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APPENDIX I [RESERVED]
APPENDIX II METRIC UNITS USED IN PART 153

AUTHORITY: 46 U.S.C. 3703; 49 CFR 1.46. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903 (b).

SOURCE: CGD 73–96, 42 FR 49027, Sept. 26, 1977, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes for Part 153 appear at CGD 81–101, 52 FR 7777, Mar. 12, 1987, 59 FR 17028, Apr. 11, 1994, CGD 95–072, 60 FR 50465, Sept. 29, 1995 and at CGD 96–041, 61 FR 50732, Sept. 27, 1996.

Subpart A—General

§ 153.0 Availability of materials.

(a) Various sections in this part refer to the following documents which are incorporated in Annex II of MARPOL 73/78.

(1) IMO *Standards for Procedures and Arrangements for the Discharge of Noxious Liquid Substances,* Resolution MEPC 18(22), 1985 in effect on April 6, 1987.

(2) IMO *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 19(22), 1985 in effect on April 6, 1987.

(3) IMO *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 20(22), 1985 in effect on April 6, 1987.

(b) The IMO documents listed in this section are available from the following:

(1) IMO Secretariat, Publications section, 4 Albert Embankment, London SE1 7SR, United Kingdom, Telex 23588;

(2) New York Nautical Instrument and Service Company, 140 West Broadway, New York, NY 10013;

(3) Baker, Lyman & Company, 3220 South I–10 Service Road, Metairie, LA 70001.

(4) UNZ & Company, 190 Baldwin Avenue, Jersey City, NJ 07306.

(5) Southwest Instrument Company, 235 West 7th Street, San Pedro, CA 90731.

(6) Marine Education Textbooks, 124 North Van Avenue, Houma, LA 70363–5895.

[CGD 81–101, 52 FR 7777, Mar. 12, 1987, as amended by CGD 92–100, 59 FR 17028, Apr. 11, 1994]

§ 153.1 Applicability.

This part applies to the following:

(a) All United States self-propelled ships and those foreign self-propelled ships operating in United States waters that carry in bulk a cargo listed in Table 1 or allowed in a written permission under § 153.900(d), unless—

(1) The ship is carrying the cargo under 33 CFR part 151;

(2) The ship is carrying the cargo in a portable tank under subpart 98.30 or 98.33 of this chapter; or

(3) The ship is an offshore supply vessel carrying the cargo under subpart 98.31 of the chapter; or

(b) All United States oceangoing non-self-propelled ships and those foreign non-self-propelled ships operating in United States waters that carry in bulk a Category A, B, or C NLS cargo listed in Table 1 or allowed in a written permission under § 153.900(d), unless—

(1) The ship is carrying the cargo under 33 CFR part 151;

(2) The ship is carrying the cargo in a portable tank under subpart 98.30 or 98.33 of this chapter;

(3) The ship is an offshore supply vessel carrying the cargo under subpart 98.31 of this chapter; or

(4) The ship's Certificate of Inspection is endorsed for a limited short protected coastwise route and the ship is constructed and certificated primarily for service on an inland route.

(c) All ships that carry a bulk liquid, liquefied gas, or compressed gas cargo that is not—

(1) Listed in Table 1 of this part;

(2) Listed in Table 2 of this part;

(3) Carried under a written permission granted under § 153.900(d);

(4) Carried under part 30 through 35, 98, 151, or 154 of this chapter; or

(5) Carried as an NLS under 33 CFR part 151.

[CGD 81–101, 52 FR 7777, Mar. 12, 1987, as amended by CGD 84–025, 53 FR 15844, May 4, 1988; CGD 81–101, 53 FR 28974, Aug. 1, 1988 and 54 FR 12629, Mar. 28, 1989; CGD 84–043, 55 FR 37413, Sept. 11, 19905; CGD 96–041, 61 FR 50732, Sept. 27, 1996]

§ 153.2 Definitions and acronyms.

As used in this part:

Accommodation spaces means halls, dining rooms, lounges, lavatories, cabins, staterooms, offices, hospitals, cinemas, game and hobby rooms, pantries containing no cooking appliances, and similar permanently enclosed spaces.

Adequate reception facility means each facility certified as adequate under 33 CFR 158.160 and each facility provided by a Administration signatory to MARPOL 73/78 under Regulation 7 of Annex II.

Annex II means Annex II to MARPOL 73/78 and is the Annex to MARPOL 73/78 regulating the discharge of noxious liquid substances to the sea.

B means the breadth of the vessel and is defined in § 42.13–15(d) of this chapter.

Built means that a ship's construction has reached any of the following stages:

(1) The keel is laid.

(2) The mass of the partially assembled ship is 50,000 kg.

(3) The mass of the partially assembled ship is one percent of the estimated mass of the completed ship.

Cargo area means that part of a vessel that includes the cargo tanks, spaces adjacent to the cargo tanks and the part of the deck over the cargo tanks and adjacent spaces.

Cargo containment system means a cargo tank, its cargo piping system, its venting system, and its gauging system.

Cargo handling space means an enclosed space that must be entered during a routine loading, carriage, or discharge of cargo and that contains an element of the cargo containment system having a seal or packing to prevent the escape of cargo, such as a valve, cargo pump, or cargo vapor compressor.

Cargo piping system means a tankship's permanently installed piping arrangement, including any valves and pumps, that carries cargo to or from a cargo tank.

Cargo tank means a tank that:

(1) Is part of or permanently affixed to a tankship; and

(2) Carries a cargo described in §153.5 in any quantity, including residual liquid or vapor.

Certificate of Compliance means a certificate issued by the Coast Guard that a foreign flag vessel had been examined and found to comply with the regulations in this chapter.

Closed gauging system means an arrangement for gauging the amount of cargo in a tank, such as a float and tape or a magnetically coupled float and indicator, that does not have any opening through which cargo vapor or liquid can escape.

Combustible is defined in §30.10–15 of this chapter.

Commandant means Commandant of the U.S. Coast Guard.

The term is often followed by a mailing code in parentheses. The mailing address should include any mailing code and should be written as follows:

Commandant (mailing code), U.S. Coast Guard, 2100 Second Street SW. Washington, D.C. 20593–0001.

Control space is defined in §30.10–19a of this chapter.

Cycle, means that the tank washing machine progresses through complete rotations until it reaches an orientation identical to its starting orientation.

NOTE: For a typical one or two nozzle tank washing machine that rotates in both the horizontal and vertical planes though more slowly in one than the other, a cycle would be at least one rotation in each plane of rotation.

Dedicated ballast tank means a tank that is used only for ballast.

Emergency shutdown station means a part of the tankship where the required emergency shutdown controls are clustered.

Flammable is defined in §30.10–22 of this chapter.

Forward perpendicular is defined in §42.13–15(b) of this chapter.

Hazardous material means a liquid material or substance that is—

(1) Flammable or combustible;

(2) Designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(3) Designated a hazardous material under 49 U.S.C. 5103.

NOTE: The Environmental Protection Agency designates hazardous substances in 40 CFR Table 116.A. The Coast Guard designates hazardous materials that are transported as bulk liquids by water in §153.40.

High viscosity NLS includes high viscosity Category B NLS and high viscosity Category C NLS.

High viscosity Category B NLS means any Category B NLS having a viscosity of at least 25 mPa.s at 20 °C and at least 25 mPa.s at the time it is unloaded.

High viscosity Category C NLS means any Category C NLS having a viscosity of at least 60 mPa.s at 20 °C and at least 60 mPa.s at the time it is unloaded.

IMO means the International Maritime Organization (IMO, formerly Inter-Governmental Maritime Consultative Organization or IMCO).

IMO Bulk Chemical Code includes the IMO *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 19(22), 1985 and the IMO *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 20(22), 1985.

IMO Certificate includes a Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued under the IMO *Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 20(22), 1985 and an International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk issued under the IMO *International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk,* Resolution MEPC 19(22), 1985.

