

review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard. Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(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 a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, 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 indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

(1) Correct the reported deficiencies and arrange 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 recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

American Bureau of Shipping

Two World Trade Center, 106th Floor, New York, NY 10048

Accepted rules: Rules for Building and Classing Steel Vessels, 1995.

Accepted supplement: U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995.

PART 90—GENEROUS PROVISIONS

10. The authority for part 90 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

11. Add new § 90.01-10 to read as follows:

§ 90.01-10 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, Marine Technical and Hazardous Materials Division, 2100 Second St., SW., Washington, DC 20593-0001, and is available from the sources listed in paragraph (b) of this section.

(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, 1995: 91.15-5

U.S. Supplement to ABS Rules for Steel Vessels for Vessels on International Voyages, 1995: 91.15-5

PART 91—INSPECTION AND CERTIFICATION

12. The authority for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46.

13. Add new § 91.15-5 to read as follows:

§ 91.15-5 Alternate compliance.

(a) In lieu of compliance with other provisions of this subchapter, the owner or operator of a vessel subject to plan review and inspection under this subchapter for initial issuance or renewal of a Certificate of Inspection (COI) may submit the vessel for classification, plan review and inspection by a recognized classification society to determine compliance with applicable international treaties and agreements, the classification society's rules, and the U.S. supplement prepared by the classification society and accepted by the Coast Guard. Recognized classification societies and accepted rules and supplements are listed in paragraph (e) of this section.

(b) A vessel may be inspected under paragraph (a) of this section only if it has not been subject to Coast Guard intervention or enforcement action for violations of this chapter within the thirty-six months preceding the inspection. 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 a recognized classification society.

(c) Based on reports from a recognized classification society that a vessel complies with paragraph (a) of this section, 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 indicate the vessel meets applicable standards, the vessel owner or operator may appeal as provided in subpart 1.03 of this chapter.

(d) If reports from a recognized classification society indicate that a vessel does not comply with paragraph (a) of this section, the cognizant OCMI will not issue a certificate of inspection. The vessel owner or operator may:

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

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

(3) Appeal via the recognized classification society to Chief, Merchant Vessel Inspection and Documentation Division, Commandant (G-MVI), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001.

(e) For the purposes of this section, the following classification societies are recognized by the Coast Guard, and their rules and supplements are accepted:

American Bureau of Shipping

Two World Trade Center, 106th Floor, New York, NY 10048

Accepted rules: Rules for Building and Classing Steel Vessels, 1995.

Accepted supplement: U.S. Supplement to Rules for Steel Vessels for Vessels on International Voyages, 1995

PART 107—INSPECTION AND CERTIFICATION

14. The authority for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115; 49 CFR 1.45, 146; § 107.05 also issued under authority of 44 U.S.C. 3507.

15. Add new § 107.205 to read as follows: