

SUBCHAPTER K—SMALL PASSENGER VESSELS CARRYING MORE THAN 150 PASSENGERS OR WITH OVERNIGHT ACCOMMODATIONS FOR MORE THAN 49 PASSENGERS

PART 114—GENERAL PROVISIONS

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§ 114.100 Purpose.

The purpose of this subchapter is to implement applicable sections of Subtitle II of Title 46, United States Code, which require the inspection and certification of small passenger vessels.

§ 114.110 General applicability.

(a) Except as in paragraph (b) of this section, this subchapter applies to each vessel of less than 100 gross tons that carries more than 150 passengers, or has overnight accommodations for more than 49 passengers, and that—

- (1) Carries at least one passenger for hire;
- (2) Is chartered with or without a crew provided or specified by the owner or the owner's representative; or
- (3) If a submersible vessel, carries at least one passenger for hire.

NOTE TO PARAGRAPH (a): For a vessel of less than 100 gross tons that carries 150 or less passengers or has overnight accommodations for 49 or less passengers, see subchapter T of this chapter.

(b) This subchapter does not apply to:

- (1) A vessel operating exclusively on inland waters that are not navigable waters of the United States;

(2) An oceanographic research vessel;

(3) A boat forming part of a vessel's lifesaving equipment and that is not used for carrying passengers except in emergencies or during emergency drills;

(4) A vessel of a foreign country that is a party to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), to which the United States Government is currently a party, and which has on board a current valid SOLAS Passenger Ship Safety Certificate; or

(5) A vessel of a foreign country, whose government has inspection laws approximating those of the United States and which by its laws accords similar privileges to vessels of the United States, which has on board a current valid certificate of inspection, permitting the carrying of passengers, issued by its government.

(c) Unless otherwise provided, an existing vessel that is not required to comply with a requirement in this subchapter may comply with the regulation that was applicable to the vessel on March 10, 1996.

(d) A vessel required by this subchapter to meet applicable sections of subchapter H shall follow the phase-in schedule for certain equipment and requirements found in this subchapter.

[CGD 85-080, 61 FR 885, Jan. 10, 1996, as amended at 62 FR 51347, Sept. 30, 1997]

§ 114.112 Specific applicability for individual parts.

At the beginning of certain parts of this subchapter, a more specific application is given for all or particular portions of that part. This application sets forth the type, size, service, or age of a vessel to which certain portions of that part apply or particular dates by which an existing vessel must comply with certain portions of that part.

§ 114.120 Vessels on an international voyage.

A mechanically propelled vessel that carries more than 12 passengers on an

international voyage must comply with the applicable requirements of SOLAS as well as this subchapter.

§ 114.122 Load lines.

A vessel of 24 meters (79 feet) in length or more, the keel of which was laid or that was at a similar stage of construction on or after July 21, 1968, and that is on a voyage other than a domestic voyage is subject to load line assignment, certification, and marking in subchapter E (Load Lines) of this chapter.

§ 114.400 Definitions of terms used in this subchapter.

(a) Terms used in this subchapter are defined in paragraph (b) of this section. The number in parenthesis after certain terms describing areas on a vessel refers to the applicable column and row number where that area is listed in Tables 116.415 (b) and (c) of part 116 of this subchapter.

(b) General terms:

Accommodation space (5, 6, or 7 depending on size, fire load, and furnishings) means a space that does not contain any cooking appliance other than a microwave oven or other low heat (maximum heating element temperature less than 121°C (250°F)) appliance used as a—

- (1) Public space;
- (2) Hall;
- (3) Dining room and messroom;
- (4) Lounge or cafe;
- (5) Public sales room;
- (6) Overnight accommodation space;
- (7) Barber shop or beauty parlor;
- (8) Office or conference room;
- (9) Medical treatment room or dispensary; or
- (10) Game or hobby room.

Adequate hull protection system means a method of protecting the vessel's hull from corrosion. It includes, as a minimum, either hull coatings and a cathodic protection (CP) system consisting of sacrificial anodes, or an impressed current CP system.

Alternative Hull Examination (AHE) Program means a program in which an eligible vessel may receive an initial and subsequent credit hull examination through a combination of underwater surveys, internal examinations, and annual hull condition assessments.

Anniversary date means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

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 approved equipment, including all of the approval series, is published periodically by the Coast Guard in Equipment Lists (COMDTINST M16714.3 series), available from the Superintendent of Documents.

Area of refuge means an area that is separated from the effects of fire and flooding where passengers and crew can gather to await disembarking in the event of fire or flooding. To qualify as an area of refuge, the area must provide separation from the effect of fire and flooding for the maximum amount of time required to complete disembarking of the vessel, or one hour, whichever is less.

Atrium (5 or 7 depending on fire load and furnishings) means a continuous deck opening connecting more than two deck levels within an accommodation space that is covered at the top of the series openings and is used for purposes other than an enclosed stairway, or a utility trunk for pipe, cable, or ductwork.

Auxiliary machinery space (12) means a space containing only pumps, tanks, electrical machinery, ventilation or air conditioning equipment, refrigeration machinery, resistors steering machinery, etc., with not more than 2.5 kilograms per square meter (0.5 pounds per square foot) of combustible storage.

