

§ 175.540

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

in which an eligible vessel may alternate between an underwater survey and the required drydock examinations.

Vehicle space means a space not on an open deck, for the carriage of motor vehicles with fuel in their tanks, into and from which such vehicles can be driven and to which passengers have access.

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

Vessel of the United States means a vessel documented or numbered under the laws of the United States, the states of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

Warm water means water where the monthly mean low water temperature is normally more than 15 degrees Celsius (59 degrees Fahrenheit).

Watertight means designed and constructed to withstand a static head of water without any leakage, except that "watertight" for the purposes of electrical equipment means enclosed so that water does not enter the equipment when a stream of water from a hose with a nozzle one inch in diameter that delivers at least 246 liters (65 gallons) per minute is sprayed on the enclosure from any direction from a distance of ten feet for five minutes.

Weather deck means a deck that is partially or completely exposed to the weather from above or from at least two sides, except that for the purposes of parts 178 and 179 of this chapter, "weather deck" means the uppermost deck exposed to the weather to which a weathertight sideshell extends.

Weathertight means that water will not penetrate 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.

Well deck vessel means a vessel with a weather deck fitted with solid bulwarks that impede the drainage of water over the sides or a vessel with an exposed recess in the weather deck extending more than one-half of the

length of the vessel measured over the weather deck.

Wire means an individual insulated conductor without an outer protective jacket.

Wood vessel means, for the purposes of subdivision and lifesaving equipment requirements in this subchapter, a traditionally-built, plank-on-frame vessel, where mechanical fasteners (screws, nails, trunnels) are used to maintain hull integrity.

Work space means a space, not normally occupied by a passenger, in which a crew member performs work and includes, but is not limited to, a galley, operating station, or machinery space.

[CGD 85-080, 61 FR 947, Jan. 10, 1996; 61 FR 20557, May 7, 1996, as amended by CGD 82-004 and CGD 86-074, 62 FR 49356, Sept. 19, 1997; CGD 97-057, 62 FR 51049, Sept. 30, 1997; CGD 85-080, 62 FR 51355, Sept. 30, 1997; 62 FR 64306, Dec. 5, 1997; 63 FR 65739, Dec. 15, 1997; USCG-1999-4976, 65 FR 6508, Feb. 9, 2000; USCG-2000-7790, 65 FR 58464, Sept. 29, 2000; USCG-2000-6858, 67 FR 21084, Apr. 29, 2002; USCG-1999-5040, 67 FR 34800, May 15, 2002; 69 FR 47384, Aug. 5, 2004; USCG-2004-18884, 69 FR 58351, Sept. 30, 2004]

§ 175.540 **Equivalents.**

(a) The Commandant may approve any arrangement, fitting, appliance, apparatus, equipment, calculation, information, or test, which provides a level of safety equivalent to that established by specific provisions of this subchapter. Requests for approval must be submitted to the Marine Safety Center via the cognizant OCMI. If necessary, the Marine Safety Center may require engineering evaluations and tests to demonstrate the equivalence of the substitute.

(b) The Commandant may accept compliance by a high speed craft with the provisions of the International Maritime Organization (IMO) "Code of Safety for High Speed Craft" as an equivalent to compliance with applicable requirements of this subchapter. Requests for a determination of equivalency for a particular vessel must be submitted to the Marine Safety Center via the cognizant OCMI.

(c) The Commandant may approve a novel lifesaving appliance or arrangement as an equivalent if it has performance characteristics at least

equivalent to the appliance or arrangement required under this part, and:

(1) Is evaluated and tested under IMO Resolution A. 520(13), “Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements”; or

(2) Has successfully undergone an evaluation and tests that are substantially equivalent to those recommendations.

(d) The Commandant may accept alternative compliance arrangements in lieu of specific provisions of the International Safety Management (ISM) Code (IMO Resolution A.741(18)) for the purpose of determining that an equivalent safety management system is in place on board a vessel. The Commandant will consider the size and corporate structure of a vessel’s company when determining the acceptability of an equivalent system. Requests for determination of equivalency must be submitted to Commandant (G-MOC) via the cognizant OCMI.

[CGD 85-080, 61 FR 947, Jan. 10, 1996; 61 FR 24464, May 15, 1996, as amended by CGD 95-073, 62 FR 67515, Dec. 24, 1997]

§ 175.550 Special consideration.

In applying the provisions of this subchapter, the OCMI may give special consideration to authorizing departures from the specific requirements when unusual circumstances or arrangements warrant such departures and an equivalent level of safety is provided. The OCMI of each marine inspection zone in which the vessel operates

must approve any special consideration granted to a vessel.

§ 175.560 Appeals.

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 § 1.03 in subchapter A of this chapter.

§ 175.600 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with Title 5 United States Code (U.S.C.) 552(a) and Title 1 Code of Federal Regulations (CFR) Part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish a 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 Operating and Environmental Standards (G-MSO), 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 subchapter and the sections affected are:

American Boat and Yacht Council (ABYC), 3069 Solomons Island Rd., Edgewater, MD 21037

A-1-93—Marine Liquefied Petroleum Gas (LPG) Systems.	184.240
A-3-93—Galley Stoves	184.200
A-7-70—Boat Heating Systems	184.200
A-16-89—Electric Navigation Lights	183.130
A-22-93—Marine Compressed Natural Gas (CNG) Systems.	184.240
E-8-94—Alternating Current (AC) Electrical Systems on Boats.	183.130
E-9-90—Direct Current (DC) Electrical Systems on Boats.	183.130
H-2-89—Ventilation of Boats Using Gasoline	182.130; 182.460
H-22-86—DC Electric Bilge Pumps Operating Under 50 Volts.	182.130; 182.500