

(3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

Tankship means a tank vessel propelled by mechanical power or sail.

Vegetable oil means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

Wing tank means a tank that is located adjacent to the side shell plating.

[CGD 96-026, 61 FR 33666, June 28, 1996; 61 FR 36786, July 12, 1996, as amended by CGD 91-045, 61 FR 39788, July 30, 1996; USCG-2000-7641, 66 FR 55572, Nov. 2, 2001; USCG-2004-18939, 74 FR 3378, Jan. 16, 2009; USCG-2014-0410, 79 FR 38437, July 7, 2014]

§ 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-CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501, 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 applica-

ble 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-CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501.

(Reporting and Recordkeeping requirements approved by the Office of Management and Budget under control number 1625-0036)

[CGD 82-28, 50 FR 11625, 11630, Mar. 22, 1985, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33668, June 28, 1996; USCG-2000-7641, 66 FR 55573, Nov. 2, 2001; USCG-2006-25150, 71 FR 39210, July 12, 2006; USCG-2010-0351, 75 FR 36286, June 25, 2010; USCG-2014-0410, 79 FR 38438, July 7, 2014]

§ 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.

§ 157.07

(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 District Commander issues a ruling after reviewing the appeal submitted under this paragraph.

(c) Any person not satisfied with a ruling made under the procedure contained in paragraph (b) of this section may appeal that ruling in writing, except as allowed under paragraph (e) of this section, to the Commandant (CG-5P), Attn: Assistant Commandant for Prevention, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501. The appeal may contain supporting documentation and evidence that the appellant wishes to have considered. If requested, the Deputy for Operations Policy and Capabilities (CG-DCO-D) 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 Prevention (CG-5P) 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

33 CFR Ch. I (7-1-22 Edition)

summary of the material presented orally.

[CGD 77-058b, 45 FR 43706, June 30, 1980, as amended by CGD 88-052, 53 FR 25122, July 1, 1988; CGD 96-026, 61 FR 33667, 33668, June 28, 1996; CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2002-12471, 67 FR 41333, June 18, 2002; USCG-2008-0179, 73 FR 35015, June 19, 2008; USCG-2010-0351, 75 FR 36286, June 25, 2010; USCG-2014-0410, 79 FR 38438, July 7, 2014]

§ 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 an 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.

[CGD 82-28, 50 FR 11625, Mar. 22, 1985, as amended by CGD 97-023, 62 FR 33364, June 19, 1997; USCG-2000-7641, 66 FR 55573, Nov. 2, 2001]

Subpart B—Design, Equipment, and Installation

§ 157.08 Applicability of subpart B.

NOTE: An “oil tanker” as defined in § 157.03 includes barges as well as self-propelled vessels.

(a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(c) Section 157.21 applies to each oil tanker to which this part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or