Balcony (5 or 7 depending on fire load and furnishings) means a deck opening connecting two deck levels within an accommodation space creating two freely communicating levels within the same space.

Beam or *B* means the maximum width of a vessel from:

- (1) Outside of planking to outside of planking on wooden vessels; and
- (2) Outside of frame to outside of frame on all other vessels.

Bulbous bow means a design of bow in which the forward underwater frames

ahead of the forward perpendicular are swelled out at the forefoot into a bulbous formation.

Bulkhead deck means the uppermost deck to which watertight bulkheads and the watertight shell extend.

Cable means single or multiple insulated conductors with an outer protective jacket.

Cargo space (11) means a:

- (1) Cargo hold;
- (2) Refrigerated cargo space;
- (3) A trunk leading to or from a space listed above; or
- (4) A vehicle space.

Char length means the numeric value in inches assigned to a material when tested in accordance with NFPA 261 by an independent laboratory.

Coast Guard District Commander or *District Commander* means an officer of the Coast Guard designated as such by the Commandant to command Coast Guard activities within a district.

Coastwise means a route that is not more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Bering Sea;
- (5) The Gulf of Alaska; or
- (6) Such other similar waters as may be designated by a Coast Guard District Commander.

Cockpit vessel means vessel with an exposed recess in the weather deck extending not more than one-half of the length of the vessel measured over the weather deck.

Cold water means water where the monthly mean low water temperature is normally 15 degrees Celsius (59 degrees Fahrenheit) or less.

Commandant means the Commandant of the Coast Guard or an authorized Headquarters staff officer designated in §1.01 of this chapter.

Consideration means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

Continuous B-Class ceiling means an approved structural ceiling composed of B-Class panels that terminates only

at an approved A-Class or B-Class bulkhead.

Control space (1) means a space containing:

- (1) An emergency source of power, excluding generators;
- (2) Navigating and radio equipment that is normally manned;
- (3) Centralized fire control or detection equipment, such as fixed gas extinguishing system controls; or
- (4) Machinery controls not located within a machinery space.

Corrosion-resistant material or *corrosion-resistant* means made of one of the following materials in a grade suitable for its intended use in a marine environment:

- (1) Silver;
- (2) Copper;
- (3) Brass;
- (4) Bronze;
- (5) Aluminum alloys with a copper content of no more than 0.4 percent;
- (6) Copper-nickel;
- (7) Plastics;
- (8) Stainless steel;
- (9) Nickel-copper; or
- (10) A material, which when tested in accordance with ASTM B 117 (incorporated by reference, see §114.600) for 200 hours, does not show pitting, cracking, or other deterioration.

Crew accommodation space (5 or 7 depending on fire load and furnishings) means an accommodation space designated for the use of crew members and where passengers are normally not allowed to occupy.

Critical radiant flux means the numeric value assigned to a material when tested in accordance with ASTM E-648 by an independent laboratory.

Custom engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed for a specific space requiring individual calculations for the extinguishing agent volume, flow rate, piping, and similar factors.

Dead cover means a metal cover to close or protect a port light to avoid glass breakage in case of heavy weather.

Distribution panel means an electrical panel that receives energy from the switchboard and distributes the energy to energy consuming devices or other panels.

Draft means the vertical distance from the molded baseline of a vessel amidships to the waterline.

Dripproof means enclosed equipment so constructed or protected that falling drops of liquid or solid particles striking the enclosure at any angle from 0 to 15 degrees downward from the vertical do not interfere with the operation of the equipment. A National Electrical Manufacturers Association type 1 enclosure with a dripshield is considered to be dripproof.

Drydock examination means hauling out a vessel or placing a vessel in a drydock or slipway for an examination of all accessible parts of the vessel's underwater body and all through-hull fittings and appurtenances.

Embarkation deck (4) means:

(1) The deck from which davit launched survival craft are designed to be boarded; or

(2) If no davit launched survival craft are carried aboard the vessel, the main deck or lowest deck available for embarking or debarking passengers.

Embarkation station (4) means the place on the vessel from which a survival craft is boarded.

Enclosed space means a compartment that is not exposed to the atmosphere when all access and ventilation closures are secured.

Existing vessel means a vessel that is not a new vessel.

Exit means—

(1) A stairtower or a stairway which terminates at an area of refuge or embarkation station; or

(2) A door which leads directly to an area of refuge or embarkation station.

Exposed waters is a term used in connection with stability criteria and means:

(1) Waters, except the Great Lakes, more than 20 nautical miles from a harbor of safe refuge;

(2) Those portions of the Great Lakes more than 20 nautical miles from a harbor of safe refuge from October 1 of one year through April 15 of the next year (winter season); and

(3) Those waters less than 20 nautical miles from a harbor of safe refuge that the cognizant Officer in Charge, Marine Inspection, determines are not partially protected waters or protected waters because they present special

hazards due to weather or other circumstances.

Ferry means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

Fiber reinforced plastic means plastics reinforced with fibers or strands of some other material.

Fire control boundary means a deck or bulkhead meeting the requirements for A-Class, B-Class, or C-Class or C'-Class construction in accordance with § 116.415 of this subchapter.

