

§ 1903. — Administration and enforcement.

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[Laws in effect as of January 24, 2002]

[Document not affected by Public Laws enacted between
January 24, 2002 and December 19, 2002]

[CITE: 33USC1903]

TITLE 33--NAVIGATION AND NAVIGABLE WATERS

CHAPTER 33--PREVENTION OF POLLUTION FROM SHIPS

Sec. 1903. Administration and enforcement

(a) Duty of Secretary; Annexes of Convention applicable to seagoing vessels Unless otherwise specified in this chapter, the Secretary shall administer and enforce the MARPOL Protocol, Annex IV to the Antarctic Protocol, and this chapter. In the administration and enforcement of the MARPOL Protocol and this chapter, Annexes I and II of the Convention apply only to seagoing ships.

(b) Regulations; refuse record books; waste management plans; notification of crew and passengers

(1) The Secretary shall prescribe any necessary or desired regulations to carry out the provisions of the MARPOL Protocol, Annex IV to the Antarctic Protocol, or this chapter.

(2) The Secretary of the department in which the Coast Guard is operating shall--

(A) prescribe regulations which--

(i) require certain ships described in section 1902(a)(1) of this title to maintain refuse record books and shipboard management plans, and to display placards which notify the crew and passengers of the requirements of Annex V to the Convention and of Annex IV to the Antarctic Protocol; and

(ii) specify the ships described in section 1902(a)(1) of this title to which the regulations apply;

(B) seek an international agreement or international agreements which apply requirements equivalent to those described in subparagraph (A)(i) to all vessels subject to Annex V to the Convention; and

(C) within 2 years after the effective date of this paragraph, report to the Congress--

(i) regarding activities of the Secretary under subparagraph (B); and

(ii) if the Secretary has not obtained agreements pursuant to subparagraph (B) regarding the desirability of applying the requirements described in subparagraph (A)(i) to all vessels described in section 1902(a) of this title which call at United States ports.

(c) Utilization of personnel, facilities, or equipment of other Federal departments and agencies

The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the MARPOL Protocol, this chapter, or the regulations thereunder.

(Pub. L. 96-478, Sec. 4, Oct. 21, 1980, 94 Stat. 2298; Pub. L. 100-220, title II, Sec. 2107, Dec. 29, 1987, 101 Stat. 1464; Pub. L. 104-227, title II, Sec. 201(c), Oct. 2, 1996, 110 Stat. 3042.)

References in Text

The effective date of this paragraph, referred to in subsec. (b)(2)(C), is Dec. 31, 1988, the effective date of section 2107(b) of Pub. L. 100-220 which added par. (2) to subsec. (b). See Effective Date of 1987 Amendment note below.

Amendments

1996--Subsec. (a). Pub. L. 104-227, Sec. 201(c)(1), inserted `` Annex IV to the Antarctic Protocol," after ``the MARPOL Protocol" in first sentence.

Subsec. (b)(1). Pub. L. 104-227, Sec. 201(c)(2), inserted `` Annex IV to the Antarctic Protocol," after ``the MARPOL Protocol".

Subsec. (b)(2)(A). Pub. L. 104-227, Sec. 201(c)(3), (4), struck out ``within 1 year after the effective date of this paragraph," before ``prescribe" in introductory provisions and inserted ``and of Annex IV to the Antarctic Protocol" after ``the Convention" in cl. (i).

1987--Subsec. (a). Pub. L. 100-220, Sec. 2107(a), amended subsec.

(a) generally. Prior to amendment, subsec. (a) read as follows: ``Unless otherwise specified herein, the Secretary shall administer and enforce the MARPOL Protocol and this chapter. In the administration and enforcement of the MARPOL Protocol and this chapter, Annexes I and II of the MARPOL Protocol shall be applicable only to seagoing ships."

Subsec. (b). Pub. L. 100-220, Sec. 2107(b), designated existing provisions as par. (1) and added par. (2).

Effective Date of 1987 Amendment

Amendment by Pub. L. 100-220 effective Dec. 31, 1988, the date on which Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, entered into force for the United States, see section 2002(a) of Pub. L. 100-220, set out as a note under section 1901 of this title.

Effective Date

Subsec. (b) of this section effective Oct. 21, 1980, see section 14(b) of Pub. L. 96-478, set out as a note under section 1901 of this title.

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

46 C.F.R. PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

§ 153.9 Foreign flag vessel endorsement application.

(c) *Conditions applying to all Certificate of Compliance applications.* (1) If requested by the Commanding Officer, U.S. Coast Guard Marine Safety Center (MSC), 400 Seventh St., SW., Washington, DC 20590-0001, a person desiring a Certificate of Compliance for a vessel must furnish any other vessel information such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine that the vessel meets the standards of this part.

(2) Correspondence with the Coast Guard and vessel information submitted under this part must be in English except IMO Certificates which may be in French.

[CGD 73-96, 42 FR 49027, Sept. 26, 1977, as amended by CGD 81-052, 50 FR 8733, Mar. 5, 1985; 50 FR 15895, Apr. 23, 1985; CGD 88-070, 53 FR 34535, Sept. 7, 1988; CGD 88-070, 53 FR 37570, Sept. 27, 1988; CGD 89-025, 54 FR 19571, May 8, 1989; CGD 90-008, 55 FR 30663, July 26, 1990; CGD 92-100, 59 FR 17028, Apr. 11, 1994; CGD 95-027, 61 FR 26008, May 23, 1996]

§ 153.483 Restricted voyage waiver for Category B and C NLS tanks on ships built before July 1, 1986: Category B and C.

At its discretion the Coast Guard waives §§153.481 and 153.482 under this section and allows a ship to carry Category B and C NLS cargoes between ports or terminals in one or more countries signatory to MARPOL 73/78 if the ship's owner requests a waiver following the procedures in §153.10 and includes—

(a) A written pledge to—

(1) Limit the loading and discharge of Category B and C NLS cargoes in a foreign port to those ports and terminals in countries signatory to MARPOL 73/78 and listed in accordance with paragraph (b) of this section; and

(2) Prewash the cargo tank as required under §153.1118 after each Category B or C NLS is unloaded unless the prewash is allowed to be omitted under §153.1114;

(b) A list of—

(1) All foreign ports or terminals at which the ship is expected to load or discharge Category B or C NLS cargo, and

(2) All foreign ports or terminals at which the ship is expected to discharge Category B or C NLS residue from the tank;

(c) An estimate of the quantity of NLS residue to be discharged to each foreign port or terminal listed under paragraph (b)(2) of this section;

(d) Written statements from the owners of adequate reception facilities in the ports and terminals listed in accordance with paragraph (b)(2) of this section who have agreed to take NLS residue from the ship, showing the amount of NLS residue each agrees to take; and

(e) A written attestation from the person in charge of each port or terminal listed in accordance with paragraph (b)(1) of this section that the administration has determined the port or terminal to have adequate reception facilities for the NLS residue.

Note to §153.483: Certificates of Inspection and any IMO Certificates issued to ships on restricted voyage waivers indicate that while the ship carries an NLS cargo or NLS residue, it is limited to voyages between the ports or terminals listed on the certificate.

[CGD 81–101, 52 FR 7781, Mar. 12, 1987, as amended by CGD 81–101, 53 FR 28975, Aug. 1, 1988 and 54 FR 12629, Mar. 28, 1989]

§ 153.809 Procedures for having the Coast Guard examine a vessel for a Certificate of Compliance.

The owner of a foreign flag vessel wishing to have the Coast Guard conduct a Certificate of Compliance examination, as required by §153.808, must proceed as follows:

(a) Notify the Officer in Charge, Marine Inspection of the port where the vessel is to be inspected at least 7 days before the vessel arrives and arrange the exact time and other details of the examination. This notification is in addition to any other pre-arrival notice to the Coast Guard required by other regulations, but may be concurrent with the endorsement application in §153.9, and must include—

- (1) The name of the vessel's first U.S. port of call;
- (2) The date that the vessel is scheduled to arrive;
- (3) The name and telephone number of the owner's local agent; and
- (4) The names of all cargoes listed in table 1 of this part that are on board the vessel.

