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PART 84. TECHNICAL REQUIREMENTS

84.1 Frequencies Available. The frequencies listed in the following tables are available for assignment to the class station noted on a shared basis with other stations in the citizens radio service.

(a) Class A and B stations are authorized to operate on the following frequencies employing radiotelephony (6A3) only with a maximum plate input of 60 watts:

Mcs	Mcs	Mcs	Mcs
462.55	463.15	465.30	465.90
462.60	463.20	465.35	465.95
462.65	464.75	465.40	466.00
462.70	464.80	465.45	466.05
462.75	464.85	465.50	466.10
462.80	464.90	465.55	466.15
462.85	464.95	465.60	466.20
462.90	465.00	465.65	466.25
462.95	465.05	465.70	466.30
463.00	465.10	465.75	466.35
463.05	465.15	465.80	466.40
463.10	465.20	465.85	466.45
	465.25		

(b) Class C stations. The following frequencies are available for use by Class C mobile stations when employing amplitude tone modulation (6A1) or on-off keying of the unmodulated carrier (6A2) for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention subject to no protection from interference due to the operation of industrial, scientific, or medical devices within the 26.96 to 27.28 mcs band. The maximum plate input power of 5 watts is authorized, except that the plate input power when using 27.255 mcs is 30.0 watts.

26.995 mcs	27.095 mcs	27.195 mcs
26.045 mcs	27.145 mcs	27.255 mcs

(c) Class D stations are authorized to operate on the following frequencies employing radiotelephony (6A3) only with a maximum plate input of 5 watts:

(1) For communications between units of the same station:

Mcs	Channel	Mcs	Channel
26.975	2	27.065	9
26.985	3	27.075	10
27.005	4	27.085	11
27.025	6	27.105	12
27.055	8	27.115	13
27.125	14	27.185	17
27.135	15	27.205	18
27.155	16	27.215	19

27.165	20	27.225	22
27.175	21	27.255	23

(2) Only the following frequencies may be used for communication between units of different stations:

Mcs	Channel	Mcs	Channel
27.065	9	27.105	12
27.075	10	27.115	13
27.085	11	27.125	14
		27.255	23

NOTE: The frequencies 26.965 (channel 1), 27.01 (channel 5), and 27.035 (channel 7), are reserved for Trust Territory Government use only.

84.2 Station Power. Neither the average power input to the plate or collector circuit or circuits which contribute radio frequency energy to the radiating system nor the average radio frequency power supplied to the radiating system of a station shall exceed the maximum set forth in Section 84.1.

84.3 Frequency Tolerance. The carrier frequency of a station in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Maximum authorized power input	Frequency tolerance Percent	
		Fixed & base	Mobile
A	3 watts or less -----	.001	.005
A	over 3 watts -----	.001	.001
B	3 watts or less -----		.5
B	over 3 watts -----		.3
C	5 watts or less* -----		.005
C	over 5 watts (27.255 mcs only)		.005
D	5 watts or less -----		.005

*Class C stations of 3 watts or less power input which are used solely for the control of remote objects or devices by radio (other than devices used solely as a means of attracting attention) are permitted a frequency tolerance of 0.01 percent.

84.4 Types of Emission.

(a) Class A stations in this service are authorized to transmit radiotelephony only. However, the use of tone signals or signaling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or to establish and maintain voice communications is permitted. The use of tone signals solely to attract attention is prohibited.

(b) Class B stations in this service are authorized to use amplitude or frequency modulation, or on-off unmodulated carrier, and may be used to control remote objects or devices by means of radio, or to remotely actuate devices which are used as a means of attracting attention.

(c) Class C stations in this service are authorized to use amplitude tone modulation or on-off unmodulated carrier only, for the control of remote objects or devices by radio or for the remote actuation of devices which are used solely as a means of attracting attention. The use of any form of telegraphy, telephony or record communications by a Class C station is prohibited. Telemetering, except for the transmission of simple, short duration signals indicating the presence or absence of a condition or the occurrence of an event, is also prohibited.

(d) Class D stations in this service are authorized to use amplitude voice modulation for radiotelephone communications only. However, the use of tone signals or signaling devices solely to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or establish and maintain voice communications is permitted. The use of tone signals solely to attract attention or for the control of remote objects or devices is prohibited.

84.5 Emission Limitations.

(a) Each authorization issued to Class A citizens radio station will show, as a prefix to the classification of the authorized emission, a figure specifying the maximum bandwidth to be occupied by the emission.

(b) All operations of a Class B citizens radio station (including toleration and bandwidth occupied by the emission) shall be confined to the frequency band 462.525 to 467.475 mcs.

(c) Except in the case of Class B citizens radio stations operating only on the frequency 465.00 mcs, the maximum authorized bandwidth of the emission (Type A2 or A3 emission) shall be 8 kilocycles, and the maximum authorized bandwidth of the emission of any station employing frequency or phase modulation (Type F2 or F3 emission) shall be 40 kilocycles. The use of Type F2 or F3 emission in the frequency band 26.96 to 27.38 mcs is not authorized.

(d) The mean power emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned

frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth, at least the amounts indicated in the following table:

Maximum authorized power input to final radio frequency stage:	Attenuation (db)
Over 3 watts -----	50
3 watts or less -----	40

(e) When an unauthorized emission results in harmful interference, the Director may, in his discretion, require appropriate technical changes in equipment to alleviate the interference.

84.6 Modulation Limitations.

(a) When the radio frequency carrier of a station in this service is amplitude modulated, such modulation shall not exceed 100 percent on positive or negative peaks.

(b) Except in the case of Class B citizens radio stations operating only on the frequency 465.00 mcs, the frequency deviation of any frequency modulated transmitter operated in this service shall not exceed \pm 15 kcs and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

84.7 Limitation on Antenna Structures.

(a) No new antenna or antenna structures shall be erected for use by any Class A station licensed, or proposed to be licensed in this service, and no change shall be made in any existing antenna or antenna structure used, or intended to be used, by any Class A Station licensed, or proposed to be licensed in this service so as to increase its overall height above ground level, without prior approval from the Director of Communications in any case when either:

(1) The antenna structure proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the overall height of such man-made structure by more than 20 feet; or

(2) The antenna structures proposed to be erected will exceed an overall height of one (1) foot above the established airport (landing area) elevation for each 200 feet of distance or fraction thereof from the nearest boundary of such landing area except where the antenna does not exceed 20 feet above the ground or

where the antenna structure, or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(b) A Class B, Class C or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, or man-made structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of an antenna structure otherwise used solely for receiving purposes, which structure itself complies with (1) or (2) of paragraph (b) of this Section.

(c) In his acceptance of any antenna structure, the Director may require that the licensee provide such marking and/or lighting on such structure as necessary for safety to air navigation. Such requirement shall be noted on the station authorization.

84.8 Compliance with Technical Requirements. Upon receipt of notification from the Director of Communications or his representative, of a deviation from the technical requirements of the regulations in this part, the radiations of the transmitter involved shall be suspended immediately, except for necessary tests and adjustments, and shall not be resumed until such deviation has been corrected.

(a) When any citizens radio station licensee receives a notice of violation indicating that the station has been operated contrary to any of the provisions contained in Part 84 of these regulations, or where it otherwise appears that operation of a station in this service may not be in accordance with applicable technical standards, the Director may require the licensee to conduct such tests as may be necessary to determine whether the equipment is capable of meeting these standards and to make such adjustments as may be necessary to assure compliance therewith. A licensee who is notified that he is required to conduct such tests and/or make adjustments must, within the time limit specified in the notice, report to the Director the results thereof.

(b) All tests and adjustments which may be required in accordance with paragraph (a) of this Section shall be made by, or under the immediate supervision of, a person holding a first- or second-class commercial

operator license, either radiotelephone or radiotelegraph as may be appropriate for the type of emission employed, or by a Trust Territory, United States government or U.S. military advanced radio mechanic or electronic technician. In each case, the report which is submitted to the Director shall be signed by the licensed commercial operator or qualified technician or mechanic. Such report shall describe the results of the tests and adjustments, the test equipment and procedures used, and shall state the type, class and serial number of the operator's license or employment status of such qualified mechanic or technician.

84.9 Acceptability of Transmitters for Licensing. Except for crystal-controlled transmitters used in Class C and Class D stations, each transmitter utilized by a station authorized for operation under this Part must be a type which is included on the United States Federal Communication Commission's current "Radio Equipment List, Part C", and designated for use in this service.

PART 85. STATION OPERATING REQUIREMENTS

85.1 Permissible Communications. Each station in the citizens radio service is authorized to communicate with others in the same service but shall not communicate with any Trust Territory or U. S. Government station or a foreign station, except for communications relating to the safety of life and property during a period of emergency, and as prohibited by the provisions of Section 85.2.

85.2 Prohibited Uses. A citizens radio station shall not be used:

(a) For engaging in radio communications as a hobby or diversion, i.e., operating the radio station as an activity in and of itself.

(b) For any purpose, or in connection with any activity which is contrary to Trust Territory, U. S. Government or local law.

(c) For the transmission of communications containing obscene, indecent, or profane words, language, or meaning.

(d) To carry communications for hire, whether the remuneration or benefit received is direct or indirect.

(e) To communicate with unlicensed stations or with Trust Territory or U. S. Government stations or with foreign stations, except for communications of an emergency nature under the provisions of Section 85.3.

(f) For any communication not directed to specific stations or persons, except for

(1) emergency as provided in Section 85.3;

(2) test transmissions pursuant to Section 85.7;

(3) communications from a mobile unit to other units or stations for the sole purpose of requesting routing directions, assistance to disabled vehicles, or vessels, information concerning the availability of food or lodging, or any other assistance necessary to a licensee in transit.

(g) To convey program material for retransmission, live or delayed, on a broadcast facility. Note: A Class A, Class B, or Class D station may be used in connection with the administrative, engineering, or maintenance activities of a broadcasting station; a Class A, B or C station may be used for control functions by radio which do not involve the transmission of program material; and a Class A, B or D station may be used in gathering of news items or preparation of programs: Provided, that the actual or recorded transmissions of the citizens radio station are not broadcast at any time in whole or in part.

(h) To interfere maliciously with the communications of another station.

(i) For the direct transmission of any material to the public through public address systems or similar means.

(j) To transmit superfluous communications, i.e., any transmissions which are not necessary to communications which are permissible.

(k) For the transmission of music, whistling, sound effects, or any material for amusement or entertainment purposes, or solely to attract attention.

(l) To transmit the word "MAYDAY" or other international distress signals except when a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(m) For transmitting messages or transmitting communications to stations of other licensees which relate to the technical performance, capabilities, or testing of any transmitter or other radio equipment, including transmissions concerning the signal strength or frequency stability of a transmitter, except as necessary to establish or maintain the specific communication.

(n) For relaying messages or transmitting communications for a person other than the licensee, or members of his immediate family, except (1) communications transmitted pursuant to Section 85.3 and Section 85.4 and (2) upon specific prior approval from the Director of Communications, communications between citizens radio stations at fixed locations where public telephone service is not provided.

(o) For advertising or soliciting the sale of any goods or services.

(p) For transmitting messages in other than plain language. Abbreviations including nationally or

internationally recognized operating signals, may be used only if a list of all such abbreviations and their meaning is kept in the station records, and made available to any representative of the Director of Communications on demand.

(q) A Class D station may not be used to communicate with, or attempt to communicate with, any unit of the same or another station over a distance of more than 150 miles.

(r) A licensee of a citizens radio station who is engaged in the business of selling citizens radio transmitting equipment shall not allow a customer to operate under his station license. In addition, all communications by the licensee for the purpose of demonstrating such equipment shall consist only of brief messages addressed to other units of the same station.

85.3 Emergency Use. All citizens radio stations shall give priority to the emergency communications of other stations which involve the immediate safety of life of individuals or the immediate protection of property. Any station in this service may be utilized during an emergency involving the immediate safety of life or the immediate protection of property for the transmission of emergency communications. When so used, certain provisions in this Part concerning use of frequencies (Section 84.1), prohibited uses (Section 85.2(e) and (f), operation by or on behalf of persons other than the licensee (Section 85.4), and duration of transmissions (Section 85.6), shall not apply. However, any emergency use which necessitates taking advantage of these exceptions to usual requirements shall be subject to the following conditions:

(a) As soon as possible after the beginning of such emergency use, notice shall be sent to the Director of Communications and the District Administrator of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put.

(b) The emergency use of the station shall be discontinued as soon as possible and the District Administrator shall be notified immediately when such special use of the station is terminated. If the emergency use is of less than 24-hour duration, a single notice containing all of the required information will serve to comply with the notice requirements of this paragraph.

(c) The Director of Communications or the District Administrator may at any time order discontinuance of such special use of the authorized facilities.

85.4 Operation by, or on Behalf of, Persons other than Licensee. Transmitters authorized in this service must be under the control of licensee at all times. A licensee shall not transfer, assign, or dispose of, in any manner, directly or indirectly, the operating authority under his

station license, and shall be responsible for the proper operation of all units of the station. Citizens radio stations may be operated only by the following persons except as provided in paragraph (h) of this Section:

- (a) The licensee.
- (b) Members of the licensee's immediate family living in the same household.
- (c) The partners, if the licensee is a partnership, provided the communications relate to the business of the partnership.
- (d) The members, if the licensee is an unincorporated association, provided the communications relate to the business of the association.
- (e) Employees of the licensee only while acting within the scope of their employment.
- (f) Any person under the control or supervision of the licensee when the station is used solely for the control of remote objects or devices, other than devices used only as a means of attracting attention.
- (g) Other persons, upon specific prior approval of the Director shown on or attached to the station license, under the following circumstances:

(1) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary. Any remuneration or compensation received by the licensee for the use of the radio communication facilities shall be governed by a contract entered into by the parties concerned and the total of the compensation shall not exceed the cost of providing the facilities. Records which show the cost of service and its nonprofit or cost-sharing basis shall be maintained by the licensee.

(2) Licensee proposes the share or cooperative use of a Class A station with one or more other licensees in this service for the purpose of communicating on a regular basis with units of their respective Class A stations, or with units of other Class A stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to a written contract which shall provide that contributions to capital and operating expense shall be made on a nonprofit, cost-sharing basis, the cost to be divided on an equitable basis among all parties to the agreement. Records which show the cost of service and its nonprofit, cost-sharing basis shall be maintained by the licensee. In any case, however, licensee must show a separate and independent need for the particular units proposed to be shared to fulfill his own communication requirements.

(3) Other cases where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee, how he proposes to maintain control over the transmitters at all times, and why it is not appropriate for such other person to obtain a station license in his own name. The authority, if granted, may be specific with respect to the names of the persons who are permitted to operate, or may authorize operation by unnamed persons for specific purposes. This authority may be revoked by the Director, in his discretion, at any time.

(h) An individual who was formerly a citizens radio station licensee shall not be permitted to operate any citizens radio station of the same class licensed to another person until such time as he again has been issued a valid radio station license of that class, when his license has been:

- (1) Revoked by the Director of Communications.
- (2) Surrendered for cancellation after the institution of revocation proceedings by the Director of Communications.
- (3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Director.

85.5 Telephone Answering Service. No citizens radio station may be used as a telephone answering service. A citizens radio station licensed to a telephone answering service shall not be used to relay messages or transmit signals to its customers.

85.6 Duration of Transmissions. All communications or signals, regardless of their nature, shall be restricted to the minimum practicable transmission time. The radiation of energy shall be limited to transmissions modulated or keyed for actual permissible communications, tests, or control signals. Continuous or uninterrupted transmissions from a single station or between a number of communicating stations is prohibited, except for communications involving the immediate safety of life or property.

(a) Communications between or among Class D stations shall not exceed five (5) consecutive minutes. At the conclusion of this 5-minute period, or upon termination of the exchange if less than 5 minutes, the station transmitting and the stations participating in the exchange shall remain silent for a period of at least two (2) minutes and monitor the frequency or frequencies involved before any further transmissions are made. However, for the limited purpose of acknowledging receipt of a call, such a station or stations may answer a calling station and request that it stand by for the duration of the silent period. The

time limitations contained in this paragraph may not be avoided by changing the operating frequency of the station and shall apply to all the transmissions of an operator who, under other provisions of this regulations, may operate a unit of more than one citizens radio station.

(b) The transmission of audible tone signals or a sequence of tone signals for the operation of the tone operated squelch or selective calling circuits in accordance with Section 84.4 shall not exceed a total of 15 seconds duration. Continuous transmission of a subaudible tone for this purpose is permitted. For the purpose of this Section, any tone or combination of tones having no frequency above 150 cycles per second shall be considered subaudible.

(c) The transmission of permissible control signals shall be limited to the minimum practicable time necessary to accomplish the desired control or actuation of remote objects or devices. The continuous radiation of energy for periods exceeding three (3) minutes duration for the purpose of transmission of control signals shall be limited to control functions requiring at least one or more changes during each minute of such transmission. However, while it is actually being used to control modern aircraft in flight by means of interrupted tone modulation of its carrier, a citizens radio station may transmit a continuous carrier without being simultaneously modulated if the presence or absence of the carrier also performs a control function. An exception to the limitations contained in this Paragraph may be authorized upon a satisfactory showing that a continuous control signal is required to perform a control function which is necessary to insure the safety of life or property.

85.7 Tests and Adjustments. All tests or adjustments of citizens radio transmitting equipment involving an external connection to the radio frequency output circuit shall be made using a non-radiating dummy antenna. However, a brief test signal, either with or without modulation, as appropriate, may be transmitted when it is necessary to adjust a transmitter to an antenna for a new station installation or for an existing installation involving a change of antenna or change of transmitters, or when necessary for the detection, measurement, and suppression of harmonic or other spurious radiation. Test transmissions using a radiating antenna shall not exceed a total of one (1) minute during a 5-minute period, shall not interfere with communications already in progress on the operating frequency and shall be properly identified as required by Section 85.8, but may otherwise be unmodulated as appropriate.

85.8 Call signs assigned citizens radio stations are as follows:

Class A/B - K0200 to K0299
Class C K0300 to K0349
Class D K0100 to K0199

Each transmission of the station call sign shall be made in the English language by each unit, shall be complete, and each letter and digit shall be separate and distinctly transmitted. Only standard phonetic alphabets, nationally or internationally recognized, may be used in lieu of pronunciation of letters for voice transmission of call signs. A unit designator or special identification may be used in addition to the station call sign but not as a substitute therefor.

85.9 Station Identification. Except as provided in paragraph (a) of this Section, all transmissions from any transmitting unit of a citizens' radio station shall be identified by the call sign at the beginning and end of each transmission or series of transmissions with a unit of the same or other stations. Each required identification shall include the call sign of all stations involved. If the call sign of the station being called is not known, the name or trade name may be used, but when contact has been made the station shall thereafter be identified by the call sign. Where transmissions or exchanges of transmissions of greater length are permitted, the identification shall also be transmitted at least every 15 minutes. Each transmission or exchange of transmissions conducted on different frequencies shall be fully and separately identified in accordance with the foregoing on each frequency used.

a. Identification of the transmission of a citizens radio station used for the control of remote objects or for the remote actuation of attention attracting devices is not required except upon specific instructions from the Chief of Communications.