Fire load means a measure in kilograms per square meter (pounds per square foot) equaling the weight of all combustible material that is in a compartment and comprises its construction, as defined in § 116.427(b) of this subchapter, divided by the floor area of that compartment.

Flame spread means the numeric value assigned to a material when tested in accordance with ASTM E 84 (incorporated by reference, see § 114.600) or UL 723 by an independent laboratory.

Flash point means the temperature at which a liquid gives off a flammable vapor when heated using the Pensky-Martens Closed Cup Tester method in accordance with ASTM D 93 (incorporated by reference, see § 114.600).

Float-free launching or arrangement means that method of launching a survival craft whereby the survival craft is automatically released from a sinking vessel and is ready for use.

Flush deck vessel means a vessel with a continuous weather deck located at the uppermost sheer line of the hull.

Freeing port means any direct opening through the vessel's bulwark or hull to quickly drain overboard water that has been shipped on exposed decks.

Galley (9) means a space containing appliances with cooking surfaces that may exceed 121°C (250° F), such as ovens, griddles, and deep fat fryers.

Great Lakes means a route on the waters of any of the Great Lakes.

Gross tonnage and *gross tons* is an indicator of a vessel's approximate volume as determined in accordance with Part 69 (Measurement of Vessels) of this chapter and recorded on the vessel's Tonnage Certificate (formerly Certificate of Admeasurement).

Harbor of safe refuge means a port, inlet, or other body of water normally sheltered from heavy seas by land and in which a vessel can navigate and safely moor. The cognizant Officer in Charge, Marine Inspection, shall determine the suitability of a location as a harbor of safe refuge. The suitability will vary for each vessel, depending on the vessel's size, maneuverability, and mooring gear.

Hardwood means oak or a similar wood with a specific gravity of approximately 0.6 and having fire resistant properties similar to oak.

Hazardous condition means any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include, but is not limited to, fire, explosion, grounding, leaking, damage, illness of a person on board, or a manning shortage.

High risk accommodation space (6 or 7 depending on size) means an accommodation space that contains a fire load greater than 15 kilograms per square meter (3 pounds per square foot), or a cleaning gear locker which contains storage space for materials other than flammable liquids and which has a deck area less than 5 square meters.

High risk service spaces (9) include—

- (1) Galley;
- (2) Large laundry or drying room;
- (3) Garbage or trash disposal storage area;
- (4) Paint or lamp locker;
- (5) Cleaning gear locker or small storeroom in an accommodation area;
- (6) Mail or baggage room; and
- (7) Pantries and storerooms which contain flammable liquids or have a deck area not less than 5 square meters including connecting alleyways and stairs.

High seas means all waters that are neither territorial seas (the waters in a belt 3 nautical miles wide, that is adjacent to the coast and seaward of the

territorial sea baseline) nor internal waters of the United States or of any foreign country.

High speed craft means a craft that is operable on or above the water and has characteristics so different from those of conventional displacement ships, to which the existing international conventions, particularly SOLAS, apply, that alternative measures should be used to achieve an equivalent level of safety. In order to be considered a high speed craft, the craft must be capable of a maximum speed equal to or exceeding $V=3.7 \times \text{displ}^{.1667}$, where "V" is the maximum speed and "displ" is the vessel displacement corresponding to the design waterline in cubic meters.

Independent laboratory means a laboratory accepted under §159.010 in subchapter Q of this chapter, or other standard specified by the Commandant.

Inflatable survival craft or *inflatable life jacket* means one that depends upon nonrigid, gas filled chambers for buoyancy, and is normally kept uninflated until ready for use.

Interior finish means any coating, overlay or veneer that is applied to interior surfaces such as bulkheads, linings, or suspended ceilings for decorative or other purposes. It includes not only the visible finish, but also all material used in its composition and application. In general, a paint is not considered an interior finish.

Internal structural examination means an examination of the vessel while afloat or in drydock and consists of a complete examination of the vessel's main strength members, including the major internal framing, the hull plating, voids, and ballast tanks, but not including cargo, sewage, or fuel oil tanks.

International voyage means a voyage between a country to which SOLAS applies and a port outside that country. A country, as used in this definition, includes every territory for the international relations of which a contracting government to the convention is responsible or for which the United Nations is the administering authority. For the U.S., the term "territory" includes the Commonwealth of Puerto Rico, all possessions of the United States, and all lands held by the United

States under a protectorate or mandate. For the purposes of this subchapter, vessels are not considered as being on an “international voyage” when solely navigating the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.

Lakes, bays, and sounds means a route on any of the following waters:

- (1) A lake other than the Great Lakes;
- (2) A bay;
- (3) A sound; or
- (4) Such other similar waters as may be designated by a Coast Guard District Commander.

Launching appliance means a device for transferring a survival craft or rescue boat from its stowed position safely to the water. For a launching appliance using a davit, the term includes the davit winch, and falls.