Independent, as applied to a cargo piping, venting, heating or cooling system means that the system is connected to no other system, and has no means available for connection to another system.

Independent tank means a cargo tank that is permanently affixed to the vessel, that is self-supporting, that incorporates no part of the vessel's hull and that is not essential to the integrity of the hull.

Intank cargo pump means a pump:

(1) Located within the cargo tank it serves; and

(2) Whose piping passes through only the top of the cargo tank.

Integral tank means a cargo tank that also is part of or is formed in part by the vessel's hull structure so that the tank and the hull may be stressed by the same loads.

IOPP Certificate means an International Oil Pollution Prevention Certificate required under 33 CFR 151.19.

L means the length of the vessel and is defined in §42.13–15(a) of this chapter.

Liquid means each substance having a vapor pressure of 172 kPa or less at 37.8 °C.

Marine Inspector is defined in §30.10–43 of this chapter.

MARPOL 73/78 means the International Convention for Prevention of Pollution from Ships, 1973 (done at London, November 2, 1973), modified by the Protocol of 1978 relating to the International Convention for Prevention of Pollution from Ships, 1973 (done at London, on February 17, 1978).

Master means the person-in-charge of a self-propelled or non-self-propelled ship.

Mixture means a mixture containing only the substances described in conjunction with the term.

Nearest land has the same meaning as in 33 CFR 151.05(h).

Noxious liquid substance (NLS) means—

(1) Each substance listed in 33 CFR 151.47 or 33 CFR 151.49;

(2) Each substance having an ''A,'' ''B,'' ''C,'' or ''D'' beside its name in the column headed ''Pollution Category'' in Table 1; and

(3) Each substance that is identified as an NLS in a written permission issued under §153.900(c).

NLS Certificate means an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk issued under Annex II of MARPOL 73/78.

Oceangoing ship has the same meaning as in 33 CFR 151.05(j).

Officer in Charge, Marine Inspection, is defined in §1.05(b) of this chapter.

Open gauging means an arrangement for gauging the amount of cargo in a tank through a large opening, such as a tank hatch or ullage opening.

Open venting system means a venting system that always allows vapor to flow freely to and from the tank.

Phosphoric acid means phosphoric acid, superphosphoric acid, and aqueous solutions of phosphoric acid.

Pressure-vacuum (PV) valve means a valve that is normally closed and which opens under a preset positive pressure or a vacuum.

Prewash means a tank washing operation that meets the procedure in §153.1120.

Pumproom means any enclosed space containing a pump that is part of a cargo containment system.

Reception facility means anything capable of receiving NLS residues in a country whose Administration is not signatory to MARPOL 73/78 and each adequate reception facility.

Refrigerated tank means a cargo tank that is equipped to carry a cargo that must be cooled in order to keep the cargo's vapor pressure from exceeding the tank's pressure-vacuum or safety relief valve setting under ambient conditions of 32° C (approx. 90°F) still water and 46°C (approx. 115°F) still air.

Relief valve setting means the inlet line pressure at which a vent system's pressure-vacuum or safety relief valve fully opens.

Residues and mixtures containing NLSs (NLS residue) means—

(1) Any Category A, B, C, or D NLS cargo retained on the ship because it fails to meet consignee specifications;

(2) Any part of a Category A, B, C, or D NLS cargo remaining on the ship after NLS is discharged to the consignee, including but not limited to puddles on the tank bottom and in sumps, clingage in the tanks, and substance remaining in the pipes; or

(3) Any material contaminated with a Category A, B, C, or D NLS cargo, including but not limited to bilge slops, ballast, hose drip pan contents, and tank wash water.

Restricted gauging system means a method of gauging the amount of cargo in a tank through an opening of limited size that restricts or prevents the release of cargo vapors from the tank vapor space.

Safety relief (SR) valve means a normally closed valve that opens under a preset positive pressure.

Separate and *separated,* as applied to a cargo piping, venting, heating or cooling system, means either an independent system or one that may be disconnected from all other systems by:

(a) Removing spool pieces or valves and blanking the open pipe ends; or

(b) Blocking each system interconnection with two blind flanges in series and providing a means of detecting leakage into the pipe section between the flanges.

Service spaces means spaces outside the cargo area used for galleys, pantries containing cooking appliances, lockers, store rooms, workshops other than those forming part of machinery spaces, and trunks to such spaces.

Ship means a vessel of any type whatsoever, including hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms.

Slop tanks include slop tanks and cargo tanks used as slop tanks.

Solidifying NLS means a Category A, B, or C NLS that has a melting point—

(1) Greater than 0 °C but less than 15 °C and a temperature, measured under the procedure in §153.908(d), that is less than 5 °C above its melting point at the time it is unloaded; or

(2) 15 °C or greater and has a temperature, measured under the procedure in §153.908(d), that is less than 10 °C above its melting point at the time it is unloaded.

Solution means a water solution.

Special area means the Baltic Sea Area as defined in 33 CFR 151.13(a)(2) and the Black Sea Area as defined in 33 CFR 151.13(a)(3).

SR venting system means a venting system in which an SR valve controls vapor flow from the cargo tank.

Tankship has the same meaning as ''ship''.

Venting system means a permanent piping arrangement leading from a cargo tank and used to control the flow of vapor to and from the tank.

[CGD 73–96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 78–128, 47 FR 21204, May 17, 1982; CGD 81–052, 50 FR 8732, Mar. 5, 1985; CGD 81–078, 50 FR 21170, May 22, 1985; CGD 81–101, 52 FR 7778, Mar. 12, 1987; CGD 81–101, 53 FR 28974, Aug. 1, 1988; CGD 88–070, 53 FR 34535, Sept. 7, 1988; CGD 81–101, 54 FR 12629, Mar. 28, 1989; CGD 96–041, 61 FR 50732, Sept. 27, 1996; CGD 95–028, 62 FR 51209, Sept. 30, 1997]

EFFECTIVE DATE NOTE: At 62 FR 51209, Sept. 30, 1997, in §153.2, paragraph (3) (but not the Note) in the definition of *Hazardous material* was revised by CGD 95–028, effective Oct. 30, 1997. For the convenience of the user the superseded text is set forth as follows:

§153.2 Definitions and acronyms.

* * * * *

Hazardous material means a liquid material or substance that is—

* * * * *

(3) Designated a hazardous material under section 104 of the Hazardous Material Transportation Act (HMTA) (49 U.S.C. 1803).

* * * * *

§153.3 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88–033, 54 FR 50381, Dec. 6, 1989]

§ 153.4 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Office of Operating and Environmental Standards (G–MSO), 2100 Second Street SW., Washington, DC 20593–0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are:

American National Standards Institute (ANSI)

11 West 42nd Street, New York, NY 10036

ANSI B16.5, Pipe Flanges and Flanged Fittings, 1988 .....153.940

ANSI B16.24, Bronze Pipe Flanges and Flanged Fittings, 1979.....153.940

ANSI B16.31, Non-Ferrous Flanges, 1971.....153.940

American Society for Testing and Materials (ASTM)

100 Barr Harbor Drive, West Conshohocken, PA 19428–2959

ASTM F–1122, Standard Specification for Quick Disconnect Couplings, 1987.....153.940

ASTM F–1271, Standard Specification for Spill Valves for use in Marine Tank Liquid Overpressure Protection Applications, 1989.....153.365

[CGD 88–032, 56 FR 35826, July 29, 1991, as amended by CGD 96–041, 61 FR 50732, Sept. 27, 1996; CGD 97–057, 62 FR 51048, Sept. 30, 1997]

§ 153.7 Ships built before December 27, 1977 and non-self-propelled ships built before July 1, 1983: Application.

(a) *Definitions.*

(1) *Permit* means a Certificate of Inspection, Letter of Compliance, or Certificate of Compliance.

(2) *Existing tankship* means a tankship for which a contract was let on or before December 27, 1977.

(3) *Letter of Compliance* in this section means a letter issued by the Coast Guard before 27 December 1977 which permitted a foreign flag tankship to carry a bulk cargo regulated under this part.

