

§7.165

to the southernmost extremity of Cape Puget.

(d) A line drawn from the southernmost extremity of Cape Resurrection to the Aialik Cape.

§7.165 Kenai Peninsula, AK to Kodiak Island, AK.

(a) A line drawn from the southernmost extremity of Kenai Peninsula at longitude 151°44.0' W. to East Amatuli Island Light; thence to the northwesternmost extremity of Shuyak Island at Party Cape; thence to the easternmost extremity of Cape Douglas.

(b) A line drawn from the southernmost extremity of Pillar Cape on Afognak Island to Spruce Cape Light; thence to the easternmost extremity of Long Island; thence to the northeasternmost extremity of Cape Chiniak.

(c) A line drawn from Cape Nunilak at latitude 58°09.7' N. to the northernmost extremity of Raspberry Island. A line drawn from the westernmost extremity of Raspberry Cape to the northernmost extremity of Miners Point.

§7.170 Alaska Peninsula, AK to Aleutian Islands, AK.

(a) A line drawn from the southernmost extremity of Cape Kumlium to the westernmost extremity of Nakchamik Island; thence to the easternmost extremity of Castle Cape at Chignik Bay.

(b) A line drawn from Second Priest Rock to Ulakta Head Light at Iliuliuk Bay entrance.

(c) A line drawn from Arch Rock to the northernmost extremity of Devilfish Point at Captains Bay.

(d) A line drawn from the easternmost extremity of Lagoon Point to the northwesternmost extremity of Cape Kutuzof at Port Moller.

§7.175 Alaska Peninsula, AK to Nunivak, AK.

(a) A line drawn from the northernmost extremity of Goose Point at Egegik Bay to Protection Point.

(b) A line drawn from the westernmost extremity of Kulukak Point to the northernmost extremity of Round Island; thence to the southernmost extremity of Hagemeister Island; thence

46 CFR Ch. I (10-1-98 Edition)

to the southernmost extremity of Cape Peirce; thence to the southernmost extremity of Cape Newenham.

(c) A line drawn from the church spire located in approximate position latitude 59°45' N. longitude 161°55' W. at the mouth of the Kanektok River to the southernmost extremity of Cape Avinof.

§7.180 Kotzebue Sound, AK.

A line drawn from Cape Espenberg Light to latitude 66°52' N. longitude 163°28' W.; and thence to Cape Krusenstern Light.

PART 8—VESSEL INSPECTION ALTERNATIVES

Subpart A—General

Sec.

- 8.100 Definitions.
- 8.110 Incorporation by reference.
- 8.120 Reciprocity.
- 8.130 Agreement conditions.

Subpart B—Recognition of a Classification Society

- 8.200 Purpose.
- 8.210 Applicability.
- 8.220 Recognition of a classification society.
- 8.230 Minimum standards for a recognized classification society.
- 8.240 Application for recognition.
- 8.250 Acceptance of standards and functions delegated under existing regulations.
- 8.260 Revocation of classification society recognition.

Subpart C—International Convention Certificate Issuance

- 8.300 Purpose.
- 8.310 Applicability.
- 8.320 Classification society authorization to issue international certificates.
- 8.330 Termination of classification society authority.

Subpart D—Alternate Compliance Program

- 8.400 Purpose.
- 8.410 Applicability.
- 8.420 Classification society authorization to participate in the Alternate Compliance Program.
- 8.430 U.S. Supplement to class rules.
- 8.440 Vessel enrollment in the Alternate Compliance Program.
- 8.450 Termination of classification society authority.

Subpart E—Streamlined Inspection Program

- 8.500 Purpose.
- 8.505 Scope and applicability.
- 8.510 Definitions.
- 8.515 Eligibility.
- 8.520 Application.
- 8.525 OCMI review and action.
- 8.530 Plan development and approval.
- 8.535 Training and operational evaluation.
- 8.540 Enrollment in SIP.
- 8.545 Scope of inspection for enrolled vessels.
- 8.550 Plan review and revisions.
- 8.555 Disenrollment.
- 8.560 Waiver.
- 8.565 Appeal.
- 8.570 Interim approval of prototype SIP company or vessel plans.

AUTHORITY: 46 U.S.C. 3103, 3306, 3316, 3703; 49 CFR 1.46.

SOURCE: CGD 95-010, 62 FR 67532, Dec. 24, 1997, unless otherwise noted.

Subpart A—General

§ 8.100 Definitions.

Authorized Classification Society means a recognized classification society that has been delegated the authority to conduct certain functions and certifications on behalf of the Coast Guard.

Class Rules means the standards developed and published by a classification society regarding the design, construction and certification of commercial vessels.

Classed means that a vessel meets the classification society requirements that embody the technical rules, regulations, standards, guidelines and associated surveys and inspections covering the design, construction and through-life compliance of a ship's structure and essential engineering and electrical systems.

Commandant means the Commandant of the Coast Guard.