Length when used in terms of the vessel’s length (excluding bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions), means:

- (1) The length listed on the vessel’s Certificate of Documentation issued under the provisions of Part 67 (Documentation of Vessels) of this chapter or Certificate of Number issued under the provisions of 33 CFR Part 173, Subpart B (Numbering); or
- (2) For a vessel that does not have a Certificate of Documentation or a Certificate of Number, the “registered length” as defined in §69.53 in subchapter G of this chapter or, for a vessel that is less than 24 meters (79 feet) in overall length and is measured using simplified measurement, the registered length as defined in §69.203 in subchapter G of this chapter; or
- (3) For the purposes of Part 179 in subchapter T of this chapter, the “length” of a vessel with a bulbous bow means the larger of the length as defined in the first paragraph of this definition or the straight line horizontal measurement from the forwardmost tip of the bulbous bow to the aftermost part of the vessel measured parallel to the center line.

Length between perpendiculars or *LBP* means the horizontal distance measured between perpendiculars taken at the forwardmost and aftermost points on the waterline corresponding to the deepest operating draft.

Limited coastwise means a route that is not more than 20 nautical miles from a harbor of safe refuge.

Lining means a bulkhead panel.

Low risk accommodation space (5) means an accommodation space that contains only fire resistant furnishings and a fire load not greater than 15 kilograms per square meter (3 pounds per square foot).

Low risk service spaces (8) include—

- (1) Cleaning gear lockers which have a deck area less than 5 meters containing only slop sinks, and having no room for stowing materials other than brooms, mops, or soap;
- (2) Small laundries or drying rooms containing only a tub, washing machine, and/or household type electric dryer;
- (3) Workshops that are not part of a machinery space;
- (4) Washrooms and toilet spaces; and
- (5) Motion picture projection rooms.

Machinery space (10) means a space, including a trunk, alleyway, stairway, or duct to such a space, that contains—

- (1) Propulsion machinery of any type;
- (2) Steam or internal combustion machinery;
- (3) Oil transfer equipment;
- (4) Electrical motors of more than 10 hp;
- (5) One or more oil-fired boilers or heaters; or
- (6) Electrical generating machinery.

Main horizontal zone means a vehicle space that is separated from the remainder of the vessel by horizontal fire control boundaries required by the structural fire protection requirements of this subchapter.

Main transverse watertight bulkhead means a transverse bulkhead that must be maintained watertight in order for the vessel to meet the damage stability and subdivision requirements of this subchapter.

Main vertical zone means that section of a vessel into which the hull, superstructure, and deckhouse are required to be divided by vertical fire control boundaries required by the structural

fire protection requirements of this subchapter.

Major conversion means a conversion of a vessel that, as determined by the Commandant:

- (1) Substantially changes the dimensions or carrying capacity of the vessel;
- (2) Changes the type of vessel;
- (3) Substantially prolongs the life of the vessel; or
- (4) Otherwise so changes the vessel that it is essentially a new vessel.

Marine inspector or *inspector* means any civilian employee or military member of the Coast Guard assigned by an Officer in Charge, Marine Inspection, or the Commandant to perform duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations.

Master means the individual having command of the vessel and who is the holder of a valid license that authorizes the individual to serve as master of a small passenger vessel.

Means of escape means a continuous and unobstructed way of exit travel from any point in a vessel to an embarkation station or area of refuge. A means of escape can be both vertical and horizontal, and includes doorways, corridors, stairways, stairways, and public spaces. High risk service spaces, low risk service spaces, cargo spaces, machinery spaces, auxiliary machinery spaces, control spaces, rest rooms, barber shops, sales rooms, hazardous areas determined by the cognizant OCMI, escalators, and elevators must not be any part of a means of escape. It consists of three distinct components:

- (1) The exit access;
- (2) The exit; and
- (3) The exit discharge.

New vessel means a vessel:

- (1) The initial construction of which began on or after March 11, 1996;
- (2) Which was issued an initial Certificate of Inspection on or after September 11, 1996;
- (3) Which underwent a major conversion that was initiated on or after March 11, 1996; or
- (4) Which underwent a major conversion that was completed and for which an amended Certificate of Inspection

was issued on or after September 11, 1996.

Noncombustible material means any material approved in accordance with § 164.009 in subchapter Q of this chapter, or other standard specified by the Commandant.

Non-self-propelled vessel means a vessel that does not have installed means of propulsion, including propulsive machinery, masts, spars, or sails.

Oceans means a route that is more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Bering Sea;
- (5) The Gulf of Alaska; or
- (6) Such other similar waters as may be designated by a Coast Guard District Commander.

Officer In Charge, Marine Inspection, or *OCMI* means an officer of the Coast Guard designated as such by the Commandant and who, under the direction of the Coast Guard District Commander, is in charge of a marine inspection zone, described in Part 1 of this chapter, for the performance of duties with respect to the inspection, enforcement, and administration of vessel safety and navigation laws and regulations. The "cognizant OCMI" is the OCMI that has immediate jurisdiction over a vessel for the purpose of performing the duties previously described.

Open boat means a vessel not protected from entry of water by means of a complete weathertight deck, or by a combination of a partial weathertight deck and superstructure that is structurally suitable for the waters upon which the vessel operates.

Open deck (13) means a deck that is permanently open to the weather on one or more sides and, if covered, any spot on the overhead is less than 4.5 meters (15 feet) from the nearest opening to the weather.

Open to the atmosphere means a compartment that has at least 9,375 square millimeters (15 square inches) of open area directly exposed to the atmosphere for each cubic meter (foot) of net compartment volume.

Operating station means the principal steering station on the vessel from

which the individual on duty normally navigates the vessel.

Overnight accommodations or overnight accommodation space (5, 6 or 7 depending on size, fire load and furnishings) means an accommodation space for use by passengers or by crew members, that has one or more berths, including beds or bunks, for passengers or crew members to rest for extended periods. Staterooms, cabins, and berthing areas are normally overnight accommodation spaces. Overnight accommodations do not include spaces that contain only seats, including reclining seats.

Pantry means a space used for food storage, and may include microwaves or other low heat [not exceeding 121°C (250°F)] appliances for food preparation.

Partially enclosed space means a compartment that is neither open to the atmosphere nor an enclosed space.

Partially protected waters is a term used in connection with stability criteria and means:

(1) Waters not more than 20 nautical miles from a harbor of safe refuge, unless determined by the cognizant OCMI to be exposed waters;

(2) Those portions of rivers, estuaries, harbors, lakes, and similar waters that the cognizant OCMI determines not to be protected waters; and

(3) Waters of the Great Lakes from April 16 through September 30 of the same year (summer season).

Passenger means an individual carried on a 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 on board services.

Passenger accommodation space (5, 6 or 7 depending on size, fire load, and furnishings) means an accommodation space designated for the use of passengers.

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.

Pilothouse control means that controls to start and stop the engines and control the direction and speed of the propeller of the vessel are located at the operating station.

Piping system includes piping, fittings, and appurtenances as described in § 56.07-5 in subchapter F of this chapter.

Port light means a hinged glass window, generally circular, in a vessel's side or deckhouse for light and ventilation.

Protected waters is a term used in connection with stability criteria and means sheltered waters presenting no special hazards such as most rivers, harbors, and lakes, and is not determined to be exposed waters or partially protected waters by the OCMI.

Pre-engineered means, when referring to a fixed gas fire extinguishing system, a system that is designed and tested to be suitable for installation without modification, as a complete unit in a space of a set volume, regardless of the specific design of the vessel on which it is installed.

Remotely operated vehicle (ROV) team, at a minimum, consist of an ROV operator, a non-destructive testing inspector, an ROV tender or mechanic, and a team supervisor who is considered by the Officer in Charge, Marine Inspection (OCMI), have the appropriate training and experience to perform the survey and to safely operate the ROV in an effective manner. The team must also have a hull-positioning technician present. This position may be assigned to a team member already responsible for another team duty.

Rivers means a route on any of the following waters:

(1) A river;

(2) A canal; or

(3) Such other similar waters as may be designated by a Coast Guard District Commander.

Safety areas include any of the following spaces:

(1) Control spaces;

(2) Stairways and staintowers;

(3) Corridors;

(4) Embarkation stations;

(5) Areas of refuge; or

(6) Embarkation spaces.

Sailing vessel means a vessel principally equipped for propulsion by sail even if the vessel has an auxiliary means of propulsion.

Scantlings means the dimensions of all structural parts such as frames, girders, and plating, used in building a vessel.

Scupper means a pipe or tube of at least 30 millimeters (1.25 inches) in diameter leading down from a deck or sole and through the hull to drain water overboard.

Self-bailing cockpit means a cockpit, with watertight sides and floor (sole), that is designed to free itself of water by gravity drainage through scuppers.

Service space means a high risk service space or a low risk service space.

Shallow water is an ascertained water depth at which the uppermost deck(s) of a sunken vessel remain above the water's surface. The determination of the water's depth is made by the Officer in Charge, Marine Inspection (OCMI) who considers the vessel's stability (passenger heeling moment), the contour of the hull, the composition of the river bottom, and any other factors that would tend to prevent a vessel from resting an even keel.

Ship's service loads means services necessary for maintaining the vessel in normal operational and habitable conditions. These loads include, but are not limited to, safety, lighting, ventilation, navigational, and communications loads.

Short international voyage means an international voyage where:

(1) The vessel is not more than 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; and

(2) The total distance between the last port of call in the country in which the voyage began and the final port of destination does not exceed 600 nautical miles.

Smoke developed rating means the numeric value assigned to a material when tested in accordance with ASTM E 84 (incorporated by reference, see § 114.600) or UL 723 by an independent laboratory.

Specific optical density means the numeric value assigned to a material when tested in accordance with ASTM

E 662 (incorporated by reference, see § 114.600) by an independent laboratory.

Stairtower (2) means a fully enclosed group of stairways located within a common enclosure.

Stairway (2) means an inclined means of escape between two decks.

Standard fire test means a test in which a specimen is exposed in a test furnace to temperatures corresponding to the standard time-temperature curve. The specimen must resemble, as closely as possible, the intended construction and include, where appropriate, at least one joint. The standard time-temperature curve is defined by a smooth curve drawn through the following points, starting at ambient temperature:

(1) At the end of 05 minutes—556 °C (1,033 °F);

(2) At the end of 10 minutes—659 °C (1,218 °F);

(3) At the end of 15 minutes—718 °C (1,324 °F);

(4) At the end of 30 minutes—821 °C (1,509 °F); and

(5) At the end of 60 minutes—925 °C (1,697 °F).

Steel or equivalent material means steel or any noncombustible material that, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the standard fire test.

Stepped main vertical zone means a main vertical zone in which the main vertical zone bulkhead is not in a continuous plane on adjoining decks.

Submersible vessel means a vessel that is capable of operating below the surface of the water.

Survival craft means a lifeboat, rigid liferaft, inflatable liferaft, life float, inflatable buoyant apparatus, buoyant apparatus, or a small boat carried aboard a vessel in accordance with § 117.200(b) of this subchapter.

Switchboard means an electrical panel that receives power from a generator, battery, or other electrical power source and distributes power directly or indirectly to all equipment supplied by the generating plant.

Third party examiner means an entity:

(1) With a thorough knowledge of diving operations, including diving limitations as related to diver safety and diver supervision;

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(2) Having a familiarity with, but not limited to, the following—

(i) The camera used during the AHE; and

(ii) The NDT equipment used during the AHE, including the effect of water clarity, and marine growth in relation to the quality of the readings obtained;

(3) Having a familiarity with the communications equipment used during the AHE;

(4) Possessing the knowledge of vessel structures, design features, nomenclature, and the applicable AHE regulations; and

(5) Able to present the Officer in Charge, Marine Inspection, with evidence of formal training, demonstrated ability, past acceptance, or a combination of these.

Trunk means a vertical shaft or duct for the passage of pipes, wires, or other devices.

Underwater Survey in Lieu of Drydocking (UWILD) means a program in which an eligible vessel may alternate between an underwater survey and the required drydock examinations.

Vehicle space (11) means a space not on an open deck, for the carriage of motor vehicles with fuel in their tanks, into and from which such vehicles can be driven and to which passengers have access.

Veneer means a thin covering of combustible material on bulkheads, bulkhead panels, or furniture.

Vessel includes every description of watercraft or other artificial contrivance, used or capable of being used as a means of transportation on water.

Vessel of the United States means a vessel documented or numbered under the laws of the United States, the states of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

Warm water means water where the monthly mean low water temperature is normally more than 15 degrees Celsius (59 degrees Fahrenheit).

Watertight means designed and constructed to withstand a static head of water without any leakage, except that “watertight” for the purposes of elec-

trical equipment means enclosed so that water does not enter the equipment when a stream of water from a hose with a nozzle one inch in diameter that delivers at least 246 liters (65 gallons) per minute is sprayed on the enclosure from any direction from a distance of ten feet for five minutes.

Weather deck means a deck that is partially or completely exposed to the weather from above or from at least two sides.

Weathertight means that water will not penetrate 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.

Well deck vessel means a vessel with a weather deck fitted with solid bulwarks that impede the drainage of water over the sides or a vessel with an exposed recess in the weather deck extending more than one-half of the length of the vessel measured over the weather deck.

Wire means an individual insulated conductor without an outer protective jacket.

Work space means a space, not normally occupied by a passenger, in which a crew member performs work and includes, but is not limited to, a galley, operating station, or machinery space.

[CGD 85-080, 61 FR 887, Jan. 10, 1996; 61 FR 20556, May 7, 1996, as amended by CGD 97-057, 62 FR 51047, Sept. 30, 1997; CGD 85-080, 62 FR 51347, Sept. 30, 1997; 62 FR 64305, Dec. 5, 1997; USCG 1999-4976, 65 FR 6504, Feb. 9, 2000; USCG-2000-7790, 65 FR 58462, Sept. 29, 2000; USCG-2000-6858, 67 FR 21079, Apr. 29, 2002; USCG-1999-5040, 67 FR 34799, May 15, 2002; USCG-2000-6858, 69 FR 47383, Aug. 5, 2004; USCG-2005-22329, 70 FR 57183, Sept. 30, 2005]

§ 114.540 **Equivalents.**

(a) The Commandant may approve any arrangement, fitting, appliance, apparatus, equipment, calculation, information, or test which provides a level of safety equivalent to that established by specific provisions of this subchapter. Requests for approval must be submitted to the Marine Safety Center. If necessary, the Marine Safety Center may require engineering evaluations and tests to demonstrate the equivalence of the substitute.

(b) The Commandant may accept compliance by a high speed craft with the provisions of the International Maritime Organization (IMO) "Code of Safety for High Speed Craft" as an equivalent to compliance with applicable requirements of this subchapter. Requests for a determination of equivalency for a particular vessel must be submitted to the Marine Safety Center.

(c) The Commandant may approve a novel lifesaving appliance or arrangement as an equivalent if it has performance characteristics at least equivalent to the appliance or arrangement required under this part, and:

(1) Is evaluated and tested under IMO Resolution A.520(13), "Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements"; or

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

[CGD 85-080, 61 FR 885, Jan. 10, 1996, as amended at 62 FR 51348, Sept. 30, 1997]

§ 114.550 Special consideration.

In applying the provisions of this subchapter, the OCFI may give special consideration to authorizing departures from the specific requirements when unusual circumstances or arrangements warrant such departures and an equivalent level of safety is provided. The OCFI of each marine inspection zone in which a vessel operates must approve any special consideration granted to the vessel.

§ 114.560 Appeals.

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

§ 114.600 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with Title 5 United States Code (U.S.C.) 552(a) and Title 1 Code of Federal Regulations (CFR) Part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard

must publish a notice of change in the FEDERAL REGISTER and make the material available to the public. All approved material is on file at the U.S. Coast Guard, Office of Operating and Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593-0001 or 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 material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this subchapter and the sections affected are:

- American Boat and Yacht Council (ABYC)*
- 3069 Solomons Island Road, Edgewater, MD 21037
- A-1-93—Marine Liquified Petroleum Gas (LPG) Systems.....121.240
- A-3-93—Galley Stoves.....121.200
- A-7-70—Boat Heating Systems121.200
- A-22-93—Marine Compressed Natural Gas (CNG) Systems.....121.240
- H-25-94—Portable Gasoline Fuel Systems for Flammable Liquids119.458
- P-1-93—Installation of Exhaust Systems for Propulsion and Auxiliary Engines116.405; 119.425; 119.430
- American Bureau of Shipping (ABS)*
- ABS Plaza, 16855 Northchase Drive, Houston, TX 77060
- Rules for Building and Classing Aluminum Vessels, 1975.....116.300
- Rules for Building and Classing Steel Vessels, 1995119.410; 120.360
- Rules for Building and Classing Steel Vessels Under 61 Meters (200 Feet) in Length, 1983116.300
- Rules for Building and Classing Steel Vessels for Service on Rivers and Intracoastal Waterways, 1995.....116.300
- Guide for High Speed Craft, 1997116.300
- American National Standards Institute (ANSI)*
- 11 West 42nd Street, New York, NY 10036
- A 17.1-1984, including supplements A 17.1a and b-1985—Safety Code for Elevators and Escalators.....120.540
- B 31.1-1986—Code for Pressure Piping, Power Piping119.710
- Z 26.1-1977, including 1980 supplement—Safety Glazing Materials For Glazing Motor Vehicles Operating on Land Highways116.1030

American Society for Testing and Materials (ASTM)

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

ASTM B 96-93, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels119.440

ASTM B 117-97, Standard Practice for Operating Salt Spray (Fog) Apparatus114.400

ASTM B 122/B 122M-95, Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar.....119.440

ASTM B 127-98, Standard Specification for Nickel-Copper Alloy (UNS NO4400) Plate, Sheet, and Strip119.440

ASTM B 152-97a, Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar119.440

ASTM B 209-96, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate119.440

ASTM D 93-97, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester114.400

ASTM D 635-97, Standard Test Method for Rate of Burning and/or Extent and Time of Burning of Plastics in a Horizontal Position119.440

ASTM D 2863-95, Standard Test Method for Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index)119.440

ASTM E 84-98, Standard Test Method for Surface Burning Characteristics of Building Materials116.405; 116.422; 116.423

ASTM E 648-97, Standard Test Method for Critical Radiant Flux of Floor-Covering Systems Using a Radiant Heat Energy Source114.400; 116.423

ASTM E 662-97, Standard Test Method for Specific Optical Density of Smoke Generated by Solid Materials114.400; 116.423

Institute of Electrical and Electronics Engineers, Inc. (IEEE)

IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08854

Standard 45-1977—Recommended Practice for Electrical Installations on Shipboard120.340

International Maritime Organization (IMO)

International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR United Kingdom

Code of Practice for the Evaluation,

Testing and Acceptance of Prototype Novel Life-Saving Appliances and Arrangements—Resolution A.520(13), dated 17 November 1983 114.540(c)

Use and Fitting of Retro-Reflective Materials on Life-Saving Appliances, Resolution A.658(16), dated 20 November 1989.....122.604

Fire Test Procedures For Ignitability of Bedding Components, Resolution A.688(17) dated 06 November 1991116.405(j)

Symbols Related to Life-Saving Appliances and Arrangements, Resolution A.760(18) dated 17 November 1993122.604(g)

National Fire Protection Association (NFPA)

1 Batterymarch Park, Quincy, MA 02269-9101

NFPA 10-1994—Portable Fire Extinguishers115.810

NFPA 13-1996—Installation of Sprinkler Systems.....116.439

NFPA 17-1994—Dry Chemical Extinguishing Systems.....118.425

NFPA 17A-1994—Wet Chemical Extinguishing Systems.....118.425

NFPA 70-1996—National Electrical Code (NEC)

Section 250-95120.370

Section 310-13120.340

Section 310-15120.340

Article 430120.320

Article 445120.320

NFPA 92B-1995—Smoke Management Systems in Malls, Atria, and Large Areas.....116.440

NFPA 261-1994—Test For Determining Resistance of Mock-up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes114.400; 116.423

NFPA 302-1994—Pleasure and Commercial Motor Craft, Chapter 6.....121.200; 121.240

NFPA 306-1993—Control of Gas Hazards on Vessels115.710

NFPA 701-1996—Fire Tests For Flame-Resistant Textiles and Films116.423

NFPA 1963-1993—Fire Hose Connections.....118.320

Underwriters Laboratories Inc. (UL)