(b) *Endorsements for existing tankships.* (1) The Coast Guard endorses the permit of an existing tankship to carry a cargo listed in Table 1 if:

(i) The tankship held a permit on December 27, 1977, endorsed for the cargo in question;

(ii) The tankship meets the construction standards under which the Coast Guard issued the permit; and

(iii) The tankship meets the standards in paragraph (c) of this section.

(2) The Coast Guard endorses the permit of an existing tankship to carry a cargo listed in Table 1 if:

(i) The tankship held a permit on December 27, 1977;

(ii) The Coast Guard did not require the permit to be endorsed with the name of the cargo at any time before December 27, 1977;

(iii) The tankship meets the construction standards under which the Coast Guard issued the permit;

(iv) The tankship carried the cargo in question; and

(v) The tankship meets the standards in paragraph (c) of this section.

(3) The Coast Guard endorses the permit of an existing tankship to carry a cargo listed in Table 1 if:

(i) The tankship held a permit on December 27, 1977 endorsed to carry class B or C poisons under 46 CFR part 39;

(ii) The cargo in question is a class B or C poison;

(iii) The tankship meets the construction standards in 46 CFR part 39; and

(iv) The tankship meets the standards in paragraph (c) of this section.

(4) The Commandant (G–MSO) considers on a case by case basis endorsing the permit of an existing tankship to carry a cargo listed in Table 1 if:

(i) The tankship does not come within the categories described in paragraphs (b) (1) through (3) of this section;

(ii) The tankship meets paragraph (c) of this section; and

(iii) The tankship meets any additional requirements the Commandant (G–MSO) may prescribe.

(c) An existing tankship must meet all the requirements of this part except as provided in paragraphs (c) (3), (4), (5) and (6) of this section.

(1)–(2) [Reserved]

(3) The Commandant (G–MSO) considers on a case by case basis endorsing as a type II containment system one that fails to meet §§153.231(b), 153.234, 172.130 and 172.133 of this chapter if the tankship and containment system meet the following minimum conditions:

(i) The tankship has a loadline certificate.

(ii) The cargo tank is not part of the tankship's shell plating.

(iii) The distance between the bottom plating of the cargo tank and the bottom shell plating of the tankship is at least 76 cm measured parallel to the vertical axis of the tankship.

(4) The Commandant (G–MSO) considers on a case by case basis endorsing a containment system as a type II containment system if:

(i) The containment system is modified to meet §153.231(b) by adding double bottoms or wing tanks; and

(ii) The tankship can survive the damage described in §§172.135 and 172.150 of this chapter to those parts of the tankship other than machinery spaces.

(5) The Commandant (G–MSO) considers on a case by case basis endorsing as a type III containment system one that does not meet §§153.234, 172.130 and 172.133 of this chapter if the tankship has a load line certificate.

(6) The Commandant (G–MSO) considers on a case by case basis endorsing the tankship to carry cargoes listed in Table 1 of this part if the tankship does not meet §§153.217, 153.219 and 153.254.

(d) Except as required by this paragraph, subpart B of this part does not apply to a non-self-propelled ship that carries an NLS cargo under this part if—

(1) The ship was built before July 1, 1983;

(2) The ship carries no NLS cargo or NLS residue at any time it is in waters of another Administration signatory to MARPOL 73/78;

(3) The NLS does not require a type I containment system;

(4) The ship meets all requirements in parts 30 through 34 and part 151 of this chapter that apply to the cargo;

(5) The ship meets the provisions in §153.216 and §§153.470 through 153.491 applying to the NLS category of that cargo;

(6) When the ''Special Requirements'' column of Table 1 contains an entry for §153.408 or §153.409 beside the cargo name, the ship meets the section, except the system prescribed by the section need be capable of operation only during loading;

(7) [Reserved]

(8) No part of the ship's hull plating is a component of a cargo tank if the cargo tank is endorsed to carry a cargo having a type II containment system in Table 1.

