

determines that the overall safety of the persons on board a vessel will not be significantly reduced, the District Commander may grant an exemption from compliance with a provision of this part to a specific vessel for a specified geographic area within the boundaries of the Coast Guard District. This exemption may be limited to certain periods of the year.

(2) Requests for exemption under this paragraph must be made in writing to the OCMI for transmission to the District Commander for the area in which the vessel is in service or will be in service.

(3) If the exemption is granted by the District Commander, the OCMI will endorse the vessel's Certificate of Inspection with a statement describing the exemption.

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended by CGD 96-041, 61 FR 50735, Sept. 27, 1996; USCG-1999-6216, 64 FR 53229, Oct. 1, 1999]

§ 199.30 Definitions.

The following definitions apply to this part:

Accommodation means a cabin, or other covered or enclosed place, intended to be occupied by persons. Each place in which passengers and special personnel is carried is considered an accommodation, whether or not it is covered or enclosed. Accommodations include, but are not limited to halls, dining rooms, mess rooms, lounges, corridors, lavatories, cabins, offices, hospitals, cinemas, game and hobby rooms, and other similar places open to persons on board.

Anti-exposure suit means a protective suit designed for use by rescue boat crews and marine evacuation system parties.

Approval series means the first six digits of a number assigned by the Coast Guard to approved equipment. Where approval is based on a subpart of subchapter Q of this chapter, the approval series corresponds to the number of the subpart. A listing of current and formerly approved equipment and materials may be found on the Internet at: <http://cgmix.uscg.mil/equipment>. Each OCMI may be contacted for information concerning approved equipment.

Approved lifesaving appliance means carrying an approval granted by the

Commandant under subchapter Q of this chapter.

Cargo vessel means any vessel that is not a passenger vessel.

Certificated person means a person holding a U.S. merchant mariner's document with an endorsement as a lifeboatman or another inclusive rating under part 12 of this chapter.

Child, for the purpose of determining the number of lifejackets required under this part, means a person less than 41 kilograms (90 pounds) in mass.

Civilian nautical school means any school or branch thereof operated and conducted in the United States, except State nautical schools and schools operated by the United States or any agency thereof, which offers instruction for the primary purpose of training for service in the merchant marine.

Coastwise voyage means a voyage on the waters of any ocean or the Gulf of Mexico no more than 20 nautical miles offshore.

Commandant means the Commandant of the U.S. Coast Guard.

Crew means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

District Commander means an officer of the U.S. Coast Guard designated by the Commandant to command all Coast Guard activities within a Coast Guard District. Coast Guard Districts are described in 33 CFR part 2.

Detection means the determination of the location of survivors or survival craft.

Embarkation ladder means the ladder provided at survival craft embarkation stations to permit safe access to survival craft after launching.

Embarkation station means the place where a survival craft is boarded.

Extended-size lifejacket means a lifejacket that is approved for use by adults as well as by some larger children.

Ferry means a vessel as described in § 70.10-1 of this chapter.

Float-free launching means that method of launching a survival craft or lifesaving appliance whereby the craft or appliance is automatically released

from a sinking vessel and is ready for use.

Free-fall launching means that method of launching a survival craft whereby the craft, with its full complement of persons and equipment on board, is released and allowed to fall into the sea without any restraining apparatus.

Immersion suit means a protective suit that reduces loss of body heat of a person wearing it in cold water.

Inflatable appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is normally kept uninflated until ready for use.

Inflated appliance means an appliance that depends upon nonrigid, gas-filled chambers for buoyancy and that is kept inflated and ready for use at all times.

International voyage means a voyage from the United States to a port outside the United States or conversely; or, a voyage originating and terminating at ports outside the United States. Voyages between the continental United States and Hawaii or Alaska, and voyages between Hawaii and Alaska, shall be considered international voyages for the purposes of this part.

Lakes, bays, and sounds means the waters of any lakes, bays, or sounds other than the waters of the Great Lakes.

Launching appliance or launching arrangement means the method or devices designed to transfer a survival craft or rescue boat from its stowed position to the water. For a launching arrangement using a davit, the term includes the davit, winch, and falls.

Length of vessel, means the load-line length defined in §42.13–15(a) of this chapter.

Lifejacket means a flotation device approved as a life preserver or life-jacket.

Major character means any repair, alteration or modification to a vessel that is a major conversion as decided by the Commandant (G–MOC).

Major conversion means a conversion of a vessel that—

- (a) Substantially changes the dimensions or carrying capacity of the vessel;
- (b) Changes the type of the vessel;

- (c) Substantially prolongs the life of the vessel; or

- (d) Otherwise so changes the vessel that it is essentially a new vessel.

Marine evacuation system means an appliance designed to rapidly transfer large numbers of persons from an embarkation station by means of a passage to a floating platform for subsequent embarkation into associated survival craft, or directly into associated survival craft.

Mobile offshore drilling unit (MODU) means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

Muster station means the place where persons on board assemble before boarding a survival craft.

Nautical school vessel means a vessel operated by or in connection with a nautical school or an educational institution under Section 13 of the Coast Guard Authorization Act of 1986.

Novel lifesaving appliance or arrangement means a lifesaving appliance or arrangement that has new features not fully covered by the provisions of this part but that provides an equal or higher standard of safety.

