

§ 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

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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 re-

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quirements 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;

(2) Compartments, areas or places where such tanks or containers are placed;

(3) Fuel filling systems;

(4) Fuel venting systems;

(5) Fuel piping and pumping systems.

(c) The regulations in this part also state the manning, crew requirements, and officers for those vessels when required by other specific provisions of law.

(1) Vessels carrying flammable or combustible liquids in bulk are required by 46 U.S.C. 3702, to have aboard certificated tankermen.

(2) Vessels of 200 gross tons and upward and operating on the high seas are subject to the Officers' Competency Certificate Convention, 1936, and 46 U.S.C. 8304, regarding licensed masters, mates, chief engineers, and assistant engineers.

[CGFR 69-53, 34 FR July 4, 1969, as amended by USCG-1999-6216, 64 FR 53226, Oct. 1, 1999]

Subpart 105.10—Definition of Terms Used in This Part

§ 105.10-5 Approved.

(a) The term *approved* means approved by the Commandant, U.S. Coast Guard, unless otherwise stated.

§ 105.10-10 Combustible liquid.

(a) The term *combustible liquid* means any liquid having a flashpoint above 80° F. (as determined from an open cup tester, as used for test of burning oils). In the regulations of this part, combustible liquids are referred to by grades, as follows: