

*Weathertight* means that water will not penetrate into the unit in any sea condition, except that *weathertight equipment* means equipment constructed or protected so that exposure to a beating rain will not result in the entrance of water.

[CGD 83-005, 51 FR 897, Jan. 9, 1986; 51 FR 3785, Jan. 30, 1986, as amended by USCG-1999-4976, 65 FR 6507, Feb. 9, 2000; USCG-1999-5040, 67 FR 34799, May 15, 2002; USCG-2006-24371, 74 FR 11266, Mar. 16, 2009; USCG-2012-0832, 77 FR 59788, Oct. 1, 2012; USCG-2013-0671, 78 FR 60163, Sept. 30, 2013]

#### § 169.109 Equivalentents.

Substitutes for a fitting, appliance, apparatus, or equipment, may be accepted by the Commandant if the substituted item is as effective and consistent with the requirements and minimum safety standards specified in this subchapter.

#### § 169.111 Administrative procedures.

(a) Upon receipt of a written application for inspection, the Officer in Charge, Marine Inspection assigns a marine inspector to inspect the vessel at a mutually agreed upon time and place.

(b) The owner or a representative shall be present during the inspection.

(c) If during the inspection, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector lists all requirements which have not been met and presents the list to the owner or a representative.

(d) In any case where the owner of a vessel or his representative desires further clarification of, or reconsideration of any requirement placed against his vessel, he may discuss the matter with the Officer in Charge, Marine Inspection.

#### § 169.112 Special consideration.

In applying the provisions of this part, the Officer in Charge, Marine Inspection, may give special consideration to departures from the specific requirements when special circumstances or arrangements warrant such departures and an equivalent level of safety is provided.

#### § 169.113 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]

#### § 169.115 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Coast Guard Headquarters and at the National Archives and Records Administration (NARA). Contact the Coast Guard at: Commandant (CG-ENG-4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509; email: [typeapproval@uscg.mil](mailto:typeapproval@uscg.mil); website: [www.dco.uscg.mil/CG-ENG-4/](http://www.dco.uscg.mil/CG-ENG-4/). For information on the availability of this material at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov); website: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). The material may be obtained from the source(s) in the following paragraph(s) of this section.

(b) American Boat and Yacht Council (ABYC), 613 Third St, Suite 10, Annapolis, MD 21403, 410-990-4460, <http://www.abycinc.org>.

(1) A-1-78, Marine LPG—Liquefied Petroleum Gas Systems, IBR approved for § 169.703(c).

(2) A-3-70, Recommended Practices and Standards Covering Galley Stoves, IBR approved for § 169.703(a).

(3) A-22-78, Marine CNG—Compressed Natural Gas Systems, IBR approved for § 169.703(c).

(4) H-2.5, Ventilation of Boats Using Gasoline—Design and Construction, 1981, IBR approved for § 169.629.

(5) H-24.9 (g) and (h)—“Fuel Strainers and Fuel Filters” (1975), IBR approved for § 169.629.

(6) P-1-73, Safe Installation of Exhaust Systems for Propulsion and Auxiliary Engines, 1973, IBR approved for § 169.609.

(c) DLA Document Services, Building 4D, 700 Robbins Avenue, Philadelphia, PA 19111, <http://quicksearch.dla.mil>.