Delegated Function means a function related to Coast Guard commercial vessel inspection which has been delegated to a classification society. Delegated functions may include issuance of international convention certificates and participation in the Alternate Compliance Program under this part.

Delegated Function Related to General Vessel Safety Assessment means issuance

of the SOLAS Cargo Ship Safety Construction Certificate or issuance of the SOLAS Cargo Ship Safety Equipment Certificate.

Exclusive Surveyor means a person who is employed solely by a classification society and is authorized to conduct vessel surveys. Independent surveyors, hired on a case-by-case basis, or surveyors of another classification society are not considered exclusive surveyors for the performance of delegated functions on behalf of the Coast Guard.

Gross Tons means vessel tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships, 1969. Vessels not measured by this convention must be measured in accordance with the method utilized by the flag state administration of that vessel.

MARPOL 73/78 means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention which means the International Convention for the Prevention of Pollution from Ships, 1973, including Protocols I and II and Annexes I, II, and V thereto, including any modification or amendments to the Convention, Protocols or Annexes which have entered into force for the United States.

Officer in Charge, Marine Inspection (OCMI) 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 a Coast Guard District Commander, is in charge of an inspection zone for the performance of duties with respect to the inspection, enforcement, and administration of 46 U.S.C., Revised Statutes, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder.

Recognized Classification Society means the American Bureau of Shipping or other classification society recognized by the Commandant under this part.

SOLAS means International Convention for the Safety of Life at Sea, 1974, as amended.

§ 8.110 Incorporation by reference.

(a) Certain material is incorporated by reference into this subchapter 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 paragraph (b) of this section, the Coast Guard must publish notice of the change in the FEDERAL REGISTER and the material must be available to the public. All material is available for inspection at the Office of the Federal Register, 800 North Capitol St., NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Office of Design and Engineering Standards, 2100 Second St., SW., Washington, DC 20593-0001, and is available from the sources listed in paragraph (b).

(b) The material incorporated by reference in this subchapter and the sections affected are as follows:

American Bureau of Shipping (ABS)—Two World Trade Center, 106th Floor, New York, NY 10048.

Rules for Building and Classing Steel Vessels, 1996—31.01-3(b), 71.15-5(b), 91.15-5(b)

U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 21 October 1996—31.01-3(b), 71.15-5(b), 91.15-5(b)

American National Standards Institute (ANSI)—11 West 42nd St., New York, NY 10036.

ANSI/ASQC Q9001-1994, Quality Systems—Model for Quality Assurance in Design, Development, Production, Installation, and Servicing, 1994—8.230

§ 8.120 Reciprocity.

(a) The Commandant may delegate authority to a classification society that has its headquarters in a country other than the United States only to the extent that the flag state administration of that country delegates authority and provides access to the American Bureau of Shipping to inspect, certify and provide related services to vessels flagged by that country. The Commandant will determine reciprocity on a “case-by-case” basis.

(b) In order to demonstrate that the conditions described in paragraph (a) of this section are satisfied, a classification society must provide to the Coast Guard an affidavit, from the government of the country that the classification society is headquartered in, listing the authorities delegated by the flag state administration of that country to the American Bureau of Shipping, and indicating any conditions related to the delegated authority.

(c) The Commandant will not consider an application for authorization to perform a delegated function submitted under this part until the conditions described in paragraph (a) of this section are satisfied. Where simultaneous authorization by a foreign government for ABS is involved, this requirement may be waived.

(d) The Commandant will not evaluate a classification society for recognition until the conditions described in paragraph (a) of this section are satisfied for at least one of the authorized delegations being sought. Where simultaneous recognition by a foreign government for ABS is involved, this requirement may be waived.

(e) The Commandant may make a delegation regarding load lines under 46 U.S.C. 5107 or measurement of vessels under 46 U.S.C. 14103 without regard to the conditions described in paragraph (a) of this section.

§ 8.130 Agreement conditions.

(a) Delegated functions performed by, and statutory certificates issued by, an authorized classification society will be accepted as functions performed by, or certificates issued by, the Coast Guard, provided that the classification society maintains compliance with all provisions of its agreement with the Commandant. Any agreement between the Commandant and a recognized classification society authorizing the performance of delegated functions will be written and will require the classification society to comply with each of the following:

(1) Issue any certificates related to a delegated function in the English language.

(2) Maintain a corporate office in the United States that has adequate resources and staff to support all delegated functions and to maintain required associated records.

(3) Maintain all records in the United States related to delegated functions conducted on behalf of the Coast Guard.

(4) Make available to appropriate Coast Guard representatives vessel status information and records, including outstanding vessel deficiencies or classification society recommendations, in the English language, on all vessels for which the classification society has performed any delegated function on behalf of the Coast Guard.

(5) Report to the Commandant (G-MOC) the names and official numbers of any vessels removed from class for which the classification society has performed any delegated function on behalf of the Coast Guard and include a description of the reason for the removal.

