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33 CFR Ch. I (7-1-03 Edition)

Compliance (G-MOC), 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this subchapter and the sections affected are as follows:

<i>American National Standards Institute (ANSI)</i>	
11 West 42nd Street, New York, NY 10036.	
ANSI A10.14-1975—Requirements for Safety Belts, Harnesses, Lanyards, Lifelines, and Drop Lines for Construction and Industrial Use.	142.42
ANSI/UL1123-1987—Standard for Marine Buoyant Devices.	143.405
ANSI Z41-1983—American National Standard for Personal Protection-Protective Footwear.	142.33
ANSI Z87.1-1979—Practice for Occupational and Educational Eye and Face Protection.	142.27
ANSI Z88.2-1980—Practices for Respiratory Protection.	142.39
ANSI Z89.1-1981—Safety Requirements for Industrial Head Protection.	142.30
<i>International Maritime Organization (IMO)</i>	
IMO Sales, New York Nautical Instrument and Service Corp., 140 W. Broadway, New York, NY 10013	
IMO Assembly Resolution A.414 (XI) Code for Construction and Equipment of Mobile Offshore Drilling Units.	143.207; 146.205

[CGD 84-098b, 54 FR 21571, May 18, 1989, as amended by CGD 96-026, 61 FR 33665, June 28, 1996]

§ 140.10 Definitions.

As used in this subchapter:

Act means the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372).

Approved means approved by the Commandant, unless otherwise indicated.

Attending vessel means a vessel which is moored close to and readily accessible from an OCS facility for the pur-

pose of providing power, fuel, or other services to the operation being conducted on the facility.

Commandant means Commandant of the Coast Guard or that person's authorized representative.

Development means those activities which take place following discovery of minerals in paying quantities, including, but not limited to, geophysical activity, drilling, and platform construction, and which are for the purpose of ultimately producing the minerals discovered.

District Commander means an officer who commands a Coast Guard District described in part 3 of this chapter or that person's authorized representative.

Exploration means the process of searching for minerals, including, but not limited to, (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after the discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

Fixed OCS facility means a bottom founded OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures.

Floating OCS facility means a buoyant OCS facility securely and substantially moored so that it cannot be moved without a special effort. This term includes tension leg platforms and permanently moored semisubmersibles or shipshape hulls but does not include mobile offshore drilling units and other vessels.

Investigating officer means a person assigned by the Commandant, a District Commander, or an Officer in Charge, Marine Inspection, to conduct an investigation of an accident, casualty, or other incident.

Manned facility means an OCS facility on which people are routinely accommodated for more than 12 hours in successive 24 hour periods.

Manned platform means a fixed OCS facility on which people are routinely accommodated for more than 12 hours in successive 24 hour periods.

Marine inspector means a person designated as such by an Officer in Charge, Marine Inspection, to perform inspections of units to determine whether or not the requirements of laws administered by the Coast Guard and of Coast Guard regulations are met.

Minerals includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

Minerals Management Service inspector or *MMS inspector* means an individual employed by the Minerals Management Service who inspects fixed OCS facilities on behalf of the Coast Guard to determine whether the requirements of this subchapter are met.

Mobile offshore drilling unit or *MODU* means a vessel, other than a public vessel of the United States, capable of engaging in drilling operations for exploration or exploitation of subsea resources.

Officer in Charge, Marine Inspection means a person who commands a Marine Inspection Zone described in Part 3 of this chapter and who is immediately responsible for the performance of duties with respect to inspections, enforcement, and administration of regulations governing units.

Operator means—(1) In the case of a vessel, a charterer by demise or any other person who is responsible for the operation, manning, victualing, and supplying of the vessel; or

(2) In the case of an OCS facility, the operator as defined in 30 CFR 250.2(gg).

Outer Continental Shelf or *OCS* means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)) and of which the subsoil and seabed appertain to the United

States and are subject to its jurisdiction and control.

OCS activity means any offshore activity associated with exploration for, or development or production of, the minerals of the Outer Continental Shelf.

OCS facility means any artificial island, installation, or other device permanently or temporarily attached to the subsoil or seabed of the Outer Continental Shelf, erected for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources. The term includes mobile offshore drilling units when in contact with the seabed of the OCS for exploration or exploitation of subsea resources. The term does not include any pipeline or deepwater port (as the term "deepwater port" is defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502)).

