

**§ 154.106**

**33 CFR Ch. I (7-1-05 Edition)**

*Tankship* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

*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.

*Transfer* means any movement of oil or hazardous material to, from, or within a vessel by means of pumping, gravitation, or displacement. A transfer is considered to begin when the person in charge on the transferring vessel or facility and the person in charge on the receiving facility or vessel first meet to begin completing the declaration of inspection as required by § 156.150 of this chapter. A transfer is considered to be complete when all the connections for the transfer have been uncoupled and secured with blanks or other closure devices and both of the persons in charge have completed the declaration of inspection to include the date and time the transfer was complete.

*Vessel operator* means a person who owns, operates, or is responsible for the operation of a vessel.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as amended by CGD 86-034, 55 FR 36252, Sept. 4, 1990; CGD 79-116, 60 FR 17141, Apr. 4, 1995; CGD 93-056, 61 FR 41458, Aug. 8, 1996; 62 FR 3610, Jan. 24, 1997; CGD 79-116, 62 FR 25125, May 8, 1997]

**§ 154.106 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) 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 make the material available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of the Compliance (G-MOC), Room 1116, 2100 Second Street SW., Wash-

ington, 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](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 Petroleum Institute (API)*  
 2101 L Street NW., Washington, DC 20037  
 API Standard 2000, Venting Atmospheric and Low-Pressure Storage Tanks (Nonrefrigerated and Refrigerated), Third Edition, January 1982 (reaffirmed December 1987) .....154.814  
 API Recommended Practice 550, Manual on Installation of Refinery Instruments and Control Systems, Part II—Process Stream Analyzers, Section 1—Oxygen Analyzers, Fourth Edition, February 1985.....154.824

*American National Standards Institute (ANSI)*  
 11 West 42nd Street, New York, NY 10036  
 ANSI B16.5, Steel Pipe Flanges and Flanged Fittings, 1988.....154.500; 154.808; 154.810  
 ANSI B16.24, Bronze Pipe Flanges and Flange Fittings Class 150 and 300, 1979.....154.500; 154.808  
 ANSI B31.3, Chemical Plant and Petroleum Refinery Piping, 1987 (including B31.3a-1988, B31.3b-1988, and B31.3c-1989 addenda) .....154.510; 154.808

*American Society for Testing and Materials (ASTM)*  
 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.  
 ASTM F 631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments .....Appendix C  
 ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage.....Appendix C  
 ASTM F 722-82 (1993), Standard Specification for Welded Joints for Shipboard Piping Systems ....Appendix A; Appendix B  
 ASTM F 1122-87 (1992), Standard Specification for Quick Disconnect Couplings .....154.500  
 ASTM F 1155-98, Standard Practice for Selection and Application of Piping System Materials .....Appendix A;

Appendix B

*International Electrotechnical Commission  
(IEC)*

Bureau Central de la Commission  
Electrotechnique Internationale, 1 rue de  
Varembe, Geneva, Switzerland  
IEC 309-1—Plugs, Socket-Outlets and  
Couplers for Industrial Purposes:  
Part 1, General Requirements, 1979  
.....154.812  
IEC 309-2—Plugs, Socket-Outlets and  
Couplers for Industrial Purposes:  
Part 2, Dimensional Interchange-  
ability Requirements for Pin and  
Contact-tube Accessories, 1981 .....154.812

*National Electrical Manufacturers Association  
(NEMA)*

2101 L Street NW., Washington, DC 20036  
ANSI NEMA WD-6—Wiring Devices,  
Dimensional Requirements, 1988 .....154.812

*National Fire Protection Association (NFPA)*

1 Batterymarch Park, Quincy, MA 02269-9101  
NFPA 51B, Standard for Fire Preven-  
tion in Use of Cutting and Welding  
Processes, 1994 .....154.735

*Oil Companies International Marine Forum  
(OCIMF)*

96 Victoria Street, 15th Floor, London SW1E  
5JW, England  
International Safety Guide for Oil  
Tankers and Terminals, Section  
6.10, Fourth Ed., 1996.....154.810  
International Safety Guide for Oil  
Tankers and Terminals, Sections  
9.1, 9.2, 9.3 and 9.5, Fourth Ed., 1996  
.....154.735

[CGD 88-032, 56 FR 35819, July 29, 1991, as  
amended by CGD 91-036, 58 FR 7352, Feb. 5,  
1993; CGD 96-026, 61 FR 33665, June 28, 1996;  
CGD 93-056, 61 FR 41458, Aug. 8, 1996; 61 FR  
42462, Aug. 15, 1996; USCG-1999-5151, 64 FR  
67175, Dec. 1, 1999; 69 FR 18803, Apr. 9, 2004;  
USCG-2004-18057, 69 FR 34926, June 23, 2004]

**§ 154.107 Alternatives.**

(a) The COTP may consider and ap-  
prove alternative procedures, methods,  
or equipment standards to be used by a  
facility operator in lieu of any require-  
ment in this part if:

(1) Compliance with the requirement  
is economically or physically imprac-  
tical;

(2) The alternative provides an equiv-  
alent level of safety and protection  
from pollution by oil or hazardous ma-  
terial, which is documented in the re-  
quest; and

(3) The facility operator submits a  
written request for the alternative.

(b) The COTP takes final approval or  
disapproval action on the request, sub-  
mitted in accordance with paragraph  
(a) of this section, in writing within 30  
days of receipt of the request.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as  
amended by CGD 86-034, 55 FR 36252, Sept. 4,  
1990; CGD 93-056, 61 FR 41458, Aug. 8, 1996]

**§ 154.108 Exemptions.**

(a) The Assistant Commandant for  
Marine Safety, Security and Environ-  
mental Protection, acting for the Com-  
mandant, grants an exemption or par-  
tial exemption from compliance with  
any requirement in this part if:

(1) A facility operator submits an ap-  
plication for the exemption via the  
COTP; and

(2) It is determined, from the applica-  
tion, that:

(i) Compliance with the requirement  
is economically or physically imprac-  
tical;

(ii) No alternative procedures, meth-  
ods, or equipment standards exist that  
would provide an equivalent level of  
safety and protection from pollution by  
oil or hazardous material; and

(iii) The likelihood of oil or haz-  
ardous material being discharged is not  
substantially increased as a result of  
the exemption.

(b) If requested, the applicant must  
submit any appropriate information,  
including an environmental and eco-  
nomic assessment of the effects of and  
reasons for the exemption, and pro-  
posed procedures, methods or equip-  
ment standards.

(c) The exemption may specify the  
procedures, methods, or equipment  
standards that will apply.

(d) An exemption is granted or denied  
in writing. The decision of the Assist-  
ant Commandant for Marine Safety,  
Security and Environmental Protec-  
tion is a final agency action.

[CGD 75-124, 45 FR 7169, Jan. 31, 1980, as  
amended by CGD 88-052, 53 FR 25122, July 1,  
1988; CGD 86-034, 55 FR 36252, Sept. 4, 1990; 55  
FR 49997, Dec. 4, 1990; CGD 96-026, 61 FR  
33666, June 28, 1996; CGD 93-056, 61 FR 41458,  
Aug. 8, 1996; CGD 97-023, 62 FR 33364, June 19,  
1997; USCG-2002-12471, 67 FR 41333, June 18,  
2002]