(6) Report to the Commandant (G-MOC) all port state detentions on all vessels for which the classification society has performed any delegated function on behalf of the Coast Guard when aware of such detention.

(7) Annually provide the Commandant (G-MOC) with its register of classed vessels.

(8) Ensure vessels meet all requirements for class of the accepting classification society prior to accepting vessels transferred from another classification society.

(9) Suspend class for vessels that are overdue for special renewal or annual survey.

(10) Attend any vessel for which the classification society has performed any delegated function on behalf of the Coast Guard at the request of the appropriate Coast Guard officials, without regard to the vessel's location—unless prohibited to do so under the laws of the United States, the laws of the jurisdiction in which the vessel is located, the classification society's home country domestic law, or where the classification society considers an unacceptable hazard to life and/or property exists.

(11) Honor appeal decisions made by the Commandant (G-MSE) or Com-

mandant (G-MOC) on issues related to delegated functions.

(12) Apply U.S. flag administration interpretations, when they exist, to international conventions for which the classification society has been delegated authority to certificate or perform other functions on behalf of the Coast Guard.

(13) Obtain approval from the Commandant (G-MOC) prior to granting exemptions from the requirements of international conventions, class rules, and the U.S. supplement to class rules.

(14) Make available to the Coast Guard all records, in the English language, related to equivalency determinations or approvals made in the course of delegated functions conducted on behalf of the Coast Guard.

(15) Report to the Coast Guard all information specified in the agreement at the specified frequency and to the specified Coast Guard office or official.

(16) Grant the Coast Guard access to all plans and documents, including reports on surveys, on the basis of which certificates are issued or endorsed by the classification society.

(17) Identify a liaison representative to the Coast Guard.

(18) Provide regulations, rules, instructions and report forms in the English language.

(19) Allow the Commandant (G-M) to participate in the development of class rules.

(20) Inform the Commandant (G-M) of all proposed changes to class rules.

(21) Provide the Commandant (G-M) the opportunity to comment on any proposed changes to class rules and to respond to the classification society's disposition of the comments made by the Coast Guard.

(22) Furnish information and required access to the Coast Guard to conduct oversight of the classification society's activities related to delegated functions conducted on behalf of the Coast Guard.

(23) Allow the Coast Guard to accompany them on internal and external quality audits and provide written results of such audits to appropriate Coast Guard representatives.

(24) Provide the Coast Guard access necessary to audit the authorized classification society to ensure that it continues to comply with the minimum standards for a recognized classification society.

(25) Use only exclusive surveyors of that classification society to accomplish all work done on behalf of, or under any delegation from, the Coast Guard. For tonnage-related measurement service only, however, classification societies may use part-time employees or independent contractors in place of exclusive surveyors.

(26) Allow its surveyors to participate in training with the Coast Guard regarding delegated functions.

(b) Amendments to an agreement between the Coast Guard and an authorized classification society will become effective only after consultation and written agreement between parties.

(c) Agreements may be terminated by one party only upon written notice to the other party. Termination will occur sixty days after written notice is given.

Subpart B—Recognition of a Classification Society

§ 8.200 Purpose.

This subpart establishes criteria and procedures for vessel classification societies to obtain recognition from the Coast Guard. This recognition is necessary in order for a classification society to become authorized to perform vessel inspection and certification functions delegated by the Coast Guard as described in this part.

§ 8.210 Applicability.

This subpart applies to all vessel classification societies seeking recognition by the Coast Guard.

§ 8.220 Recognition of a classification society.

(a) A classification society must be recognized by the Commandant before it may receive statutory authority delegated by the Coast Guard.

(b) In order to become recognized, a classification society must meet the requirements of § 8.230.

(c) A classification society found to meet the criteria for recognition will

be notified in writing by the Commandant.

(d) If the Coast Guard determines that a classification society does not meet the criteria for recognition, the Coast Guard will provide the reason for this determination.

(e) A classification society may re-apply for recognition upon correction of the deficiencies identified by the Coast Guard.

§ 8.230 Minimum standards for a recognized classification society.

(a) In order to receive recognition by the Coast Guard a classification society must:

(1) Establish that it has functioned as an international classification society for at least 30 years with its own class rules;

(2) Establish that it has a history of appropriate corrective actions in addressing vessel casualties and cases of nonconformity with class rules;

(3) Establish that it has a history of appropriate changes to class rules based on their application and the overall performance of its classed fleet;

(4) Have a total classed tonnage of at least 10 million gross tons;

(5) Have a classed fleet of at least 1,500 ocean-going vessels over 100 gross tons;

(6) Have a total classed tonnage of ocean-going vessels over 100 gross tons totaling no less than 8 million gross tons;

(7) Publish and maintain class rules in the English language for the design, construction and certification of ships and their associated essential engineering systems;

(8) Maintain written survey procedures in the English language;

(9) Have adequate resources, including research, technical, and managerial staff, to ensure appropriate updating and maintaining of class rules and procedures;

