§ 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 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 U.S. Coast Guard, Office of Operating and Environmental Standards (CG–522), 2102 2nd St., SW., Stop 7126, Washington, DC 20593–7126, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. All material 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, 1979..................................................153.940

American Society for Testing and Materials (ASTM)
100 Barr Harbor Drive, West Conshohocken, PA 19428–2959.


(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 December 27, 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 (CG–522) 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 (CG–522) 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 (CG–522) 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 (CG–522) 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;
§ 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.

§ 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, 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 § 153.370 (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 endorsed with the name of a cargo in Table 1 of this part, as described in § 153.900 of this part, must submit an application, in a written or electronic format, to Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593–7102, that includes the following information: