

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

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AUTHORITY: 46 U.S.C. 3306, 3703; Pub. L. 103-206, 107 Stat. 2439; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1. Sections 90.05-20 and 90.10-40 also issued under sec. 617, Pub. L. 111-281, 124 Stat. 2905.

EFFECTIVE DATE NOTE: At 79 FR 53631, Sept. 10, 2014, the authority citation for part 90 was revised, effective Oct. 10, 2014. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, sec. 1-105; Department of Homeland Security Delegation No. 0170.1(II)(92)(a), (92)(b).

SOURCE: CGFR 65-50, 30 FR 16970, Dec. 30, 1965, unless otherwise noted.

Subpart 90.01—Authority and Purpose

§ 90.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for cargo and miscellaneous vessels, as listed in Column 5 of table 90.05-1(a).

[CGD 95-028, 62 FR 51205, Sept. 30, 1997]

§ 90.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast

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Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50380, Dec. 6, 1989]

§ 90.01-15 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 Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
§ 91.27-13	1625-0065
§ 91.40-3	1625-0032
§ 91.40-5	1625-0032
§ 97.15-7	1625-0064
§ 97.15-17	1625-0064

[CGD 88-072, 53 FR 34297, Sept. 6, 1988, as amended by CGD 82-004a, 55 FR 2525, Jan. 25, 1990; CGD 89-037, 57 FR 41822, Sept. 11, 1992; USCG-2004-18884, 69 FR 58347, Sept. 30, 2004]

Subpart 90.05—Application

§ 90.05-1 Vessels subject to requirements of this subchapter.

(a) This subchapter is applicable to all U.S.-flag vessels indicated in Column 4 of Table 2.01-7(A) and to all such foreign-flag vessels which carry 12 or fewer passengers from any port in the United States to the extent prescribed by law, except as follows:

(1) Any vessel of a foreign nation signatory to the International Convention for Safety of Life at Sea, 1974, and which has on board a current, valid safety equipment certificate.

(2) Any vessel operating exclusively on inland waters which are not navigable waters of the United States.

(3) Any vessel while laid up and dismantled and out of commission.

(4) With the exception of vessels of the U.S. Maritime Administration, any vessel with title vested in the United States and which is used for public purposes.

(b) Notwithstanding the exception previously noted in paragraph (a)(1) of this section, foreign vessels of novel design or construction or whose operation involves potential unusual risks shall be subject to inspection to the extent necessary to safeguard life and property in United States ports, as further provided by § 2.01-13 of subchapter A (Procedures Applicable to the Public) of this chapter.

(c) Notwithstanding the exception noted in paragraph (a)(1) of this section, each foreign vessel shall report marine casualties occurring while the vessel is in the navigable waters of the United States as required by subpart 97.07.

[CGFR 65-50, 30 FR 16970]

EDITORIAL NOTE: For Federal Register citations affecting § 90.05-1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 79 FR 53631, September 10, 2014, § 90.05-1 was amended by removing the phrase “carrying passengers or passengers-for-hire” from Table 90.05-1(a), column 5, rows 3 and 4, and remove the word “None” from column 5, row 6, adding in its place the phrase “All vessels not covered by columns 2, 3, 4, and 6.”, effective Oct. 10, 2014.

§ 90.05-5 Specific application noted in text.

(a) At the beginning of the various parts, subparts, and sections, a more specific application is generally given for the particular portion of the text involved. This application sets forth the types, sizes, or services or vessels to which the text pertains, and in many cases limits the application of the text to vessels contracted for before or after a specific date. As used in this subchapter, the term “vessels contracted for” includes not only the contracting for the construction of a vessel, but also the contracting for a material alteration to a vessel, the contracting for the conversion of a vessel to a cargo or miscellaneous vessel, and the changing of service or route of a

vessel if such change increases or modifies the general requirements for the vessel or increases the hazards to which it might be subjected.

§ 90.05–7 Ocean or unlimited coastwise vessels on inland and Great Lakes routes.

(a) Vessels inspected and certificated for ocean or unlimited coastwise routes shall be considered suitable for navigation insofar as the provisions of this subchapter are concerned on any inland routes, including the Great Lakes.

§ 90.05–10 Application to vessels on an international voyage.

(a) Except for yachts and fishing vessels and as provided in paragraphs (b), (c), and (d) of this section, the regulations in this subchapter that apply to a vessel on an “international voyage” apply to a vessel that—

(1) Is mechanically propelled and of at least 500 gross tons; and

(2) Is engaged on a voyage—

(i) From a country to which the International Convention for Safety of Life at Sea, 1974, (SOLAS 74) applies, to a port outside that country or the reverse;

(ii) From any territory, including the Commonwealth of Puerto Rico, all possessions of the United States and all lands held by the United States under a protectorate or mandate, whose international relations are the responsibility of a contracting SOLAS 74 government, or which is administered by the United Nations, to a port outside the territory or the reverse; or

(iii) Between the contiguous states of the United States and the states of Hawaii or Alaska or between the states of Hawaii and Alaska.

(b) The regulations that apply to a vessel on an “international voyage” in this subchapter do not apply to ships engaged on a voyage solely on the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, the 63d Meridian;

(c) The Commandant or his authorized representative may exempt any vessel on an international voyage from the requirements of this subchapter if the vessel—

(1) Makes a single international voyage in exceptional circumstances; and

(2) Meets safety requirements prescribed for the voyage by the Commandant.

(d) The Commandant or his authorized representative may exempt any vessel from the construction requirements of this subchapter if the vessel does not proceed more than 20 nautical miles from the nearest land in the course of its voyage.

[CGD 72–131R, 38 FR 29320, Oct. 24, 1973, as amended by CGD 90–008, 55 FR 30661, July 26, 1990; CGD 84–069, 61 FR 25288, May 20, 1996]

§ 90.05–20 Applicability to offshore supply vessels.

(a) Existing offshore supply vessels as defined by § 90.10–40(b), if they are of 100 GRT (100 GT ITC if GRT is not assigned) as defined in § 125.160 of this chapter or more, are subject to inspection under this subchapter. New offshore supply vessels as defined by § 90.10–40(c), are subject to inspection under subchapter L of this chapter.

(b) Each offshore supply vessel permitted grandfathering under paragraph (a) of this section must have completed construction and have a Certificate of Inspection by—

(1) March 16, 1998, if the vessel is of less than 500 GRT (6,000 GT ITC if GRT is not assigned) as defined in § 125.160 of this chapter; or

(2) August 18, 2016, if the vessel is of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in § 125.160 of this chapter.

[CGD 82–004 and CGD 86–074, 62 FR 49321, Sept. 19, 1997, as amended by USCG–2012–0208, 79 FR 48925, Aug. 18, 2014]

§ 90.05–25 Seagoing barge.

(a) Each seagoing barge, as defined in 46 CFR 90.10–36, is subject to inspection and certification; except that a seagoing barge is exempt from those requirements if it is unmanned for the purposes of operating or navigating the barge, and carries neither a hazardous material as cargo nor a flammable or combustible liquid, including oil, in bulk quantities of 250 barrels or more.

(b) In applying the laws and regulations to manned seagoing barges, one criterion for invocation of safety standards is the description of seagoing

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barges by relative size in gross tons. When it is determined by the Commandant that the gross register tonnage for a particular manned seagoing barge, which is attained by exemptions, reductions, or other devices in the basic gross tonnage formulation, will circumvent or be incompatible with the application of specific safety requirements in the regulations in this subchapter for a manned seagoing barge of such physical size, the Commandant shall prescribe the regulations to be made applicable to such seagoing barge. When the Commandant determines that the gross register tonnage is not a valid criterion for the invocation of safety requirements based on relative size, the parties involved will be informed of the determination and of the regulations applicable to such manner seagoing barges, and before being permitted to operate such seagoing barges, compliance therewith shall be required. Endorsements or notations on the seagoing barge's certificate of inspection may be made as appropriate.

[CGFR 65–50, 30 FR 16970, Dec. 30, 1965, as amended by USCG–2011–0363, 78 FR 53328, Aug. 29, 2013]

§ 90.05–35 Flammable and combustible liquid cargo in bulk.

NOTE: Requirements for double hull construction for vessels carrying oil, as defined in 33 CFR 157.03, in bulk as cargo are found in 33 CFR 157.10d.

Vessels inspected and certificated under this subchapter may carry limited quantities of flammable and combustible liquid cargo in bulk in the grades indicated, provided the Certificate of Inspection is endorsed to permit such carriage:

(a) Cargo vessels:

(1) Grades D and E in an integral tank; and

(2) Grades D and E and certain specifically named Grade C in a portable tank, including a marine portable tank (MPT), in accordance with subpart 98.30 or 98.33 of this subchapter.

(b) Miscellaneous Vessels, such as cable, salvage, pile-driving, and oil-drilling-rig vessels:

(1) Grades B, C, D, and E in a fixed independent or integral tank authorized by the commandant;

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(2) Grades D and E and certain specifically named Grade C in a portable tank, including an MPT, in accordance with subpart 98.30 or 98.33 of this subchapter.

[CGD 84–043, 55 FR 37410, Sept. 11, 1990, as amended by CGD 90–051, 57 FR 362146, Aug. 12, 1992]

Subpart 90.10—Definition of Terms Used in This Subchapter

§ 90.10–1 Anniversary date.

The term *anniversary date* means the day and the month of each year, which corresponds to the date of expiration of the Certificate of Inspection.

[USCG 1999–4976, 65 FR 6501, Feb. 9, 2000]

§ 90.10–2 Approved.

This term means approved by the Commandant unless otherwise stated.

[CGFR 65–50, 30 FR 16974, Dec. 30, 1965. Redesignated by USCG 1999–4976, 65 FR 6501, Feb. 9, 2000]

§ 90.10–3 Barge.

This term means any nonself-propelled vessel.

[CGFR 65–50, 30 FR 16974, Dec. 30, 1965. Redesignated by USCG 1999–4976, 65 FR 6501, Feb. 9, 2000]

§ 90.10–5 Carrying freight for hire.

The carriage of any goods, wares, or merchandise or any other freight for a valuable consideration whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person interested in the vessel.

§ 90.10–7 Commandant.

This term means the Commandant of the Coast Guard.

§ 90.10–9 Coast Guard District Commander.

This term means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within the officer's district, which include the inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title

Coast Guard, DHS

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46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95–028, 62 FR 51205, Sept. 30, 1997]

§ 90.10–11 Coastwise.

Under this designation shall be included all vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 90.10–12 Gas free.

This term means free from dangerous concentrations of flammable or toxic gases.

§ 90.10–13 Great Lakes.

Under this designation shall be included all vessels navigating the Great Lakes.

§ 90.10–14 Headquarters.

This term means the Commandant (CG–00), Attn: Commandant, U.S. Coast Guard Stop 7000, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7000.

[CGFR 67–90, 33 FR 1015, Jan. 26, 1968, as amended by CGD 88–070, 53 FR 34534, Sept. 7, 1988; USCG–2013–0671, 78 FR 60150, Sept. 30, 2013]

§ 90.10–15 Industrial personnel.

This term means every person carried on board an industrial vessel for the sole purpose of carrying out the industrial business or functions of the industrial vessel. Examples of industrial personnel include tradesmen, such as mechanics, plumbers, electricians, and welders; laborers, such as wreckers and construction workers; and other persons, such as supervisors, engineers, technicians, drilling personnel, and divers.

[CGFR 67–90, 33 FR 1015, Jan. 26, 1968]

§ 90.10–16 Industrial vessel.

This term means every vessel which by reason of its special outfit, purpose, design, or function engages in certain industrial ventures. Included in this classification are such vessels as drill rigs, missile range ships, dredges, cable layers, derrick barges, pipe lay barges, construction and wrecking barges. Excluded from this classification are vessels carrying freight for hire or en-

gaged in oceanography, limnology, or the fishing industry.

[CGFR 67–90, 33 FR 1015, Jan. 26, 1968]

§ 90.10–19 Lakes, bays, and sounds.

Under this designation shall be included all vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 90.10–20 Liftboat.

Liftboat means an offshore supply vessel with moveable legs capable of raising its hull above the surface of the sea.