(10) Have adequate resources and geographical coverage to carry out all plan review and vessel survey activities associated with delegated functions as well as classification society requirements;

(11) Employ a minimum of 150 exclusive surveyors;

(12) Have adequate criteria for hiring and qualifying surveyors and technical staff;

(13) Have an adequate program for continued training of surveyors and technical staff;

(14) Have a corporate office in the United States that provides a continuous management and administrative presence;

(15) Maintain an internal quality system based on ANSI/ASQC Q9001 or an equivalent quality standard;

(16) Determine classed vessels comply with class rules, during appropriate surveys and inspection;

(17) Determine that attended vessels comply with all statutory requirements related to delegated functions, during appropriate surveys and inspection;

(18) Monitor all activities related to delegated functions for consistency and required end-results;

(19) Maintain and ensure compliance with a Code of Ethics that recognizes the inherent responsibility associated with delegation of authority;

(20) Not be under the financial control of shipowners or shipbuilders, or of others engaged commercially in the manufacture, equipping, repair or operation of ships;

(21) Not be financially dependent on a single commercial enterprise for its revenue;

(22) Not have any business interest in, or share of ownership of, any vessel in its classed fleet; and

(23) Not be involved in any activities which could result in a conflict of interest.

(b) Recognition may be granted after it is established that the classification society has an acceptable record of vessel detentions attributed to classification society performance under the Coast Guard Port State Control Program.

§ 8.240 Application for recognition.

(a) A classification society must apply for recognition in writing to the Commandant (G-MSE).

(b) An application must indicate which specific authority the classification society seeks to have delegated.

(c) Upon verification from the Coast Guard that the conditions of reciproc-

ity have been met in accordance with § 8.120, the requesting classification society must submit documentation to establish that it meets the requirements of § 8.230.

§ 8.250 Acceptance of standards and functions delegated under existing regulations.

(a) Classification society class rules will only be accepted as equivalent to Coast Guard regulatory standards when that classification society has received authorization to conduct a related delegated function.

(b) A recognized classification society may not conduct any delegated function under this title until it receives a separate written authorization from the Commandant to conduct that specific function.

§ 8.260 Revocation of classification society recognition.

A recognized classification society which fails to maintain the minimum standards established in this part will be reevaluated and its recognized status revoked if warranted.

Subpart C—International Convention Certificate Issuance

§ 8.300 Purpose.

This subpart establishes options for vessel owners and operators to obtain required international convention certification through means other than those prescribed elsewhere in this chapter.

§ 8.310 Applicability.

This subpart applies to:

(a) Recognized classification societies; and

(b) All U.S. flag vessels that are certificated for international voyages and are classed by a recognized classification society that is authorized by the Coast Guard to issue the applicable international certificate as specified in this subpart.

§ 8.320 Classification society authorization to issue international certificates.

(a) The Commandant may authorize a recognized classification society to issue certain international convention

§ 8.330

certificates. Authorization will be based on review of:

- (1) Applicable class rules; and
- (2) Applicable classification society procedures.
- (b) The Coast Guard may delegate issuance of the following international convention certificates to a recognized classification society:
 - (1) International Load Line Certificate;
 - (2) International Tonnage Certificate (1969);
 - (3) SOLAS Cargo Ship Safety Construction Certificate;
 - (4) SOLAS Cargo Ship Safety Equipment Certificate;
 - (5) International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
 - (6) International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk;
 - (7) International Maritime Organization (IMO) Mobile Offshore Drilling Unit Safety Certificate;
 - (8) MARPOL 73/78 International Oil Pollution Prevention Certificate; and
 - (9) MARPOL 73/78 International Oil Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.

(c) The Coast Guard will enter into a written agreement with a recognized classification society authorized to issue international convention certificates. This agreement will define the scope, terms, conditions and requirements of that delegation. Conditions of these agreements are presented in § 8.130.

§ 8.330 Termination of classification society authority.

(a) The Coast Guard may terminate an authorization agreement with a classification society if:

- (1) The Commandant revokes the classification society's recognition, as specified in § 8.260; or
- (2) The classification society fails to comply with the conditions of the authorization agreement as specified in § 8.130.

(b) In the event that a flag administration of a country changes conditions related to the authority that is delegated to ABS, the Commandant may modify or revoke the Coast Guard's au-

46 CFR Ch. I (10-1-98 Edition)

thorization of that classification society that has its headquarters in that country.

(c) Certificates issued by a classification society which has had its authorization terminated will remain valid until the next classification society survey associated with that certificate is required or until the certificate expires, whichever occurs first.

Subpart D—Alternate Compliance Program

§ 8.400 Purpose.

This subpart establishes an alternative to subpart 2.01 of this chapter for certification of United States vessels.

§ 8.410 Applicability.

