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Title 46 — Shipping

Chapter I — Coast Guard, Department of Homeland Security

Subchapter I — Cargo and Miscellaneous Vessels

Part 106 Requirements for Nonqualified Vessels That Perform Certain Aquaculture Support Operations

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PART 106—REQUIREMENTS FOR NONQUALIFIED VESSELS THAT PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS

Authority: Sec. 901(c)(2), Pub. L. 111-281, 124 Stat. 2905, Title IX; Department of Homeland Security Delegation No. 0170.1.

Source: 81 FR 63426, Sept. 15, 2016, unless otherwise noted.

§ 106.100 Purpose.

The regulations in this part implement 46 U.S.C. 12102(d).

§ 106.105 Applicability.

The regulations in this part apply to a documented vessel with only a registry endorsement or a foreign-flagged vessel that has been issued an Aquaculture Support Operations Waiver by the Department of Transportation (DOT) under 46 U.S.C. 12102(d)(1), for the purpose of conducting aquaculture support operations.

§ 106.110 Definitions.

Aquaculture support operations means activities that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health.

§ 106.115 Notification requirements.

- (a) Prior to operating in U.S. waters, a vessel owner, operator, or charterer that has been issued an Aquaculture Support Operations Waiver by DOT's Maritime Administration (MARAD) to conduct aquaculture support operations must notify the Coast Guard in writing of its status. The notification must include the following information:
 - (1) The vessel(s) name(s);
 - (2) The vessel's official and/or International Maritime Organization number;
 - (3) The geographic location within the waters of the United States where the vessel(s) will conduct treatment operations;
 - (4) The period of time during which the Aquaculture Support Operations Waiver for the vessel(s) is approved including:
 - (i) The start date (MM/DD/YYYY); and
 - (ii) The expiration date (MM/DD/YYYY); and
 - (5) A copy of the MARAD-issued Aquaculture Support Operations Waiver.
- (b) Written notification must be made to the Commandant (CG-CVC), ATTN: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501, or by email to CG-CVC-3@uscg.mil.

§ 106.120 Operational and geographic requirements.

- (a) Vessels with a MARAD-issued Aquaculture Support Operations Waiver, issued under 46 U.S.C. 12102(d)(1), for the purpose of performing aquaculture support operations are subject to the following restrictions:
 - (1) Commercial operations in U.S. waters other than operations that treat or protect aquaculture fish are prohibited;
 - (2) While conducting aquaculture support operations, vessels will operate solely within the geographic location(s) identified in the waiver issued by MARAD; and
 - (3) Vessels will not conduct aquaculture support operations beyond the period of time approved in the waiver issued by MARAD.
- (b) Vessels conducting aquaculture support operations will, at all times, maintain a copy of the waiver issued by MARAD on board the vessel as proof of its eligibility to conduct aquaculture support operations.

§ 106.125 Penalties.

A person who violates any requirement prescribed by the regulations in this part is subject to penalty under 46 U.S.C. 12151.