

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
United States Coast Guard
17th Coast Guard District

P. O. Box 25517
Juneau, Alaska 99802-5517
Staff Symbol: dpi
Phone: (907)463-2810
FAX: (907)463-2820
Email: kenneth.lawrenson@uscg.mil

16731
January 27, 2012

Norton Sound Economic Development Corporation
Attn: Janis Ivanoff, President and CEO
420 L Street, Suite 310
Anchorage, Alaska 99501

Dear Ms. Ivanoff:

This is in response to your letter dated January 11, 2012, requesting a class exemption for the Norton Sound skiff fleet from the immersion suit and Emergency Position Indicating Radio Beacon (EPIRB) requirements in Title 46 Code of Federal Regulations (CFR), Part 28.110, and 28.150.

Title 46 CFR Part 28.60 allows for granting class exemptions from the requirements of the commercial fishing vessel safety regulations when good cause exists, and the safety of the vessel and those on board will not be adversely affected. In this case, both criteria are met and subject to the conditions listed, the issue of this exemption should not adversely affect the safety of this fleet. This exemption will improve safety by placing more emphasis on prevention of marine casualties, and by speeding the emergency response in the event of a casualty.

Commercial fishing vessels operating on Norton Sound described as open skiffs which are outboard powered; 26 feet or less in length, or a skiff regardless of length if operated off the beach on St. Lawrence Island; undocumented, and registered with the State of Alaska, are exempt from the immersion suit requirements in 46 CFR 28.110 provided that:

1. They operate from the following communities: Brevig Mission, Gambell, Nome, St. Michael, Unalakleet, Diomedes, Golovin, Savoonga, Stebbins, Wales, Elim, Koyuk, Shaktoolik, Teller and White Mountain.
2. Each person onboard will, at all times, wear a properly sized, Coast Guard approved, Type I, II, III or V personal flotation device.
3. Each personal flotation device must have 31 square inches of type I retro-reflective tape attached to the front and 31 square inches on the back. If the device is reversible, retro-reflective tape must be attached to the inside in the same manner. In addition, each personal flotation device must be equipped with a properly maintained Coast Guard approved PFD marker light, preferably of the strobe light type.
4. Operations are limited to favorable weather conditions with winds less than 34 knots.
5. This exemption only applies when there are four (4) or fewer people aboard. If the skiff displays a manufacturer's maximum capacity of less than four (4) persons, then that rated capacity is the maximum number of persons authorized.

16731
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6. At least one (1) GPS-enabled, FCC type-accepted 406 MHz Personal Locator Beacon (PLB) will be carried on the vessel, securely attached to an individual and immediately available for use in an emergency.
7. The vessel must be equipped with a buoyant waterproof container or bag that contains the required visual distress signals and is stowed in a readily accessible location that will allow the crew easy access during an emergency or if the vessel is capsized.

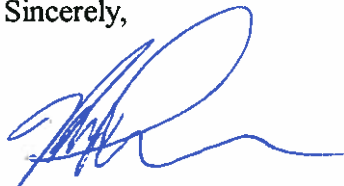
In addition to the above exemption for the carriage of immersion suits, those vessels operating beyond three (3) miles of the coastline may substitute a GPS-enabled, FCC type accepted 406 MHz Personal Locator Beacon (PLB) in lieu of a Category 1 or 2, 406 MHz EPIRB, provided the PLB is securely attached to an individual and immediately available for use in an emergency.

A copy of this exemption letter must be carried on board each vessel taking advantage of this exemption.

As a reminder, each vessel must comply with all other requirements contained in Title 46 CFR Part 28. I advise your organization to keep abreast of the coming changes to the Coast Guard's commercial fishing vessel safety regulations, as a result of the Coast Guard Authorization Act of 2010. This will include future mandatory dockside examinations for certain vessels. As specific regulatory changes are made, the Seventeenth District will re-evaluate the appropriateness of the entirety and/or parts of this exemption, and continue to work with you.

If you feel aggrieved by my decision, you may submit an appeal to the Commandant of the Coast Guard (CG-543) following the procedures in 46 CFR 1.03. The appeal should be submitted through my office in writing within 30 days of receipt of this letter. Your appeal must contain a description of the decision or action being appealed and your reason(s) why the decision or action should be set aside or revised.

Sincerely,



K. M. LAWRENSON
Commercial Fishing Vessel Safety Coordinator
U. S. Coast Guard
By direction of the District Commander

Copy: Commander, Coast Guard Sector Anchorage (sp)