This subpart applies to:

- (a) Recognized classification societies; and
- (b) U.S. flag vessels that are certified for international voyages and are classed by a recognized classification society that is authorized by the Coast Guard to participate in the Alternate Compliance Program (ACP) as specified in this subpart and whose vessel type is authorized to participate in the ACP per the applicable subchapter of 46 CFR chapter I.

§ 8.420 Classification society authorization to participate in the Alternate Compliance Program.

(a) The Commandant may authorize a recognized classification society to participate in the ACP. Authorization will be based on a satisfactory review of:

- (1) Applicable class rules; and
- (2) Applicable classification society procedures.

(b) Authorization for a recognized classification society to participate in the ACP will require development of a U.S. Supplement to the society's class rules that meets the requirements of § 8.430 of this part, which must be accepted by the Coast Guard.

(c) A recognized classification society will be eligible to receive authorization to participate in the ACP only

after it has performed a delegated function related to general vessel safety assessment, as defined in § 8.100, for a two-year period.

(d) If, after this two-year period, the Coast Guard finds that the recognized classification society has not demonstrated the necessary satisfactory performance or lacks adequate experience, the recognized classification society will not be eligible to participate in the ACP. The Coast Guard will provide the reason for this determination to the recognized classification society. A classification society may appeal the decision of the Coast Guard concerning recognition to the Commandant in writing in accordance with 46 CFR 1.03-15(h)(4).

(e) The Coast Guard will enter into a written agreement with a recognized classification society authorized to participate in the ACP. This agreement will define the scope, terms, conditions and requirements of the necessary delegation. Conditions of this agreement are presented in § 8.130.

§ 8.430 U.S. Supplement to class rules.

Prior to receiving authorization to participate in the ACP, a recognized classification society must prepare, and receive Commandant (G-MSE) approval of, a U.S. Supplement to the recognized classification society's class rules. This supplement must include all regulations applicable for issuance of a Certificate of Inspection (COI) which are not, in the opinion of the Commandant, adequately established by either the class rules of that classification society or applicable international regulations.

§ 8.440 Vessel enrollment in the Alternate Compliance Program.

(a) In place of compliance with other applicable provisions of this title, the owner or operator of a vessel subject to plan review and inspection under this subchapter for initial issuance or renewal of a COI may submit the vessel for classification, plan review and inspection by a recognized classification society authorized by the Coast Guard to determine compliance with applicable international treaties and agreements, the classification society's class rules, and the U.S. Supplement pre-

pared by the classification society and accepted by the Coast Guard.

(b) A vessel owner or operator wishing to have a vessel inspected under paragraph (a) of this section shall submit an Application for Inspection of U.S. Vessel (CG-3752) to the cognizant OCMI, and indicate on the form that the inspection will be conducted by an authorized classification society under the ACP.

(c) Based on reports from an authorized classification society that a vessel complies with applicable international treaties and agreements, the classification society's class rules, and the U.S. Supplement prepared by the classification society and accepted by the Coast Guard, the cognizant OCMI may issue a certificate of inspection to the vessel. If the OCMI declines to issue a certificate of inspection even though the reports made by the authorized classification society indicate that the vessel meets applicable standards, the vessel owner or operator may appeal the OCMI decision as provided in subpart 1.03 of this chapter.

(d) If reports from an authorized classification society indicate that a vessel does not comply with applicable international treaties and agreements, the classification society's class rules, and the U.S. Supplement prepared by the classification society and accepted by the Coast Guard, the cognizant OCMI may decline to issue a certificate of inspection. If the OCMI declines to issue a certificate of inspection, the vessel owner or operator may:

(1) Correct the reported deficiencies and make arrangements with the classification society for an additional inspection;

(2) Request inspection by the Coast Guard under other provisions of this subchapter; or

(3) Appeal via the authorized classification society to the Chief, Office of Compliance, Commandant (G-MOC), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

§ 8.450 Termination of classification society authority.

(a) The Coast Guard may terminate an authorization agreement with a classification society to participate in the Alternate Compliance Program if:

(1) The Commandant revokes the classification society's recognition, as specified in § 8.260; or

(2) The classification society fails to comply with the conditions of the authorization agreement as specified in § 8.130.

(b) In the event that a flag administration of a country changes conditions related to the authority that is delegated to ABS, the Commandant may modify or revoke the Coast Guard's authorization of that classification society that has its headquarters in that country.

(c) Certificates issued by a classification society which has had its authorization to participate in the Alternate Compliance Program terminated will be subject to the provisions of § 8.330.

(d) Owners or operators of vessels enrolled in the ACP and classed by a classification society that has its authority to participate in the ACP terminated must:

(1) Change the classification society for the vessel to a classification society that is authorized to participate in the ACP; or

(2) Disenroll the vessel from the ACP.

(e) The Coast Guard will provide guidance to a vessel owner affected by the revocation of a classification society's authority to participate in the ACP. This will include notification of when the action required under paragraph (d) of this section must be completed.

