

Coast Guard, DHS

§ 199.07

Marine Inspection (OCMI), determines that—

(1) The condition of the vessel or of its equipment does not correspond substantially with the particulars of its certificates; or

(2) The vessel and its equipment have not been maintained in conformance with the provisions of the regulations in this part.

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended at 63 FR 52816, Oct. 1, 1998; USCG-1999-6216, 64 FR 53229, Oct. 1, 1999]

§ 199.05 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. 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 the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Life-saving and Fire Safety Standards Division (G-MSE-4), 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 as follows:

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

- 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959
- ASTM D 93-97, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester. 199.261; 199.290
- ASTM F 1003-86 (1992), Standard Specification for Searchlights on Motor Lifeboats. 199.175
- ASTM F 1014-92, Standard Specification for Flashlights on Vessels. 199.175

INTERNATIONAL MARITIME ORGANIZATION (IMO)

- Publications Section, 4 Albert Embankment, London, SE1 7SR, United Kingdom
- MSC Circular 699, Revised Guidelines for Passenger Safety Instructions, 17 July 1995. 199.217
- Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements, 17 November 1983. 199.40
- Resolution A.657(16), Instructions for Action in Survival Craft, 19 November 1989. 199.175
- Resolution A.658(16), Use and Fitting of Retro-reflective Materials on Life-saving Appliances, 20 November 1989. 199.70; 199.176
- Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993. 199.70; 199.90
- Resolution MSC.4(48), International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), 1994. 199.30; 199.280
- Resolution MSC.5(48), International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk, (IGC Code), 1993. 199.30; 199.280

[CGD 84-069, 61 FR 25313, May 20, 1996; 61 FR 40281, Aug. 1, 1996, as amended by CGD 96-041, 61 FR 50735, Sept. 27, 1996; CGD 97-057, 62 FR 51051, Sept. 30, 1997; USCG-1999-6216, 64 FR 53229, Oct. 1, 1999; USCG-1999-5151, 64 FR 67187, Dec. 1, 1999; 69 FR 18803, Apr. 9, 2004; USCG-2004-18884, 69 FR 58352, Sept. 30, 2004]

§ 199.07 Additional equipment and requirements.

The OCMI may require a vessel to carry specialized or additional life-

saving equipment other than as required in this part if the OCMI determines that the conditions of a voyage

present uniquely hazardous circumstances that are not adequately addressed by existing requirements.

§ 199.09 Equivalents.

When this part requires a particular fitting, material, or lifesaving appliance or arrangement, the Commandant (G-MSE) may accept any other fitting, material, or lifesaving appliance or arrangement that is at least as effective as that required by this part. The Com-

mandant may require engineering evaluations and tests to determine the equivalent effectiveness of the substitute fitting, material, or lifesaving appliance or arrangement.

§ 199.10 Applicability.

(a) *General.* Unless expressly provided otherwise in this Chapter, this part applies to all vessels inspected under U.S. law as set out in Table 199.10(a).

TABLE 199.10(a)—LIFESAVING REQUIREMENTS FOR INSPECTED VESSELS.

46 CFR Subchapter	Vessel Type	Vessel Service	Subchapter W Subparts applicable ¹						Other ²
			A	B	C	D	E	F	
D	Tank ≥ 500 tons	International voyage ³	X	X		X			
D	Tank < 500 tons	International voyage ³	X	X		X	X	X	
D	Tank	All other services	X	X		X	X	X	
H	Passenger	International voyage ³	X	X	X				
H	Passenger	Short Inter'l voyage ³	X	X	X				
H	Passenger	All other services	X	X	X		X	X	
I	Cargo ≥ 500 tons	International voyage ³	X	X		X			
I	Cargo < 500 tons	International voyage ³	X	X		X	X	X	
I	Cargo	All other services	X	X		X	X	X	
I-A	MODU	All							46 CFR 108
K	Small Passenger	International voyage ³	X	X	X				
K	Small Passenger	Short Inter'l voyage ³	X	X	X				
K	Small Passenger	All other services							46 CFR 117
L	Offshore Supply	All							46 CFR 133
R—Part 167	Public Nautical School	International voyage ³	X	X	X ⁴	X ⁵			
R—Part 167	Public Nautical School	All other services	X	X	X ⁴	X ⁵	X	X	
R—Part 168	Civilian Nautical School	International voyage ³	X	X	X ⁴	X ⁵			
R—Part 168	Civilian Nautical School	All other services	X	X	X ⁴	X ⁵	X	X	
R—Part 169	Sailing School	All services							46 CFR 169.500
T	Small Passenger	International voyage ³	X	X	X				
T	Small Passenger	Short Int'l voyage ³	X	X	X				
T	Small Passenger	All other services							46 CFR 180
U	Oceanographic Res.	International voyage ³	X	X	X ⁴	X ⁵			
U	Oceanographic Res.	All other services	X	X	X ⁴	X ⁵	X	X	

Notes:
¹ Subchapter W does not apply to inspected nonself-propelled vessels without accommodations or work stations on board.
² Indicates section where primary lifesaving system requirements are located. Other regulations may also apply.
³ Not including vessels solely navigating the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side Anticosti Island, the 63rd meridian.
⁴ Applies to vessels carrying more than 50 special personnel, or vessels carrying not more than 50 special personnel if the vessels meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.
⁵ Applies to vessels carrying not more than 50 special personnel that do not meet the structural fire protection requirements in subchapter H of this chapter for passenger vessels of the same size.

(b) *Inspected vessels not covered under this subchapter.* This part does not apply to non-self-propelled vessels without accommodations or work stations on board. Unless otherwise required by this chapter, it does not apply to offshore supply vessels; mobile offshore drilling units; small passenger vessels; and sailing school vessels.

(c) *Conversion of cargo vessel to passenger vessel.* For purposes of the application of this part, a cargo vessel, whenever constructed, which is con-

verted to a passenger vessel is deemed to be a passenger vessel that is constructed on the date on which the conversion commences.

(d) *Vessels on international voyages.* This subpart and subparts B, C, and D of this part apply to vessels engaged on international voyages, except—

- (1) Cargo vessels of less than 500 tons gross tonnage;
- (2) Vessels not propelled by mechanical means;