(b) Before the examination required by §153.808 is begun, make certain that the following plans are on board the vessel and available to the Marine Inspector. These plans include—

- (1) A general arrangement (including the location of fire fighting, safety, and lifesaving gear);
- (2) A capacity plan;
- (3) A schematic diagram of cargo piping on deck and in tanks (including the location of all valves and pumps); and
- (4) A schematic diagram of cargo tank vent piping (including the location of relief valves and flame screens).

[CGD 95–027, 61 FR 26009, May 23, 1996]

§ 153.902 Expiration and invalidation of the Certificate of Compliance.

- (a) The Certificate of Compliance shows its expiration date.
- (b) The endorsement of a Certificate of Compliance under this part is invalid if the vessel does not have a valid IMO Certificate of Fitness.
- (c) The endorsement on a Certificate of Compliance invalidated under paragraph (b) of this section, becomes valid again once the ship has the IMO Certificate of Fitness revalidated or reissued.

Note: See §153.809 for procedures for having a Certificate of Compliance reissued.

[CGD 81–101, 52 FR 7784, Mar. 12, 1987; CGD 95–072, 60 FR 50465, Sept. 29, 1995; 60 FR 54106, Oct. 19, 1995; CGD 95–027, 61 FR 26009, May 23, 1996]

§ 153.1119 When to prewash and discharge NLS residues from a prewash; unloading an NLS cargo in a country whose Administration is not signatory to MARPOL 73/78: Categories A, B, and C.

- (a) Except as allowed in paragraphs (b), (c), and (e) of this section, each prewash required by this subpart must be completed and all tank washings must be discharged to a reception facility before the ship leaves the unloading port.
- (b) NLS residue from the prewash following the unloading of a Category B NLS may be transferred to a slop tank for discharge under §153.1126 instead of being discharged under paragraph (a) of this section if the prewash is required solely under §153.1118(a)(1).
- (c) A tank that is required by this part to be prewashed may be prewashed in a port other than the unloading port if the following conditions are met:
 - (1) The person in charge requests permission from the Commandant (G-MSO) (tel num; 202–267–1217) if the prewash port is a foreign port, or the Captain of the Port having jurisdiction over the unloading port if the prewash port is a U.S. port.
 - (2) The person in charge supplies with the request required under paragraph (c)(1) of this section—
 - (i) The name of the ship;
 - (ii) The name of the owner;
 - (iii) The name of the NLS;
 - (iv) The approximate date the tank will be prewashed if the relocation of the prewash port is for one time only;
 - (v) A written agreement to receive the tank washings by a reception facility in the prewash port;

(vi) When the prewash port or terminal is in a country whose Administration is signatory to MARPOL 73/78, a written attestation from the person in charge of each prewash port or terminal that the Administration has determined the port or terminal to have adequate reception facilities for the NLS residue;

(vii) Written pledges from the person in charge that—

(A) The tank to be prewashed will not be washed or ballasted before being prewashed; and

(B) The ship will be taken to the reception facility and the tank prewashed in accordance with the requirements in §153.1120; and

(viii) Any additional information the Captain of the Port or Commandant (G-MSO) requests to evaluate granting the permission.

(3) The Coast Guard or Commandant (G-MSO) has granted the permission in writing, the permission is carried aboard the ship, and the person in charge of the ship has made an entry in the Cargo Record Book stating that the permission has been granted.

(d) Unless the permission granted under paragraph (c)(4) of this section includes alternate conditions of termination or revocation in writing, the permission is—

(1) Terminated after the tank is prewashed as pledged in paragraph (c)(3)(vii) of this section or loaded with another cargo;

(2) Revoked if either of the pledges in paragraph (c)(3)(vii) of this section is invalidated or the agreement in paragraph (c)(3)(v) of this section is repudiated; and

(3) Revoked at any time the ship is not operated in accordance with the pledges in paragraph (c)(3)(vii) of this section and the conditions listed with the granted permission.

(e) A U.S. ship that would otherwise be required by this part to prewash in a port without reception facilities must obtain permission from Commandant (G-MSO) to prewash in an alternate port.