[CGD 73–96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 78–128, 47 FR 21204, May 17, 1982; CGD 82–063b, 48 FR 4781, Feb. 3, 1983; CGD 79–023, 48 FR 51009, Nov. 4, 1983; CGD 81–052, 50 FR 8733, Mar. 5, 1985; CGD 81–101, 52 FR 7779, Mar. 12, 1987; CGD 81–101, 53 FR 28974, Aug. 1, 1988 and 54 FR 12629, Mar. 28, 1989; CGD 95–072, 60 FR 54106, Oct. 19, 1995]

§153.8 Procedures for requesting an endorsed Certificate of Inspection.

(a) When applying for the endorsed Certificate of Inspection that §153.900 requires for a ship to carry a cargo listed in Table 1, the applicant must proceed as follows:

(1) Send a letter to one of the Coast Guard offices listed in §91.55–15 of this chapter that includes—

(i) A request for the endorsed Certificate of Inspection;

(ii) The name of the ship; and

(iii) A list of the cargoes from Table 1 the applicant wishes the endorsement to allow.

(2) Supply to the Coast Guard when requested—

(i) Hull type calculations;

(ii) The plans and information listed in §§54.01–18, 56.01–10, 91.55–5 (a), (b), (d), (g), and (h), and 110.25–1 of this chapter;

(iii) A copy of the Procedures and Arrangements Manual required by §153.490; and

(iv) Any other ship information, including plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine if the ship meets this part.

(b) The Coast Guard notifies the applicant in writing—

(1) Whether any further information is necessary to evaluate the request for the endorsed Certificate of Inspection; and

(2) Of the outcome of the request for the endorsed Certificate of Inspection.

(c) The Coast Guard returns the Procedures and Arrangements Manual stamped ''Approved'' or indicating what corrections are necessary.

NOTE: The procedures for requesting an IOPP Certificate are found in 33 CFR Part 151.

[CGD 81–101, 52 FR 7779, Mar. 12, 1987]

§ 153.9 Foreign flag vessel endorsement application.

(a) *Application for a vessel whose flag administration is signatory to MARPOL 73/78 and issues IMO Certificates.* A person who desires a Certificate of Compliance endorsed to carry a cargo in table 1 of this part, as described in § 153.900 of this part, must request the endorsement from the cognizant Officer in Charge, Marine Inspection and have aboard the vessel copies of IMO Certificates issued by the vessel's administration and—

(1) An additional classification society statement that the vessel complies with § 153.530 (b), (d), and (p)(1) if a person desires a Certificate of Compliance endorsed with the name of an alkylene oxide; and

(2) An additional classification society statement that the vessel complies with §§ 153.370, 153.371, and 153.438 if a person desires a Certificate of Compliance endorsed with the name of a cargo whose vapor pressure exceeds 100 kPa absolute at 37.8 ° C (approximately 14.7 psia at 100 ° F).

(b) *Application for a vessel whose flag administration does not issue IMO Certificates.* A person who desires a Certificate of Compliance[1] endorsed with the name of a cargo in Table 1 of this part, as described in § 153.900, must submit to Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC), 400 Seventh St., SW., Washington, DC 20590–0001 an application that includes the following information:

(1) A copy of the vessel's Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate issued under the International Convention for Safety of Life at Sea, 1974.

(2) A list of those cargoes for which the Letter of Compliance is to be endorsed.

(3) The specific tanks that are to be endorsed for each cargo.

(4) The names of the U.S. ports in which the person anticipates operating the vessel.

(5) The name of the vessel's flag administration.

(6) The name of the society that classes the vessel.

(7) A brief description of the vessel's cargo containment systems.

(8) Hull type calculations.

(9) The plans and information listed in §§ 54.01–18, 56.01–10, 91.55–5 (a), (b), (d), (g), and (h), and 111.05–5(d) of this chapter.

(c) *Conditions applying to all Certificate of Compliance applications.* (1) If requested by the Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC), 400 Seventh St., SW., Washington, DC 20590–0001, a person desiring a Certificate of Compliance for a vessel must furnish any other vessel information such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine that the vessel meets the standards of this part.