[CGD 82–004a, 55 FR 2525, Jan. 25, 1990, as amended by USCG–2014–0688, 79 FR 58282, Sept. 29, 2014]

§ 90.10–21 Marine inspector or inspector.

These terms mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to inspection, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95–028, 62 FR 51205, Sept. 30, 1997]

§ 90.10–23 Motorboat.

This term means any vessel indicated in Column 5 of table 90.05–1(a) 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor. For the purpose of this subchapter, motorboats are included under the term “vessel” unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

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Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

[CGFR 65-50, 30 FR 16970, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51205, Sept. 30, 1997]

§ 90.10-25 Ocean.

Under this designation shall be included all vessels navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 90.10-27 Officer in Charge, Marine Inspection (OCMI).

This term means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who, under the superintendence and direction of the Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspections, enforcement, and administration of Subtitle II of Title 46, U.S. Code, Title 46 and Title 33 U.S. Code, and regulations issued under these statutes.

[CGD 95-028, 62 FR 51205, Sept. 30, 1997]

§ 90.10-29 Passenger.

(a) The term *passenger* means—

(1) On an international voyage, every person other than—

(i) The master and the members of the crew or other persons employed or engaged in any capacity on board a vessel on the business of that vessel; and

(ii) A child under 1 year of age.

(2) On other than an international voyage, an individual carried on the vessel, except—

(i) 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;

(ii) The master; or

(iii) A member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for onboard services.

(b) The term *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,

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operator, agent, or any other person having an interest in the vessel.

[CGD 84-069, 61 FR 25288, May 20, 1996]

§ 90.10-30 Pilot boarding equipment and point of access.

(a) *Pilot Boarding Equipment* means a pilot ladder, accommodation ladder, pilot hoist, or combination of them as required by this subchapter.

(b) *Point of Access* means the place on deck of a vessel where a person steps onto or off of pilot boarding equipment.

[CGD 79-032, 49 FR 25455, June 21, 1984]

§ 90.10-33 Rivers.

Under this designation shall be included all vessels whose navigation is restricted to rivers and/or canals exclusively, and to such other waters as may be so designated by the Coast Guard District Commander.

§ 90.10-35 Recognized classification society.

The term *recognized classification society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 90.10-36 Seagoing barge.

A seagoing barge is a nonself-propelled vessel of at least 100 gross tons making voyages beyond the Boundary Line (as defined in 46 CFR part 7). The phrase *nonself-propelled vessel* means a vessel without sufficient means for self-propulsion and is required to be towed.

[CGFR 65-50, 30 FR 16970, Dec. 30, 1965, as amended by CGD 95-028, 62 FR 51206, Sept. 30, 1997]

§ 90.10-37 Vessel.

Where the word *vessel* is used in this subchapter, it shall be considered to include all vessels indicated in Column 5 of Table 90.05-1(a), except as otherwise noted in this subpart.

§ 90.10-38 Specially suitable for vehicles.

A space which is *specially suitable for vehicles* is one designed for the carriage of automobiles or other self-propelled vehicles with batteries connected and fuel tanks containing gasoline on vessels on ocean or unlimited coastwise

voyages. Requirements for the design and protection of spaces “specially suitable for vehicles” appear in subparts 92.15, 95.05, 95.15, 96.05, 97.36, 97.37, and 97.80 of this subchapter. In addition, preparation of automobiles prior to carriage, with the exception of disconnecting battery cables, must be in accordance with the applicable provisions of 49 CFR 176.905.

[CGFR 66-33, 31 FR 15284, Dec. 5, 1966, as amended by CGD 86-033, 53 FR 36025, Sept. 16, 1988]

§ 90.10-40 Offshore supply vessels.

(a) An offshore supply vessel is a vessel that is propelled by machinery other than steam, that is of 15 gross tons or more, and that regularly carries goods, supplies or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(b) An existing offshore supply vessel is one that is—

(1) Of at least 15 GRT but less than 500 GRT (6,000 GT ITC if GRT is not assigned) as defined in §125.160 of this chapter, contracted for, or the keel of which was laid, before March 15, 1996; or

(2) Of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in §125.160 of this chapter, contracted for, or the keel of which was laid, before August 18, 2014.

