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(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