(2) Correspondence with the Coast Guard and vessel information submitted under this part must be in English except IMO Certificates which may be in French.

[CGD 73–96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 81–052, 50 FR 8733, Mar. 5, 1985; 50 FR 15895, Apr. 23, 1985; CGD 88–070, 53 FR 34535, Sept. 7, 1988; CGD 88–070, 53 FR 37570, Sept. 27, 1988; CGD 89–025, 54 FR 19571, May 8, 1989; CGD 90–008, 55 FR 30663, July 26, 1990; CGD 92–100, 59 FR 17028, Apr. 11, 1994; CGD 95–027, 61 FR 26008, May 23, 1996]

§ 153.10 Procedures for requesting alternatives and waivers; termination of waivers.

(a) The Coast Guard considers allowing the use of an alternative in place of a requirement in this part if—

(1) The person wishing to use the alternative sends a written application to the Commandant (G–MSO) explaining—

(i) The requirement in this part that would not be met and the reason why;

(ii) The alternative the person proposes to be substituted; and

(iii) How the alternative would ensure a level of safety and pollution protection at least equal to that of the requirement for which the alternative would substitute;

(2) The alternative does not substitute an operational standard for a design or equipment standard; and

(3) The Commandant (G–MSO) determines that the alternative provides a level of protection for purposes of safety and pollution at least equal to the requirement in this part.

(b) The Coast Guard considers granting a waiver of a requirement for which this part allows a waiver if the person wishing the waiver sends a written application to the Commandant (G–MSO) that includes—

(1) A citation of the regulation that allows the waiver; and

(2) Any information and pledges that the regulation requires to be submitted with the application for the waiver.

(c) The Commandant notifies the applicant in writing—

(1) Whether any further information is necessary to evaluate the request for an alternative or waiver; and

(2) Of the outcome of the request for an alternative or waiver.

(d) A waiver issued under this part terminates if any—

(1) Information required to be supplied with the application for the waiver changes;

(2) Pledges required to be supplied with the application for the waiver are repudiated;

(3) Restrictions or procedures applying to operations under the waiver are violated; or

(4) Requirements in the section of this part authorizing the waiver are violated.

[CGD 81–101, 52 FR 7780, Mar. 12, 1987]

§153.12 IMO Certificates for United States Ships.

The Officer in Charge, Marine Inspection issues a United States ship an IMO Certificate endorsed to allow the carriage of a hazardous material or NLS cargo in Table 1 if the following requirements are met:

(a) The ship's owner must make a request to the OCMI for the IMO Certificate.

(b) The ship must meet this part.

(c) Self-propelled ships contracted for after November 1, 1973 but built before December 28, 1977 must meet requirements in this part that apply to a self-propelled ship built on December 28, 1977.

(d) Non-self-propelled ships contracted for after November 1, 1973 but built before July 1, 1983 must meet the requirements in this part applying to non-self-propelled ships built on July 1, 1983.

[CGD 81–101, 52 FR 7780, Mar. 12, 1987]

§153.15 Conditions under which the Coast Guard issues a Certificate of Inspection or Certificate of Compliance.

(a) The Coast Guard issues the endorsed Certificate of Inspection required under §153.900 for a United States ship to carry a hazardous material or NLS listed in Table 1 if—

(1) The person wishing the Certificate of Inspection applies following the procedures under §153.8; and

(2) The ship meets the design and equipment requirements of this part and—

(i) Subchapter D of this chapter if the hazardous material or NLS is flammable or combustible; or

(ii) Either Subchapter D or I of this chapter, at the option of the ship owner, if the hazardous material or NLS is non-flammable or non-combustible.

(b) The Coast Guard issues the endorsed Certificate of Compliance required under §153.900 for a foreign ship to carry a hazardous material or NLS listed in Table 1 if—

(1) The person wishing the Certificate of Compliance follows the procedures under §153.9;

(2) The ship has an IMO Certificate issued by its Administration and endorsed with the name of the hazardous material or NLS if the ship's Administration is signatory to MARPOL 73/78;

(3) The ship meets the requirements of this part applying to United States ships and §30.01–5(e) of this chapter if the ship's Administration is not signatory to MARPOL 73/78; and

(4) The ship meets any additional design and equipment requirements specified by the Commandant (G–MSO).

