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§ 157.04 Authorization of classification societies.

(a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS, except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (CG–543), U.S. Coast Guard, 2100 2nd St. SW., Stop 7581, Washington, DC 20593–7581, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(d) Acceptance as an authorized CS terminates unless the following are met:

1. The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

2. Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

3. Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

4. Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(ii) must be marked with the name or seal of the authorized CS.

5. A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (CG–543), U.S.
§ 157.05 Performing calculations for this part.

In this part, unless the context requires otherwise:

(a) Formulas are in the International System of Units (SI);

(b) Values used in those formulas must be in the International System of Units; and

(c) Forward and after perpendiculars are located at the forward end and at the after end of the length. The forward perpendicular coincides with the foreside of the stem on the waterline on which the length of the vessel is measured.

§ 157.06 Appeals.

(a) Any person directly affected by an action taken under this part may request reconsideration by the Coast Guard official who is responsible for that action.

(b) Any person not satisfied with a ruling made under the procedure contained in paragraph (a) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Coast Guard District Commander of the district in which the action was taken. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the District Commander may stay the effect of the action being appealed while the ruling is being reviewed. The Chief, Marine Safety, Security and Environmental Protection issues a ruling after reviewing the appeal submitted under this paragraph.

(d) Any decision made by the Assistant Commandant for Marine Safety, Security, and Stewardship (CG–5) under the procedure contained in paragraph (c) of this section is final agency action.

(e) If the delay in presenting a written appeal would have a significant adverse impact on the appellant, the appeal under paragraph (b) or (c) of this section may initially be presented orally. If an initial presentation of the appeal is made orally, the appellant must submit the appeal in writing within five days of the oral presentation to the Coast Guard official to whom the oral presentation was made. The written appeal must contain, at a minimum the basis for the appeal and a summary of the material presented orally.

§ 157.07 Equivalents.

The Coast Guard may accept an equivalent, in accordance with the procedure in 46 CFR 30.15–1, of a design or equipment to fulfill a requirement in this part, except an operational method may not be substituted for a design or equipment requirement that is also required under the MARPOL 73/78.