

contributed consideration for carriage, and who is paid for onboard services;

(4) An employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(5) An employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(6) A sailing school instructor or sailing school student.

*Protected Waters* means sheltered waters presenting no special hazards such as most rivers, harbors, lakes, etc.

*Qualified Organization* means an educational organization, State, or political subdivision of a State that owns or demise charters, and operates a sailing school vessel for the purpose of providing sailing instruction. The educational organization must satisfy the requirements of section 501(c)(3) of the Internal Revenue Code of 1954 and must be exempt from tax under section 501(a) of such Code, as now or hereafter amended.

*Recognized Classification Society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

*Rules of the Road* means the statutory and regulatory rules governing navigation of vessels.

*Sailing instruction* means teaching, research, and practical experience in operating vessels propelled primarily by sail, and may include any subject related to that operation and the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature. In conjunction with any of those subjects, "sailing instruction" also includes instruction in mathematics and language arts skills to a sailing school student with a learning disability.

*Sailing School Student* means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.

*Sailing School Vessel* means a vessel of less than 500 gross tons, carrying six or more individuals who are sailing school students or sailing school instructors, principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion, and owned or demise chartered and operated by a quali-

fied organization during such times as the vessel is operated exclusively for the purposes of sailing instruction.

*Ship's Company* means the officers and crew of a sailing school vessel, sailing school students, and sailing school instructors.

*Watertight* means designed and constructed to withstand a static head of water without any leakage, except that *watertight equipment* means enclosed equipment constructed so that a stream of water from a hose (not less than 1 inch in diameter) under head of about 35 feet from a distance of about 10 feet, and for a period of 5 minutes, can be played on the apparatus without leakage.

*Weathertight* means that water will not penetrate into the unit 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.

[CGD 83-005, 51 FR 897, Jan. 9, 1986; 51 FR 3785, Jan. 30, 1986, as amended by USCG-1999-4976, 65 FR 6507, Feb. 9, 2000; USCG-1999-5040, 67 FR 34799, May 15, 2002]

#### § 169.109 Equivalents.

Substitutes for a fitting, appliance, apparatus, or equipment, may be accepted by the Commandant if the substituted item is as effective and consistent with the requirements and minimum safety standards specified in this subchapter.

#### § 169.111 Administrative procedures.

(a) Upon receipt of a written application for inspection, the Officer in Charge, Marine Inspection assigns a marine inspector to inspect the vessel at a mutually agreed upon time and place.

(b) The owner or a representative shall be present during the inspection.

(c) If during the inspection, the vessel or its equipment is found not to conform to the requirements of law or the regulations in this subchapter, the marine inspector lists all requirements which have not been met and presents the list to the owner or a representative.

(d) In any case where the owner of a vessel or his representative desires further clarification of, or reconsideration

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of any requirement placed against his vessel, he may discuss the matter with the Officer in Charge, Marine Inspection.

### § 169.112 Special consideration.

In applying the provisions of this part, the Officer in Charge, Marine Inspection, may give special consideration to departures from the specific requirements when special circumstances or arrangements warrant such departures and an equivalent level of safety is provided.

### § 169.113 Right of appeal.

Any person directly affected by a decision or action taken under this part, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50381, Dec. 6, 1989]

### § 169.115 Incorporation by reference.

(a) In this subchapter portions or the entire text of certain industrial standards and specifications are referred to as the governing requirements for materials, equipment, tests, or procedures to be followed. These standards and specification requirements specifically referred to in this subchapter are the governing requirements for the subject matters covered unless specifically limited, modified, or replaced by other regulations in this subchapter.

(b) These materials are incorporated by reference into this part with the approval of the Director of the Federal Register. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated with the approval by the Director of the Federal Register. To enforce any edition other than the one listed in paragraph (c) of this section, notice of change must be published in the FEDERAL REGISTER and the material must be made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408 and at the U.S. Coast Guard, Office of Design and Engi-

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neering Standards, Washington DC 20593.

(c) The materials approved for incorporation by reference in this part are:

- (1) American Boat and Yacht Council (ABYC), 3069 Solomons Island Road, Edgewater, MD 21037  
P-1-73—"Safe Installation of Exhaust Systems for Propulsion and Auxiliary Engines" (1973)  
H-24.9 (g) and (h)—"Fuel Strainers and Fuel Filters" (1975)  
H-2.5—"Ventilation of Boats Using Gasoline—Design and Construction" (1981)  
A-1-78—"Marine LPG—Liquefied Petroleum Gas Systems"  
A-3-70—"Recommended Practices and Standards Covering Galley Stoves"  
A-22-78—"Marine CNG—Compressed Natural Gas Systems"
- (2) National Bureau of Standards, c/o Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402  
Special Pub. 440 (SD Cat. No. C13.10:490), "Color: Universal Language and Dictionary of Names", 1976
- (3) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269  
302—"Pleasure and Commercial Motor Craft," Chapter 6 (1980)  
306—"Control of Gas Hazards on Vessels" (1980)  
70—"National Electrical Code," Article 310-8 and Table 310-13 (1980)
- (4) Naval Publications and Forms Center, Customer Service Code 1052, 5801 Tabor Ave., Philadelphia, PA 19120  
Federal Specification ZZ-H-451 "Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, F."
- (5) Underwriters Laboratories, Inc. (UL), 12 Laboratory Drive, Research Triangle Park, NC 27709-3995  
UL 19-78—"Woven Jacketed, Rubber Lined Fire Hose"

[CGD 83-005, 51 FR 896, Jan. 9, 1986, as amended by CGD 95-072, 60 FR 50468, Sept. 29, 1995; CGD 96-041, 61 FR 50734, Sept. 27, 1996; USCG-1999-6216, 64 FR 53228, Oct. 1, 1999]