jr.; telephone (202) 267-2307.

Final Rule, Extension of Compliance Date

CGD 87-016, Emergency Position Indicating Radio Beacons for Uninspected Fishing, Fish Processing, and Fish Tending Vessels (April 13)

The Coast Guard is extending the compliance date of its final rule that requires emergency position indicating radio beacons (EPIRBs) to be carried on uninspected fishing, fish processing, and fish tender vessels operating on the high seas. This extension is necessary to allow manufacturers of the required 406 MHz EPIRBs to complete prototype testing and begin production. By extending this compliance date, more manufacturers will have time to develop their EPIRBs and the retail market will offer fishermen a greatly improved device.

For further information, contact LCDR Stanford W. Deno; telephone (202) 267-1444.

Interim Rule With Request for Comments

CGD 88-002, Regulations Implementing the Pollution Prevention Requirements of Annex V of MARPOL 73/78 (April 28)

The Coast Guard is publishing an interim rule to implement the requirements of the "Act to Prevent Pollution from Ships," as recently amended by Congress. This rule applies to marine craft of any size or type, including commercially operated ships and fishing vessels, uninspected vessels, recreational boats, and oil drilling rigs and platforms. The rule also requires ports or terminals, including recreational boating facilities, commercial fishing facilities, and mineral and oil industry shorebases, to ensure the availability of facilities to receive ship-generated garbage. This rule implements Annex V of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78). The Coast Guard expects that this rule will reduce the amount of plastics, including synthetic fishing nets, and other ship-generated garbage intentionally discharged into the marine environment.

This interim rule becomes effective on May 30, 1989. The Coast Guard will accept written comments on this interim rule until December 31, 1989.

Written comments should be submitted to the Executive Secretary, Marine Safety Council (G-LRA-2/3600), U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, Attn: CGD 88-002. A Final Regulatory Evaluation, Environmental Assessment and copies of the comments received on the Advance Notice and Notice of Proposed Rulemaking are available for inspection and copying at the same address. Normal office hours are between 8:00 a.m. and 3:00 p.m., Monday through Friday, except federal holidays.

Persons desiring to receive a copy of the International Maritime Organization's Report of the Working Group on Optional Annexes (MEPC 26/WP.6 dated September 8, 1988), including the "Guidelines for the Implementation of Annex V, Regulations for the Prevention of Pollution by Garbage from Ships" may obtain one by sending a self-addressed 8-1/2x11" envelope with postage paid for 3 ounces to Commandant (G-MPS-3), U.S. Coast Guard, 2100 Second St., SW,

Washington, DC 20593-0001, Attn: Annex V Guidelines

Persons desiring to learn about the specific requirements of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service certification process should write: U.S. Department of Agriculture -- APHIS, PPQ, Federal Building -- Room 656, 6501 Belcrest Rd., Hyattsville, MD 20782, Attn: Dr. Ronald Caffey, or they may contact the local APHIS inspector at the address or telephone number listed in the blue government pages of their local telephone book under the U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

For further information, contact LCDR Joel Whitehead; telephone (202) 267-0491.

CGD 89-014, Implementation of the Shore Protection Act of 1988 (May 24)

The Coast Guard is publishing an interim rule to implement permitting the numbering requirements of the Shore Protection Act of 1988. The Coast Guard is issuing these requirements as an interim rule because the Shore Protection Act requires that permits be in place 240 days after the Act's enactment, which will occur on July 15, 1989. By issuing an interim rule, the Coast Guard and the public will be able to meet this mandated deadline.

The effective date is May 24, 1989. The Coast Guard will accept comments on this interim rule until August 24, 1989.

Comments should be submitted to Commandant (G-LRA-2) (CGD 89-014), U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001. Comments will also be available for copying at this address between the hours of 8:00 a.m. and 3:00 p.m. Monday through Friday, excluding federal holidays.

Persons wishing to comment on the information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place NW, Washington, DC 20503, Attn: Desk Officer, U.S. Coast Guard.

For further information, contact LT James H. McDowell, telephone (202) 267-0491.■

Safe Boating Tips

- Respect the water, even if it's a small lake. The two major causes of fatal accidents are capsizings and falls overboard. Most happen in small boats on small inland bodies of water.

- Be alert to weather conditions. Out on the water, a thunderstorm can be more than an inconvenience. It can capsize a boat and threaten the lives of the occupants. The National Safe Boating Council advises boaters to listen to weather reports before going out and while they are on the water.

- Don't overload your boat. The small utility boats people use for fishing, hunting, and day cruising tend to be unstable and can easily swamp or capsize. A modern outboard boat has a plate indicating the maximum outboard horsepower and carrying capacity of the boat. The number of seats in a boat isn't a measure of its capacity. Overloaded boats overturn.

- Load your boat properly. A person sitting on the gunwale, seat back, or bow of a small boat not only puts the boat out of trim, making it harder to maneuver, but is in danger of falling overboard. (Last summer, a young man was sitting on the bow of a runabout on a New Hampshire lake. When the operator cut the throttle, the bow dropped suddenly, throwing the man into the water. The boat passed over him, and the propeller cut off his leg at the hip. He died on his way to the hospital.)

- Booze and boats don't mix. Use the designated driver concept if you want to serve alcohol on your boat.