85.10 Operator License Requirements. No operator license is required for the operation of a citizens radio station except that a station manually transmitting Morse Code shall be operated by the holder of a third or higher class radiotelegraph operator license.

a. Except as provided in paragraph (b.) of this Section, all transmitter adjustments or tests while radiating energy during or coincident with the construction, installation, servicing or maintenance of a radio station in this service, which may affect the proper operation of such stations, shall be made by or under the immediate supervision and responsibility of a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, or a fully qualified Trust Territory, U.S. Government or U.S. military advanced radio mechanic or electronic technician, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests. Further, in any case where a transmitter adjustment which may affect the proper operation of the transmitter has been made while not radiating energy by a person not the

holder of the required commercial radio operator license or qualified mechanic or technician, or not under the supervision of such licensed operator, qualified mechanic or technician, other than the factory assembling or repair of equipment, the transmitter shall be checked for compliance with the technical requirements of the rules by a commercial radio operator, mechanic or technician of the proper grade before it is placed on the air.

b. Except as provided in Section 84.8 and in paragraph (c) of this Section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of Class C or Class D stations in this service, provided, that there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance.

(2) The transmitting equipment either shall have been factory assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by nonfactory personnel.

(3) The frequency determining elements of the transmitter, including the crystal(s) and all other components of the crystal oscillator circuit, shall have been preassembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that replacement of any component or any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph.

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the installation, servicing, or maintenance of the station, or during the final assembly of kits or partially pre-assembled units, may reasonably be expected to result in off-frequency operation, excessive input power, overmodulation, or excessive harmonics or other spurious emissions.

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Chief of Communications on request) that the equipment has been designed, manufactured, and furnished in accordance with the specifications contained in the foregoing paragraphs. The manufacturer's certification concerning design and construction features of Class C or Class D station

transmitting equipment, as required if the provisions of this paragraph are invoked, may be specific as to a particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment and/or the Chief that the conditions described in this paragraph have been fulfilled.

e. Any tests and adjustments necessary to correct any deviation of a transmitter of any class of station in this service from the technical requirements of these regulations shall be made by, or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, or a fully qualified Trust Territory, U.S. Government or U.S. military advanced radio mechanic or electronic technician.

85.11 Posting of Station License.

a. The current authorization of each citizens radio station operated at fixed locations shall be permanently posted at the principal fixed location from which the station is controlled when being operated.

b. The current authorization of each citizens radio station operated as a mobile station or operated at temporary locations may be retained in the permanent records of the station and need not be posted; however, a transmitter identification card shall be affixed at temporary locations, and to the control equipment of each such transmitter in every case where such transmitter is not in view from the location from which the station is controlled.

c. The following information shall be entered on each transmitter identification card which is used for transmitter or station identification in accordance with the foregoing:

(1) Name of station licensee.

(2) Station call.

(3) Exact location or locations of the permanent station records.

(4) Frequency or frequencies upon which the associated transmitter is adjusted to operate.

(5) Signature of the licensee.

85.12 Inspection of Stations and Station Records. All stations and records of stations in the citizens radio service shall be made available for inspection upon the request of the Director of Communications, or his authorized representative, made to the licensee or his

representative. Unless otherwise stated, all required station records shall be maintained for a period of at least one (1) year from date of last entry.

85.13 Current Copy of Rules Required. A current copy of these regulations shall be maintained by each licensee as a part of his station records.

85.14 Inspection and Maintenance of Tower Marking and Associated Control Equipment. The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to provisions included in his authorization, shall operate and maintain the tower markings and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within 30 minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the District Administrator of the district in which the station is located. Further notification shall be given immediately by telephone or telegraph upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three (3) months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

85.15 Recording of Tower Light Inspections. When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records as follows:

(a) The time the tower lights are turned on and off each day, if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed or otherwise noted.

(3) Date, time and nature of the adjustments, repairs or replacements made.

(4) Date and time notice was given to the District Administrator of the failure of any code or rotating beacon light not corrected within 30 minutes.

(5) Date and time notice was given to the District Administrator that the required illumination was resumed.

(d) Upon completion of the 3-month periodic inspection required by Section 85.14(c):

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments or repairs were made.

85.16 False Signals. No person shall transmit false or deceptive communications by radio or identify the station he is operating by means of a call sign which has not been assigned to that station.

85.17 Station Location. The specific location of each Class A base station and each Class A fixed station and the specific area of operation of each Class A mobile station shall be indicated in the application for license. An authorization may be granted for the operation of a base station or fixed station in this service at unspecified temporary fixed locations within a specified general area of operation. However, when any unit or units of a base station or fixed station authorized to be operated at temporary locations actually remains or is intended to remain at the same location for a period of over a year, application for separate authorization specifying the fixed location shall be made as soon as possible but not later than 30 days after the expiration of the 1-year period.

(a) Any class mobile station authorized in this service may be used or operated anywhere in the geographical area of the district as authorized in its station authorization. If operation is required in more than one administrative district, such requirement shall be included in the application for station license, or as a

modification of authorization in the case of a currently licensed station.

(b) A mobile station in this service may be authorized to operate on any vessel, aircraft, or vehicle registered in accordance with the rules and regulations governing such registry, provided, that when such vessel, aircraft, or vehicle is outside the territorial limits of the Trust Territory, the station, its operation, and its operator shall also be subject to the governing provisions of any treaty, rules and regulations concerning telecommunications of that country as may be applicable. This provision applies to any foreign country, including any state or territory of the United States of America.

85.18. Control Points, Dispatch Points and Remote Control. The following classes of stations shall be provided with Control Points, Dispatch Points, or Remote Control, as defined in Section 82.2.

(a) Each Class A base or fixed station shall be provided with a control point, the location of which will be specified in the license. The location of the control point must be the same as the transmitting equipment unless the application includes a request for a different location.

(b) No authorization is required to install dispatch points.

(c) A Class A base or fixed station may be authorized to be used or operated by remote control from another fixed location or from mobile units, provided, that adequate means are available to enable the person using or operating the station to render the transmitting equipment inoperative from each remote control position should improper operations occur.

PART 86. VIOLATIONS AND ADMINISTRATIVE SANCTIONS

86.1 Answers to Notices of Violations. Any licensee who appears to have violated any provision of these rules and regulations or any applicable national or international law, shall be served with a written notice calling the facts to his attention and requesting a statement concerning the matter.

(a) Within 10 days from receipt of notice or such other period as may be specified, the licensee shall send a written answer to the Director of Communications through the District Administrator of the district in which the station is located. If an answer cannot be sent nor an acknowledgment made within such period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay.

(b) The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. In every instance the answer shall contain a statement of the action taken to correct the condition or omission complained of and to preclude its recurrence. If the notice relates to violations that may be due to the physical or electrical characteristics of transmitting apparatus, the licensee must comply with the provisions of Section 84.8, and the answer to the notice shall state fully what steps, if any, have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and the promised date of delivery. If the notice of violation relates to lack of attention the operator in charge, if any, shall also be given.

86.2 Revocation of License. Pursuant to notice and answer in accordance with Section 86.1,

(a) Whenever it appears that a station license should be revoked for reasons set forth in these regulations and any future amendments thereto, the Director will issue an order directing the licensee to show cause why an order of revocation should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this Section will contain a statement of matters with respect to which the Trust Territory is inquiring and shall call upon the licensee, within ten (10) days of receipt of such notice, to send a written answer direct to the Office of the Director of Communications. In his written answer, the licensee may, if he so desires, request a hearing.

(c) If the licensee fails to submit a statement showing why he believes an order of revocation should not be issued, or fails to appear at a hearing which he has requested, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued invoking the sanction specified in the order to show cause. Failure to appear at a hearing shall be deemed a waiver of hearing.

(d) On the basis of the facts before the Director of Communications and on the basis of facts presented by the licensee, either in the written answer or on his requested hearing, the Director shall issue a decision stating his reason for invoking the sanction specified in the order to show cause or for dismissing the allegations, as the case may be, provided, that where a written statement by the licensee contains factual allegations contrary to those upon which the show cause order was based, the Director of Communications may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceedings for oral hearing.

(e) Any order of revocation issued pursuant to this Section shall include a statement of the findings and

the grounds and reasons therefor and specify the effective date of the order and shall be served on said licensee.

86.3 Disregard of Notices of Violation. Any licensee who has received more than three notices of violation and who continues to perform such act or acts in violation of these regulations or who shall continue to operate after his license has been revoked, shall be subject to such further sanction as the Director of Communications shall deem necessary to impose which may include the filing of a criminal complaint against the licensee.

86.4 Right of Appeal. A licensee has the right to appeal a final decision of the Director of Communications concerning revocation of a station license by directing an appeal within 30 days of such final decision to the High Commissioner of the Trust Territory of the Pacific Islands, which is to include all facts in the case including, but not necessarily limited to, a complete statement on each point on which his appeal is based. The decision of the High Commissioner, based on all facts set before him, shall be conclusive. However, the order of revocation issued by the Director of Communications which is under appeal shall remain in full force and effect unless and until the High Commissioner shall issue a decision to the contrary.

86.5 Punishment for Violations. Notwithstanding any administrative proceedings or action taken pursuant to this regulation, any person who wilfully and knowingly violates the provisions of this regulation shall, upon conviction thereof be punished in accordance with Section 1205 of the Trust Territory Code.

PARTS 87 through 93 reserved for future use.

CHAPTER VII

Regulations Governing Broadcast Service

PART 94. BASIS AND PURPOSE, BROADCAST SERVICE REGULATIONS

These regulations have been promulgated to provide a broadcast service (predicated upon the principle that guidance will continue to be provided by the administering authority of the Trust Territory of the Pacific Islands) to be conducted and operated by a community, town, city or any governing body fully representative of the citizens of the Trust Territory in whose interests they were chosen, elected or otherwise selected through inherited rights as may be recognized by the administering authority. In no way shall these regulations be construed or otherwise interpreted to conflict or deviate from policies and regulations of the United States Government.

PART 95. GENERAL REQUIREMENTS

95.1 Application and Authorization. Applications for new stations or for modifications of existing authorizations shall be filed with the High Commissioner of the Trust Territory of the Pacific Islands.

95.2 Showing of Need Required. An authorization for a broadcast station or increase in facilities of an existing station will be issued only after a satisfactory showing has been made that a definite need exists for such a station; that such need is common to the communities, towns or cities within the proposed service area; and that the public interest, convenience, and necessity will be served through the operation under the proposed assignments.

95.3 Adequate Receiving Facilities. The applicant must show that adequate receiving facilities are available within the service area to provide sufficiently widespread broadcast coverage compatible with the showing required by Section 95.2.

95.4 Financial Qualifications of Applicant. The applicant must be financially qualified to construct and operate the proposed station in a continuing satisfactory public service.

95.5 Citizenship. The applicant, or person or persons in control of the applicant's organization, must be a citizen of the Trust Territory of the Pacific Islands.

95.6 Proposed Equipment and Personnel. The technical equipment proposed, the location of the transmitter, the personnel designated to operate and control the technical equipment and other technical phases of operation must comply with the regulations governing same.

95.7 Assignment of Stations to Channels. In all cases, the individual station assignment shall be made in accordance with a frequency assignment issued by, or through the High Commissioner of the Trust Territory.

95.8 Station Location and Program Origination. Each standard broadcast station shall be licensed to serve primarily a particular area which will be specified in the license and the station will be considered to be located in such a place. Each station shall maintain a studio, which will be known as the main studio, at the transmitter site.

95.9 Station Location and Antenna System. An application for authority to install a broadcast station and its antenna system shall specify a definite site and include full details on the station and the antenna design and expected performance.

95.10 Normal License Period. All successful applicants shall be issued a standard broadcast license for a normal license period of one year which may be

extended for additional one-year periods upon a showing that 75 percent of the advertised program time for the last three months preceding the one-year expiration date and 75 percent of the one-year license period has been fulfilled. The 75 percent requirement may be waived upon a showing that the failure was caused by unavoidable equipment damage and delay in the receipt of replacement parts.

PART 96. EQUIPMENT

96.1 Indicating Instruments. Indicating instruments shall be installed or available as follows:

(a) A thermocouple type ammeter shall be permanently installed in the antenna circuit, the readings calibrated to the maximum antenna power authorized and the indications logged as the antenna current at intervals of one hour during transmission.

(b) A modulation monitor shall be installed which shall be calibrated to assure that the modulation of the transmitter shall not be less than 84 percent nor in excess of 100 percent.

(c) Adequate equipment with which to monitor the broadcast signal for the detection of excessive hum and extraneous noises shall be immediately available.

(d) A secondary frequency standard or frequency counter with which to accurately measure the frequency shall be provided.

96.2 Transmitter Requirements. The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed and operated in accordance with good engineering practice in all phases. The general design of a standard broadcast transmitter shall be in accordance with the following specifications:

(a) The maximum rated carrier power shall be that authorized by the station license and will be determined as the sum of the applicable power ratings of the vacuum tubes in use in the final power stage.

(b) The equipment shall be capable of satisfactory operating at the authorized or the proposed operating power with modulation of at least 85 to 95 percent with no more distortion than 5 percent harmonics when modulated from 0 to 84 percent and not over 7.5 percent harmonics when modulating 85 to 95 percent. Distortion shall be measured with modulating frequencies of 50, 100, 400, 1000, 5000 and 7000 cycles up to 16,000 cycles.

(c) The carrier shift (current) at any percentage of modulation shall not exceed 5 percent.

(d) The transmitter shall be enclosed in a metal frame or grill, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

(e) All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts shall have any parts exposed to direct contact. A complete dead-front type of switch board is preferred.

(f) All access doors shall be provided with interlocks which will disconnect all voltages in excess of 150 volts when any access door is opened.

(g) Means shall be provided to make tuning adjustments, requiring voltages in excess of 1000 volts to be applied to the circuit, from the front of the panels with all access doors closed.

96.3 Wiring and Installation. All wiring and installation shall be in accordance with the principles of good engineering and in accordance with the following specifications:

(a) The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected.

(b) Wiring between units of the transmitter, with the exception of circuits carrying radio frequency energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

(c) The installation shall be made in suitable quarters providing maximum shelter from winds and rain, properly equipped with standard fire-fighting extinguishers, all exit doors opening outward and all power distribution wiring and equipment meeting approval of the Director of Public Safety.

(d) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point. Toilet facilities shall be available at a minimum distance from the control point in order to limit his absence from that point to a minimum consistent with proper control of the operation.

96.4 Changes in Equipment. No licensee or permittee shall change, in the last radio stage, the number of vacuum tubes, nor change to vacuum tubes of different power rating or class of operation, nor shall change the system of modulation without authority of the High Commissioner.

96.5 Radiating System. All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to change the transmitter site of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the power of the station. The antenna and/or supporting structure shall be painted and illuminated in accordance with

specifications set forth by the High Commissioner upon filing of the application.

96.6 Operation, Tuning, Adjustment. The station shall be so operated, tuned and adjusted that emissions which cause or are capable of causing interference to the communications of other stations are not radiated outside the authorized band. In stations where the modulating frequencies result in audio frequency harmonics outside the authorized band by plus or minus 7500 cycles (7.5 Kc/s), the licensee or permittee shall install equipment or make adjustments which limit the emissions within this band to a point where they are no longer objectionable.

96.7 Acceptability for Licensing. Transmitters will be accepted by the High Commissioner under one of the following conditions:

(a) A transmitter may be Type-Accepted of any manufacturer of broadcast transmitters.

(b) An application specifying a transmitter not classed as Type-Accepted may be accepted upon request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing all tubes used, function of each, multiplication in each stage, place current and voltage applied to each. On completion of construction and tests, the applicant shall present measurement data for type acceptance.

PART 97. STATION OPERATION

97.1 Frequency Tolerance. The operating frequency of each station shall be maintained within 20 cycles of the assigned frequency.

97.2 Minimum Operating Schedule. Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a.m. and 6 p.m. and midnight. In an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operating for a period not to exceed 30 days, provided that the High Commissioner shall be notified in writing immediately after the emergency develops.

97.3 Departure from Schedule. In all cases where a licensee is required to prepare or file an operating schedule, any deviation or departure from such schedule, except as authorized by the High Commissioner, shall be considered as a violation of a material term of the license.

97.4 Blanketing Interference. The licensee of each broadcast station shall be responsible for satisfying all reasonable complaints of blanketing interference. Where such blanketing interference and radio frequency

harmonics or spurious emissions are the basis for complaints from an agency of the Trust Territory Government and/or the U. S. Government, the licensee shall take immediate steps to limit such interference to a point where it is no longer objectionable. Failing to satisfy such complaints, the licensee may declare an emergency for a period not exceeding 10 days for adjustments and tests, providing the High Commissioner shall be notified promptly after the emergency develops.

97.5 Discontinuance of Operation. The licensee of each station shall notify the High Commissioner of permanent discontinuance of operation within 10 days after such operation ceases. The licensee shall, in addition, immediately forward the station license and other documents.

PART 98. LICENSES

98.1 Station and Operator Licenses. The station license and any other document of station authorization shall be posted in a conspicuous place and in such a manner that all terms are visible, at the principal control point of the transmitter. The original operator license of each station operator shall be posted at the place where he is on duty as an operator.

98.2 Operator Requirements. One or more radio operators holding a valid radiotelephone second-class operator license or special radiotelephone permit shall be in actual charge of the transmitting apparatus and shall be on duty at the transmitter location.

(a) Where a broadcast transmitter is equipped or so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, the operation may be in actual charge of a radio operator holding a valid permit issued by the High Commissioner after examination in the operation of that type equipment. No adjustments or realignment which may change frequency or cause spurious emissions or otherwise result in departures from the broadcast station's documents of authorization shall be made by the holder of such a special permit.

(b) All adjustments or realignment of the broadcast transmitter and associated transmitting equipment shall be made by the holder of a radiotelephone first-class or second-class operator license or, in the absence of such a licensed operator, by an electronics technician or engineer of the Trust Territory Government, rated electronics personnel of the U. S. military, and electronics technicians or engineers employed by contractors of the Trust Territory or of the United States Government. The use of such non-licensed personnel shall require prior approval from the High Commissioner. Such an approval shall be restricted to a specific person, or persons, who have been determined qualified by the office of the High Commissioner.

PART 99. LOGS, REQUIREMENTS FOR

99.1 Maintenance of Program Log. The Licensee or Permittee of each standard broadcast station shall maintain a program log and shall require entries to be made as follows:

(a) An entry of the time each station identification announcement (call letters and location) is made.

(b) An entry briefly describing each program broadcast, such as "music," "speech," "play," etc., with the time of the beginning and ending of each program. A mechanical record or tape recording shall be announced as such, with the entry showing that it has been announced at the time.

99.2 Maintenance of Operating Log. The Licensee or Permittee of each standard broadcast station shall maintain an operating log and shall require entries to be made as follows:

(a) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(b) An entry of the time the program begins and ends.

(c) An entry of each interruption to the carrier wave, its cause and duration.

(d) An entry each 30 minutes of the total plate current and plate voltage of final power tube, and the antenna current.

(e) An entry before the program begins which shows the frequency measurement.

99.3 Retention of Logs. Logs of Standard Broadcast stations shall be retained by the licensee or permittee for a period of two (2) years.

99.4 By Whom Kept. Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

99.5 Log Form and Correction of Logs. The log shall be kept in an orderly manner, in suitable form, and in such detail that data required are readily available. No log or portion thereof shall be erased, obliterated or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous entry, initial the correction made, and indicate the date of the correction.

99.6 Inspection and Surrender. Logs of a standard broadcast station shall not be open to inspection except to an authorized radio inspector of the Trust Territory Government, nor shall such logs be surrendered except by order of the High Commissioner.

PART 100. OTHER OPERATING REQUIREMENTS

100.1 Station Identification Announcements. All licensees of a standard broadcast station shall make station identification announcements (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour; provided that such identification announcement need not be made on the hour, half hour or quarter hours when to make such an announcement would interrupt a single consecutive speech, play, religious service or concert. In such cases, an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program.

