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46 CFR Ch. I (10-1-04 Edition)

(c) Certain regulations in this subchapter apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 89-037, 57 FR 41825, Sept. 11, 1992; CGD 85-080, 61 FR 943, Jan. 10, 1996]

§ 170.003 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, 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 50382, Dec. 6, 1989]

§ 170.005 Vessel alteration or repair.

(a) Alterations and repairs to inspected vessels must be done—

(1) Under the direction of the Officer in Charge, Marine Inspection; and

(2) Except as provided in paragraph (b) of this section, in accordance with the regulations in this subchapter, to the extent practicable.

(b) Minor alterations and repairs may be done in accordance with regulations in effect at the time the vessel was contracted for.

§ 170.010 Equivalents.

Substitutions for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be approved by the Commandant, the Commanding Officer, U.S. Coast Guard Marine Safety Center, 400 Seventh St., SW., Washington, DC 20590-0001 or the Officer in Charge, Marine Inspection, if the substitution provides an equivalent level of safety.

[CGD 89-025, 54 FR 19572, May 8, 1989, as amended by CGD 96-041, 61 FR 50734, Sept. 27, 1996]

§ 170.015 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). 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 Design and Engineering Standards (G-MSE), 2100 Second Street SW., Washington, DC 20593-0001 and 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 approved 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 Society for Testing and Materials (ASTM)

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

ASTM F 1196-94, Standard Specification for Sliding Watertight Door Assemblies—170.270

ASTM F 1197-89 (1994), Standard Specification for Sliding Watertight Door Control Systems—170.270

Military Specification

Naval Publications and Forms Center, Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120

MIL-P-21929B, Plastic Material, Cellular Polyurethane, Foam in Place, Rigid, 1970170.245

International Maritime Organization (IMO)

Publications Section, International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom

Resolution A.265 (VIII)170.135

[CGD 88-032, 56 FR 35827, July 29, 1991, as amended by CGD 95-072, 60 FR 50468, Sept. 29, 1995; CGD 96-041, 61 FR 50734, Sept. 27, 1996; CGD 97-057, 62 FR 51049, Sept. 30, 1997; USCG-1999-5151, 64 FR 67186, Dec. 1, 1999; 69 FR 18803, Apr. 9, 2004]

§ 170.020 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) Purpose. This section collects and displays the control numbers assigned to information collection and record-keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The Coast Guard intends that this section comply with the

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requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part—	Current OMB control No.
§ 170.075	1625-0064
§ 170.080	1625-0064
§ 170.085	1625-0064
§ 170.090	1625-0064
§ 170.095	1625-0064
§ 170.100	1625-0064
§ 170.110	1625-0064
§ 170.120	1625-0064
§ 170.125	1625-0064
§ 170.135	1625-0064
§ 170.180	1625-0064

[CGD 89-037, 57 FR 41825, Sept. 11, 1992, as amended by USCG-2004-18884, 69 FR 58350, Sept. 30, 2004]

Subpart B—Definitions

§ 170.050 General terms.

(a) *Commanding Officer, Marine Safety Center (CO, MSC)* means a district commander described in 33 CFR part 3 whose command includes a merchant marine technical office or an authorized representative of the district commander.

(b) *Commandant* means the Commandant of the Coast Guard or an authorized representative of the Commandant.

(c) *Exposed waters* means waters more than 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge and other waters which the Officer in Charge, Marine Inspection determines to present special hazards due to weather or other circumstances.

(d) *Great Lakes* includes both the waters of the Great Lakes and of the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

(e) *Lakes, Bays, and Sounds* includes the waters of any lake, bay, or sound, except the Great Lakes.

(f) *Oceans* includes the waters of—

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Gulf of Alaska; and

(5) Any other waters designated as “oceans” by the Commandant.

(g) *Officer in Charge Marine Inspection (OCMI)* means an officer of the Coast Guard who commands a Marine Inspection Zone described in 33 CFR part 3 or an authorized representative of that officer.

(h) *Oil* means oil of any kind or in any form, and includes but is not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(i) *Partially protected waters* means—

(1) Waters within 20 nautical miles (37 kilometers) of the mouth of a harbor of safe refuge, unless determined by the OCMI to be exposed waters; and

(2) Those portions of rivers, harbors, lakes, etc. which the OCMI determines not to be sheltered.

(j) *Protected waters* means sheltered waters presenting no special hazards such as most rivers, harbors, lakes, etc.

(k) *Rivers* means any river, canal, or any other similar body of water designated by the OCMI.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 88-070, 53 FR 34537, Sept. 7, 1988]

§ 170.055 Definitions concerning a vessel.

(a) *Auxiliary sailing vessel* means a vessel capable of being propelled both by mechanical means and by sails.

(b) *Barge* means a vessel not equipped with a means of self-propulsion.

(c) *Beam* or *B* means the maximum width of a vessel from—

(1) Outside of planking to outside of planking on wooden vessels; and

(2) Outside of frame to outside of frame on all other vessels.

(d) *Bulkhead deck* means the uppermost deck to which watertight bulkheads and the watertight shell extend.

(e) *Downflooding* means, except as provided in §174.035(b), the entry of seawater through any opening into the hull or superstructure of an undamaged vessel due to heel, trim, or submergence of the vessel.

(f) *Documented alterations* means changes to the vessel which are reflected in the approved stability information carried on board the vessel.

(g) *Downflooding angle* means, except as specified by §§171.055(f), 172.090(d),