

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD	Commercial Fishing Industry Vessel Safety Regulations	OMB No. 1625-0061 Exp: 07/31/2014
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<b>Who must comply?</b>	<p>Owners and operators of documented and undocumented commercial fishing industry vessels.</p> <p>Only those vessel owners, operators, or employers who desire a waiver of citizenship requirements for crewmembers on commercial fishing vessels need to comply with the procedures to request the waiver that are described in 46 CFR Part 28 and Appendix A to this Instruction sheet.</p>
<b>What is this collection about?</b>	<p>This information is used by the owners and operators of commercial fishing vessels to assess the safety of their vessels and document compliance with safety regulations. This information is also used by the Coast Guard (CG) to determine compliance of fishing vessels with specific safety equipment requirements.</p> <p>For a request for a waiver of the citizenship requirements for crewmembers on commercial fishing vessels, the information is used by the CG to determine whether or not to grant relief from the requirements. For details on citizenship waiver request information requirements, see Appendix A to this Instruction sheet.</p>
<b>Where do I find the requirements for this information?</b>	<p>Title 46 CFR Parts 25 and 28 are available at—<a href="http://ecfr.gpoaccess.gov">http://ecfr.gpoaccess.gov</a>, select TITLE 46 – SHIPPING, and follow to Parts 25 and 28.</p> <p>For citizenship waiver requests, the requirements are in 46 CFR Part 28 Subpart I and Appendix A to this Instruction sheet.</p>
<b>When must information be submitted to the Coast Guard?</b>	<p>The information must be made available for examination by Coast Guard upon request.</p> <p>For a request for a waiver of the citizenship requirements for crewmembers on commercial fishing vessels, a properly submitted request should be received at least 30 days prior to employment of the crewmember.</p>
<b>How is the information submitted?</b>	<p>The information must be made available for examination by Coast Guard upon request.</p> <p>A request for a waiver of the citizenship requirements for crewmembers on commercial fishing vessels is submitted to the Commandant, United States Coast Guard, 2100 2nd Street SW Stop 7581, Washington, DC 20593-7581, via fax to 202-372-1917, or e-mail to <a href="mailto:CG-CVC-3@uscg.mil">CG-CVC-3@uscg.mil</a>.</p>

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden per response for this report varies per information collection—about 6 minutes for recordkeeping (maintaining a safety orientation letter of certification); 1 hour for marking of emergency equipment; 1 hour for an exemption request; 1 hour for a stability evaluation attestation; 2 hours for a processing vessel exam; 3 hours for a processing vessel survey; 3 hours to develop emergency instructions; about 9 hours per citizenship waiver request; and up to 10 hours to develop stability instructions. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant (CG-CVC), U.S. Coast Guard, 2100 2<sup>nd</sup> Street SW Stop 7581, Washington, DC 20593-7581 or Office of Management and Budget, Paperwork Reduction Project (1625-0061), Washington, DC 20503.

<b>What happens when complete information is received?</b>	<p>Coast Guard personnel will examine information to determine compliance with safety regulations.</p> <p>For a request for a waiver of the citizenship requirements for crewmembers on commercial fishing vessels, the Coast Guard will evaluate the information and may investigate further, as necessary, to determine the validity of the information provided. If, within 30 days of receipt of a properly submitted request for a waiver, the Coast Guard does not make a determination whether to approve the request or does not advise the owner, operator, or employer that additional time is needed for consideration, the request will be considered provisionally approved for 90 days from the end of that 30-day period.</p>
<b>For additional information, contact--</b>	<p>Your local CG Sector Office or the Fishing Vessel Safety Div at CGHQ.</p> <ul style="list-style-type: none"><li>• A list of Coast Guard sectors, as part of a comprehensive list of Coast Guard units, can be found at <a href="http://www.uscg.mil/top/units/">http://www.uscg.mil/top/units/</a>.</li><li>• Commandant (CG-CVC-3) U.S. Coast Guard Fishing Vessel Safety Division, Office of Commercial Vessel Compliance 2100 2<sup>nd</sup> Street SW Stop 7581 Washington, DC 20593-7581 Tel: 202-372-1249 Fax: 202-372-1917 <a href="mailto:Jack.A.Kemerer@uscg.mil">Jack.A.Kemerer@uscg.mil</a> or <a href="mailto:CG-CVC-3@uscg.mil">CG-CVC-3@uscg.mil</a></li></ul>

## Appendix A

### Procedures for Requesting a Waiver of Requirements on Citizenship aboard Commercial Fishing Industry Vessels

Vessel owners, operators, or employers who desire a waiver of citizenship requirements from the Coast Guard must submit a written request to the Commandant, United States Coast Guard, 2100 Second St. SW., Stop 7581, Washington, DC 20593-7581, via fax to 202-372-1917, or e-mail to [CG-CVC-3@uscg.mil](mailto:CG-CVC-3@uscg.mil).

The written request must contain—

- (1) The vessel owner's, operator's, or employer's contact information including: Full name (last, first, middle initial); Address; Work phone number; Fax number (if applicable); and E-mail address (if applicable);
- (2) Information on fishing vessel(s) for which the owner, operator, or employer requests a citizenship waiver, including for each listed vessel: the fishing vessel name; the fishing vessel official number; the fishing vessel length (in feet); the fishing vessel gross tonnage; and, each type of fishery in which the vessel is engaged;
- (3) Information on persons who will work on the vessel, including for each listed vessel, the total number of unlicensed crew normally employed; the name, nationality, birth place, position to be held, and basis for employment authorization in the United States of each alien who is not lawfully admitted for permanent residence but is otherwise authorized for employment in the United States under the Immigration and Nationality Act (INA); and, the number of alien seamen who are not lawfully admitted for permanent residence but are otherwise authorized for employment in the United States under the INA for which the waiver is requested; and
- (4) The time period over which the 25 percent limit will be exceeded, including the start and expiration dates.

The owner, operator, or employer submitting a request for a waiver must include a statement certifying that the vessel(s) will operate in compliance with all other applicable citizenship requirements regarding the master or other officers in charge of deck or engineering watches on U.S.-documented vessels.

The owner, operator, or employer submitting a request for a waiver must provide evidence that aliens who are not lawfully admitted for permanent residence are authorized for employment with the owner, operator, or employer under the INA and evidence that qualified seamen who are U.S. citizens are not available for employment. The following documentation for H2B non-immigrants is satisfactory evidence both of authorization for employment with the owner, operator, or employer under the INA and that qualified seamen who are U.S. citizens are not available:

- (1) U.S. Citizenship and Immigration Services (USCIS) Form I-797, "Notice of Action: Approval Notice" classifying the alien as an H2B non-immigrant for purposes of employment with the owner, operator, or employer submitting a request for a waiver.
- (2) USCIS Form I-94, "Arrival/Departure Record" indicating that the alien has been lawfully admitted to the United States (or has been lawfully granted a change of nonimmigrant status or extension of non-immigrant stay in H2B classification) for the dates covered by the proposed employment.