

United States  
Coast Guard



16711.10

AUG 29 1994

From: Commandant  
To: Commander, Eleventh Coast Guard District (mvs)

Subj: EXEMPTION REQUEST FOR ABALONE AND URCHIN DIVING INDUSTRY  
VESSELS FROM IMMERSION SUIT REQUIREMENTS

Ref: (a) Your letter 16731/b dtd 8 July 94  
(b) COMDT (G-MVI-4) letter 16711 dtd 2 February 94  
(c) Title 46 USC §4506

1. We have reviewed your request as outlined in reference (a) asking to amend reference (b) which exempts vessels in the abalone and urchin diving industry from the immersion suit requirements in Title 46, Code of Federal Regulations (CFR), Section 28.110, while operating within three miles of the Channel Islands and while transiting from the mainland to the Channel Islands. The request is approved as provided for below. Reference (b) is cancelled.

2. Reference (c) recognizes that there may be some cases where exemptions are warranted. Specifically, to grant an exemption, good cause must exist and the safety of the vessel and those on board must not be adversely affected. After considerable review and consideration, we have found both conditions are satisfied. Accordingly, this exemption specifically applies to commercial fishing industry vessels meeting the following criteria:

a. Vessels in the abalone and urchin diving industry operating within three miles of shore, transiting up to twenty miles from the coast or in the Channel Islands area south of Point Conception, or making a direct transit from San Diego to San Clemente Island are exempt from the immersion suit requirements in 46 CFR Section 28.110 provided that a wet suit and a Type I PFD is available to each person on board and is readily accessible.

b. In addition, to ensure a minimum safety standard, as a condition of gaining an exemption, each vessel must annually undergo a dockside examination and meet all other federal requirements.

3. To ensure consistent enforcement of this exemption, this letter should be given wide distribution to Coast Guard units and industry within the affected area. It is recommended that a copy of this letter be maintained on board or be readily accessible for each vessel exercising this exemption. This exemption is subject to change should future casualty data suggest immersion suit carriage.

G. M. WILLIAMS  
By direction

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