Ocean means the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

Oceanographic research vessel means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

Officer in Charge, Marine Inspection (OCMI), means a Coast Guard Officer responsible for marine inspection functions in a Marine Inspection Zone. Marine Inspection Zones are described in 33 CFR part 2.

Passenger means—

- (a) On an international voyage, every person other than—

- (1) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and
- (2) A child under 1 year of age.

(b) On other than an international voyage, an individual carried on the vessel, except—

(1) The owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(2) The master; or

(3) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

Passenger for hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

Passenger vessel means—

(1) On an international voyage, a vessel of at least 100 tons gross tonnage carrying more than 12 passengers; and

(2) On other than an international voyage, a vessel of at least 100 tons gross tonnage—

(i) Carrying more than 12 passengers, including at least one passenger-for-hire; or

(ii) That is chartered and carrying more than 12 passengers; or

(iii) That is a submersible vessel carrying at least one passenger-for-hire.

Public vessel means a vessel that—

(a) Is owned, or demise chartered, and operated by the U.S. Government or a government of a foreign country including a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation, but not a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department; and

(b) Is not engaged in commercial service.

Rescue boat means a boat designed to rescue persons in distress and to marshal survival craft.

Retrieval means the safe recovery of survivors.

Rivers, in relation to vessel service, means operating exclusively in the waters of rivers and/or canals.

Scientific personnel means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive in-

struction in oceanography or limnology.

Seagoing condition means the operating condition of the vessel with the personnel, equipment, fluids, and ballast necessary for safe operation on the waters where the vessel operates.

Similar stage of construction means the stage at which—

(a) Construction identifiable with a specific vessel begins; and

(b) Assembly of that vessel has commenced comprising at least 50 metric tons (55.1 U.S. tons) or 1 percent of the estimated mass of all structural material, whichever is less.

Short international voyage is an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination, nor the return voyage, may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

Special personnel means all persons who are not passengers or members of the crew and who are carried on board a special purpose vessel in connection with the special purpose of that vessel or because of special work being carried out aboard that vessel. Special personnel include—

(a) On oceanographic research vessels, scientific personnel; and

(b) On nautical school vessels, students, cadets, and instructors who are not members of the crew.

Special purpose vessel means a mechanically self-propelled vessel which by reason of its function carries on board more than 12 special personnel including passengers. Special purpose vessels include oceanographic research vessels and nautical school vessels.

Survival craft means a craft capable of sustaining the lives of persons in distress from the time of abandoning the vessel on which the persons were originally carried. The term includes lifeboats, liferafts, buoyant apparatus, and lifefloats, but does not include rescue boats.

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Tank vessel means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

- (a) Is a vessel of the United States;
- (b) Operates on the navigable waters of the United States; or
- (c) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

Toxic vapor or gas means a product for which emergency escape respiratory protection is required under Subchapter 17 of the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) and under Subchapter 19 of the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk (IGC Code).

Vessel constructed means a vessel, the keel of which is laid or which is at a similar stage of construction.

Warm water means water where the monthly mean low water temperature is normally more than 15 °C (59 °F).

[CGD 84-069, 61 FR 25313, May 20, 1996, as amended by USCG-1999-6216, 64 FR 53229, Oct. 1, 1999; USCG-1999-5040, 67 FR 34807, May 15, 2002; USCG-2004-18884, 69 FR 58352, Sept. 30, 2004]

§ 199.40 Evaluation, testing and approval of lifesaving appliances and arrangements.

- (a) Each item of lifesaving equipment required by this part to be carried on board the vessel must be approved.
- (b) Each item of lifesaving equipment carried on board the vessel in addition to those required by this part must—
 - (1) Be approved; or
 - (2) Be accepted by the cognizant OCMi for use on the vessel.
- (c) The Commandant (G-MSE) may accept a novel lifesaving appliance or arrangement if it provides a level of safety equivalent to the requirements of this part and the appliance or arrangement—
 - (1) Is evaluated and tested in accordance with IMO Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements; or

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

- (d) During the vessel's construction and when any modification to the lifesaving arrangement is done after construction, a vessel owner must obtain acceptance of lifesaving arrangements from the Commandant (G-MSA).

- (e) The OCMi may accept substitute lifesaving appliances other than those required by this part except for—

- (1) Survival craft and rescue boats; and
- (2) Survival craft and rescue boat launching and embarkation appliances.

- (f) Acceptance of lifesaving appliances and arrangements will remain in effect unless—

- (1) The OCMi deems their condition to be unsatisfactory or unfit for the service intended; or
- (2) The OCMi deems the crew's ability to use and assist others in the use of the lifesaving appliances or arrangements to be inadequate.

§ 199.45 Tests and inspections of lifesaving equipment and arrangements.

- (a) *Initial inspection.* The initial inspection of lifesaving appliances and arrangements for certification includes a demonstration of—

- (1) The proper condition and operation of the survival craft and rescue boat launching appliances at loads ranging from light load to 10 percent overload;
- (2) The proper condition and operation of lifeboats and rescue boats, including engines and release mechanisms;
- (3) The proper condition of flotation equipment such as lifebuoys, lifejackets, immersion suits, work vests, lifefloats, buoyant apparatus, and associated equipment;
- (4) The proper condition of distress signaling equipment, including emergency position indicating radiobeacons (EPIRB), search and rescue transponders (SART), and pyrotechnic signaling devices;
- (5) The proper condition of line-throwing appliances;