100.2 Rebroadcasting. No licensee or permittee of a standard broadcast station may rebroadcast, in part or in whole, the programs or any standard or high frequency broadcast station or the transmissions of any communications service without the written authority of the licensee of such broadcast station or communications service.

100.3 News Services. No licensee of a standard broadcast station may broadcast news copied from any radio news service or publication without the written authority of such news service or publication. The broadcast of such news shall include specific mention of such authority at the beginning and ending of each broadcast.

100.4 Language Restrictions. Except for identification announcements (call letters and location) which shall be in English, broadcasts may be in the lingua franca of the service area of the broadcast station.

100.5 Obscene and Profane Language. No licensee of a standard broadcast station may transmit any profane or obscene language.

PART 11. CONELRAD

101.1 Radio Alerts, Required Action. The licensee of a standard broadcast station shall, immediately upon receipt of a notification by a representative of the High Commissioner that a Radio Alert is in effect, shut down his transmitting equipment without further announcement. Until receipt of an official announcement that the Radio Alert has been discontinued, the licensee shall effectually disable his station against accidental or intentional transmission of the carrier.

101.2 Radio Alerts, Permissible Communications. The licensee of a standard broadcast station shall hold himself ready for the operation of his station under the immediate direction of a duly qualified official of the administering authority, to make such official announcements as may be released to him or to surrender the operation of his station to the partial or

complete jurisdiction of the administering authority. During such emergency operation, the rules contained in parts 94 through 100 of these regulations are suspended with regard to the operation of the station.

101.3 Radio Alert Drills. At some time it may be necessary to conduct an Air Defense Drill under conditions of simulated attack. During a drill, a standard broadcast station will take the same steps as such stations would be required to take in the event of an

actual radio alert under this part of the rules and current operating instructions as may be issued by the administering authority, except for special drill messages. These Communications Regulations shall become effective sixty (60) days after issuance at which time all rules and regulations in conflict herewith are rescinded.

PARTS 102 through 108 reserved for future use.

TITLE 19

ADMIRALTY AND MARITIME

CHAPTER 7

REGULATIONS GOVERNING SEAMEN EMPLOYED BY THE TRUST TERRITORY GOVERNMENT (Regulation No. 5-74)

PART 201 GENERAL PROVISIONS

201.1 Purpose. Because of the need for vessels operated by the Trust Territory Government, or time chartered by the Government to private companies, to employ seamen under employment conditions which are different from other forms of government-related employment, these regulations have been promulgated.

Although different from normal shoreside practices, the traditional and necessary employment conditions of seamen include:

- a. His primary place of employment (ship or ship-support facility) is located in a frequently changing part of the Trust Territory or other geographic areas of the world, and he is given little or no advance notification of these changes.
- b. His employment is subject to termination at any time, with thirty days advance notice.
- c. He is subject to working irregular and extended hours without an option to decline such work.
- d. He can be discharged by the Master of his ship, or Manager of the ship-support facility, for cause, at any time and at any location in the world.
- e. He may be hired by the Master of his ship or Manager of the ship-support facility without any formal prospective-employee-processing and without endorsement by any other official (except in the case of certain ship's officers).

The Chief of Transportation is the authorized representative of the Director in all employment matters regarding Trust Territory sea transportation personnel.

201.2 Authority. These regulations have been promulgated by the Director of Transportation and Communications and approved by the High Commissioner of the Trust Territory of the Pacific

Islands in accordance with Section 232 of Title 19 of the Code of the Trust Territory. These regulations and any amendments thereto shall have the force and effect of law and be binding upon all persons employed as seamen by the Trust Territory Government.

201.3 Definition of terms. Certain terms used in these Regulations are defined as follows:

- a. "Master" means any person having command of a vessel;
- b. "Seamen" means any or all members of the crew and officers, other than pilots and in-port cargo handlers (longshoremen), employed or engaged in any capacity on board and any vessel, or employed in any established ship-support facility ashore;
- c. "Crew" means, collectively, the seagoing personnel, other than officers;
- d. "Vessel operator" includes the charterer, owner or other designated operator of any vessel owned or chartered by the Trust Territory Government where this operator mans, victuals, schedules and books cargo or passengers for such vessel at his own expense or in accordance with contracts established with the Government;
- e. "Government" means the government of the Trust Territory of the Pacific Islands;
- f. "Director" means the Director, Transportation and Communications;
- g. "Shipping Articles" means the written agreement between the vessel operator and the seamen. The Master is the vessel operator's agent and has authority to act

for the vessel operator in all matters pertaining to his ship.

PART 202 SHIPPING ARTICLES

202.1 Shipping articles and wage scales. Prior to embarking any seaman upon a vessel owned or chartered by the Government to private companies, the Master shall require that each seaman sign Shipping Articles setting down the terms and conditions of employment, mutual obligations of Master and seaman, and wages and benefits. The Shipping Articles, reproduced in these regulations shall also include a statement of salary for the seaman and this salary shall conform to a separately issued salary scale, also reproduced in these regulations, for all seamen employed by the Trust Territory.

202.2 Shipping Articles. The Shipping Articles required by all seamen employed by the Trust Territory Government is as follows:

**SHIPPING ARTICLES
(for all Shipboard Personnel)**

Vessel Operator

NAME OF EMPLOYEE _____

SHIPPING ARTICLES

Pursuant to the provisions of Title 19 of the Trust Territory Code and Title 8 of the Code of Public Regulations of the Trust Territory of the Pacific Islands this is an agreement made between _____

_____ which is (a vessel operating section of the Trust Territory Government), (a corporation organized and existing under the laws of the Government of the Trust Territory of the Pacific Islands), (herein referred to as

the "Employer") and _____ of

the City of _____ in _____

whose home address is _____ in

said City (herein referred to as the "Employee"). Witnesseth, that the parties hereto hereby agree as follows:

1. The Employee is hereby engaged to work in the capacity of _____ and to perform all of the usual duties of a _____ as the Employer may require, and the said Employee to conduct himself in an orderly, faithful, honest and sober manner, and to be at all times diligent in his respective duties, and to be obedient to the lawful commands of the Master of the Vessel, Manager of the ship-support facility, or of any person who shall lawfully succeed him, and of his superior officers aboard the vessel, in everything relating

to the vessel, and the stores and cargo thereof, whether onboard, in boats, or on shore.

And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the vessel's cargo or stores shall be made good to the Employer out of the wages of the person guilty of same.

2. The place where the work is to be done and the services that are to be rendered will be within the Trust Territory either ashore or aboardship, or such other place or waters as the Employer may direct.

3. This Contract shall become binding on the parties only when signed by the Employee and an authorized officer or representative of the Employer.

The Employee shall enter into the service of the Employer as of a date designated by the Employer not later than 30 days after the date of signing of this Contract by the Employee. The employment shall continue for a period of 12 months from the date of commencement of services, plus the time required for the vessel to reach a successive scheduled safe port, within the Trust Territory of the Pacific Islands, after the completion of the 12 months, subject to the conditions set forth herein. The Employer shall have the option to offer to extend the period of employment under the same terms and conditions as then in effect by giving the Employee written notice of his intention to extend the employment 30 days prior to the completion of the 12-month contract.

4. Beginning with the date the Employee leaves the port of embarkation, the Employer shall withhold from each salary payment due to the Employee an amount not to exceed twelve dollars and fifty cents (\$12.50), until a specified reserve fund shall have been set aside; provided, that if the Employee resigns or is discharged, that all monies due to the Employee at the time of such resignation, or discharge, shall be added to and become part of said reserve. The reserve fund for employees with a point of hire in the Trust Territory shall be \$200.00. The reserve fund for employees outside of the Trust Territory shall be \$350.00. This reserve fund of monies owed by the Employer to the Employee at the time of resignation, discharge or early termination of employment shall be used to return the Employee to his official point of hire and/or offset any outstanding obligations of the Employee to the Employer. Any part of the reserve fund not used as provided herein shall be paid to Employee at the time of early termination, resignation, or discharge.

In event of emergency, accident or death, the Employer may notify:

Relationship
Address

The above address may be considered as the Employee's permanent address, or the address of the person in

whose care the Employer may communicate concerning this Contract or other matter, if unable to communicate directly with the Employee. In event of death of the Employee during the term of this Contract, the Employee authorizes the Employer to make appropriate disposition as is deemed best under the prevailing circumstances, of the body and personal effects of the Employee, provided the Employer make reasonable attempts to contact the above person or the Employee's family before making final disposition and the Employer follow his or their instructions regarding disposition. The Employer shall be liable for reasonable funeral expenses and expenses incurred in transporting the body to the point of hire, or such shorter distance to be designated by the Employee's estate.

5. The Employee represents:

(a) That he is properly qualified (and licensed) as a _____ under the laws of _____.

(b) That he is over sixteen years of age.

6. The Employee agrees as follows:

(a) To devote his exclusive services and entire skill and abilities to said employment during the period of employment, as herein set forth, and to promptly and faithfully perform all services pertaining to said employment that are or may be hereafter required of him by the Employer during the said term of employment.

(b) To observe such work hours as may be necessary for the proper performance of his duties on shore and/or afloat. Normal combined working and watch standing hours for officers and crewmen in port and at sea shall be 56 hours per week. Unless the Master considers it vital to the operation of the ship, no work, other than standing watch, will be performed on Sundays. The Master may permit shore leave for any employee for a specific number of hours in any safe port where the Master deems that such temporary leave does not endanger his ship or impede the normal work and maintenance of the ship.

(c) To report onboard ship, in a condition acceptable to the Master, to commence work at the time of day specified by the Master prior to vessel departures or major ship's work operations. Failure to so report shall be grounds for contract termination in accordance with Paragraph 8, Section (c) (1).

7. The Employer agrees as follows:

(a) To transport, furnish transportation, or to pay transportation expenses including subsistence of the Employee to the Employer's headquarters from the point where hired.

(b) Subject to the various provisions of clause (c) of this Paragraph (8), to transport, to furnish transportation, or to pay transportation expense, including subsistence, for service under this Contract; except where this period is extended in writing by the Employer to the point of employment.

(c) To pay to the Employee for his services at the rate of _____ dollars per month, including subsistence, under this Contract, beginning with the date of commencement of services as provided in Paragraph (3) and ending with the date of Employee's return to point where hired, subject, however, to the following:

(1) If the employment is terminated by the Employer for cause on the part of the Employee, the Employee shall be entitled to no further salary than is due him up to and including the date of termination. If the employment is so terminated, the Employer is under no obligation to arrange transportation for the Employee to any location other than his point of hire. The cost of this return transportation shall be deducted from the monies withheld in accordance with Paragraph 4.

Termination for cause shall include, but not be limited to, lack of ability of the Employee to perform the work for which he is hired, carelessness or negligence of duties, misrepresentation of facts, untruthfulness, insubordination, incompetence, failure through fault or refusal to work, dishonesty, concealment of firearms on board ship, failure to surrender firearms to the Master, bad temper, refusal to obey directions of superiors, excessive use of alcoholic drinks, use of narcotics, shipment of unmanifested cargo in excess of necessary personal effects, concealment of any material facts for the purpose of securing this Contract, failure to obey any of the laws and regulations of the place of employment, failure to cooperate with other employees.

(2) If the employment is terminated due to the resignation of the Employee at any time prior to one year from the date of this Contract, or at other than the end of any period for which this Contract may be extended or renewed, the Employee shall be entitled to no further salary than is due him to and including the effective date of resignation, and the Employer shall not be obligated to arrange transportation to any location other than the Employee's point of hire. The cost of this return transportation shall be deducted from the monies in accordance with Paragraph 4.

(3) In the event the Employer determines the services of the Employee are no longer required for reasons other than those set forth in Clauses (1) and (2) the Employee shall be given thirty (30) days notice of termination and his salary shall terminate at the expiration of such notice. The Employee shall be returned to his point of hire at the Employer's expense.

(d) Payment to the Employee for services rendered shall

be made in United States dollars, but such payment shall be subject to any regulations established by the Government of the place of payment.

(e) The Employee shall be entitled to Employer furnished transportation to and from his point of hire upon completion of one year's service under this Contract or extensions thereof; provided he retains Employee status. This transportation shall be made by a method at the convenience of the Employer and within thirty (30) days after the one year anniversary date.

(f) The Employee shall be entitled to vacation with pay equal to 14 days per year starting with original date of hire. The Employee must work one full year to be entitled to 14 days vacation with pay. Vacation with pay is mandatory and pay in lieu of actual vacation time will not be permitted unless the Master and/or the Chief of Transportation so approves.

(g) In addition to regular working hours, extra hours may be required in order to complete operations of the vessel and shall be paid at the rate of time and one-half per hour of overtime work. The average hourly rate for overtime purposes shall be determined by dividing (12 X monthly salary) by 2,768 (hours of work per year).

(h) The Employee shall be entitled to subsistence (food and lodging).

(i) The Employee shall be entitled to five (5) paid holidays per year which include: (1) New Year's Day, January 1; (2) Easter; (3) Micronesia Day, July 12; (4) United Nations Day, October 24; (5) Christmas, December 25. Where any holiday falls on a Sunday the Employee shall be entitled to observe it on the following Monday. If the Employee is unable to take the benefits for paid vacation or holiday, then he shall be entitled to doubletime pay for each vacation day or holiday, as measured by eight hours the Employee was unable to take as certified by the Master and/or the Chief of Transportation.

(j) The Employee shall be entitled to sick leave benefits as provided for in Title 19, Chapter 7, Section 214 of the Trust Territory Code.

(k) The Employer shall pay Social Security for all seamen who are Trust Territory citizens at the established rate. The seamen will in turn pay an equivalent amount toward Social Security. This premium will be deducted from the seamen's salary every pay period and paid to the Social Security office every three months.

8. Any claims arising out of this agreement shall be submitted by the Employee in writing to the Master who will then forward the Employee's claim with the Master's comments to the main office of the Employer and a copy to the Director, Transportation and

Communications. Such written notice shall set forth in detail the nature of the claim and any amount claimed by the Employee and shall be submitted by the Employee or his representative.

9. The parties mutually agree as follows:

(a) The Employer may terminate the employment before the specified date for any of the following reasons:

(1) For cause;

(2) Determination by the Employer that the Employee's services are no longer needed (with notification as provided in Paragraph 8, Section (c) (3).

(b) The Employer may assign the Employee to temporary shoreside employment directly connected with the operations of Trust Territory vessels.

10. The Employee's performance of his services will at all times be subject to the supervision and direction of the Employer's principal representative at the Employer's headquarters, or the Master of the vessel or the Manager of the ship-support facility, whichever the case may be.

11. This contract shall be in accordance with and in no way be contrary to the provisions set forth in Title 19, Chapter 7 of the Trust Territory Code; further, the Employee shall not be denied any of the rights he is entitled to under this law.

12. Certification by Employee: The Employee hereby certifies that he has read the foregoing agreement and that he fully understands its terms and conditions; and the Employee further certifies that the foregoing terms and conditions constitute his entire agreement with Employer and that no promises or understandings have been made other than those stated above; and it is specifically agreed that this agreement shall be subject to modification only by both the Employee and the Employer.

NAME OF EMPLOYEE _____

POSITION CLASSIFICATION _____

MONTHLY SALARY RATE _____

POINT OF HIRE _____

EFFECTIVE DATE OF EMPLOYMENT _____

DISTRIBUTION OF SALARY _____

202.3 Minimum pay schedule for seamen on Trust Territory owned and/or operated vessels.

MONTHLY RATE

POSITIONS	I	II	III	IV	V
Master	350 (D7)	500 (D8)	600 (D9)	750 (D10)*	1000 (D11)*
Chief Mate		270 (D7)	370 (D8)	500 (D9)	700 (D10)
Senior Purser, RDO IV				500 (D9)	500 (D9)
Second Mate		190 (D6)	270 (D7)	320 (D9)	500 (D9)
Purser III, RDO III			370 (D8)	370 (D8)	
Third Mate			190 (D6)	220 (D7)	320 (D8)
Purser II, RDO II			270 (D7)	270 (D7)	
Purser I, RDO I			190 (D6)		
Jr. Third Mate			160 (D5)	190 (D6)	220 (D7)
Boatswain		140 (D4)	150 (D4)	180 (D5)	180 (D5)
Deck Maintenance				145 (D4)	145 (D4)
Deck Cadet		85 (D2)	85 (D2)	85 (D2)	85 (D2)
Chief Engineer	270 (E7)	450 (E8)	550 (E9)	700 (E10)	800 (E10)
First Asst. Engineer		270 (E7)	370 (E8)	480 (E9)	550 (E9)
Second Asst. Engineer		190 (E6)	270 (E7)	320 (E8)	450 (E8)
Third Asst. Engineer			190 (E6)	220 (E7)	270 (E7)
Jr. Third Engineer			160 (E6)	190 (E6)	190 (E6)
Engine Maintenance/Machinist				145 (E4)	170 (E5)
Engine Cadet		85 (E2)	85 (E2)	85 (E2)	85 (E2)
Chief Electrician			390 (E8)	420 (E8)	420 (E8)
Assistant Electrician			190 (E6)	220 (E7)	220 (E7)
Electrician Trainee			85 (E2)	85 (E2)	85 (E2)
Steward		150 (S5)	225 (S6)	290 (S7)	320 (S8)
Cook		105 (S4)	170 (S5)	180 (S5)	190 (S6)
Assistant Cook				135 (S3)	140 (S4)
Steward Cadet		85 (S2)	85 (S2)	85 (S2)	85 (S2)
Messman/Commissaryman		85 (S1)	85 (S1)	85 (S1)	85 (S1)
Able Seaman/Oiler/Engineman	125 (D3) (E3)	125 (D3) (E3)	125 (D3) (E3)	125 (D3) (E3)	
Ordinary Seaman/Wiper	85 (D1) (E1)	85 (D1) (E1)	85 (D1) (E1)	85 (D1) (E1)	

I = Applicable to vessels under 200 GRT

II = Applicable to vessels between 200 and 500 GRT

III = Applicable to vessels between 500 and 2,000 GRT

IV = Applicable to vessels between 2,000 and 6,000 GRT

V = Applicable to vessels over 6,000 GRT

*Plus 80.00 for each Trust Territory port entered and departed without a pilot. Pilotage fees shall be applicable only to Trust Territory ports that have a channel.

NOTE: (1) In order to qualify for stated pay, the seaman has to have a permanent rating as high as that indicated in parenthesis, or serve 90 days in the position.

IN WITNESS WHEREOF, the parties have executed this Contract on the dates written:

Signed this _____ day of _____, 19____, at _____ by _____

Signed this _____ day of _____, 19____, at _____ by _____

Employer or Authorized Representative

Employee

Witness _____

Witness _____

CHAPTER 1

TRUST TERRITORY ENVIRONMENTAL PROTECTION BOARD REGULATIONS

(Release No. 15-73)

PART 1 GENERAL PROVISIONS

1.1 Authority. Under and by virtue of the provisions of Section 5 of Public Law 4C-78, the Trust Territory Environmental Protection Act, and in compliance with the Federal Water Pollution Control Act, as amended, as it applies to the Trust Territory of the Pacific Islands, and any other applicable laws, the following Regulations relating to water pollution control are hereby promulgated by the Trust Territory Environmental Protection Board with the approval of the High Commissioner.