(c) A new offshore supply vessel is one—

(1) That is of at least 15 GRT but less than 500 GRT (6,000 GT ITC if GRT is not assigned) as defined in §125.160 of this chapter, and was contracted for, or the keel of which was laid, on or after March 15, 1996;

(2) That is of at least 6,000 GT ITC (500 GRT if GT ITC is not assigned) as defined in §125.160 of this chapter, and was contracted for, or the keel of which was laid, on or after August 18, 2014; or

(3) That underwent a major conversion initiated on or after March 15, 1996.

[CGD 82-004 and CGD 86-074, 62 FR 49321, Sept. 19, 1997, as amended by USCG-2012-0208, 79 FR 48925, Aug. 18, 2014]

§ 90.10-42 Tankerman.

The following ratings are established in part 13 of this chapter. The terms for the ratings identify persons holding valid merchant mariners’ documents for service in the ratings issued under that part:

(a) Tankerman-PIC.

(b) Tankerman-PIC (Barge).

(c) Restricted Tankerman-PIC.

(d) Restricted Tankerman-PIC (Barge)

(e) Tankerman-Assistant.

(f) Tankerman-Engineer.

[CGD 79-116, 60 FR 17157, Apr. 4, 1995]

Subpart 90.15—Equivalents

§ 90.15-1 Conditions under which equivalents may be used.

(a) Where in this subchapter it is provided that a particular fitting, material, appliance, apparatus, or equipment, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made or arrangement shall be adopted, the Commandant may accept in substitution therefor any other fitting, material, apparatus, or equipment, or type thereof, or any other arrangement: *Provided*, That he shall have been satisfied by suitable trials that the fitting, material, appliance, apparatus, or equipment, or type thereof, or the provision or arrangement is at least as effective as that specified in this subchapter.

(b) In any case where it is shown to the satisfaction of the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, the Commandant may permit the use of alternate equipment, apparatus, or arrangement to such an extent and upon such conditions as will insure, to his satisfaction, a degree of safety consistent with the minimum standards set forth in this subchapter.

Subpart 90.20—General Marine Engineering Requirements

§ 90.20-1 Marine engineering details.

(a) All marine engineering details such as piping, valves, fittings, boilers,

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pressure vessels, etc., and their appurtenances installed on the vessel, shall be designed, constructed, and installed in accordance with the provisions of subchapter F (Marine Engineering) of this chapter.

Subpart 90.25—General Electrical Engineering Requirements

§ 90.25-1 Electrical engineering details.

(a) All electrical engineering details and installations shall be designed and installed in accordance with subchapter J (Electrical Engineering) of this chapter.

Subpart 90.27—Lifesaving Appliances and Arrangements

§ 90.27-1 Lifesaving appliances and arrangements.

All lifesaving appliances and arrangements must be in accordance with subchapter W (Lifesaving Appliances and Arrangements) of this chapter.

[CGD 84-069, 61 FR 25288, May 20, 1996]

Subpart 90.35—American Bureau of Shipping's Standards

§ 90.35-1 Standards to be used.

(a) Where in this subchapter an item, or method of construction, or testing is required to meet the standards established by the American Bureau of Shipping, the current standards in effect at the time of construction of the vessel, or otherwise as applicable, shall be used. The current standards of other recognized classification societies may also be accepted upon approval by the Commandant.

§ 90.35-5 Where obtainable.

The standards established by the American Bureau of Shipping are usually published annually and may be purchased from the American Bureau of Shipping, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060. These standards may also be examined at Coast Guard Headquarters. Contact Commandant (CG-5PS), Attn: Director of Commercial Regulations, U.S. Coast Guard Stop 7509, 2703 Martin Luther

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King Jr. Avenue SE., Washington, DC 20593-7509. The standards are also available at the Office of any Coast Guard District Commander or Officer in Charge, Marine Inspection.

[USCG-2012-0832, 77 FR 59779, Oct. 1, 2012; USCG-2013-0671, 78 FR 60150, Sept. 30, 2013]

PART 91—INSPECTION AND CERTIFICATION

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