

## Coast Guard, DHS

## § 170.015

accordance with the regulations in effect at the time. However, any alterations or repairs must be done in accordance with §170.005.

(c) Certain regulations in this subchapter apply only to limited categories of vessels. Specific applicability statements are provided at the beginning of those regulations.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 89-037, 57 FR 41825, Sept. 11, 1992; CGD 85-080, 61 FR 943, Jan. 10, 1996; USCG-2007-0030, 75 FR 78082, Dec. 14, 2010]

### § 170.003 Right of appeal.

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 subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50382, Dec. 6, 1989]

### § 170.005 Vessel alteration or repair.

(a) Alterations and repairs to inspected vessels must be done—

(1) Under the direction of the Officer in Charge, Marine Inspection; and

(2) Except as provided in paragraph (b) of this section, in accordance with the regulations in this subchapter, to the extent practicable.

(b) Minor alterations and repairs may be done in accordance with regulations in effect at the time the vessel was contracted for.

### § 170.010 Equivalentents.

Substitutions for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be approved by the Commandant, the Commanding Officer, U.S. Coast Guard Marine Safety Center, 2100 2nd St., SW., Stop 7102, Washington, DC 20593-7102, or the Officer in Charge, Marine Inspection, if the substitution provides an equivalent level of safety.

[USCG-2007-29018, 72 FR 53968, Sept. 21, 2007, as amended by USCG-2009-0702, 74 FR 49239, Sept. 25, 2009]

### § 170.015 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 this section, the Coast Guard must publish a 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 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). It is also available for inspection at the Coast Guard, Office of Design and Engineering Standards (CG-ENG), 2100 2nd St., SW., Stop 7126, Washington, DC 20593-7126, and is available from the sources listed below.

(b) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(1) ASTM F 1196-00, Standard Specification for Sliding Watertight Door Assemblies, 2008, incorporation by reference (IBR) approved for §170.270.

(2) ASTM F 1197-00, Standard Specification for Sliding Watertight Door Control Systems, 2007, IBR approved for §170.270.

(c) Naval Publications and Forms Center, Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120.

(1) MIL-P-21929B, Military Specification, Plastic Material, Cellular Polyurethane, Foam-in-Place, Rigid (2 Pounds per Cubic Foot), 15 January 1991, IBR approved for §170.245.

(2) [Reserved]

(d) International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom, +44 (0)20 7735 7611, <http://www.imo.org/>.

(1) Resolution MSC.216(82), Adoption of Amendments to the International Convention for the Safety of Life At Sea, 1974, As Amended (IMO Res. MSC.216(82), Adopted on 8 December 2006, IBR approved for §§170.140 and 170.248.

(2) Resolution MSC 267(85), Adoption of the International Code on Intact Stability, 2008 (2008 IS Code), Adopted

**§ 170.020**

**46 CFR Ch. I (10–1–12 Edition)**

on 4 December 2008, IBR approved for § 170.165.

[USCG–2007–0030, 75 FR 78082, Dec. 14, 2010, as amended by USCG–2012–0832, 77 FR 59788, Oct. 1, 2012]

**§ 170.020 OMB control numbers assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record-keeping 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 OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part—	Current OMB control No.
§ 170.075 .....	1625–0064
§ 170.080 .....	1625–0064
§ 170.085 .....	1625–0064
§ 170.090 .....	1625–0064
§ 170.095 .....	1625–0064
§ 170.100 .....	1625–0064
§ 170.110 .....	1625–0064
§ 170.120 .....	1625–0064
§ 170.125 .....	1625–0064
§ 170.135 .....	1625–0064
§ 170.180 .....	1625–0064

[CGD 89–037, 57 FR 41825, Sept. 11, 1992, as amended by USCG–2004–18884, 69 FR 58350, Sept. 30, 2004]

**Subpart B—Definitions**

**§ 170.050 General terms.**

(a) *Commanding Officer, Marine Safety Center (CO, MSC)* means a district commander described in 33 CFR part 3 whose command includes a merchant marine technical office or an authorized representative of the district commander.

(b) *Commandant* means the Commandant of the Coast Guard or an authorized representative of the Commandant.

(c) *Exposed waters* means waters more than 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge and other waters which the Officer in Charge, Marine Inspection deter-

mines to present special hazards due to weather or other circumstances.

(d) *Great Lakes* includes both the waters of the Great Lakes and of the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

(e) *Lakes, Bays, and Sounds* includes the waters of any lake, bay, or sound, except the Great Lakes.

(f) *Oceans* includes the waters of—

- (1) Any ocean;
- (2) The Gulf of Mexico;
- (3) The Caribbean Sea;
- (4) The Gulf of Alaska; and
- (5) Any other waters designated as “oceans” by the Commandant.

(g) *Officer in Charge Marine Inspection (OCMI)* means an officer of the Coast Guard who commands a Marine Inspection Zone described in 33 CFR part 3 or an authorized representative of that officer.

(h) *Oil* means oil of any kind or in any form, and includes but is not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(i) *Partially protected waters* means—

- (1) Waters within 20 nautical miles (37 kilometers) of the mouth of a harbor of safe refuge, unless determined by the OCMI to be exposed waters; and
- (2) Those portions of rivers, harbors, lakes, etc. which the OCMI determines not to be sheltered.

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

(k) *Rivers* means any river, canal, or any other similar body of water designated by the OCMI.

[CGD 79–023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 88–070, 53 FR 34537, Sept. 7, 1988]

**§ 170.055 Definitions concerning a vessel.**

(a) *Assumed average weight per person* means the weight calculated in accordance with §170.090 of this part.

(b) *Auxiliary sailing vessel* means a vessel capable of being propelled both by mechanical means and by sails.

(c) *Barge* means a vessel not equipped with a means of self-propulsion.