Subpart E—Streamlined Inspection Program

SOURCE: 63 FR 44353, Aug. 18, 1998, unless otherwise noted.

§ 8.500 Purpose.

(a) This subpart establishes the Streamlined Inspection Program (SIP) which is a voluntary alternative inspection program for U.S. documented or registered vessels required to maintain a valid certificate of inspection (COI).

(b) This subpart sets out the eligibility and application requirements and the plan development and approval procedures for enrollment of companies and their vessels in the SIP.

§ 8.505 Scope and applicability.

(a) This subpart applies to U.S. documented or registered vessels that have a valid COI.

(b) A vessel enrolled in the SIP will be inspected in accordance with its approved Vessel Action Plan (VAP).

(c) The SIP includes all inspections required to renew and maintain a valid COI. The SIP does not include dry-dock examinations, unscheduled inspections related to vessel casualties, equipment repair or replacement, or vessel modifications. Those inspections will be conducted in accordance with the subparts applicable to the vessel.

§ 8.510 Definitions.

The following definitions apply to this subpart:

Civil penalty means a final assessment under the provisions of 33 CFR part 1, subpart 1.07 or part 20 of this chapter.

Coast Guard SIP Advisor means the Coast Guard marine inspector assigned by the Officer in Charge, Marine Inspection (OCMI), to assist in the development of an action plan.

Company means the owner of the vessel or any other organization or person, such as the manager or the bareboat charterer, who operates a vessel under the SIP.

Company Action Plan (CAP) means the document describing a company's organization, policies, and responsibilities required for participation in the SIP.

Company SIP Agent means the individual who is responsible for the Company Action Plan and the Vessel Action Plan development and implementation and who has the authority to bind the company to the terms of these plans.

Correction Report means a document which sets out specific vessel deficiencies and is used to record their correction by the company.

Documented deficiency means an incident documented in a Coast Guard record in which the condition of a vessel, its equipment, or its operation was not in compliance with Coast Guard regulations.

Examination Checklist means any document or form approved in the VAP,

that may be used by company employees to record the periodic examinations required by the VAP.

Inspection Criteria References (ICR) means the individual pages in the VAP that list each item on the vessel required by regulation to be periodically inspected.

Inspection Schedule and Verification (ISV) means the document that lists the items to be inspected and the intervals for their inspection, and on which is recorded the completion of required examinations and tests conducted by designated company employees.

Prototype SIP plan means the SIP plans developed for a company or vessel participating in a Coast Guard District or OCMI-endorsed SIP before August 18, 1998.

Reportable casualty means a marine casualty or accident required to be reported under 46 CFR part 4, subpart 4.05 of this chapter.

Streamlined Inspection Program (SIP) means the alternative inspection program set out in this subpart.

Vessel Action Plan (VAP) means the document that prescribes procedures for maintenance, examination, and inspection of a vessel enrolled in the SIP.

§ 8.515 Eligibility.

(a) The company must—

(1) Have owned or operated at least one U.S. documented or registered vessel for a minimum of 3 consecutive years before the SIP application date; and

(2) Have paid all civil penalties and user fees.

(b) Except as allowed by paragraph (c) of this section, each vessel must—

(1) Have been in operation with an eligible owner or operator for at least 3 consecutive years before the SIP application date;

(2) Have had no revocation of its COI during the 3 years before the SIP application date; and

(3) Have no documented deficiency for any of the following in the 3 years before the SIP application date:

(i) Any vessel operation inconsistent with the operating details specified on its COI.

(ii) Operating without the required amount of lifesaving appliances on

board the vessel or with inoperable survival craft.

(iii) Operating without the required firefighting equipment on board the vessel or with an inoperable fire pump(s).

(iv) Unauthorized modifications to the vessel's approved systems or structure, such as fixed firefighting systems, pollution prevention arrangements, overcurrent protection devices, or watertight boundary arrangements.

(v) Operating without the required navigation equipment on board the vessel or with inoperable navigation equipment.

(c) A vessel constructed for, or acquired by, a company with one or more vessels enrolled in the SIP need not meet the requirement in paragraph (b)(1) of this section for enrollment in the SIP, provided that the vessel holds a valid COI issued by the OCMI where the vessel will principally operate.

§ 8.520 Application.

To apply for SIP enrollment, a company will submit an application, in writing, to the cognizant OCMI. The application must contain the following:

(a) A statement that the company and prospective vessel(s) meet the requirements of § 8.515.

(b) A summation of the company's current status in relation to § 8.530(a).

(c) The name and official number of the vessel(s) the company intends to enroll in the SIP.

(d) The name and contact information for the Company SIP Agent.

§ 8.525 OCMI review and action.

(a) The cognizant OCMI will review Coast Guard records for the 3 years before the SIP application date to verify the eligibility of the company and each vessel listed in the SIP application.

(b) If the company and one or more of its vessels meets the eligibility requirements contained in § 8.515, the cognizant OCMI will notify the company of its eligibility and assign a Coast Guard SIP Advisor.

