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(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