

SUBCHAPTER U—OCEANOGRAPHIC RESEARCH VESSELS

PART 188—GENERAL PROVISIONS

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AUTHORITY: 46 U.S.C. 2113, 3306; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

SOURCE: CGFR 67-83, 33 FR 1113, Jan. 27, 1968, unless otherwise noted.

Subpart 188.01—Authority and Purpose

§ 188.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic research vessels designated in accordance with § 3.10-1 of this title and subject to Coast Guard inspection requirements. The regulations are necessary

to carry out the provisions of applicable laws governing inspection and certification of oceanographic research vessels and have the force of law.

[CGD 95-028, 62 FR 51219, Sept. 30, 1997]

EFFECTIVE DATE NOTE: By CGD 95-028, 62 FR 51219, Sept. 30, 1997, § 188.01-1 was revised, effective Oct. 30, 1997. For the convenience of the user, the superseded text is set forth as follows:

§ 188.01-1 Purpose of regulations.

The purpose of the regulations in this subchapter is to set forth uniform minimum requirements for oceanographic research vessels designated in accordance with § 3.10-1 of this title and subject to Coast Guard inspection requirements. The requirements in this subchapter are prescribed in accordance with the intent of Title 52 of the Revised Statutes and acts amendatory thereof or supplementary thereto which govern inspection and certification of vessels, and provide for oceanographic research vessel exemptions from specific statutory requirements when they are found “* * * not necessary in the performance of the mission of the vessel, * * *”. In addition, they specify the terms and conditions applicable to such vessels as authorized by section 445 of Title 46, United States Code (Pub. L. 89-99). The regulations are necessary to carry out the provisions of applicable laws governing inspection and certification of oceanographic research vessels and have the force of law.

[CGD 77-081, 46 FR 56204, Nov. 16, 1981]

§ 188.01-3 Scope of regulations.

The regulations in this subchapter contain requirements for materials, design, construction, equipment, lifesaving appliances and procedures, fire protection, and fire prevention procedures, inspection and certification, and special operational requirements for oceanographic research vessels, including the handling, use, and control of explosives and other dangerous articles or substances.

[CGFR 67-83, 33 FR 1113, Jan. 27, 1968, as amended by CGD 77-081, 46 FR 56204, Nov. 16, 1981; CGD 95-028, 62 FR 51219, Sept. 30, 1997]

EFFECTIVE DATE NOTE: By CGD 95-028, 62 FR 51219, Sept. 30, 1997, § 188.01-3 was amended by removing paragraph (b) and the paragraph designation (a), effective Oct. 30, 1997. For the convenience of the user, the superseded text is set forth as follows:

§ 188.01-3 Scope of regulations.

* * * * *

(b) The regulations in this subchapter are deemed to be necessary when “* * * a vessel * * * is being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research * * *”. If or when a vessel is not so exclusively employed and engages in any trade or commerce then the provisions of sections 441 through 445 of 46 United States Code (Pub. L. 89-99), are not applicable and such a vessel shall be subject to the applicable provisions of laws and other regulations in this chapter governing such activities.

§ 188.01-5 Assignment of functions.

(a) The Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931-950, 49 U.S.C. 1651-1659), transferred to and vested in the Secretary of Transportation “* * * all functions, powers, and duties, relating to the Coast Guard, of the Secretary of the Treasury and of other officers and offices of the Department of the Treasury” (subsection 6(b)(1), 49 U.S.C. 1655(b)). This transfer is subject to certain conditions, modifications, and exceptions as set forth in such act. By a rule in 49 CFR 1.4(a) the Secretary of Transportation delegated to the Commandant, U.S. Coast Guard, authority to exercise certain functions, powers, and duties as set forth in subsections 6(a)(4), 6(b)(1) and 6(g) of such act (49 U.S.C. 1655), subject to conditions, exceptions and modifications as described in 49 CFR part 1. By a rule in 49 CFR 1.9 the Secretary of Transportation continued in effect actions taken prior to April 1, 1967.

(b) The Commandant, U.S. Coast Guard, in a notice dated March 31, 1967, and effective April 1, 1967 (32 FR 5611), approved the continuation of orders, rules, regulations, policies, procedures, privileges, waivers, and other actions, which had been made, allowed, granted, or issued prior to April 1, 1967, and provided that they shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority.

[CGFR 68-32, 33 FR 5729, Apr. 12, 1968]

EFFECTIVE DATE NOTE: By CGD 95-028, 62 FR 51219, Sept. 30, 1997, § 188.01-5 was removed, effective Oct. 30, 1997.

§ 188.01-7

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§ 188.01-7 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subchapter 1.03 of this chapter.

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

§ 188.01-15 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.
§ 189.40-3	2115-0554
§ 189.40-5	2115-0554
§ 196.15-7	2115-0589
§ 196.15-18	2115-0589

[CGD 88-072, 53 FR 34298, Sept. 6, 1988, as amended by CGD 89-037, 57 FR 41828, Sept. 11, 1992]

Subpart 188.05—Application

§ 188.05-1 Vessels subject to requirements of this subchapter.

(a) This subchapter shall be applicable to all U.S.-flag vessels indicated in Column 7 of Table 188.05-1(a) to the extent prescribed by applicable laws and the regulations in this subchapter, except as follows:

- (1) Any foreign vessel.
- (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.