Subpart 105.01—Administration

§ 105.01–1 Purpose.

The purpose of the regulations in this part is to provide adequate safety in the transporting and handling of inflammable or combustible cargo in bulk on board certain commercial fishing vessels and tenders.

[CGD 95–028, 62 FR 51208, Sept. 30, 1997]

§ 105.01–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. Also, it is available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG–521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, 202–372–1405, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, telephone 610–832–9585, *http://www.astm.org*.

(1) ASTM D 323–94, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), incorporation by reference approved for § 105.10–15.

(2) [Reserved]

[USCG–2009–0702, 74 FR 49233, Sept. 25, 2009]

§ 105.01–5 Intent of Pub. L. 90–397 (approved July 11, 1968, 82 Stat. 341) and Pub. L. 93–430 (approved October 1, 1974, 88 Stat. 1180).

(a) Pub. L. 90–397 allowed cannery tenders, fishing tenders, and fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry, to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

(b) Pub. L. 93–430 allowed vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as might be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating.

[CGD 75–105, 41 FR 17910, Apr. 29, 1976]

§ 105.01–10 Effective date of regulations.

(a) Amendments, revisions, or additions to the regulations in this part will become effective 90 days after the date of publication in the FEDERAL REGISTER, unless the Commandant directs otherwise.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment or materials used in construction shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from vessels.

[CGFR 69–53, 34 FR 11265, July 4, 1969, as amended by CGD 75–105, 41 FR 17910, Apr. 29, 1976]

Subpart 105.05—Application

§ 105.05–1 Commercial fishing vessels dispensing petroleum products.

(a) The provisions of this part, with the exception of Subpart 105.90, shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which is contracted for on or after December 1, 1969, and all vessels

of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after May 31, 1976 which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited quantities.

(b) The provisions of Subpart 105.90 shall apply to all commercial fishing vessels of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, and Alaska, the construction of which was contracted for prior to December 1, 1969, and all vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to May 31, 1976 which have or propose to have permanently or temporarily installed tanks or containers for dispensing petroleum products, Grades B and lower flammable or combustible liquids, in bulk in limited quantities.

[CGFR 69–53, 34 FR 11265, July 4, 1969, as amended by CGD 75–105, 41 FR 17910, Apr. 29, 1976]

§ 105.05–2 Prohibitions regarding petroleum products.

(a) Commercial fishing vessels shall not transport Grade A flammable liquids in bulk. (See § 105.10–15(a) for definition of Grade A flammable liquid.)

(b) On commercial fishing vessels, temporarily installed dispensing tanks or containers shall not be installed or carried below deck or in closed compartments on or above the deck.

§ 105.05–3 New vessels and existing vessels for the purpose of application of regulations in this part.

(a) *New vessels.* In the application of the regulations in this part, the term ''new vessels'' means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for on or after December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for on or after May 31, 1976.

(b) *Existing vessels.* In the application of the regulations in this part, the term ''existing vessels'' means any commercial fishing vessel of not more than 500 gross tons used in the salmon or crab fisheries of Oregon, Washington, or Alaska, the construction of which is contracted for prior to December 1, 1969, and vessels of not more than 5000 gross tons used in the processing and assembling of fishery products in the fisheries of the States of Oregon, Washington, and Alaska, the construction of which is contracted for prior to May 31, 1976.

[CGD 75–105, 41 FR 17910, Apr. 29, 1976]

§ 105.05–5 Types of vessels.

(a) The only types of commercial fishing vessels to which the provisions of this part apply are self-propelled manned vessels with one of the following:

(1) Permanently installed dispensing tanks or containers on open decks.

(2) Permanently installed dispensing tanks or containers located below deck or in closed compartments.

(3) Temporary dispensing tanks or containers installed on open decks.

[CGD 75–105, 41 FR 17910, Apr. 29, 1976]

§ 105.05–10 Intent of regulations.

(a) The intent of the regulations in this part is to prescribe special requirements for commercial fishing vessels which are otherwise exempt from requirements of vessel inspection, but by reason of occasionally engaging in the service of carrying on board and dispensing liquid inflammable and combustible cargo in bulk are subject to certain requirements of 46 U.S.C. section 3702.

(b) The application of the regulations governing petroleum products in bulk is limited to that portion of the vessel involved in the storage, carriage, and handling of such products. This shall include, but shall not be limited to:

(1) Permanently or temporarily installed tanks or containers;