

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
U. S. Coast Guard Sector San Juan

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16703  
P 106-15  
May 7, 2015

East Island Excursions Inc.  
Attn: Arturo Quiñones  
PO Box 1270  
Fajardo, PR 00738

Dear Mr. Quiñones:

I have received your written appeal dated December 12, 2014, seeking special consideration for the sailing catamaran EAST WIND (O.N. 1089463) on the requirements for the Federal Communications Commission (FCC) type accepted general marine radar system found in 46 Code of Federal Regulations (CFR), Part 184.404. I have reviewed your request, conducted an in-depth review of all pertinent regulation and policies, and hereby deny your appeal.

Title 46, Code of Federal Regulations ("CFR"), Subchapter T, Part 184.404 requires that a self propelled SPV operating on a Limited Coastwise route and certificated to carry more than 49 passengers be fitted with a Federal Communications Commission type accepted marine radar. As you know, the EAST WIND is currently certificated to carry up to 80 passengers on a Limited Coastwise route thus making the radar regulation contained in 46 CFR 184.404 a requirement.

In accordance with 46 CFR 175.550, special consideration authorizes the Officer in Charge, Marine Inspection to permit departures from the regulations when unusual arrangements occur on a vessel and an equivalent level of safety is provided. At this time, the latter requirement has not been met.

Furthermore, a thorough review of your vessel's permanent file revealed that a similar request for special consideration was made to the Marine Safety Office ("MSO") San Juan Officer in Charge, Marine Inspections ("OCMI") back on November 15, 1999. After the initial request and a subsequent appeal, the request was denied. The letter from the MSO San Juan OCMI states that denial was based on the Fajardo Sound's heavy traffic with both recreational and inspected vessels as well as ferries. In addition, the OCMI stated that the installation of a radar was required because of the vessel's use as a sunset cruise making a daylight only operational restriction not feasible. A copy of the denial letters is attached to this letter for your reference.

Copies of this letter, along with your appeal letter, will be added to the permanent records of the aforementioned vessel. If you do not agree with my decision, you may appeal this decision to the Commander, Seventh Coast Guard District, via this office in accordance with the procedures contained in 46 CFR 1.03.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. W. Warren", written over a blue circular stamp or seal.

R. W. WARREN  
Captain, U.S. Coast Guard  
Officer in Charge, Marine Inspection