

in a ship as an alternative to that required by both MARPOL 73/78 and subpart B of this part if such fitting, material, appliance, or apparatus is at least as effective as that required by subpart B. Substitution of operational methods to control the discharge of oil in place of those design and construction features prescribed by MARPOL 73/78 that are also prescribed by subpart B of this part is not allowed.

(b) Any equivalent to a feature prescribed by MARPOL 73/78 that is authorized for a ship having an IOPP Certificate is noted on that Certificate.

(c) For tank vessels required to have overfill devices installed under parts 155 and 156 of this chapter, the Commandant may, upon receipt of a written request, allow any fitting, material, appliance, or apparatus to be fitted in a tank vessel as an alternative to the required overfill device(s) that are specified in these parts if the proposed alternative device is at least as effective as that required in the regulations.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 90-071a, 59 FR 53290, Oct. 21, 1994]

§ 155.130 Exemptions.

(a) The Commandant grants an exemption or partial exemption from compliance with any requirement in this part if:

(1) A ship operator submits a written request for an exemption via the COTP or OCMI thirty (30) days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) It is determined from the request that:

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution; and

(iii) The likelihood of discharges occurring as a result of the exemption is minimal.

(b) If requested, the applicant must submit any appropriate information, including an environmental and economic assessment of the effects of and the reasons for the exemption and pro-

posed procedures, methods, or equipment standards.

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

(d) An oceangoing ship is not given an exemption from the requirements of subpart B of this part unless the ship is a hydrofoil, air cushion vehicle or other new type of ship (near-surface craft, submarine craft, etc.) whose constructional features are such as to render the application of any of the provisions of subpart B relating to construction and equipment unreasonable or impractical. The construction and equipment of the ship must provide protection equivalent to that afforded by subpart B of this part against pollution, having regard to the service for which the ship is intended.

(e) An exemption is granted or denied in writing. The decision of the Commandant is a final agency action.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990]

§ 155.140 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 Office of Compliance (G-MOC), 2100 Second Street SW., Washington, 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 National Standards Institute, Inc. (ANSI) 11 West 42nd Street, New York, NY 10036

- ANSI A10.14—Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991. 155.230
- 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 B.
- ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage. Appendix B.
- ASTM F 722-82 (1993), Standard Specification for Welded Joints for Shipboard Piping Systems. Appendix A; Appendix B.
- International Maritime Organization (IMO)* Publications Section, 4 Albert Embankment, London SE1 75R, United Kingdom, Telex 23588.
- Resolution A.535(13), Recommendations on Emergency Towing Requirements for Tankers, November 17, 1983. 155.235
- Resolution MSC.35(63), Adoption of Guidelines for Emergency Towing Arrangement on Tankers, May 20, 1994. 155.235
- Oil Companies International Marine Forum (OCIMF)* 15th Floor, 96 Victoria Street, London SW1E 5JW England.
- Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988. 155.1035
- [CGD 91-034, 58 FR 7424, Feb. 5, 1993, as amended by CGD 90-068, 58 FR 67995, Dec. 22, 1993; CGD 96-026, 61 FR 33666, June 28, 1996; CGD 95-028, 62 FR 51194, Sept. 30, 1997; USCG-1998-4443, 63 FR 71763, Dec. 30, 1998; USCG-1999-5151, 64 FR 67176, Dec. 1, 1999; 69 FR 18803, Apr. 9, 2004]

Subpart B—Vessel Equipment

SOURCE: CGD 75-124a, 48 FR 45715, Oct. 6, 1983, unless otherwise noted.

§ 155.200 Definitions.

As used in this subpart:

Inland oil barge means a tank barge carrying oil in bulk as cargo certificated by the Coast Guard under 46 CFR chapter I, subchapter D for river or canal service or lakes, bays, and sounds service.

On-deck spill means a discharge of oil on the deck of a vessel during loading, unloading, transfer, or other shipboard operations. An on-deck spill could result from a leaking fitting, an overflow, a bad connection, or similar operational mishap. The term *on-deck spill* is used to differentiate these operational discharges from those caused by collision or grounding where the hull is punctured and a tank is ruptured, resulting in an uncontrolled discharge of oil into the marine environment.

Offshore oil barge means a tank barge carrying oil in bulk as cargo, including dual-mode integrated tug-barges, certificated by the Coast Guard under 46 CFR chapter I, subchapter D, for navigation in waters outside the Boundary Lines, as defined in 46 CFR part 7, in any ocean or the Gulf of Mexico; any tank barge in Great Lakes service; or any foreign flag tank barge.

Oil tanker means a self-propelled vessel carrying oil in bulk as cargo, including integrated tug-barges designed for push-mode operation.

Sea state 5, the equivalent of Beaufort number or force 6, is a sea condition with winds speeds of 22 to 27 knots and classified as “strong breeze”, and with waves measuring 2.5 to 4 meters in height and classified as “rough”.

Vessel carrying oil as secondary cargo means a vessel carrying oil pursuant to a permit issued under 46 CFR 30.01-5, 46 CFR 70.05-30, or 46 CFR 90.05-35 or pursuant to an International Oil Pollution Prevention (IOPP) or Noxious Liquid Substance (NLS) certificate required by §§ 151.33 or 151.35 of this chapter; or any uninspected vessel that carries oil in bulk as cargo.

[CGD 90-068, 58 FR 67996, Dec. 22, 1993, as amended by USCG-2001-9046, 67 FR 58524, Sept. 17, 2002]

§ 155.205 Discharge removal equipment for vessels 400 feet or greater in length.

(a) Oil tankers and offshore oil barges with an overall length of 400 feet or more must carry appropriate equipment and supplies for the containment and removal of on-deck oil cargo spills of at least 12 barrels.

(b) The equipment and supplies must include—