(c) If, according to Coast Guard records, a company or vessel does not meet the eligibility requirements contained in § 8.515, the cognizant OCMI will notify the company in writing of

its ineligibility stating each reason for not accepting the company or a vessel.

§ 8.530 Plan development and approval.

The Company SIP Agent will develop the CAP and VAP with guidance from the Coast Guard SIP Advisor for OCMI approval.

(a) *Company Action Plan.* The CAP shall include at least the following:

(1) A copy of the OCMI CAP approval letter (once the CAP is approved).

(2) An organization commitment statement.

(3) A company organization chart that includes the name(s) of the designated SIP support personnel who will be responsible for implementation and oversight of the approved CAP and VAP(s).

(4) A statement describing the responsibilities and authorities of personnel involved in the examination and maintenance of the vessel(s) for the company.

(5) A description of the method the company will use to integrate the applicable subpart regulations into its SIP and the method or system used to initiate corrective action.

(6) A description of the company's safety program.

(7) A description of the company's environmental protection program.

(8) A description of the company's training infrastructure, the method used to track and record training for individual employees, and the training required for the designated SIP support personnel to implement the CAP and the VAP.

(9) A master list of all SIP documents and ICRs that the company intends to use in its VAP(s).

(10) Appendices for each approved VAP.

(b) *Vessel Action Plan.* Each VAP shall include at least the following:

(1) A copy of the OCMI VAP approval letter (once the VAP is approved).

(2) A description of the method that will be used to integrate the VAP into the vessel's regular operations.

(3) Vessel-specific ICRs.

(4) Vessel-specific ISV forms.

(5) Vessel-specific examination checklists.

(6) Correction reports.

(c) *Plan Approval.* The Company SIP Agent will submit the CAP and each VAP to the cognizant OCMI for approval. Once approved, a copy of the VAP shall be kept on board the vessel.

§ 8.535 Training and operational evaluation.

When the CAP and VAP(s) have been approved by the cognizant OCMI, the company may begin training and operating under the plans. This evaluation phase includes the following:

(a) The company shall provide the designated SIP support personnel with training as required by the CAP.

(b) The vessel must operate and be examined under the VAP for a period of at least 3 months.

(c) During the operational periods, the Coast Guard SIP Advisor will conduct an ongoing evaluation of the vessel's operation, the training records, and the ability of all designated persons to perform their assigned functions under the VAP. The Coast Guard SIP Advisor will report periodically to the cognizant OCMI and the Company SIP Agent on the vessel's performance, and make recommendations, if needed.

(d) Revisions recommended under paragraph (c) of this section, or any additional operational periods under a revised CAP or VAP as may be required by the cognizant OCMI must be completed prior to enrollment.

§ 8.540 Enrollment in SIP.

Upon successful completion of the training and evaluation phase, the Coast Guard SIP Advisor will recommend to the OCMI that the company or vessel be enrolled in the SIP. If the OCMI concurs with the recommendation, he or she will issue an enrollment letter and endorse the vessel's COI. Subsequent inspections covered under this subpart will be conducted in accordance with the approved VAP.

§ 8.545 Scope of inspection for enrolled vessels.

(a) A Coast Guard marine inspector will conduct required periodic and follow-on inspections necessary to ensure compliance with Coast Guard regulations.

(b) A Coast Guard marine inspector will conduct the inspections in paragraph (a) of this section in accordance with the procedures set out in the VAP. These inspections will normally include the following:

(1) *Administrative review.* This portion of the inspection consists of a review of prior Coast Guard SIP inspection forms, the contents of the VAP, and other certifications of equipment and vessel systems.

(2) *SIP performance review.* This portion of the inspection consists of a review of vessel SIP documentation and records, review of the SIP procedures, and a company evaluation of their SIP.

(3) *Materiel review.* This portion of the inspection consists of a general examination of the vessel, witnessing the examination of selected items under the VAP by company designated SIP support personnel, inspection of selected items, and witnessing crew performance in drills.

(4) *Conclusion and recommendations.* This portion of the inspection contains the Coast Guard marine inspector's evaluation of regulatory compliance of the vessel under its VAP.

(c) A Coast Guard marine inspector may conduct any additional tests or examinations of vessel equipment or systems necessary to ensure compliance with Coast Guard regulations during an inspection covered in paragraph (a) of this section.

§ 8.550 Plan review and revisions.

(a) Mandatory reviews and revisions. The CAP and VAP(s) must be reviewed and revised as follows:

(1) Every 2 years after the plan approval date, the company shall review the CAP and update all information required by § 8.530.

(2) Every 5 years after the plan approval date, the Coast Guard SIP Advisor and the Company SIP Agent will review the VAP.

(3) If a reportable casualty occurs, the cognizant OCMI will review the portions of the VAP related to equipment, training, personnel, and systems involved in the casualty and determine whether revisions to the VAP are appropriate.