[CGD 81–101, 52 FR 7780, Mar. 12, 1987]

§ 153.16 Requirements for foreign flag vessel permits.

To have its Certificate of Compliance endorsed to carry a cargo listed in Table 1, a foreign flag vessel must:

(a) Have an IMO Certificate, if the flag administration issues IMO Certificates, endorsed with the name of the cargo and meet any specific requirements in this subpart that the Commandant (G–MSO) may prescribe; or

(b) Meet the requirements of this subpart and § 30.01–5(e) of this chapter.

[CGD 73–96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 82–063b, 48 FR 4781, Feb. 3, 1983; CGD 81–052, 50 FR 8733, Mar. 5, 1985; CGD 81–101, 52 FR 7780, Mar. 12, 1987; CGD 95–027, 61 FR 26008, May 23, 1996]

§ 153.30 Special area endorsement.

The Coast Guard endorses the Certificate of Inspection of a United States ship allowing it to operate in special areas if the ship owner—

(a) Requests the endorsement following the procedures in § 153.8;

(b) Shows that the ship meets the design and equipment requirements applying to ships operating in special areas contained in Regulations 5, 5A, and 8 of Annex II and the Standards for Procedures and Arrangements.

[CGD 81–101, 52 FR 7780, Mar. 12, 1987]

§ 153.40 Determination of materials that are hazardous.

Under the authority delegated by the Secretary of Transportation in 49 CFR 1.46(t) to carry out the functions under 49 U.S.C. 1803, the Coast Guard has found the following materials to be hazardous when transported in bulk:

(a) Materials listed in Table 30.25–1 of this chapter.

(b) Materials listed in Table 151.05.

(c) Materials listed in Table 1.[1]

(d) Materials listed in Table 4 of Part 154.

(e) Materials that are NLSs under MARPOL Annex II.

(f) Liquids, liquefied gases, and compressed gases, that are—

(1) Listed in 49 CFR 172.101;

(2) Listed in 49 CFR 172.102; or

(3) Listed or within any of the definitions in subparts C through O of 49 CFR part 173.

(g) Those liquid, liquefied gas, and compressed gas materials designated as hazardous in the permissions granted under § 153.900(c).[2]

[CGD 81–101, 52 FR 7780, Mar. 12, 1987]

Subpart B—Design and Equipment

GENERAL VESSEL REQUIREMENTS

§ 153.190 Stability requirements.

Each vessel must meet the applicable requirements in Subchapter S of this chapter.

[CGD 79–023, 48 FR 51009, Nov. 4, 1983. Redesignated by CGD 81–101, 52 FR 7780, Mar. 12, 1987]

§ 153.201 Openings to accommodation, service or control spaces.

(a) Except as allowed in paragraph (b) of this section, entrances, ventilation intakes and exhausts, and other openings to accommodation, service, or control spaces must be located aft of the house bulkhead facing the cargo area a distance at least equal to the following:

(1) 3 m (approx. 10 ft) if the vessel length is less than 75 meters (approx. 246 ft).

(2) L/25 if the vessel length is between 75 and 125 meters (approx. 246 ft and 410 ft).

(3) 5 m (approx. 16.5 ft) if the vessel length is more than 125 meters (approx. 410 ft).

(b) Fixed port lights, wheelhouse doors, and windows need not meet the location requirements specified in paragraph (a) of this section if they do

[1] Those hazardous material cargoes designated Category A, B, C, or D in Table 1 are also Noxious Liquid Substances under Annex II and the Act to Prevent Pollution from Ships, 33 U.S.C. 1901 *et seq.*

[2] The Coast Guard continues to propose in the FEDERAL REGISTER any addition of these designated hazardous materials to one of the tables referred to in paragraphs (a) through (d).