1.2 Definitions.

- (a) The "Trust Territory Act" means the Trust Territory Environmental Protection Act, Public Law 4C-78.
- (b) The term "EPA" means the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314.
- (c) The terms "Administrator" and "Regional Administrator" mean the respective administrators of EPA.
- (d) The term "Board" means the Trust Territory Environmental Protection Board.
- (e) The term "Chairman" means the Chairman of the Trust Territory Environmental Protection Board.
- (f) The term "Executive Officer" means the administrator of the Trust Territory Act appointed by the Board.
- (g) The term "National Pollutant Discharge Elimination System (NPDES)" means the system for the issuance for permits pursuant to EPA and the Trust Territory Act.
- (h) The term "NPDES application", "NPDES reporting form, and "NPDES permit" means the uniform forms developed for use pursuant to the Federal Water Pollution Control Act adopted and used by the Board.
- (i) The term "discharge" means the addition of any pollutant to Trust Territory waters from any point source.
- (j) The term "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(k) The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean sewage from vessels.

(l) The term "Trust Territory waters" means any and all surface and subsurface waters, which are contained within, flow through, or border upon this Trust Territory or any portion thereof, including, but not limited to, the territorial seas and contiguous zone lagoons, coastal and shore waters and ocean.

(m) The term "effluent limitations" means any restrictions or prohibitions established under Trust Territory Act, EPA or other Federal laws including, but not limited to, effluent limitations, standards of performance for new sources, toxic effluent standards and ocean discharge criteria of quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into territory waters, including schedules of compliance.

(n) The term "water quality standards" means any water quality standards adopted and effective under Trust Territory law and Federal law.

(o) The term "water quality criteria" means any criteria describing the required quality of Trust Territory waters adopted under the Trust Territory Act, EPA or other Federal law.

(p) The term "schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with any effluent limitation or water quality standard.

(q) The term "person" means an individual, corporation, partnership, association, State, Trust Territory, or political subdivision thereof, Trust Territory agency, municipality, commission, or any interstate body, foundation or other institution or entity.

(r) The term "municipality" means a city, town, district, association, waste treatment management agency, or other public body created by or pursuant to Trust Territory law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

(s) The term "permit" means a permit to discharge pollutants into Trust Territory waters issued under the law and regulations here set out.

(t) The term "industrial user" means those industries identified in the Standard Industrial Classification Manual, United States Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D-Manufacturing" and such other classes of significant

waste producers identified under regulations issued by the Board or the Administrator of the EPA.

(u) The term, "publicly owned treatment works" means any facility for the treatment of pollutants owned by the Trust Territory or any political subdivisions thereof, municipality, or other public entity.

(v) The term "pollution" means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(w) The term "toxic pollutant" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Board and to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

(x) The term "biological monitoring" shall mean the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants: (1) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (2) at appropriate frequencies and locations.

PART 2 GENERAL POWERS AND DUTIES OF THE BOARD

2.1 The Board shall have the following General Powers and Duties:

(a) To perform any and all acts necessary to carry out the purposes and requirements of the Trust Territory Act and of the Federal Water Pollution Control Act, as amended, as it relates to the Trust Territory's participation in the National Pollutant Discharge Elimination System established under that Act.

(b) To administer and enforce the provisions of the Trust Territory Act and all rules, regulations, orders, effluent limitations, water quality standards, and permits promulgated, issued, or effective hereunder.

(c) To advise, consult, cooperate, contract and enter into agreements with agencies of the Federal government, and with agencies of the Trust Territory and with other persons as necessary to carry out the purposes of the Act.

(d) To develop, propose, promulgate, and amend such rules and regulations as are necessary to carry out the purposes of the Act.

(e) To designate an Executive Officer who shall

administer the functions of the Board and shall have such duties and responsibilities as may be delegated to him by the Board.

The Executive Officer shall not now, nor for two (2) years previously, nor for so long as he remains as Executive Officer, or for two (2) years thereafter, receive significant income from a permit holder or an applicant for a permit.

2.2 Prohibition of Discharges. Except as in compliance with the provisions of the Trust Territory Act and any rules and regulations promulgated thereunder, the discharge of any pollutant into Trust Territory waters by any person is unlawful.

2.3 Issuance of Permits. The Board may, after public notice and opportunity for public hearing, issue a permit for the discharge of any pollutant or combination of pollutants into Trust Territory waters, notwithstanding Part 2.2 of these regulations, upon condition that such discharge meets or will meet all applicable Trust Territory and Federal Water Quality standards and effluent limitations and all other requirements of the Trust Territory Act and the Environmental Protection Agency.

2.4 Duration of Permits. Each permit issued under the Trust Territory Act shall have a fixed term not to exceed five (5) years. Upon expiration of a permit, a new permit may be issued by the Board after review by the Board in accordance with such rules and regulations as shall be prescribed, after notice and opportunity for public hearing, and upon condition that the discharge meets or will meet all applicable Trust Territory and Federal water quality standards, effluent limitations and all other requirements of the Trust Territory Act and Environmental Protection Act.

2.5 General Terms and Conditions of Permits.

(a) The Board may require as conditions in permits issued under these Regulations, the achievement of: (1) effluent limitations based upon the application of such levels of treatment technology and processes as are required under the Federal Water Pollution Control act, as amended; (2) any more stringent effluent limitations necessary to meet water quality criteria established pursuant to the Trust Territory or these regulations issued as provided in that Act.

(b) Effluent limitations prescribed under subsection (a) of this section shall be achieved in the shortest reasonable period of time consistent with Trust Territory law and the Federal Water Pollution Control Act, as amended, and any regulations or guidelines promulgated thereunder.

(c) The Board may: (1) set and revise schedules of compliance and include such schedules within the terms and conditions of permits for the discharge of

pollutants; and (2) prescribe terms and conditions for permits issued under these regulations to assure compliance with applicable Trust Territory and Federal effluent limitations and water quality criteria, including requirements concerning recording, reporting, monitoring, entry and inspection to the extent permissible under Section 2.11 and 2.12 of these Regulations, and such other requirements as are consistent with the purposes of these Regulations.

2.6 Prohibition Against Issuing Permit in Certain Instances. No permit shall be issued authorizing any of the following discharges:

(a) The discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;

(b) Any discharge which the Secretary of the Army acting through the Chief of Engineers, or Coast Guard, finds would substantially impair anchorage and navigation of any waters of the United States or of the Trust Territory.

(c) Any discharge to which the Administrator of the Environmental Protection Agency or his designee, has objected pursuant to any right provided to the Administrator under the Federal Water Pollution Control Act, as amended.

(d) Any discharge which is in conflict with an area-wide waste treatment management plan approved under the Federal Water Pollution Control Act, as amended, or under the Trust Territory Act.

2.7 Permit Conditions Concerning Publicly Owned Treatment Works.

(a) The Board shall impose as conditions in permits for the discharge of pollutants from publicly owned treatment works requirements for information to be provided by the permittee concerning new introductions of pollutants or substantial changes in the volume or character of pollutants being introduced into such treatment works.

(b) The Board may impose as conditions in permits for the discharge of pollutants from publicly owned treatment works appropriate measures to establish and insure compliance by industrial users with any system of user charges required under Trust Territory or Federal law or any regulations or guidelines promulgated thereunder.

2.8 Pretreatment Standards. The Board may apply and may enforce pursuant to Sections 2.6 and 2.7 of these regulations, against industrial users of publicly owned treatment works, toxic effluent standards and pretreatment standards for the introduction into such treatment works of pollutants which interfere with, pass through, or otherwise are incompatible with such treatment works. The Board may promulgate such rules and

regulations as are necessary to implement this section.

2.9 Public Notice. The Board shall promulgate rules and regulations and perform all acts as may be required under Trust Territory or Federal law, rules and regulations to insure adequate public notice and public participation concerning permit applications and actions related thereto.

2.10 Public Hearings. The Board shall provide an opportunity for public hearing, with notice thereof, with respect to all permit applications in accordance with applicable provisions of Trust Territory Act and Environmental Protection Agency law rules and regulations. The Board shall promulgate such rules and regulations as are necessary to implement this section.

2.11 Monitoring, Recording and Reporting. The Board may, by regulation, order, permit, or otherwise require the owner or operator of any source of a discharge of pollutants or of any source which is an industrial user of a publicly owned treatment works to:

(a) Establish and maintain such records;

(b) Make such reports;

(c) Install, calibrate, use and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods);

(d) Sample such discharges (in accordance with such methods, at such locations, at such intervals, and in such manner as the Board shall prescribe); and

(e) Provide such other information relating to discharges of pollutants into Trust Territory waters or to introductions of pollutants into publicly owned treatment works as the Board may reasonably require.

2.12 Inspection and Entry.

(a) To carry out the purposes of Regulations or any rule, regulation, order, or permit issued thereunder, the Board or its authorized representative, upon presentation of credentials: (1) shall have a right of entry to, upon, or through any premises in which any effluent source is located or in which any records are required to be maintained;

(2) may at reasonable times have access to and copy any records required to be maintained; (3) may inspect any monitoring equipment or method which is required; and (4) may have access to and sample any discharges or pollutants to Trust Territory waters or to publicly owned treatment works resulting directly or indirectly from activities or operations of the owner or operator of the premises in which the effluent source is located.

(b) For the purposes of this section the term "effluent source" shall mean: (1) a point source of the discharge

of pollutants or (2) a source of introduction of pollutants into publicly owned treatment works by an industrial user.

2.13 Public Access to Information. Any records, reports, or information obtained under Sections 2.11 and 2.12 of these regulations and any permits, permit applications, and related documents shall be available to the public for inspection and copying; provided that upon a showing satisfactory to the Board by any person that such records, reports, permits, permit applications, documentation, or information, or any part thereof (other than effluent data) would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the Board shall consider, treat, and protect such record, report, or information, or part thereof, as confidential; provided further, however, that any such record, report, or information accorded confidential treatment may be disclosed or transmitted to other officers, employees, or authorized representatives of this Trust Territory or of the United States, concerned with carrying out these regulations or when relevant in any proceeding under these regulations.

2.14 Revocation, Modification, or Suspension of Permits. Any permit issued under these regulations may be revoked, modified or suspended in whole or in part during its term for cause, including but not limited to the following:

(a) Specifying the provision or provisions of the law, or the rule, regulation, water quality standards, effluent limitation, or permit alleged to be violated or about to be violated and the facts alleged to constitute a violation thereof, and

2.15 Injunctive Relief. The Board may commence action for appropriate relief, including a permanent or temporary injunction for any violation or threatened violation for which the Board may issue a compliance order under Section 2.16 of these regulations. Such action shall be brought in the High Court, Trial Division.

2.16 State Enforcement of Certain Requirements Applicable to Persons Introducing Pollutants into Publicly Owned Treatment Works.

(a) In the event any condition of a permit for discharges from a publicly owned treatment works is violated, the Board may proceed pursuant to Section 2.7 or 2.8 of this Regulation to restrict or prohibit the introduction of any pollutant into such treatment works by a source not utilizing such treatment works prior to the finding that such condition was violated.

(b) If the Board finds on the basis of information available to them that an industrial user is not in compliance with a system of user charges required under Trust Territory or Federal law, or the condition of any permit issued by the Board to the publicly owned treatment works into which such user is introducing pollutants, the Board may proceed to

enforce or apply such system of charges directly against such industrial user pursuant to Section 2.6 and 2.7 of this Regulation.

2.17 Water Quality Planning. The Board will establish and conduct a continuing planning process consistent with the requirements of the Federal Water Pollution Control Act, as amended, including but not limited to the establishment and application of maximum daily loads of pollutants.

PART 3. BOARD MEMBERSHIP.

3.1 The Board, which approves permit applications or portions thereof, shall not include, as a member, any person who receives, or has during the previous two (2) years received, a significant portion of his income directly or indirectly from permit holders or applicants for a permit.

PART 4. NPDES FORMS, APPLICATIONS AND PERMITS.

4.1 Transmission of Data to Regional Administrator. On receipt of a completed NPDES form, the Board shall promptly forward to the Regional Administrator a copy of the form, unless the Administrator has waived his right to the particular form. Ninety (90) days shall thereafter be allowed for the Administrator to object in writing to the issuance of a permit or to the other action requested by the form.

A copy shall also be forwarded to the Data Bank, if appropriate.

4.2 Identity of Signatories to NPDES Forms. NPDES forms shall be signed as follows:

(a) In the case of corporations, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for overall operation of the facility from which discharge described in the NPDES form originates.

(b) In the case of a partnership by a general partner.

(c) In the case of a sole proprietorship, by the proprietor.

(d) In the case of a municipal Trust Territory or other public facility by either a principal executive officer, ranking elected official or other duly authorized employee.

4.3 Notice and Public Participation.

(a) On receipt of a completed NPDES application the Board shall prepare tentative determinations which shall include: (1) A proposed determination to issue or deny an NPDES permit; (2) If the determination is to issue, then the following determinations shall be made: *i* Proposed effluent limitations; *ii* Proposed schedule of compliance; and *iii* Brief description of other special conditions which will have a significant impact upon the discharge to be permitted; (3) A draft permit.

(b) Public Notice of every complete application for an NPDES permit shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the determination to issue or to deny an NPDES permit. (1) Notice shall be circulated within the geographical areas of the proposed discharge by: (i) Posting in post office and public places nearest the effluent source. (ii) Posting near applicant's premises and nearby places. (iii) Publishing in local newspapers and informing by radio and television in area. (iv) Mailing to persons and groups upon request. A list shall be maintained for this purpose. (v) Allowance of at least thirty (30) days following publication and mailing during which time interested persons may submit their written views on the tentative determinations. (vi) The notice shall include: 1 name, address, phone number of agency issuing notice; 2 Name and address of applicant; 3 Brief description of applicant's activities or operations which result in discharge described in NPDES application; 4 Name of waterway to which discharge is made, its location, and whether new or existing discharge; 5 Statement of tentative determination; 6 A brief description of procedure for submitting comments; 7 Address and phone number where further information can be had; (vii) The Board shall notify any other appropriate State or Government Agency of each completed application for an NPDES permit and shall permit them to submit written views and recommendations; (viii) At the time of issuance of public notice the Board shall notify the appropriate U.S. Coast Guard of NPDES applications for discharge into navigable waters unless the Coast Guard has previously waived notice as to the type of discharge under consideration; (ix) The Board shall insure that any NPDES completed forms shall be available to the public for inspection and copying. Other documents may be made available to the public by the Board. The Board may protect this latter information on a showing that its divulgence would divulge trade secrets. The Board shall provide facilities for inspection and copying of forms by the public and shall insure that requests therefor are promptly met by the staff; (x) The Board shall provide an opportunity for the applicants of any affected State or the Trust Territory, or country, the Regional Administrator or any interested agency, person, or group of persons to request or petition for a public hearing with respect to NPDES applications. Such requests for public hearing shall be filed within the 30 day period prescribed for written comments and shall indicate the interest of the party filing and the reason why a hearing is warranted. The Board shall hold a hearing if there is significant public interest; (xi) Public Notice of public hearings shall be circulated at least as widely as is the notice on the application for an NPDES permit and shall contain at least the same information.

PART 5. FEDERAL STANDARDS

5.1 The Board hereby adopts the Effluent Limitations

set forth under Section 301 and 302 Federal Water Pollution Control Act, as amended 1972.

5.2 The Board hereby adopts the Standards of Performance for new sources set forth under Section 306 of the Federal Water Pollution Control Act as amended 1972.

5.3 The Board hereby adopts the Effluent Standards, Effluent Prohibitions, and Pretreatment Standards as set forth under Section 307 of the Federal Water Pollution Control Act, as amended 1972. The Board hereby adopts above Discharge Criteria as set out in Section 403 of Federal Water Pollution Control Act.

5.4 All permits issued by the Board shall comply with the standards set out in Sections 5.1, 5.2 and 5.3 immediately above.

5.5 To assure compliance with the standards set out above, the Board hereby adopts the NPDES forms, copies of which are attached hereto and made a part hereof. All persons completing and filing these forms must show that the standards set out above are being, or will be, complied with.

5.6 In addition to the application of the effluent standards and limitations, water quality standards and other legally applicable requirements, the Board shall in the permit set schedules to achieve compliance with applicable effluent standards and limitations or applicable water quality standards. Permittee shall be required to take specific steps to achieve compliance with applicable standards in the shortest reasonable period of time consistent with the Federal and the Trust Territory Act.

5.7 In any case where the period of time for compliance shall exceed nine (9) months, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement. In no event shall more than nine (9) months elapse between interim dates. Where interim dates are impractical, progress reports may be accepted by the Board. Final dates of compliance shall, if practicable, fall on the last day of the months of March, June, September, and December.

5.8 More than fourteen (14) days before the interim date, the permittee shall provide the Board with written notice of his compliance or non-compliance.

5.9 On the last day of the months of February, May, August, and November the Board shall furnish to the Administrator a list of all instances, as of thirty (30) days prior to the date of the report, of failure or refusal of a permittee to comply with an interim or final requirement. The list shall contain a short description of each instance of non-compliance, a short description of any action taken to enforce compliance, any details which might mitigate non-compliance.

5.10 If a permittee fails or refuses to comply with an interim of final requirement of an NPDES permit such non-compliance shall constitute a violation of the permit for which the Board may modify, suspend, or revoke the permit or take direct enforcement action.

5.11 The Board must insure that the terms and conditions of each issued NPDES permit provide for and insure the following:

(a) That all discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases, or process modifications which result in new or increased discharge or pollutants must be reported by submission of a new NPDES application or if such discharge does not violate effluent limitations specified in the NPDES permit, by submission to the Board of notice of new or increased discharges of pollutants, that the discharge of any pollutant more frequently, or at a level in excess of that identified and authorized by the permit, shall constitute a violation of the terms and conditions of the permit.

(b) Any permit issued for discharge of pollutants into the navigable waters from a vessel or other floating craft shall be subject to any applicable regulations promulgated by the Section of Department in which Coast Guard is operating.

(c) That the permittee shall permit the Board or its authorized representative upon the presentation of credentials: (1) To enter upon permittee's premises in which effluent source is located or in which any records are required to be kept under the terms and conditions of the permit; (2) To have access and to copy any records required to be kept under the terms and conditions of the permit; (3) To respect any monitoring equipment or method required by the permit; (4) To sample any discharge.

(d) That if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the Board as follows: (1) Any new introduction of pollutants into such treatment works from a new source, i.e., commenced after publication of standards for a list of categories of sources pursuant to Section 306 of the Federal Act; (2) Any substantial changes in volume or character of pollutants and their effect on quantity and quality of effluent to be discharged.

(e) That if the permit is for discharge from a publicly owned treatment plant, the permittee shall require any industrial user of the treatment works to comply with the effluent standards and to report to the Board at least every nine (9) months their progress toward full compliance with the toxic and pretreatment standards. If these toxic effluent standards are more stringent than the limitations in the permit, then the Board shall revise the permit.

5.12 The Board shall transmit to the Regional Administrator a copy of every issued NPDES permit immediately following issuance along with any and all terms, conditions, and requirements or documents which are part of such permit or which affect the authorization by the permit of the discharge of pollutants.

5.13 Each NPDES permit issued by the Board shall have a fixed term not to exceed five (5) years. Any permittee who wishes to continue to discharge after the expiration date must file a new application at least 180 days before the expiration date. The same procedure of notice and hearing shall be used for reissuance as for original permit.

5.14 The Board shall establish standards for control of disposal of pollutants into wells which will assure health and welfare is protected and pollutions of surface and ground water prevented.

PART 6. MONITORING, RECORDING AND REPORTING

6.1 Any permit issued by the Board may provide for monitoring including the installation and use of monitoring equipment or methods.

6.2 The Regional Administrator may in all but minor discharges, request in writing that the discharge be monitored or if the discharge contains toxic pollutants for which an effluent standards has been established then the permittee must monitor the following:

(a) Flow.

(b) All the following pollutants: (1) Pollutants which are subject to reduction or elimination; (2) Pollutants which could have significant impact on quality of navigable waters; (3) Pollutants requested by Administrator in writing.

6.3 The permittee shall maintain records for three (3) years of all information resulting from monitoring activities required by his NPDES permit. These shall specify date, exact location, time of sampling, dates and identity of sampling analysis, techniques and results of analysis.

6.4 The permit shall require periodic reporting of monitoring results on proper NPDES forms not less frequently than once per year. Monitoring procedures shall be consistent with national monitoring, recording, and reporting procedures.

6.5 Reports from Industrial Users. The Board shall require reports from industrial users showing progress toward compliance with the toxic and pretreatment effluent standards.

PART 7. PROGRAM SUBMISSION AND AUTHORITY

The Board shall submit to the Administrator a complete description of the program it proposes for the Trust Territory and a statement from the Attorney General that the Trust Territory laws provide adequate authority to carry out the program. The Administrator shall approve each program unless he determines that adequate authority does not exist.

DOMESTIC WATER SUPPLY SYSTEMS

TRUST TERRITORY OF THE PACIFIC ISLANDS

(Release No. 16-73)

PART 1 GENERAL PROVISIONS

1.1 Authority and Scope. The rules and regulations in this chapter have been prepared by the Trust Territory Environmental Protection Board and promulgated by the High Commissioner of the Trust Territory of the Pacific Islands in accordance with Section 5 of Public Law 4C-78. These regulations shall have the force and effect of law and shall be binding on all natural persons and other legal entities subject to the jurisdiction of the Trust Territory of the Pacific Islands.

PART 2 PURPOSE

2.1 The purpose of these regulations is to establish certain minimum standards and requirements as determined by the Trust Territory Environmental Protection Board to be necessary for the public health and safety to insure that domestic water supply systems are protected against contamination and pollution and do not constitute a health hazard.

PART 3 DEFINITIONS

Definitions: When used in this chapter, the following definitions shall apply in the interpretation of the regulations of this chapter:

(a) "Board" means the Trust Territory Environmental Protection Board.

(b) "Chairman" means the Chairman of the Environmental Protection Board or the Executive Officer thereof.

(c) "Authorized Representative" means the appropriate District Health Services authority.

(d) "Domestic Use Water" means water used for human consumption in the home or elsewhere and includes water for the processing and preparation of food for human consumption.

(e) "Permit" means a written authorization issued by authority of the Board permitting any person to furnish

or supply water to consumers for domestic purposes; or a written authorization to construct a water system.

(f) "Person" means any individual, ocean vessel receiving water for human consumption, government agency, corporation, firm, or association of individuals.

(g) "Water Supply System" includes, but is not limited to, source facilities, pumping equipment, treatment works, storage facilities, and distribution system.

(h) "Multiple Connection" means a connection of water pipes or other mechanical apparatus between the water supply system and multiple living units or commercial or other establishments which provide water for domestic use to the public or to tenants. Example of multiple connections include but are not limited to those serving 40 consumers or more, apartments, hotels, resorts, industrial camps, restaurants, taverns, snack bars, retail and wholesale stores, and bottling plants.

PART 4 PERMITS

4.1 Domestic Water Supply to Multiple Connections. It shall be unlawful for any person to furnish or supply water for domestic use from any existing water supply system to a multiple connection unless he first files an application for a Permit for Operation of a Domestic Water Supply System with the Board or their duly authorized representative. Application for the permit will include, but will not necessarily be limited to, names and qualifications of system water quality control chemist and operators, data, and as-built maps describing water source or sources, raw water conduits, treatment facilities, distribution to be used, number of households and number of people to be served by the Water Supply System. Persons operating existing systems will apply for permits not later than six months following promulgation of these regulations. Certification of the operations personnel will be as required by the Board.

4.2 Construction and/or Alteration of Water Supply. It shall be unlawful for any person to construct, alter, modify or add to a water supply system until he has filed an application with the Board for a Water Supply Construction Permit and such permit has been granted by the Board or their authorized representative.

4.3 Application. Applications for permits shall include a definitive set of plans, specifications, and design criteria and any pertinent information as the Board may prescribe, except that applications for an amended permit need include only that portion of the water supply system which is to be modified, added to, altered, or changed.

PART 5 OPERATION AND CONSTRUCTION

5.1 Multiple Connection Water Supply System. Persons operating a water system for domestic use shall at all

times protect the water supply from contamination or pollution. No new or repaired spring facility, basin, well, or infiltration gallery used as a source of domestic use water, nor main, standpipe, reservoir, tank, or other pipe or structure through which drinking water is delivered to consumers shall be placed into operation after construction or repair until such structure or main has been cleaned and disinfected as described herein, unless otherwise approved by the Board or their authorized representative. No repairs will be made to a distribution system until all pipes and mains involved have been made free of external earth and surface water which could enter and contaminate the system. New distribution mains of domestic use water system will be kept filled with a solution of 40 to 60 parts per million chlorine for at least 24 hours before using (1 cup of 15% sodium hypochlorite per 100 gallons). The Board or their duly qualified representative shall be notified not less than 24 hours before disinfection. All multiple connection water supply systems shall at all times be supplied and equipped to chlorinate the water sufficiently to maintain a free chlorine residual in all parts of the system for a period of not less than that period of time required for delivery of supplies.

Whenever water supply is interrupted, and mains are emptied because of rationing, repair, or for any other reason, the person responsible for operating the water supply system shall issue notice to water users affected that the water from the system will be non-potable until 24 hours continuous operation following restoration of service. The person responsible for operating the water system will in such instances notify the users that they should disinfect their drinking water by either boiling for at least 10 minutes or add 10 drops laundry bleach (sodium hypochlorite) to each gallon of water from the system, mix thoroughly, and let set for at least 30 minutes before drinking.

5.2 Wells and Galleries. Persons constructing a shallow well for domestic water supply shall line the inside walls of the well with impervious material such as concrete or steel. The top of the well shall extend at least 6 inches above the ground level and concrete slab not less than 5 inches thick and 10 feet square (or diameter) shall cover the ground around the well casing. The slab shall slope away from the well and prevent the infiltration of surface water into the well. In the interest of preventing the contamination of aquifers with salt water, it shall be unlawful for any person to install a pump for drawing water from an aquifer below the mean elevation of the sea, without permission of the Executive Officer of the Trust Territory Environmental Protection Board. Gallery weirs for skimming water from the aquifer shall not be lower than the mean elevation of the ocean.

Wells and galleries shall be so constructed and maintained that such contaminants as surface water, insects, swimmers, rats, and vermin are excluded.

Wells and galleries shall be disinfected with chlorine solution following cleanup after construction, and following periodical cleaning and silt removal on a maintenance basis. The Board or their duly qualified representative shall be notified not less than 24 hours before disinfection.

5.3 Water Catchments and Cisterns. Water catchments for domestic use water shall be kept free of contaminates which would result in pollution of the rain water. Down-spouting or water gathering conduits from roofs or other catchments will be constructed in a manner that dust or debris on the roof at the beginning of a rain can easily be bypassed from the cistern during the first few minutes of rainfall. In areas where dust is a problem, sand and/or charcoal filters may be provided to remove contaminates before they reach the cistern. Cisterns shall be watertight and shall be constructed in such a manner that neither below the ground, nor water on the ground, will infiltrate the cistern. The cistern shall be sealed and/or screened in a manner that mosquitoes, rats, and other disease vectors cannot enter it. No cistern below ground shall be closer than 75 feet to an outdoor privy or cesspool. The interior walls and floors of cisterns shall be disinfected after construction, and after any work done inside the cistern. After cleaning with water, the floors and walls shall be rinsed down with a solution containing one cup of 15% liquid bleach in 10 gallons of rinsing water or 1-1/2 pints of 5% liquid bleach for 10 gallons of rinsing water.

5.4 Spring. Springs shall be enclosed in a concrete (walls and top) enclosure designed to exclude surface water. Walls of the concrete enclosure shall extend to the waterbearing sand or stone. A pipe sufficiently large to carry the capacity of the spring will extend through the concrete wall and shall be screened on one end to prevent entry of disease carrying insects or animals. The concrete enclosure shall be constructed in such a manner that the concrete top may be removed, or a door may be unlocked and opened for cleaning the spring. After construction or cleaning, and before using the spring water, the inside of the concrete enclosure shall be disinfected with calcium hypochlorite (powder) or sodium hypochlorite (liquid bleaching compound). In the case of disinfection with 15% liquid bleach, 3 tablespoons of bleach will be used per gallon of water for washing down the inside of the concrete enclosure. If 5% bleach is used, 9 tablespoons bleach will be used per gallon of water for rinsing down spring walls.

5.5 Cross Connections. It is unlawful for any person to connect a private single connection or secondary water supply system to an approved primary or multiple connection water supply system except under particular or special condition to be previously approved by the Board or its Executive Officer; unapproved cross-connections or backflow connections are unlawful; all air vents, blowoff drains or discharge pipes connected to an approved domestic water supply system

shall be terminated at points which will not subject them to flooding by sewage, wastewater or surface water in cases of lower negative pressure in the approved domestic water supply system pipes.

PART 6 STANDARDS

6.1 General Domestic. Water furnished or supplied for domestic use shall at all times be pure, wholesome and potable without danger to the lives and health of human beings. The District Director of Health Services will act as the authorized representative of the Board in the application and enforcement of the standards described herein. Reports as required will be made to the Board through its Executive Officer.

6.2 Choice of Raw Water Source. When a choice must be made between alternative sources, the quality of the raw water (and hence the extent of the treatment required) as well as the adequacy and reliability of the sources from a quantitative point of view, together with the potentialities for expansion in the future will be considered. The choice of a raw water source requiring a minimum amount of treatment will always be regarded as preferable to installation of sophisticated purification plant. Existing and potential sources of water will, as far as possible, be protected against pollution even though there may be no immediate intention of developing them.

6.3 Sampling and Laboratory Methods. Sampling will be done in a manner which will reflect good sanitation practice. Both sampling and laboratory determinations will be as described in the latest edition of STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER as prepared and published jointly by the APHA, AWWA, AND WPCF, with publication office at: American Public Health Association, 1015 Eighteenth Street, N.W., Washington, D.C., 20036, unless otherwise stated.

6.4 Bacteriological Standards.

Water in Piped Distribution Systems Serving Forty or More Consumers.

- (a) Throughout any year, 95% of samples should not contain any coliform organism in 100 ml.
- (b) No sample should contain E.Coli. in 100 ml.
- (c) No sample should contain more than 10 coliform organisms per 100 ml.
- (d) Coliform organisms should not be detectable in 100 ml of any two consecutive samples.

If any coliform organisms are found, the minimum action required is immediate re-sampling and re-determination of presence of coliforms. The repeated

finding of 1 to 10 coliforms in 100 ml., or the appearance of higher numbers in individual samples, suggests that undesirable material is gaining access to the water and measures should at once be taken to discover and remove the source of pollution.

The presence of any coliform organisms in a piped supply should always give rise to concern, but the measure - apart from the taking of further samples - that might be considered advisable in order to safeguard the consumers will depend on local conditions and decision of the District Health Officer acting in his capacity as the authorized representative of the Board.

The degree of contamination may be so great that action should be taken without delay, even before the result of the examination of a repeat sample is known. This is a matter for decision by those who know local circumstances -- namely, the District Health Officer.

6.5 Individual or Small Community Supplies. Where it is economically impracticable to supply water to the consumers through a piped distribution network, supplying forty (40) or more consumers, and where reliance must be placed on individual wells, bores, springs, and skimming facilities, the standards described above may not be attainable. Such standards will, however, be aimed at, and everything possible will be done to prevent pollution of the water. In cases where persistent coliform counts exceeding 10 per 100 ml and/or any E. Coli are repeatedly found, the supply will generally be condemned, subject to the final decision of the District Director of Health Services or authorized representative of the Board.

6.6 Chemical Standards. The following chemical substances will not be present in a drinking water supply in excess of the listed concentrations, where in the judgment of the Board or its Executive Officer more suitable supplies are, or can be made, available:

Substance	Concentration in mg/l
Anionic detergents	001.0
Calcium (Ca)	200.
Chloride (cl)	600.
Copper (Cu)	001.5
Iron (Fe)	001.0
Manganese (Mn)	000.5
Nitrate (NO ₃)	045.
PH range	006.5 to 9.2
Phenols	000.002
Sulfate (SO ₄)	400.
Total dissolved solids	1500.
Total hardness	500.
Zinc (Zn)	015.

The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of the supply:

<u>Substance</u>	<u>Concentration in mg/l</u>
Arsenic (As)	0.05
Barium (Ba)	1.0
Cadmium (Cd)	0.01
Chromium (Hexavalent)	0.05
Cyanide (CN)	0.05
Lead (Pb)	0.1
Selenium (Se)	0.01
Silver (Ag)	0.05

6.7 Physical Standards:

- (a) Color will preferably not exceed 5 units and in no case exceed 50 units.
- (b) Taste will not be objectionable.
- (c) Treshold odor number will not exceed 3.
- (d) Turbidity will preferably not exceed 5 units and in no case will it exceed 25 units.

6.8 Radiological Standards. Radiological standards will conform to the latest recommendations of the United States Public Health Services, as interpreted and examined by District Director of Health Services.

<u>Pesticide</u>	<u>Maximun Permissible Concentration, mg/l</u>
Aldrin	0.01
Aldrin and Dieldrin	0.01
Dieldrin	0.01
Chlordane	0.01
DDT	0.1
Endrin	0.003
Heptachlor	0.02
Heptachlor-epoxide	0.02
Heptachlor and Heptachlor epoxide	0.02
Lindane	0.1
Methoxychlor	0.5
Organophosphate and carbamate insecticides expressed in terms of parathion equivalent chlorinesterase inhibition	0.1
Toxaphine	0.1
2,4-D	1.
2,4,5-TP	0.2
2,4,5-T	0.005

6.9 Implementation. To expedite compliance with these standards, each person or organization supplying water to consumers in a district center shall, no later than one year after promulgation of these regulations and continuously thereafter, have in his or its employ not less than one water quality control chemist trained and experienced in making necessary chemical and bacteriological determinations, optimum water treatment plant chemical feed control, capable of making tests necessary for effective water treatment plant control, and capable of monitoring and reporting on finished water delivered to consumers in compliance with these regulations. Not later than fifteen (15) months after

promulgation of these regulations each person or organization supplying drinking water to consumers in a district center shall have established laboratory facilities adequate to make chemical and bacteriological determinations relevant to these regulations (pesticide and radiological determinations excluded).

PART 7 INSPECTIONS

7.1 Inspection Authorized. The Board or their authorized representative may at any and all reasonable times enter any and all places, properties, enclosures and structures for purposes of making examinations and investigations to determine if any provisions of this Chapter are being violated.

PART 8 COMPLIANCE AND VIOLATIONS

8.1 Board May Order Modifications. The Board may order such repairs, alterations or additions to the existing water supply system as they deem necessary to bring said water supply system into compliance with provisions of this Chapter. Any order requiring repairs, alterations, or additions to the existing supply system shall designate the period of time within which the changes are to be made.

8.2 Revocation of Permit. The Board or their authorized representative may at any time revoke or suspend any water supply permit issued, if and when in the Board's or its representative's opinion a hazard to public health exists. The Board may at any time revoke or suspend any water supply permit for non-compliance by written order.

PART 9 PENALTIES

9.1 Misdemeanor. Every person who knowingly violates or knowingly fails to comply with any provisions of this Chapter or of any order of the Board or its authorized representative issued pursuant to this Chapter is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment for not more than one year, or both.

9.2 Separate Offense. The continued existence of any violation of this Chapter or of any order of the Board or its authorized representative issued pursuant to this Chapter, beyond the time stipulated for compliance with its provisions, constitutes a separate offense.

9.3 Effective Date. These regulations shall become effective on the date of filing with the District Clerk of Courts.

STANDARDS OF WATER QUALITY
FOR THE WATERS OF THE
TRUST TERRITORY OF THE PACIFIC ISLANDS

(Release No. 17-73)

PART 1 GENERAL PROVISIONS

1.1 Under and by virtue of the provisions of Public Law 4C-78 of the Trust Territory, these Regulations and any further Amendments, and any other applicable laws, the following Water Quality Standards are hereby promulgated:

PART 2 POLICY:

2.1 It is the policy of the Trust Territory of the Pacific Islands that:

(a) All sewage and all wastes prior to discharge will receive the best practicable treatment or control unless it can be demonstrated that a lesser degree of treatment or control will provide water quality commensurate with the uses of waters of the Territory, and

(b) Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of the Territory will not be lowered in quality unless and until it has been affirmatively demonstrated to the Environmental Protection Board or its designee, and the Administrator of the Environmental Protection Board that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible, in such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology.

(c) No direct discharges of sewage or other wastes from other than natural causes, treated or untreated, will be permitted into fresh surface waters, or fresh ground waters of the Territory.

(d) Discharge of any hazardous substance, such as pesticides, herbicides, etc., into any waters of the Territory is prohibited.

PART 3 DEFINITIONS

(a) "Near-shore waters" means: (1) All coastal waters lying within a defined reef area; (2) All coastal waters of a depth of less than ten fathoms (60 feet).

(b) "Off-shore waters" means all coastal waters beyond the limits defined for "near-shore waters".

(c) "Coastal waters" includes "near-shore Waters", "off-shore waters", and those brackish, fresh and salt waters that are subject to the ebb and flow of the tide.

(d) "Best practicable treatment or control" is defined herein as not less than: (1) Treatment in accordance with national guidelines for discharge into off-shore waters-provided evaluation of water current patterns demonstrates the effluent will not be brought back to the beach or near-shore waters; (2) Secondary treatment for discharge into "near-shore waters" provided that such discharge will not be made in areas which are primary contact waters for recreational purposes or will not be made into areas of unique value into which it has been determined no waste water effluent is acceptable; (3) Disinfection comminuter-acceptable only on emergency basis (period 3-6 months) with special approval of the Director of Health Services or the chairman of the Environmental Protection Board.

(e) "Receiving water" is that stream, aquifer, or body of water receiving a discharge in any physical form.

(f) "Standards of water quality" is herein defined to be synonymous with the meaning of "water quality criteria" as defined in the Federal Water Pollution Control Act, as amended.

(g) "Primary contact waters for recreational purposes" are those waters where such activities as swimming, wading, water skiing, surfing, and other activities occur and in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard.

PART 4 CLASSIFICATION:

The following water classifications, according to recognized beneficial uses, are hereby designated (order of listing is not intended to imply relative rank of importance):

- 4.1 Public or Domestic Water Supply
- 4.2 Industrial Water Supply
- 4.3 Agricultural Water Supply
- 4.4 Propagation of Fish and Other Aquatic Life and Wildlife
- 4.5 Special classes-- (a) Waters reserved for conservation of native marine biota; (b) Shellfish propagation; (c) Commercial and sports fishing; (d) Esthetic enjoyment; (e) Recreation; (f) Special Class-Primary Water Contact
- 4.6 Navigation, including harbors, small boat harbors, marinas and waters adjacent to piers and docks.

PART 5 STANDARDS FOR WATER QUALITY

5.1 The following shall apply to all waters of the Trust Territory at all times:

(a) Free from visible floating materials, oils, grease, scum, foam, and other floating matter attributable to sewage, industrial wastes, or other wastes.

(b) Free from materials attributable to sewage, industrial wastes, or other wastes that will produce visible turbidity or settle to form deposits.

(c) Free from materials attributable to sewage, industrial wastes or other wastes that will produce color, odor, or taste, either of itself or in combination, or in the biota.

(d) Free from substances and conditions or combinations thereof attributable to sewage, industrial wastes, or other wastes that will induce undesirable aquatic life.