12 Laboratory Drive, Research Triangle Park, NC 27709

UL 19-1992—Lined Fire Hose and Hose Assemblies118.320

UL 174-1989, as amended through June 23, 1994—Household Electric Storage Tank Water Heaters119.320

UL 486A-1992—Wire Connectors and Soldering Lugs For Use With Copper Conductors.....120.340

UL 489-1995—Molded-Case Circuit

Coast Guard, DHS

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Breakers and Circuit Breaker Enclosures.....120.380

UL 595-1991—Marine Type Electric Lighting Fixtures.....120.410

UL 710-1990, as amended through September 16, 1993—Exhaust Hoods For Commercial Cooking Equipment118.425

UL 723-1993, as amended through April 20, 1994—Surface Burning Characteristics of Building Materials114.400; 116.422; 116.423; 116.425

UL 1056-1989—Fire Test of Upholstered Furniture.....116.423

UL 1058-1989, as amended through April 19, 1994—Halogenated Agent Extinguishing System Units.....118.410

UL 1102-1992—Non integral Marine Fuel Tanks119.440

UL 1104-1981, as amended through May 4, 1988—Marine Navigation Lights120.420

UL 1110-1988, as amended through May 16, 1994—Marine Combustible Gas Indicators119.480

UL 1453-1988, as amended through June 7, 1994—Electric Booster and Commercial Storage Tank Water Heaters119.320

UL 1570-1995—Fluorescent Lighting Fixtures.....120.410

UL 1571-1995—Incandescent Lighting Fixtures120.410

UL 1572-1995—High Intensity Discharge Lighting Fixtures.....120.410

UL 1573-1995—Stage and Studio Lighting Units.....120.410

UL 1574-1995—Track Lighting Systems120.410

[CGD 85-080, 61 FR 885, Jan. 10, 1996, as amended by CGD 96-041, 61 FR 50730, Sept. 27, 1996; CGD 97-057, 62 FR 51047, Sept. 30, 1997; CGD 85-080, 62 FR 51348, Sept. 30, 1997; USCG 1999-5151, 64 FR 67182, Dec. 1, 1999; USCG-2000-7790, 65 FR 58462, Sept. 29, 2000]

§ 114.800 Approved equipment and material.

(a) Equipment and material that is required by this subchapter to be approved or of an approved type, must have been manufactured and approved in accordance with the design and testing requirements in subchapter Q (Equipment, Construction, and Materials: Specifications and Approval) of this chapter or as otherwise specified by the Commandant.

(b) Coast Guard publication COMDTINST M16714.3 (Series) "Equipment Lists, Items Approved, Certificated or Accepted under Marine Inspection and Navigation Laws," lists approved equipment by type and manu-

facturer. COMDTINST M16714.3 (Series) may be obtained from New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

[CGD 85-080, 61 FR 885, Jan. 10, 1996, as amended at 62 FR 51348, Sept. 30, 1997]

§ 114.900 OMB control numbers.

(a) *Purpose.* This section lists the control numbers assigned to information collection and recordkeeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f), which requires that agencies display a current control number assigned by the Director of OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR Section where identified and described	Current OMB Control No.
115.105(a)	1625-0057
115.202	1625-0057
115.204	1625-0057
115.302	1625-0057
115.306	1625-0057
115.310	1625-0057
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115.612	1625-0057
115.700	1625-0057
115.704	1625-0057
115.710	1625-0057
115.810(b)	1625-0057
115.920(c)	1625-0057
115.930	1625-0057
116.202	1625-0057
116.330	1625-0057
116.340	1625-0057
116.520	1625-0057
116.530	1625-0057
116.610(f)	1625-0057
120.220(d)	1625-0057
120.320(d) and (e)	1625-0057
121.420	1625-0057
121.506	1625-0057
122.202	1625-0001
122.206	1625-0001
122.208	1625-0057
122.220	1625-0057
122.230	1625-0057
122.280	1625-0057
122.282	1625-0057
122.340(c)	1625-0057
122.402	1625-0057
122.420	will be displayed when assigned by OMB
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122.604	1625–0057
122.606	1625–0057
122.608	1625–0057
122.610	1625–0057
122.612	1625–0057
122.702	1625–0057
122.704(c)	1625–0057
122.728(c)	1625–0057

[CGD 85–080, 61 FR 885, Jan. 10, 1996, as amended by USCG–2004–18884, 69 FR 58348, Sept. 30, 2004]

PART 115—INSPECTION AND CERTIFICATION

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 - 115.103 Description.
 - 115.105 How to obtain or renew.
 - 115.107 Period of validity for a Certificate of Inspection.
 - 115.110 Routes permitted.
 - 115.112 Total persons permitted.
 - 115.113 Passengers permitted.
 - 115.114 Alternative requirements for a vessel operating as other than a small passenger vessel.
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Subpart B—Special Permits and Certificates

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Subpart C—Posting of Certificates, Permits, and Stability Letters

- 115.302 Certificates and permits.
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Subpart I—International Convention for Safety of Life at Sea, 1974, as Amended (SOLAS)

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