

## Coast Guard, DHS

## § 15.730

(c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).

(d) The master shall assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a credential which is equivalent in experience, training, and other qualifications to the U.S. credential required for the position and that the person possesses or will possess the training required to communicate to the extent required by §15.730 of this part.

[CGD 89-061, 55 FR 1212, Jan. 12, 1990, as amended by USCG-2006-24371, 74 FR 11261, Mar. 16, 2009]

### § 15.725 Sailing short.

Whenever a vessel is deprived of the service of a member of its complement, and the master or person in charge is unable to find appropriate credentialed personnel to man the vessel, the master or person in charge may proceed on the voyage, having determined the vessel is sufficiently manned for the voyage. A report of sailing short must be filed in writing with the Officer in Charge, Marine Inspection (OCMI) having cognizance for inspection in the area in which the vessel is operating, or the OCMI within whose jurisdiction the voyage is completed. The report must explain the cause of each deficiency and be submitted within twelve hours after arrival at the next port. The actions of the master or person in charge in such instances are subject to review and it must be shown the vacancy was not due to the consent, fault or collusion of the master or other individuals specified in 46 U.S.C. 8101(e). A civil penalty may be assessed against the master or person in charge for failure to submit the report.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-2006-24371, 74 FR 11262, Mar. 16, 2009]

### § 15.730 Language requirements.

(a) The provisions of 46 U.S.C. 8702 relating to language apply generally to vessels of at least 100 gross tons except:

(1) Vessels operating on rivers and lakes (except the Great Lakes);

(2) A manned barge (except a sea-going barge or a barge to which chapter 37 of 46 U.S.C. applies);

(3) A fishing vessel, fish tender vessel, whaling vessel, or yacht;

(4) A sailing school vessel with respect to sailing school instructors and sailing school students;

(5) An oceanographic research vessel with respect to scientific personnel;

(6) A fish processing vessel which entered into service before January 1, 1988, and is not more than 1600 gross tons or which enters into service after December 31, 1987, and has not more than 16 individuals on board primarily employed in the preparation of fish or fish products; and,

(7) All fish processing vessels with respect to those personnel primarily employed in the preparation of fish or fish products or in a support position not related to navigation.

(b) 46 U.S.C. 8702(b) requires that on board vessels departing U.S. ports *75 percent of the crew in each department on board is able to understand any order spoken by the officers.*

(c) The words *able to understand any order spoken by the officers* relates to any order to a member of the crew when directing the performance of that person's duties and orders relating to emergency situations such as used for response to a fire or in using lifesaving equipment. It is not expected that a member of the deck department understand terminology normally used only in the engineroom or vice versa.

(d) Whenever information is presented to the Coast Guard that a vessel fails to comply with the specified language requirements the Coast Guard investigates the allegation to determine its validity. In determining if an allegation is factual, the Coast Guard may require a demonstration by the officers and crew that appropriate orders are understood. The demonstration will require that orders be spoken to the individual members of the crew by the officers in the language ordinarily and customarily used by the officers. The orders must be spoken directly by the officer to the crew member and not through an interpreter. Signs, gestures, or signals may not be used in the test. The Coast Guard representative will specify the orders to be given and

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will include not only daily routine but orders involving emergencies, either of a departmental or of a general nature. This test will be conducted, if possible, at a time reasonably in advance of the vessel's departure, to avoid delays.

[CGD 81-059, 52 FR 38652, Oct. 16, 1987, as amended by USCG-2006-24371, 74 FR 11262, Mar. 16, 2009]

## Subpart G—Computations

### § 15.801 General.

The OCMI will determine the specific manning levels for vessels required to have certificates of inspection by part B of subtitle II of title 46 U.S.C. The masters or individuals in command of all vessels, whether required to be inspected under 46 U.S.C. 3301 or not, are responsible for properly manning vessels in accordance with the applicable laws, regulations, and international conventions.

[CGD 81-059, 54 FR 149, Jan. 4, 1989]

### § 15.805 Master.

(a) There must be an individual holding an appropriate license as or a valid MMC with endorsement as master master in command of each of the following vessels:

(1) Every self-propelled, seagoing documented vessel of 200 gross tons and over.

(2) Every self-propelled inspected vessel.

(3) Every inspected passenger vessel.

(4) Every inspected small passenger vessel.

(5) Every towing vessel of at least 8 meters (at least 26 feet) or more in length must be under the command of a master of towing vessels, or a mariner holding a license or MMC endorsed as master of inspected, self-propelled vessels greater than 200 gross register tons (GRT) holding either—

(i) A completed Towing Officer's Assessment Record (TOAR), bearing the signature of a Designated Examiner and stating that the Examiner found the candidate proficient; or

(ii) A license or MMC with officer endorsement for towing vessels.

(6) Every uninspected passenger vessel of at least 100 gross tons.

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(b) Every vessel documented under the laws of the United States, other than a vessel with only a recreational endorsement, must be under the command of a U.S. citizen.

[CGD 81-059, 52 FR 38623, Oct. 16, 1987, as amended by CGD 81-059, 54 FR 149, Jan. 4, 1989; USCG-1999-6216, 64 FR 53223, Oct. 1, 1999; USCG-1999-6224, 64 FR 63235, Nov. 19, 1999; 66 FR 20944, Apr. 26, 2001; USCG-1999-5040, 67 FR 34767, May 15, 2002; USCG-2006-24371, 74 FR 11261, Mar. 16, 2009]

### § 15.810 Mates.

(a) The OCMI determines the minimum number of mates required for the safe operation of inspected vessels.

(b) The minimum number of mariners holding a license or MMC officer endorsement as mate required to be carried on every inspected, self-propelled, seagoing and Great Lakes vessel, and every inspected, seagoing, passenger vessel must not be less than the following, except when reductions are authorized under paragraph (e) of this section:

(1) Vessels of 1000 gross tons or more (except MODUs)—three mates (except when on a voyage of less than 400 miles from port of departure to port of final destination—two mates).

(2) MODUs of 1000 gross tons or more:

(i) Three mates when on a voyage of more than 72 hours.

(ii) Two mates when on a voyage of more than 16 but not more than 72 hours.

(iii) One mate when on a voyage of not more than 16 hours.

(3) Vessels of 100 or more gross tons but less than 1000 gross tons—two mates (except vessels of at least 100 but less than 200 gross tons on voyages which do not exceed 24 hours in duration—one mate).

(4) All offshore supply vessels of 100 gross tons or more—two mates (except when on a voyage of less than 600 miles—one mate). A voyage includes the accrued distance from port of departure to port of arrival and does not include stops at offshore points.

(5) All vessels of less than 100 gross tons—one mate (except vessels on voyages not exceeding 12 hours in duration may, if the OCMI determines it to be safe, be operated without mates).