(e) Free from substances and conditions or combinations thereof attributable to sewage, industrial wastes, or other wastes toxic or irritant to humans, animals, plants, and aquatic life.

PART 6 PUBLIC OR DOMESTIC WATER SUPPLY

6.1 There shall be no discharge of sewage, industrial wastes, or other wastes into waters designated for public or domestic water supply. To the extent that such discharges are now occurring and such discharges reach surface waters, fecal coliforms shall not exceed an arithmetic mean of 20/100 ml in any 30-day period. Fresh ground waters designated for public or domestic water supply shall be protected and preserved so that will meet PHS Drinking Water Standards.

6.2 Treated surface waters used for public or domestic water supply shall meet the recommendations of the Public Health Service Drinking Water Standards.

6.3 Temperature from other than natural causes shall not exceed 85°F, and there shall not be more than 5°F increase nor more than a 1.0°F hourly temperature variation due to thermal discharges or reservoir manipulation.

6.4 Ammonia nitrogen shall be less than 0.01 mg/l as N.

6.5 Dissolved oxygen in surface waters shall not be reduced from natural conditions.

6.6 pH shall be within 0.1 pH units of that natural to the water.

6.7 Total phosphorus in surface waters shall be less than 0.025 mg/l.

6.8 Carbon chloroform extract shall be less than 0.025 mg/l.

6.9 Methylene blue active substances shall be virtually absent.

6.10 Pesticides, herbicides, and phenols shall be absent.

PART 7 RECREATION

7.1 The fecal coliform limit in primary contact waters shall not exceed a log mean of 200/100 ml nor exceed 400/100 ml in more than 10 percent of samples during any 30-day period.

7.2 The pH range shall be 7.0 to 8.3.

7.3 Visibility shall not be reduced by more than 10 percent of natural values as measured by Secchi disc.

7.4 Temperature shall not exceed 85°F due to influence of other than natural conditions.

PART 8 PROPAGATION OF FISH AND OTHER AQUATIC LIFE

8.1 Temperature shall not deviate from natural conditions by more than 1.5°F, nor hourly deviate by more than 1.0°F.

8.2 Dissolved oxygen shall be greater than 6.0 mg/l unless reduced by natural causes.

8.3 pH shall be within 0.1 pH unit of the natural value.

8.4 In shellfish areas, coliform concentrations shall comply with Public Health Service Shellfish Standards in its latest revision.

8.5 The naturally occurring ratio of the concentrations of nitrogen to phosphorus will be maintained in all waters.

PART 9 NAVIGATION

9.1 pH shall not be less than 7.0 nor more than 8.5 nor shall the influence of these waters, where they connected with waters of other uses, cause a change in the natural pH of more than 0.1 pH unit.

9.2 The free CO₂ shall not exceed 20 mg/l except where due to natural causes.

PART 10 ADDITIONAL REQUIREMENTS

10.1 In multiple-classification areas or where different values for the same parameter are involved, the most stringent criterion will apply.

10.2 DO shall not be less than 6 mg/l in all saline surface waters from other natural causes.

10.3 Fecal coliform limits shall not exceed 2000/100 ml at any time or at any place.

10.4 The concentration of radioactivity shall not:

(a) exceed 1/30 of the MPC (Maximum Permissible Concentration in water) values given for continuous occupational exposure in the National Bureau of Standards Handbook No. 69 as revised;

(b) exceed the current Public Health Service Drinking Water Standards for waters used for public or domestic supplies;

(c) result in accumulations of radioactivity in edible plants and animals that present a hazard to consumers;

(d) be harmful to aquatic life.

Since human exposure to any ionizing radiation is undesirable the concentration of radioactivity in natural waters will be maintained at the lowest practicable level.

PART 11 WATER USES - IDENTIFICATION OF WATER FOR BENEFICIAL USES

11.1 Fresh Water. The topography and geology of the six administrative districts in the Trust Territory vary. The "low islands" of Majuro are composed of low, sandy platforms. Saipan is basically limestone and low sandy areas; Truk, Ponape and Yap are of volcanic origin. In the "low islands" of Majuro, Saipan, and similar areas there are no rivers. Rainfall readily percolates through the porous coralline limestone formations to form fresh water lenses--the major sources of water supply for these islands. On the high volcanic islands in Ponape, Truk, Palau and Yap the soils are impermeable, resulting in numerous rivers, streams and a natural lake in Palau. Water supplies are obtained from these streams or springs.

Realizing the expanding need for fresh, palatable water, and the unique water sources for the various islands, it is necessary to classify all fresh surface and ground waters for public and domestic water supply purposes, propagation of fish and aquatic life, esthetic enjoyment and recreation. Other beneficial uses for these waters are industrial and agricultural water supplies.

11.2 Near-shore Waters. All near-shore waters shall be protected for industrial water supplies, propagation of

fish and other aquatic life (including waters reserved for conservation of native marine biota, shell propagation, and commercial and sport fishing), esthetic enjoyment and recreation. Unless otherwise specified, the following near-shore waters shall be protected for navigation (seafaring vessels and small craft), in addition to uses listed above. Malakal Harbor (Palau), Tomil Harbor (Yap), Tanapag Harbor (Saipan), Oror en Newacho Harbor (Truk), Ponape Harbor (Ponape), and Majuro Harbor, immediately adjacent to the dock. (Refer to Figures A, B, C, D, E, and F respectively.) All other waters in, around, and adjacent to docks and piers not listed above shall be protected for small boats navigation.

To the extent that most of the lagoons in the district centers are highly polluted, fishing, wading or swimming in waters reserved for recreation and also known to be polluted shall be prohibited until such time that they have been brought in compliance with quality standards. All possible efforts shall be made via news media and other means to inform the people of the condition of these waters.

11.3 Off-shore Waters. In recognition of the multiple uses (industrial water supply, propagation of fish and other aquatic life and wildlife, esthetic enjoyment, recreation, and navigation) made off off-shore waters, the risks of occasional ingestion by humans, and need for protection to the maximum extent feasible for all uses, the most stringent standards of those previously described shall apply to these waters.

11.4 Waters for Other Purposes. For precautionary measures against accidental ingestion of pathogens or chemicals attributed to sewage discharge, fishing or swimming within close proximity of any sewage outfall inside a lagoon or inner reef is prohibited.

PART 12 A PLAN FOR IMPLEMENTATION AND ENFORCEMENT OF WATER QUALITY STANDARDS

12.1 Existing Waste Water Discharge. Discharge of raw sewage originating from housing, hospitals and other institutions into the lagoons is common throughout the Trust Territory. A pollution abatement inventory (Table I) contains a list of sources of these discharges, types of waste, present treatment, if any, and additional treatment needed; the date when additional treatment is required to bring the waste discharge in compliance with applicable water quality standards. Any new treatment facility shall provide for not less than best practicable treatment or control consistent with the policies as herein provided.

12.2 Septic Tanks, Cesspools, and Privies. Regulations for location and construction of these facilities are being promulgated.

12.3 Waste from Vessels and Marinas. Regulations for control of waste discharges from commercial and private

vessels and from naval and other military vessels will be promulgated by the Trust Territory Environmental Protection Board and enacted before Fiscal Year ending 1973. These regulations will be based on no discharge within the territorial requirements.

12.4 Erosion and Other Surface Drainage. Erosion could be a serious problem in the "high" islands due to volcanic nature of the soil and the rugged topograph. The problem is compounded by drainage from construction sites. There is no program for control of erosion. During heavy rainfalls, considerable damage could be inflicted on reefs, lagoons and estuarine biota.

The Board will coordinate with the Land Conservation Division within the Department of Resources and the Department of Public Works, to develop a program and adopt regulations before Fiscal Year ending 1973 to prevent erosion.

12.5 Nutrients. Problems associated with nutrients in the lagoons have not been observed. The fact that the necessary conditions for algae growth (sunlight, relatively constant temperatures, and shallow lagoons) exist year-round in the Territory, an introduction of a sufficient amount of nutrients into these lagoons could induce eutrophic conditions. With proper locations of sewer outfalls supported by scientific study, i.e., current, depth, and wind data, this problem could be prevented or minimized.

12.6 Pesticides and Herbicides. Regulations for the controlled use of pesticides and herbicides is partially covered under Public Health Regulation Chapter 14. Necessary amendments will be made as needed.

12.7 Pollution from Diffused Sources. Soon after a sewer system has been put in operation in the District Centers, a sanitary survey program of all diffused sources of pollution or contamination will be initiated to identify each source of pollution, and its control. This program will continue as long as any such pollution or contamination is known to exist.

PART 13 WATER MONITORING AND SURVEILLANCE PROGRAM

13.1 The Water Quality Surveillance Program for the Territory will consist of periodic inspections of treatment plants, monitoring and sampling both surface and near-shore waters and investigations in response to complaints. The Chief, Division of Environmental Health within the Department of Health Services, shall be responsible for administration of this program for the EPB. The division shall establish cooperative support from other departments and agencies, both local and Federal, to assist in performing these activities.

13.2 Monitoring programs shall include bacteriological, chemical, physical, and biological examinations. Laboratory examinations of these parameters shall be

required in all areas of waste discharges or outfalls to assure compliance with the standards. Each sewage treatment plant should be provided with facilities for its own physical, chemical and bacteriol examination. Due to the considerable distance between the district centers and the Headquarters Office, special effort will be made to coordinate sampling and handling procedures, analytical techniques, and reporting. The Environmental Protection Board staff shall be responsible for training of district staff on these procedures and evaluations of performance.

TITLE 8 TRANSPORTATION

CHAPTER I

Regulations of Board of Marine Inspectors

PART 1. SAFETY DEVICES FOR VESSELS

1.1 Application. The following Regulations are applicable to all vessels which are required to be registered under the laws of the Government of the Trust Territory of the Pacific Islands.

1.2 Definition of terms. Certain terms used in these Regulations are defined as follows:

(a) Vessel. Vessel means any vessel measuring 25 feet or more in length.

(b) Approved. Approved by the Board of Marine Inspectors unless otherwise stated.

(c) Board. Board of Marine Inspectors.

(d) Length. Length as stated in the vessel's Certificate of Marine Registration.

(e) Portable fire extinguisher. Any type which is entirely portable and the gross weight of which, fully charged, does not exceed 55 pounds; also any type exceeding 55 pounds in weight which is equipped with suitable hose and nozzle on reel or other practicable means for reaching any part of the space protected.

(f) Passenger. Any person carried on the vessel for a voyage or part thereof who is not a member of the crew.

(g) Carrying freight for hire. The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, agent, or any other person interested in the vessel.

(h) Bell. Any device which produces, when struck, a clear bell-like tone of full round characteristics for sounding bell signals.

(i) Inspector. Any person duly appointed by the Board to make safety inspections of vessels.

1.3 Classification. Construction of these Regulations shall be governed by the following classification of vessels:

(a) Class 1. Any vessel 25 feet or over and less than 40 feet in length.

(b) Class 2. Any vessel 40 feet or over and less than 65 feet in length.

(c) Class 3. Any vessel 65 feet or over and less than 125 feet in length.

(d) Class 4. Any vessel 125 feet in length or over.

1.4 Application of regulations to barges or boats carrying passengers operated with vessels. The Regulations requiring life saving equipment and fire extinguishers on vessels shall apply to any uncertified barge or boat carrying passengers which is operated with a vessel.

1.5 Navigation lights.

(a) When carried and exhibited. Every vessel when propelled by engine alone in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited. No penalty is incurred by vessels for a failure to carry lights between the hours of sunrise and sunset.

(b) Class 1. Every vessel of Class 1 shall carry the following lights:

(1) A bright white light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(c) Class 2, 3 and 4. Every vessel of Class 2, 3, and 4, shall carry the following lights:

(1) A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient length and height or shall be mounted on cabin sides and so set as to prevent these lights from being seen across the bow.

(d) Under sail and engine. All vessels propelled by sail and engine or by sail alone shall carry and exhibit the following lights:

(1) Vessels of Class 1 when propelled by sail and engine or by sail alone shall carry the white light prescribed by Part 1.5(b) (1), but not the combined lantern prescribed by Part 1.5(b) (2).

(2) Vessels of Classes 2,3, and 4, when propelled by sail and engine or by sail alone shall carry the colored side lights prescribed by Part 1.5(c) (3), but not the white lights prescribed by Part 1.5(c) (1) and (2).

(3) In addition, vessels of all classes when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(e) Visibility. Every white light prescribed by these Regulations shall be of a character as to be visible at a distance of at least two miles. Every colored light prescribed by these Regulations shall be of character as to be visible at a distance of at least one mile. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

(f) Anchor lights. Vessels when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, white light, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile.

(g) A vessel aground in or near a fairway shall carry the above light or lights and two red lights in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

1.6 Whistles or other sound-producing devices. Vessels shall be provided with an efficient whistle, horn, or other sound-producing mechanical device as follows:

(a) Class 1. Mouth, hand, or power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least one-half mile.

(b) Class 2. Hand or power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least one mile.

(c) Classes 3 and 4. Power-operated, capable of producing a blast of 2 seconds' or more duration and audible for a distance of at least one mile.

(d) Commercial fishing vessels may carry any device specified in this section.

1.7 Fog bell. Vessels shall be provided with a bell for sounding bell signals, according to Class as follows:

(a) Class 1. None.

(b) Classes 2, 3, and 4. One such bell.

1.8 Life preservers and other lifesaving devices.

(a) Life preservers.

(1) All vessels shall carry for every person on board a life jacket of an approved type and, in addition, unless these life jackets can be adapted for use by children, a sufficient number of life jackets suitable for children.

(2) In addition to the above, there shall be carried on passenger vessels life jackets for 5 percent of the total number of persons on board. These life jackets shall be stowed in a conspicuous place on deck.

(3) A life jacket shall not be approved unless it meets the following requirements:

(i) It shall be constructed with proper workmanship and materials.

(ii) It shall be capable of supporting in fresh water for 24 hours 16.5 pounds (or 7.5 kilograms) of iron.

(iii) It shall be so constructed as to eliminate in so far as possible all risk of its being put on incorrectly, except that it shall be capable of being worn inside out.

(iv) It shall provide support to the head so that the face of an unconscious person is held above the water with the body inclined backwards from its vertical position.

(v) It shall be capable of turning the body, on entering the water, to a safe floating position with the body inclined backwards from its vertical position.

(vi) It shall not be adversely affected by oil or oil products.

(vii) It shall be of a high visible color.

(viii) It shall be fitted with an approved whistle firmly secured by a cord.

(ix) Life jackets shall be so placed as to be readily accessible and their position shall be plainly indicated.

(b) Life rafts and life boats.

(1) The dimensions of life boats and the number of persons which it is permitted to carry shall be marked on it in clear permanent characters. The name and port of registry of the vessel to which the life boat belongs shall be painted on each side of the bow.

(2) Each self-inflatable or rigid life raft and/or life boat shall carry at all times such equipment as may be required by the Board. Equipment prescribed by the Board shall be consistent with the pertinent regulations of the International convention for the Safety of Life at Sea, 1960 (SOLAS 60).

(3) Each self-inflatable or rigid life raft and/or life boat shall be of an approved type and shall at all times carry the normal equipment as prescribed in Regulation 17 equipment of inflatable and rigid life rafts of the International Convention for the Safety of Life at Sea, 1960. Life boats shall carry such equipment as may be required by the Board consistent with the provisions of Regulation 11 of the International Convention for the Safety of Life at Sea, 1960.

(4) Each self-inflatable, or rigid life raft shall be marked in the same manner as prescribed in 1.8(b) above.

(c) All vessels shall carry life buoys of an approved type and in such numbers as may be prescribed by the Board. Life buoys shall be of solid cork or equivalent material and capable of supporting in fresh water for 24 hours at least 32 pounds (or 14.5 kilograms) of iron. Life buoys shall be of a high visible color and not adversely affected by oil or oil products.

(1) Each life buoy shall be marked in block letters with the name and port of registry of the vessel upon which it is carried.

(2) Life buoys filled with rushings, cork shavings or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated are prohibited.

(3) Life buoys made of plastic or other synthetic compounds shall be capable of retaining their buoyant properties and durability in contact with sea water or oil products, or under variations of temperature or climatic changes prevailing in open sea voyages.

(4) Life buoys shall be fitted with brackets securely

seized. At least on life buoy on each side of the vessel shall be fitted with a buoyant life line of at least 15 fathoms (or 27.5 meters) in length.

(5) In passenger ships not less than one-half of the total number of life buoys, and in no case less than six, and in cargo vessels at least one-half of the total number of life buoys, shall be provided with efficient self-igniting lights.

(6) The self-igniting lights required by paragraph (5) above of this Chapter shall be such that they cannot be extinguished by water. They shall be capable of burning for not less than 45 minutes and shall have a luminosity of not less than 3.5 lumens. They shall be kept near the life buoys to which they belong, with the necessary means of attachment. Self-igniting lights used in tankers shall be of an approved electric battery type.

(7) Life buoys shall be capable of being rapidly cast loose and shall not be permanently secured in any way.

(d) Stowage. Lifesaving devices shall be so placed as to be readily accessible.

1.9 Fire fighting equipment.

(a) After the effective date of these Regulations, the minimum number and type of approved portable fire extinguishers required on vessels not carrying passengers shall be as set forth in Table 1.

TABLE I

Class of Vessel	Number of Extinguishers	Boats fitted with fixed CO2 system*
1	2	0
2	2	1
3	3	2
4	4	3

*To secure this reduction, the fixed carbon dioxide system fitted must be of a type approved by, and installed and maintained with the approval of the Board.

(b) The extinguishing units required by Table I shall be of any of the following approved types and capacities: 1½gallon foam; 4-pound carbon-dioxide; or such other types and capacities as may be approved by the Board. On vessels of Classes 3 and 4, the approved extinguishers required, may, in the case of the foam and carbon-dioxide type, be of larger capacity, i.e., 2½ gallon foam or 15-pound carbon-dioxide and provided in the ratio of one larger unit for two of the units required by Table I.

(c) All vessels carrying passengers shall be provided with

the minimum number and type of fire extinguishers as set forth in Table I: Provided, however, that each extinguisher shall be of at least double the capacity as provided in Part 1.9(b).

(d) Fire pumps. All Class 3 and 4 vessels shall be equipped with one or more power-driven pumps with one or more outlets on a weather deck and canvas-covered rubber hose of sufficient length to enable the nozzle of the hose to reach any part of the vessel: Provided, however, that Class 3 vessels, if the Board so approves, may have in lieu of the power-driven pump a hand-operated pump capable of pumping a minimum of twenty-five gallons per minute.

(e) Fire axes and buckets. All Class 3 and 4 vessels shall be equipped with fire axes and fire buckets which shall be used solely for fire-fighting purposes. Such fire axes and fire buckets shall be in such position as may be determined by the Board. Both axes and buckets shall be painted red.

(f) Sand buckets. All vessels propelled internal combustion engine using gasoline as fuel shall carry in addition to the fighting equipment aforementioned, two fire buckets in the engine room, said buckets to be filled with dry sand at all times.

(g) Location and condition. Fire extinguishers shall be kept in condition at all times for immediate and effective use and shall be placed so as to be readily accessible.

1.10 Carburetor backfire flame arrestor. The carburetor(s) of every engine installed on all vessels after the effective date of these Regulations which use gasoline as fuel, shall be fitted with an approved device which has demonstrated its ability to arrest backfire.

1.11 Ventilation. Where required. All vessels which are constructed or decked over after the effective date of these Regulations and which use gasoline or other liquid fuel having a flash point of less than 100°F shall be provided with ventilation as follows:

(a) At least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel-tank compartment in order to remove any inflammable or explosive gases.