Owner means a person holding title to or, in the absence of title, other indicia of ownership of a unit; however, this does not include a person who holds indicia of ownership primarily to protect a security interest in the unit and does not participate in the management or operation of the unit.

Person means an individual, association, partnership, consortium, joint venture, private, public, or municipal firm or corporation, or a government entity.

Person in charge means the master or other individual designated as such by the owner or operator under §146.5 of this subchapter or 46 CFR 109.107.

Personnel means individuals who are employed by leaseholders, permit holders, operators, owners, contractors, or subcontractors and who are on a unit by reason of their employment.

Production means those activities which take place after the successful completion of any means for the removal of minerals, including, but not limited to, such removal, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover.

Rebuilt means having had substantial alteration or reconstruction of the hull or principal structural component.

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Standby vessel means a vessel meeting the requirements of Part 143, Subpart E, of this chapter and specifically designated in an Emergency Evacuation Plan under §§146.140 or 146.210 of this chapter to provide rapid evacuation assistance in the event of an emergency.

Unit means any OCS facility, vessel, rig, platform, or other vehicle or structure, domestic or foreign.

Unmanned facility means an OCS facility, other than a floating facility or mobile offshore drilling unit, which is not a manned facility even though it may be continuously serviced by an attending vessel.

Unmanned platform means a fixed, bottom-founded OCS facility which is not a manned facility even though it may be continuously serviced by an attending vessel.

Vessel means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

[CGD 78-160, 47 FR 9376, Mar. 4, 1982, as amended by CGD 79-077, 51 FR 25059, July 10, 1986; CGD 84-098b, 54 FR 21571, May 18, 1989; USCG-2001-9045, 67 FR 5916, Feb. 7, 2002]

§ 140.15 Equivalent and approved equipment.

(a) The use of alternate equipment or procedures for those specified in this subchapter may be permitted by an Officer in Charge, Marine Inspection, to the extent and upon conditions as will insure a degree of safety comparable to or greater than that provided by the minimum standards in this subchapter.

(b) Where equipment in this subchapter is required to be of an approved type, the equipment requires the specific approval of the Commandant. Approvals are published in the FEDERAL REGISTER and COMDTINST M16714.3 (Series) Equipment List, available from Commandant (G-MSE), U.S. Coast Guard, Washington, DC 20593-0001.

(c) Specifications for certain items required to be of an approved type are contained in 46 CFR Parts 160 through 164.

[CGD 78-160, 47 FR 9376, Mar. 4, 1982, as amended at CGD 88-052, 53 FR 25121, July 1, 1988; CGD 96-026, 61 FR 33665, June 28, 1996]

§ 140.20 Delegations.

(a) Each District Commander is responsible for the administration and enforcement of the regulations in this subchapter within that person's assigned district.

(b) Under the general superintendence of the District Commander, the Officer in Charge, Marine Inspection, is delegated authority to administer and enforce the regulations in this subchapter.

(c) Authority delegated under this section may be redelegated as necessary by the delegate.

§ 140.25 Appeals.

(a) Any person directly affected by an action or decision of an Officer in Charge, Marine Inspection, under the Act or the regulations in this subchapter may request reconsideration of that action or decision. If still dissatisfied, that person may appeal the action or decision of the Officer in Charge, Marine Inspection, within 30 days to the District Commander of the District in which the action was taken or the decision made. The District Commander issues a decision after reviewing the appeal submitted under this paragraph.

(b) Any person not satisfied with the decision of a District Commander may appeal that decision within 30 days to the Commandant, who issues a ruling after reviewing the appeal submitted under this paragraph. Rulings of the Commandant constitute final agency action.

(c) An appeal to the District Commander or Commandant:

(1) Must be made in writing, except in an emergency when an oral appeal may be accepted;

(2) Must be submitted to the District Commander of the District in which the action was taken or the decision made;

(3) Must describe the decision or action being appealed;

(4) Must state the reasons why the action or decision should be set aside or modified; and

(5) May contain any supporting documents and evidence that the appellant wishes to have considered.

(d) Pending determination of any appeal, the action or decision appealed