(4) When statutes or regulations change, the appropriate sections of the CAP and VAP(s) will be revised.

(b) *Discretionary reviews and revisions.* The CAP and VAP(s) may be reviewed and revised by the company at any time. The revisions must be submitted to the cognizant OCMI for approval.

§ 8.555 Disenrollment.

(a) *Voluntary disenrollment.* A company may request SIP disenrollment (which includes all of its vessels) or may request disenrollment of a specific vessel from the SIP by writing to the cognizant OCMI. The OCMI will then issue a letter disenrolling the vessel or company. Disenrolled vessels will be inspected in accordance with the requirements of 46 CFR part 2, subpart 2.01 of this chapter.

(b) *Company disenrollment.* The OCMI may issue a letter disenrolling the company if the company no longer has at least one enrolled vessel or if the company fails to continue to meet the eligibility requirements in § 8.515.

(c) *Vessel disenrollment.* The OCMI may issue a letter disenrolling a vessel if any one or more of the following occurs:

- (1) The sale of the vessel.
- (2) A finalized letter of warning or assessment of a civil penalty for—
 - (i) Operating outside the scope of the vessel's COI or Stability Letter;
 - (ii) Not reporting a personnel or material casualty required to be reported under 46 CFR part 4; or
 - (iii) A material deficiency listed in § 8.515(b)(3).

§ 8.560 Waiver.

(a) A Coast Guard District Commander may waive any requirement of this subpart—

- (1) If good cause exists for granting a waiver; and
- (2) If the safety of the vessel and those on board will not be adversely affected.

(b) Requests for waiver of any requirement of this subpart must be submitted in writing to the cognizant OCMI for review before forwarding to the Coast Guard District Commander for action.

§ 8.565

(c) A copy of each waiver granted under this section shall be maintained at all times in the VAP.

§ 8.565 Appeal.

A company may appeal any decision or action taken under this subpart in accordance with 46 CFR part 1, subpart 1.03 of this chapter.

§ 8.570 Interim approval of prototype SIP company or vessel plans.

(a) A company operating under an approved prototype SIP company or vessel plan must apply in writing by November 1, 1998, to the cognizant OCMI for approval to continue operating under the plans while revisions are developed to bring the prototype SIP company or vessel plan into conformance with this subpart. The OCMI may approve the request for a period of up to 3 years.

(b) A company that does not request approval as required by paragraph (a) of this section or does not obtain approval to continue operating under a prototype SIP company or vessel plan by February 1, 1999, may no longer operate under the plans and will be inspected in accordance with the requirements of 46 CFR part 2, subpart 2.01 of this chapter.

PART 9—EXTRA COMPENSATION FOR OVERTIME SERVICES

Sec.

- 9.1 Extra compensation; Coast Guard civilian personnel.
- 9.2 Payment although no actual service performed.
- 9.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.
- 9.4 Waiting time; actual report for duties.
- 9.5 Night, Sunday, and holiday defined.
- 9.6 Rate for night service.
- 9.7 Rate for Sunday or holiday services.
- 9.8 Broken periods.
- 9.9 Two hours between broken periods.
- 9.10 Waiting time.
- 9.11 Proration of charges.
- 9.12 Travel status overtime.
- 9.13 Congressional appropriations necessary.
- 9.14 Assessment and collection of fees.
- 9.15 Application form.
- 9.16 Billing for services.
- 9.17 Protests.

AUTHORITY: 46 U.S.C. 2103; 49 CFR 1.46.

46 CFR Ch. I (10–1–98 Edition)

SOURCE: CGD 74-119, 39 FR 33336, Sept. 17, 1974, unless otherwise noted.

§ 9.1 Extra compensation; Coast Guard civilian personnel.

Civilians assigned to the duties formerly assigned to local inspectors and their assistants, United States shipping commissioners and their deputies and assistants prior to Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp.), and customs officers and employees, while performing duties in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels, at night or on Sundays and holidays, shall receive extra compensation to be paid by the master, owner, or agent of the vessel to the local United States collector of customs or his representative. (See § 9.16.)

§ 9.2 Payment although no actual service performed.

The rates of extra compensation are payable in cases where the services of officers or employees have been duly requested and the officers or employees have reported for duty, even though no actual service may be performed.

§ 9.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.

Overtime, Sunday, and holiday services which are covered by payments under this part shall not also form a basis for overtime or extra pay under the Federal Employees Pay Act of 1945.

§ 9.4 Waiting time; actual report for duties.

Extra compensation for *waiting time* will not be allowed unless and until an officer or employee actually reports for duty.

§ 9.5 Night, Sunday, and holiday defined.

(a) For the purpose of this part the word *night* shall mean the time between 5 p.m. of any day and 8 a.m. of the following day.

(b) The term *holiday* shall mean only national legal public holidays, viz., January 1, February 22, May 30, July 4, the 1st Monday in September, November 11, the 4th Thursday in November, December 25, and such other days as