(b) Vessels constructed so that the greater portion of the bilges under the engine and fuel tanks are open and exposed to the natural atmosphere at all times are not required to be fitted with ventilators.

1.12 Prohibition. It shall be unlawful to use compressed gases, gasoline, benzene or similar products of highly volatile nature for cooking, heating, or lighting purposes on any vessels when carrying passengers.

PART 2. HULL AND MACHINERY INSPECTION

2.1 Definition of terms. Certain terms used in this Part are defined as follows:

(a) All definitions as set forth in other Parts of these Regulations, except when inconsistent herewith, shall apply to this Part.

(b) Motor vessel. Motor vessel means any vessel, more than 125 feet in length, propelled by an internal combustion engine or engines.

(c) Steam vessel. Steam vessel means any vessel, more than 125 feet in length, propelled by a steam engine or engines.

(d) Vessel. Vessel means any craft for navigating upon the water measuring more than 25 feet in length.

2.2 Annual inspection. All vessels within the jurisdiction of the Board shall be subjected to annual inspection by the Board or by its inspectors. Such inspection will be made only upon written application presented to the Board by the owner, master, or authorized agent of the vessel to be inspected. Such application shall contain the following information:

- (a) Type of vessel;
- (b) Propelling machinery;
- (c) Lifesaving equipment;
- (d) Present license held;
- (e) Nationality of vessel and where built;
- (f) Owner;
- (g) Date of last drydocking; and
- (h) Present location of vessel.

2.3 Inspection of hull.

(a) In the inspection of hulls of vessels, the Inspector shall carefully inspect every accessible part of the hull, and carefully examine the wood or metal of which the hull is constructed, to determine the condition of same, making all necessary hammer tests of hulls constructed of iron or steel. If the Inspector shall not have satisfactory evidence otherwise of the soundness of the hull of a wooden vessel, he shall not give a certificate until the same shall be bored or opened up to his satisfaction and deficiencies corrected.

(b) All scupper, sanitary, and other similar discharges which lead through the ship's hull shall be fitted with efficient means for preventing the ingress of water in the event of a fracture of such pipes.

The requirements of the above paragraph do not apply to the discharges in the machinery space connected with the main and auxiliary engines, pumps and other auxiliary machinery.

(c) The outboard shaft or shafts on every vessel shall

be drawn for examination at least once every three years: Provided, however, if the circumstances warrant, the Board may extend this time to the next regular drydocking period, not to exceed four months: Provided further, that when it is shown that a vessel has had a long period of lay-up, the Board may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

(d) All scupper and sanitary pipes shall be adequately protected; casings to be substantial and so fitted to be conveniently removed for the purpose of examination.

2.4 Alterations.

(a) Whenever any vessel is placed upon the drydock for repairs, it shall be the duty of the master, owner, or agent to report the same to the Board, so that a thorough inspection may be made by the Board to determine what is necessary to make such vessel seaworthy.

(b) No repairs or alterations affecting the safety of the vessel, either in regard to hull or machinery, shall be made without the knowledge of the Board. Drawings or prints of such alterations shall be furnished, in duplicate, to the Board. Notice of such repairs and changes are necessary, even if such work does not require the vessel to be placed in drydock, and even if there are no licensed officers attached to the vessel.

2.5 Proceeding to another port for repairs. The Board may issue a permit to proceed to another port for repairs, if in its judgment, it can be done with safety. In the issuance of such permits the permit will state upon its face the condition upon which it is granted and whether the vessel is to be allowed to carry freight or passengers. A vessel whose Certificate of Marine Inspection has expired shall not be issued a permit allowing it to carry passengers while en route to another port for repairs.

2.6 Annual survey of machinery. A general inspection of engine, boilers, steering machinery, windlass and fire extinguisher apparatus is to be made, if practicable, during each year of service. Where deemed necessary by the Inspector, the propeller, stern bushing, sea connections and their fastenings to be examined when the vessel is in drydock.

(a) Main and auxiliary engines of all types are to undergo special periodical surveys at similar intervals to those special surveys on the hull, in order that both surveys may be recorded at approximately the same time. In cases where damage has involved extensive repairs and examination, the survey thereon may, where approved by the Board, be accepted as equivalent to a special periodical survey.

(b) At each special periodical survey effect is to be

given to the following requirements:

(1) All openings to the sea, together with the cocks and valves connected therewith, are to be examined internally and externally while the vessel is in drydock; and the fastenings to the shell plating are to be renewed when considered necessary by the Inspector.

(2) Pumps and pumping arrangements, including valves, cocks, pipes and strainers, are to be examined.

(3) All shafts (except the propeller shaft), thrust blocks, main and tunnel bearings, evaporators, and steering machinery are to be opened out for examination.

(4) Reduction gears are to be opened up and an examination made of their shafts, bearings and gear teeth.

(5) A general examination is to be made of all valves, tanks, piping and control apparatus in connection with fire extinguishing installations and the installations are to be tested under working conditions.

(6) Steam engines. In addition to the foregoing requirements, turbine blading and rotors, cylinders, pistons, valves, condensers and such other parts of main and auxiliary machinery, as may be considered necessary, are to be opened up and examined, and coned ends of internal driving shafts are to be examined.

(7) Internal combustion engines. In addition to the foregoing applicable requirements, cylinders, cylinder heads, valves and valve gears, fuel pumps, scavenging pumps, and supercharges, pistons, cross heads, connecting rods, crank shafts, clutch, reversing gear, air compressors, inter-coolers, and such other part of the main and auxiliary machinery, as are considered necessary, are to be opened out for examination.

(8) Part which have been examined within twelve months need not be again except in special circumstances. If satisfactory arrangements are made, a system of continuous surveys may be approved, provided that parts of the machinery are examined in regular rotation so that the Inspector may be able to report upon the complete examination of the whole of the machinery every four years and that there is compliance with all the requirements of the intermediate and special survey.

(9) Oil tanks and air reservoirs are to be examined and, if considered necessary, tested under the water pressure required for new construction. If air reservoirs cannot be examined internally they are to be hydrostatically tested.

(c) Intermediate surveys.

(1) Internal combustion engines. About the middle of

each special periodical survey period a proportion of the main and auxiliary engine cylinders, cylinder heads and valves, fuel pumps, scavenging pumps and supercharges, pistons, crank shafts, air compressors, cylinders, valves, etc., and inter-coolers are to be opened up and examined.

(2) Such general examination as may be practicable is to be made of the engines with their valve gear, reversing gear, pumps, etc., and of oil fuel tanks and their pumping arrangements, in order that the Inspector may satisfy himself as to their efficient state.

(d) Individual items may be examined as opportunity offers between voyages.

(e) On all occasions of overhaul or adjustment facilities are to be provided for Inspectors to examine the parts opened up; in the event of defects being discovered, such other parts as may be considered necessary are to be opened up and examined.

(f) Propeller shaft surveys.

(1) Propeller shafts fitted with continuous liners or approved lubricating arrangements are to be drawn every two years or more frequently if considered necessary by the Inspector. The Board will give consideration to any special circumstances which might modify the requirements in particular cases.

(2) Where machinery is located amidships, the after bearing is to be rebushed when it has worn down to $\frac{1}{4}$ inch clearance where the diameter is above 9 inches but not more than 12 inches and $\frac{3}{8}$ inch clearance where the shaft exceeds 12 inches in diameter. In cases where machinery is located aft the maximum clearance should be one grade less than the foregoing.

(g) Boiler surveys.

(1) Watertube boilers are to undergo survey every year.

(2) Cylindrical boilers are to be surveyed when four years old and when six years old; thereafter they are to undergo survey every year.

(3) Donkey boilers are to be surveyed at the same intervals, if classification is to be maintained.

(4) At each survey the boilers, superheaters and economizers together with the principal boiler mountings are to be examined internally and externally; safety valves are to be set to the working pressure. In boilers with working pressures of 250 pounds per square inch and above, all mounting studs are to be examined at least once every eight years.

(5) Where considered desirable by the inspector, the actual thickness of plates and strength of stays are to be ascertained in order to determine the future

pressure, and the boiler and superheaters subjected to hydrostatic pressure test.

(h) Main steam pipes are to be periodically tested under hydrostatic pressure and where considered desirable by the inspector, the actual thickness should be ascertained to determine the future working pressure. Copper pipes should be annealed before each test.

2.7 Furnishing of drawing of new vessels to inspectors; marking of draft on vessel.

(a) The owner or builder of every new vessel of over 100 gross tons, before making application for the first inspection of the vessel, shall furnish the Board drawings or prints, as follows: Sheer, half breadth and body plans, midship section, inboard profile, arrangement of decks and hatch details, capacities of double bottoms and fuel compartments, and such other drawings or prints showing fully the general construction of the vessel (of iron, steel, or wood), including dimensions, spacing of frames, disposition of hull plates, of outside planking and inside ceiling, details of principal scarfs, construction of transverse and longitudinal bulkheads and location of same.

(b) The drawings or prints and description of the vessel shall be furnished in duplicate to the Board when making the first inspection.

(c) All vessels 50 gross tons and over shall have the draft marks of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost or at such other place at the stern of the vessel as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the water, the bottom of the mark to indicate the draft in feet.

2.8 Electrical installations. On all vessels using electricity for any purpose the installations shall be in keeping with the best modern practice as specified by current regulations of the United States Coast Guard.

Wires shall be armored or run in approved metal conduits. Metal conduit or armored casing shall be required in bunkers, cargo spaces, storerooms and all other enclosed spaces, and in all places where the leads are liable to mechanical injury. Joints in wiring shall be avoided as far as possible in the above-named spaces, where joints are necessary they shall be made in metal boxes, readily accessible and protected in the same manner as the leads.

When wires are led through beams, frames, or non-water-tight bulkheads, they shall be carried either in metal conduits, armored casing or protecting by hard rubber or other equivalent bushings.

When wires are carried through watertight decks or bulkheads, they shall be provided with a suitable stuffing box at deck or bulkhead. Where such points are liable to

mechanical injury, they shall be protected by suitable boxes or cages.

In locating the wiring system as a whole, care shall be taken to provide accessibility for examination and repair. Special care shall be taken to avoid any arrangement which might permit the lodgment of standing water, and when necessary, openings in conduits or drains shall be installed to accomplish this purpose.

All fixtures, taps, joints, and splices shall be fitted with metal boxes. Boxes in cargo and machinery spaces, galley, and those exposed to weather shall be watertight.

Splices shall be so joined as to be both mechanically and electrically secure without solder. They shall then be soldered and properly insulated and further protected by waterproof tape.

Changes or alterations in the electrical installations of vessels shall be in accordance with this rule.

Special attention shall be given by the inspectors in the examination of present installations to see that it is of such nature as to preclude any danger of fire, giving particular attention to wiring which is carried through wooden bulkheads and partitions.

2.9 Standard for inspection of hulls, boilers, and machinery. In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping and current United States Coast Guard regulations and Lloyds of London respecting material and construction of hulls, boilers and machinery, and the certificate of classification referring thereto, shall be accepted as standard by the Board.

(a) Special surveys of unclassified passenger vessels. Special surveys, applicable to the age of the vessel and corresponding to class surveys, shall be conducted by inspectors on all unclassified passenger vessels. These surveys shall in no way affect the thoroughness of the annual inspections. A notation shall be made in the lower right-hand corner of the Certificate of Marine Inspection appropriate for the survey, viz:

Special Survey No. 1. Four years from date of build, S.S. No. 1, place, date.

Special Survey No. 2. Four years from the date of Special Survey No. 1, A.A. No. 2, place, date.

Special Survey No. 3. Twelve years from the date of build, S.S. No. 3, place, date.

Second Special Survey No. 1. Four years from the date of Special Survey No. 3, Second S.S. No. 1, place, date.

Second Special Survey No. 2. Four years from the date of Second Special Survey No. 1, Second S.S. No. 2, place, date.

Second Special Survey No. 3. Twenty-four years from date of build, Second S.S. No. 3, place, date.

Third Special Survey No. 1. This and succeeding surveys are to correspond with the Second Special Survey No. 1, etc.

2.10 Special Surveys of hull, equipment and motive power.

(a) Special Survey No. 1. This survey is to be carried out at four years from the date of build.

(1) The vessel is to be placed in drydock upon a slipway and the keel, stem, stern, frame or stern post, and outside planking or plating are to be cleaned and afterward examined, recalced and recoated where necessary; the rudder is to be examined and lifted when required and the gudgeons rebushed or the braces and pintles refitted as may be necessary.

(2) In the case of wooden vessels, careful examination is to be made of the entire structure, faulty fastenings, bolts, or treenails backed out or otherwise dealt with to the satisfaction of the inspector.

When in the opinion of the inspector, it is necessary, borings are to be made and should they disclose cause for further examination, listings shall be made where and as required to satisfy the inspector.

(3) The olds, 'tween decks, peaks, bilges, engine and boiler spaces, and bunkers are to be cleaned out and the surfaces of the framing and plating are to be cleaned and examined and recoated where necessary. All the watertight bulkheads are to be examined and tested if considered necessary, with a head of water.

(4) The platform plates in the engine and boiler spaces are to be removed when required, and in the holds and bunkers one strake of ceiling at the bilges and one strake of ceiling on each side fore and aft and all portcelling hatches are to be lifted. All limbers are to be cleaned free from dirt.

(5) The cement or other composition on the inner surface of the bottom plating is to be carefully examined and tested, to ascertain if it is adhering satisfactorily to the plating.

(6) Where a double bottom is fitted, the tanks are to be thoroughly cleaned out and examined internally; sufficient ceiling is to be lifted or all the ceiling is to be lifted, if necessary, for cleaning and coating the top plating; and the tanks are to be tested with water pressure equal to the height of the load draft of the vessel.

(7) Where a double bottom and other tanks are used for fuel oil bunkers, the cleaning out of such tanks need not be insisted upon, provided the inspector is able to determine by an external examination that the general condition of the tanks is satisfactory. Tanks in such cases may be tested with oil to the height of the overflow.

(8) Deep water ballast tanks, peak ballast tanks, and fresh water tanks which form a part of the structure of the vessel are to be cleaned out and examined internally, and are to be tested with a head of water to a height of eight feet above the crown of the tank, or to a height of the load draft of the vessel, or to the highest point to which liquid may rise under service conditions, whichever is highest.

(9) The decks are to be examined, and wood decks are to be bored where worn and renewed if reduced to three-fourths the Rule thickness, or if found otherwise defective.

(10) The masts, spars, rigging, hawse pipes and outfits are to be examined, and found or placed in good condition, and the weight, type, and number noted. The hatch covers and fore and afters, the tarpaulins, the hatchways and ventilator coamings, deckhouses, the engine and boiler casings and all other means of protecting openings in the weather decks are to be examined, and found or placed in good condition.

(11) All parts of the steering arrangements together with the blocks, rods, chains, or other transmission gear are to be examined, and found or placed in good condition.

(12) The windlass, hand pumps, sluice valves, watertight doors, and air and sounding pipes are to be examined and found or placed in good condition.

(13) When spaces are insulated in connection with refrigerating plant, the limbers and hatches are to be lifted and an examination is to be made in way of same.

(14) The engines and boilers of all vessels will be required to undergo periodical surveys at the same time as the special surveys on the hull.

(b) Special Survey No. 2. This Survey is to be carried out at four years from the date of the Special Survey No. 1. All the requirements of Special Survey No. 1 are to be complied with, in addition to the following requirements:

(1) A second strake of ceiling on each side fore and aft and all portable ceiling hatches are to be lifted in holds and bunkers.

(2) In the case of wooden vessels no planking is to be removed except, if in the opinion of the inspector

it is absolutely necessary to disclose the true condition of the vessel, or as may be found necessary to effectively remedy the defects otherwise disclosed.

(3) Double bottoms and other tanks used as fuel oil bunkers are to be thoroughly cleaned out, cleared of gas, and examined internally, and the tanks are to be tested with water pressure to the height of the overflow.

(4) The chain cables are to be ranged, the shackle pins driven out, and the cables examined, and if found reduced in sectional area at their most worn part to the extent represented by the following table, they must be renewed:

Diameter of Cable	Maximum Reduction to be allowed
8/16" and under 12/16"	1/16"
12/16" and under 1/16"	2/16"
1-4/16" and under 1-12/16"	3/16"
1-12/16" and under 2"	4/16"
2" and under 2-8/16"	5/16"
2-8/16" and under 3"	6/16"
3" and under 3-8/16"	7/16"

(c) Special Survey No. 3. This Survey is due 12 years from the date of build and can be carried out at any time prior to the date when it becomes due, but it must be carried out within 13 years from the date of build. All the requirements of Special Surveys No. 1 and 2 are to be complied with, in addition to the following requirements:

(1) All the close ceilings, wood linings, and casings in the holds and bunkers, ceiling spars and platform plates in the engine and boiler spaces are to be lifted, and all rust throughout the vessel, both inside and outside, is to be removed.

(2) In respect to wooden vessels, treenails in the bilges must in all cases be backed out, the center line members must be carefully searched and refastened to the satisfaction of the inspector, and where faulty the refastening bolts must be driven through and clinched over rings.

(3) When the vessel is thus prepared, the outer and inner surfaces of the shell plating and the whole of the framing, floors, brackets, reverse bars, keelsons, girders, tanktop plating, engine and boiler seating, shaft tunnels, thrust and shaft stools, beams, watertight bulkheads, rivets, stringers, and decks are to be examined and found or placed in good condition.

(4) If it is considered necessary by the inspector, the shell plating, deck plating, and such other parts of the vessel as are liable to excessive corrosion are to be drilled, and where a material reduction of over 25

percent in the original scantlings is found to have taken place, the defective parts are to be removed and replaced with new materials of the original scantlings and quality.

(5) In the case of wooden ships, and beam ends, knees, beam and connections and all principal parts to be carefully examined and bored as may be required by the inspector and where necessary to ascertain the condition of the beam ends the deck plant adjacent to the lockstrakes should be removed.

(6) In cases where the deterioration of the scantlings is widespread, a detailed preliminary report with a sketch if possible is to be made by the inspector and forwarded immediately to the Board for its consideration.

(7) In the case of wooden vessels, listings are to be cut inside along seam lines, without disturbing fastenings, above and below the bilges strakes, so as to expose the timbers for one-third the length of the vessel, from each and on both sides, and at such additional and intermediate openings as the inspector may require.

(8) When all the rust has been removed, the surfaces of the iron and steel work throughout the vessel are to be recoated, but this should not be done until after examination by the inspector.

(9) In the case of wooden vessels, if considered necessary by the inspector, planking may, at his discretion, be removed on both sides of the vessel a length equal to one complete strake on one side on both sides of the vessel under the counter, and from stem aft toward the foremast such length as the inspector may determine, but not less than eight frames. The inspector will, in his discretion, be careful not to have planking removed that has been removed on previous surveys or when the vessel's condition can be disclosed as, or made, satisfactory without disturbance to the planking.

(10) Where side lights are fitted, the condition of the plating in way of same is to be ascertained, and in way of cabin accommodations the lining may, in the first instance, be removed so that the inspector may judge of the condition of the hull at those parts, and if, upon such examination, he considers it necessary, additional lining must be removed.

(11) In the case of wooden ships all mast and bowsprit wedging is to be removed and the condition of the planting of iron or steel masts, bowsprits, and spars tested by hammering or drilling, as may be found necessary.

(12) When spaces are insulated in connection with refrigerating plant, the timbers and hatches are to be lifted, and enough lining is to be removed from all the spaces to enable the inspector to satisfy himself as to

the general condition of the plating and framing in way of insulation.

