

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 proposed 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.

NOTE TO §155.130: Additional exemptions/temporary waivers related to *salvage* and *marine firefighting* requirements can be found in §155.4055.

[CGD 75-124a, 48 FR 45714, Oct. 6, 1983, as amended by CGD 86-034, 55 FR 36254, Sept. 4, 1990; USCG-1998-3417, 73 FR 80648, Dec. 31, 2008]

§ 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 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 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. Also, it is available for inspection at the Coast Guard, Office of Vessel Activities, (CG-543), 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581, 202-372-1251. Approved material is available from the sources indicated in this section.

(b) *American National Standards Institute, Inc. (ANSI)*, 25 West 43rd Street, New York, NY 10036, 212-642-4980, <http://www.ansi.org/>:

(1) ANSI A10.14, Requirements for Safety Belts, Harnesses, Lanyards and Lifelines for Construction and Demolition Use, 1991 ("ANSI A10.14"), incorporation by reference approved for § 155.230.

(2) [Reserved]

(c) *ASTM International*, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, <http://www.astm.org/>:

(1) ASTM F 631-93, Standard Guide for Collecting Skimmer Performance Data in Controlled Environments ("ASTM F 631-93"), incorporation by reference approved for Appendix B.

(2) ASTM F 715-95, Standard Test Methods for Coated Fabrics Used for Oil Spill Control and Storage ("ASTM F 715-95"), incorporation by reference approved for in Appendix B.

(3) [Reserved]

(4) ASTM F1413-07, Standard Guide for Oil Spill Dispersant Application Equipment: Boom and Nozzle Systems, incorporation by reference approved for § 155.1050.

(5) ASTM F1737-07, Standard Guide for Use of Oil Spill Dispersant-Application Equipment During Spill Response:

§ 155.200

Boom and Nozzle Systems, incorporation by reference approved for §155.1050.

(6) ASTM F1779-08, Standard Practice for Reporting Visual Observations of Oil on Water, incorporation by reference approved for §155.1050.

(d) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, United Kingdom, <http://www.imo.org/>:

(1) Resolution A.535(13), Recommendations on Emergency Towing Requirements for Tankers, November 17, 1983 (“Resolution A.535(13)”), incorporation by reference approved for §155.235.

(2) Resolution MSC.35(63), Adoption of Guidelines for Emergency Towing Arrangement on Tankers, May 20, 1994 (“Resolution MSC.35(63)”), incorporation by reference approved for §155.235.

(e) *National Fire Protection Association (NFPA)*, 1 Batterymarch Park, Quincy, MA 02269-7471, 617-770-3000, <http://www.nfpa.org/>:

(1) NFPA 1001, Standard for Fire Fighter Professional Qualifications, 2008 Edition (“NFPA 1001”), incorporation by reference approved for §155.4050.

(2) NFPA 1005, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2007 Edition (“NFPA 1005”), incorporation by reference approved for §155.4050.

(3) NFPA 1021, Standard for Fire Officer Professional Qualifications, 2003 Edition (“NFPA 1021”), incorporation by reference approved for §155.4050.

(4) NFPA 1405, Guide for Land-Based Fire Fighters Who Respond to Marine Vessel Fires, 2006 Edition (“NFPA 1405”), incorporation by reference approved for §§155.4035 and 155.4050.

(5) NFPA 1561, Standard on Emergency Services Incident Management System, 2008 Edition (“NFPA 1561”), incorporation by reference approved for §155.4050.

(f) *Oil Companies International Marine Forum (OCIMF)*, 29 Queen Anne’s Gate, London, SW1H 9BU England, <http://www.ocimf.com/>:

(1) Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988, incorporation by reference approved for §155.1035.

33 CFR Ch. I (7–1–13 Edition)

(2) [Reserved]

[USCG–1998–3417, 73 FR 80648, Dec. 31, 2008, as amended by USCG–2001–8661, 74 FR 45026, Aug. 31, 2009; USCG–2010–0351, 75 FR 36285, June 25, 2010; USCG–2012–0866, 78 FR 13249, Feb. 27, 2013]

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.

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