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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

(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).