(d) Second Special Survey No. 1. This Survey is to be carried out at four years from the date of Special Survey No. 3. All the requirements of the Special Survey No. 2 are to be complied with.

(e) Second Special Survey No. 2. This Survey is due in 24 years from the date of build, but it must be carried out within 25 years from the date of build. All the requirements of Special Survey No. 3 are to be complied with, in addition to the following requirement:

(1) The actual scantlings of the vessel throughout are to be ascertained by the Inspector and reported by him in detail to the Board. The bottom plating need not be drilled if the cement on same is adhering satisfactorily. Generally, when a material reduction of 25 percent or more is found the material is to be removed.

(f) Third Special Survey No. 1. This and succeeding surveys are to correspond with Second Special Survey No. 1 and succeeding Surveys, unless otherwise determined by the Board.

(g) Propelling Plant.

(1) At these Special Surveys and on other occasions when the vessel is in drydock, the sea connections, together with the cocks and valves and strainers in connection with same, shall be examined. All iron and steel fastenings of seacocks and valves to the shell plating should be examined and removed if necessary at each Special Survey No. 3.

(2) The outboard shafts shall be drawn for examination at least once every three years at time of annual inspection. When the after bearing is worn down one-fourth inch with shafts not exceeding nine inches in diameter; five-sixteenths inch when over nine inches and not exceeding twelve inches, and three-eighths inch with shafts over twelve inches in diameter, the bearing shall be rebushed.

(3) At each Special Survey, the cylinders or turbines, pistons, valves, pumps, condensers, thrust bearings, main and tunnel shafting, evaporators, and steam steering gear, and such other parts of the machinery as may be considered necessary shall be examined. The pumping arrangements from the several holds, as well as from the engine and boiler spaces, shall be examined.

(4) At each Special Survey, the boiler and superheaters shall be carefully examined inside and outside, and the Inspector shall satisfy himself that the boilers and all their appurtenances are in perfect order in every detail. The safety valves shall be carefully examined and set to the working pressure.

(5) Internal combustion engines. A complete examination

shall be made of the main and auxiliary machinery. All cylinders, pistons, valves, valve gears, pumps, connecting rods and bearings, guides, cross heads, the crank, thrust, and line shafting shall be examined. The cylinders, pistons, and valves of the air compressors shall be examined. The various engine piping systems, air vessels, coolers, oil tanks, and the engine auxiliaries shall be cleaned if necessary, and examined as far as practicable. Other parts of the machinery as may be considered by the Inspector shall be examined. The spare parts should be checked. The requirements for special periodical surveys of steam engines and boiler installations apply to internal combustion engine installations as far as applicable.

(b) Exemptions. The Board may at its discretion exempt a vessel of less than 250 net tons from any or all of the requirements of the Special Surveys applicable to such vessels when in its judgment such Survey would be impracticable and unreasonable, provided, that any request for exemption shall be placed before the Board, together with the reasons therefor in detail.

2.11 Copies of specifications and/or blueprints. Six copies of all blueprints and/or specifications of every article approved for use on vessels subject to inspection shall be supplied to the Board for use of Inspectors.

2.12 Crew Accommodations. On all vessels of 100 gross tons and over there shall be provided at least one toilet, one washbasin, and one shower. When the engine room crew, exclusive of licensed officers and others separately provided for exceeds ten, their toilet and washroom equipment shall be separate from the other crew members. Separate facilities shall also be provided for the female members of the crew.

All washbasins, showers, and bathtubs shall be equipped with proper plumbing. Washbasins may be located in the crew sleeping quarters, if properly installed and equipped with proper plumbing. The washrooms and toilet rooms shall be equipped with proper drains, with proper plumbing for slushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with partitions, which shall be open at the top and bottom for ventilation and cleaning purposes. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefor.

When the total number of the crew exceeds 100, consideration may be given to special arrangements and to a reduction in number of facilities required.

On all vessels of 100 gross tons and over, the contracts for the construction of which were signed on or prior to January 1, 1941, the toilet and washing facilities shall be in keeping with the age, size and service of the vessel and consistent with the principles underlying the requirements for vessels, the contracts for the construction of which were signed after January 1,

1941, when reasonable and practicable, a minimum of one toilet, one washbasin, and one shower or bathtub for each ten members, or portion thereof, in the crew to be accommodated, shall be provided. On such vessels separate washing facilities are not required where the engine room crew, exclusive of licensed officers and others separately provided for does not exceed ten.

2.13 Fees. The charges for inspection of vessels shall be determined by the Board, but shall not be in excess of those now in effect for similar inspection by the American Bureau of Shipping.

PART 3. INSPECTORS AND CERTIFICATES

3.1 Inspectors. The Board shall designate an inspector or inspectors who shall make inspections of vessels to ascertain whether said vessels have complied with these regulations.

3.2 Certificates. If the vessel meets the requirements of these regulations, the Board shall issue to the master or owner a Certificate of Marine Inspection and License to Operate. Such Certificate shall not be issued for any period less than one year, but nothing herein shall be construed to prevent the revocation or suspension of certificates in case such process is authorized by law or regulation.

3.3 Compliance. Vessels which fail to comply with the provisions of these regulations shall be refused issuance of such Certificate until compliance has been accomplished. Until such Certificate has been issued, no vessel shall be permitted to leave port except for purposes of repair under such terms and conditions as the Board may determine.

3.4 Exhibition of Certificate. On vessels of over 25 gross tons, the original of the currently effective Certificate must be framed under glass and posted in the vessel where it will be most likely to be observed by passengers and others. On vessels of not over 25 gross tons, the original of the currently effective Certificate must be kept on board to be shown on demand.

3.5 Effective Date. These Regulations shall be effective on the date of approval by the High Commissioner of the Trust Territory of the Pacific Islands.

PART 4. CERTIFICATES OF COMPETENCY

4.1 General Provisions. No person shall operate as a Master, Navigating Officer or Engineer in charge of a watch on any vessel of 200 or more gross tons registered in the Trust Territory until or unless he holds a currently valid Certificate of Competency issued by the Board of Marine Inspectors pursuant to the provisions of this Chapter.

4.2 Candidates for Certificates of Competency as

Merchant Marine Deck Officers and the various grades of Marine Engineers for vessels (excluding vessels of less than 200 gross tons) shall be required to pass examinations to demonstrate their professional qualifications. Such examinations may be oral or written, or both, in the discretion of the Board of Marine Inspectors.

4.3 Definitions. For the purpose of this Chapter the following definitions and descriptions shall apply:

(a) Master. The Commanding Officer of a merchant or fishing vessel. The term includes every person except a pilot, who has command or charge of a vessel.

(b) Navigating or Deck Officer. Means any person, other than a pilot, who while on duty is actually in charge of the navigation or maneuvering of a vessel.

(c) Chief Engineer. Means any person permanently responsible for the mechanical propulsion of a vessel.

(d) Assistant Engineer. Means any person in charge of a watch who is actually in charge of operating a vessel's engines.

(e) Tankerman. The term "tankerman" means any person holding a Certificate of Competency as tankerman issued by the Board of Marine Inspectors attesting to his competency in the handling of inflammable or combustible liquid cargo in bulk or any person holding a valid certificate of competency as a Master or Engineer.

(f) Able Seaman. The term "able seaman" means any person holding a certificate of service as able seaman issued by the Board of Marine Inspectors attesting to his competency and who may serve in such capacity within the restrictions placed on the certificate.

(g) Lifeboatman. The term "lifeboatman" means any person holding a certificate of efficiency issued by the Board of Marine Inspectors attesting to his competency, and who may serve in such capacity within the restriction placed on his license.

(h) Ordinary Seaman. The term "ordinary seaman" means any person holding a certificate of service as ordinary seaman issued by the Board of Marine Inspectors attesting to his competency and who may serve in such capacity within the restrictions placed on the license.

4.4 Duties. Except in cases of force majeure, no person shall be engaged to perform or shall perform on board any vessel to which this Chapter applies the duties of Master, Navigating Officer, Chief Engineer or Assistant Engineer in charge of a watch unless he holds a Certificate of Competency to perform such duties issued or approved by the Board of Marine Inspectors of the Trust Territory of the Pacific Islands.

4.5 Requirements. No person shall be granted a Certificate of Competency unless:

(a) The applicant has reached the age of 21 years with the exception of Junior Third Mates and Junior Third Engineers, who must be at least 18 years of age with a minimum period of 1 year of professional experience to have been completed by such applicants for each grade and type of Certificate of Competency, as required by the Board of Marine Inspectors for the issue of a Certificate of Competency.

(b) The applicant has served for not less than one year in the Deck or Engine Departments of vessels of not less than 200 gross tons registered.

(c) Applicant has successfully passed the examinations as required by the Board of Marine Inspectors for the purpose of determining the qualifications of the applicant for the particular Certificate of Competency for which he has applied.

4.6 Exception. The Board of Marine Inspectors may, for a period not exceeding three (3) years from the effective date of this Chapter, issue Certificates of Competency to persons who have not passed the examinations as set forth in the preceding section who may in the opinion of the Board have by authenticated documents or other supporting evidence possess sufficient practical experience of the duties corresponding to the certificate in question; and have no record of any serious technical error or derogatory information against them.

4.7 Inspections. The Board of Marine Inspectors shall from time to time make inspections of Trust Territory registered vessels to determine that the complement of licensed officers necessary for the safe navigation of the vessel hold valid Certificates of Competency issued by the Board of Marine Inspectors.

4.8 Detention of Vessel. The Board of Marine Inspectors by written order served on the Master or person in charge of a vessel may detain any vessel for failure to comply with the provisions of this Chapter.

4.9 Forms. The Board of Marine Inspectors will provide appropriate application forms to be completed by applicants and submitted to the Board of Marine Inspectors for review prior to formal examination. Such forms will include such pertinent information as: Name, age, address, date and place of birth, education, type of certificate (Deck or Engine Department) applying for, period of past experience, by vessels and tonnage, etc.

Applicants may obtain application forms by written request or personal application to the Board of Marine Inspectors, Headquarters, Trust Territory of the Pacific Islands, Saipan, M.I. Application forms must be completed in all respects. All statements of sea service made therein must be supported by documentary

evidence, issued by responsible persons, officers or organizations. Completed application may then be forwarded to Board of Marine Inspectors. Each applicant for an original license or Certificate of Competency is required to have a written endorsement from a Master, or Chief Engineer of a vessel on which he has served.

4.10 Processing Forms. Pursuant to the provisions of Section 854 of the Trust Territory Code, authority is hereby delegated to District Administrators to process applications, conduct examinations and related procedures for the issuing licenses or Certificates of Competency to applicants who have successfully qualified for such certificates. This authority shall be exercised only upon written request of the Board of Marine Inspectors.

4.11 Penalties. Any person including a master or skipper who wilfully and knowingly violates any provisions of this regulation or has allowed any of the duties defined in Part 4.4 of this regulation to be performed by a person not holding the corresponding or a superior certificate shall, upon conviction thereof, be sentenced to imprisonment for a period of not more than six months or a fine not exceeding \$200 or both.

4.12 Effective Date. These regulations shall be effective on the date of approval by the High Commissioner of the Trust Territory of the Pacific Islands.

PART 5. OPERATION OF MOTORBOATS

5.1 Motorboat Defined. The word "motorboat" where used in these Regulations shall include every vessel propelled by machinery and not more than sixty-five feet in length. The length shall be measured from end to end over the deck excluding sheer.

5.2 Classes of Motorboats. Motorboats subject to the provisions of these Regulations shall be divided into four classes as follows:

Class A: Less than sixteen feet in length.

Class 1. Sixteen feet or over and less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over and not more than sixty-five feet in length.

5.3 Registration of Motorboats. Every motorboat owner or operated in the Trust Territory shall be registered with the District Administrator of the district in which it is operated.

5.4 Registry Number to be painted on Bow. The registry number awarded to a motorboat shall be

painted or attached to each bow of the vessel in such manner and color as to be distinctly visible and legible. The number shall be not less than 3 inches in size. In addition, the number shall be painted in a conspicuous manner on the deck, or on the top of a deck house, or other such structure where it would be visible to aircraft, in letters and figures not less than 6 inches high.

5.5 Inspection of Motorboats. Every motorboat operated inter-island or engaged in trade, shall once in every year, at least, be inspected by an inspector of the Trust Territory to determine whether the structure of such vessel is suitable for the service in which it is to be employed, has suitable accommodations for the passengers and crew, and is in a condition to warrant the belief that it may be used in navigation as a commercial or inter-island vessel with safety to life, and that all the requirements of these regulations in regard to life saving and fire fighting equipment and other things are faithfully complied with; and if the inspector deems it expedient he may direct the motorboat to be put in motion, and may adopt any other suitable means to test her efficiency and that of her equipment. Once in every year, at least, an inspector of the Trust Territory shall carefully inspect, on drydock the underwater portion of each motorboat subject to inspection to determine whether such vessel is in a condition suitable for the service in which it is to be employed. Whenever an inspector of the Trust Territory finds on board any motorboat subject to these regulations as part of the required equipment thereof any equipment, apparatus, or appliance, not conforming to these regulations, he shall require the same to be placed in proper condition by the owner or operator of such motorboat. And in any of the foregoing cases the Trust Territory officials by whom or under whose supervision said motorboat is then being inspected shall have power to enforce the foregoing requirements by revoking the Certificate of Inspection of said motorboat, and by refusing to issue a new certificate to the said motorboat until said requirements shall have been fully complied with or until such action of the Trust Territory officials shall have been reversed, modified, or set aside by the High Commissioner of the Trust Territory on proper appeal by the owner or operator of said motorboat; and upon such appeal, duly made, the High Commissioner shall have the power to affirm, modify, or set aside such action by the Trust Territory officials.

5.6 Certification of Inspection Required. Every motorboat subject to inspection shall be issued a Certificate of Inspection, valid for a period of one year, by the District Administrator, on certification by a Trust Territory inspector that the vessel is fit and properly equipped for the service in which it is to be employed. And no motorboat subject to inspection and certification shall be operated without a valid certification of inspection aboard.

5.7 Reinspections. Every motorboat subject to inspection shall be reinspected periodically, at such times as the District Administrator may direct, to assure that the terms of the Certificate of Inspection are being complied with.

5.8 Posting of Certificate of Inspection. On motorboats of over 25 gross tons, the Certificate of Inspection shall, in general, be framed under glass and posted in a conspicuous place where it will be most likely to be observed. On motorboats under 25 gross tons, where the framing of the certificate under glass would be impracticable, the Certificate of Inspection shall be kept on board to be shown on demand.

5.9 Penalty for Operating Without Certificate of Inspection. Any motorboat subject to inspection, found operating without a valid Certificate of Inspection aboard shall be subject to a penalty of \$500 and may be seized and proceeded against by way of liber in any district which said motorboat may be found.

5.10 License to Engage in Trade. Every motorboat engaged in trade, carrying passengers or freight for hire, shall be licensed for such trade by the District Administrator, but no such vessel shall be licensed until it has been inspected and has been issued a valid Certificate of Inspection.

5.11 Lights. Every motorboat in all weather from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(a) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all round the horizon. Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side, a green light, so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed

as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white light prescribed by this section: Provided, however, that motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision: Provided, further, that motorboats of classes A and 1, when so propelled shall not be required to carry the combined lantern prescribed by sub-section (a) of this Section.

(d) Every white light prescribed by this Section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this Section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in these Regulations, when applied to lights, shall mean visible on a dark night with clear atmosphere.

5.12 Whistles. Every motorboat of class 1, 2 or 3, shall be provided with an efficient whistle or other sound-producing mechanical appliance.

5.13 Bells. Every motorboat of class 2 or 3 shall be provided with an efficient bell.

5.14 Lifesaving Appliances. Every motorboat subject to any of the provisions of these regulations shall carry at least one good life preserver, life belt, right buoy, or other device of the sort prescribed by the District Administrator, for each person on board, so placed as to be readily accessible: Provided, that every such motorboat carrying passengers for hire shall carry, so placed as to be readily accessible, at least one good life preserver for each person on board.

5.15 Licensed Operator—Passenger Motorboat. No such motorboat, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service. Whenever any person applies to be licensed as operator of any motorboat carrying passengers for hire, the Trust Territory Administration shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing

him to discharge such duties on any such motorboat carrying passengers for hire for the term of five years. Such license shall be subject to suspension or revocation on evidence of negligence, incompetence, misconduct, or intemperance.

5.16 Fire Extinguishers. Every motorboat shall be provided with fire extinguishers, capable of promptly and effectually extinguishing burning oil and gasoline. Motorboats of classes A and 1 shall be provided with one such fire extinguisher and motorboats of classes 2 and 3 shall be provided with two such fire extinguishers. These fire extinguishers shall be at all times kept in condition for immediate and effective use, one of which shall be placed near the entrance to the machinery space. The size of the fire extinguisher required herein shall be as follows: 2½ gallon foam, or 15 lb. CO₂.

5.17 Flame Arrestors. Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline for fuel, equipped with such efficient flame arrestor backfire trap, or other similar device as approved by the District Administrator.

5.18 Ventilation of Bilges. Every such motorboat, except open boats, using as fuel any liquid of volatile nature, shall be provided with means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

5.19 Life Floats or Buoyant Apparatus. Every motorboat engaged in trade or operated inter-island shall carry a life float or other buoyant apparatus equipped with a sea-painter, paddles, and a 5-gallon container of fresh water. Such life float or buoyant apparatus shall be painted a bright orange color.

5.20 Ring Buoys. Every motorboat operated inter-island or engaged in trade shall be equipped with a ring buoy, with 15 fathoms of ¾ inch line attached.

5.21 Distress Flares. Every motorboat operated inter-island or engaged in trade shall be equipped with a waterproof container, containing 12 red, hand distress flares.

5.22 Tillers. Every motorboat operated inter-island or engaged in trade shall be equipped with a spare tiller or other auxiliary means of steering.

5.23 Bulkheads. Every motorboat operated inter-island or engaged in trade in which transverse bulkheads are installed, shall maintain such bulkheads in a water tight condition.

5.24 Equipment to be Numbered. The name or registry number of every motorboat registered in the Trust Territory shall be plainly marked or painted in letters

and numbers not less than 1½ inches high on all life saving and fire fighting equipment. All other equipment which is likely to float in the event of disaster, such as hatch covers, lockers, benches, etc., shall be similarly marked or painted.

5.25 Decked Motorboats. Every motorboat operated inter-island or engaged in trade which is decked over, shall provide means of closing and making properly water tight all openings in such deck.

5.26 Number of Persons Permitted. Every motorboat (open or decked) operated outside of harbors or reefs shall limit the number of persons carried to one for each seven square feet of unobstructed deck space or 18 lineal inches of seating space, whichever number is the lesser. All seating spaces shall be measured in multiples of 18 lineal inches, fractions of such spaces shall be discounted.

5.27 Freeboard of Open Boats. No open type motorboat (boats without water tight decks) shall be operated outside of reefs or harbors with less than 12 inches (mean) freeboard, unless specific permission to do is granted by the District Administrator.

5.28 Negligent Operation. No person shall operate any motorboat in a reckless or negligent manner so as to

endanger the life, limb, or property of any person.

5.29 Penalty for Negligent Operation. Any person who shall operate any motorboat in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both fine and imprisonment, at the discretion of the court.

5.30 Authority to Arrest for Negligent Operation. Any officer of the Trust Territory authorized to enforce the navigation laws shall have power and authority to swear out process and to arrest and take into custody with or without process, any person who may operate any motorboat in a reckless or negligent manner so as to endanger the life, limb, or property of any person: Provided, that no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: Provided further, that whenever an arrest is made under the provisions of these Regulations, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the Trust Territory for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the Trust Territory.