

(vii) U.S. public vessels other than those vessels of 150 gross tons or over and engaged in commercial activities.

(2) In order for existing vessels to take advantage of any reduction in freeboards from those previously assigned, paragraph (a)(2) of this section applies.

(c) *Vessels engaged solely on Great Lakes voyages.* A U.S. flag vessel 79 feet and more and 150 gross tons or over that engages solely on Great Lakes voyages is subject to the applicable provisions of this part and Part 45 of this subchapter and must comply with the regulations in force on the date the keel is laid or a similar progress in construction is made.

(d) *Special service coastwise voyage.* A U.S. flag vessel 150 gross tons or over that engages in a “special service coastwise voyage” is subject to the applicable provisions of this part and Part 44 of this subchapter.

(e) *Hopper dredges engaged in limited service domestic voyages.* Self-propelled hopper dredges over 79 feet (24 meters) in length with working freeboards, on limited service domestic voyages within 20 nautical miles (37 kilometers) from the mouth of a harbor of safe refuge, are subject to the provisions of this subchapter that apply to a Type “B” vessel and to the provisions of Subpart E of Part 44 of this chapter.

[CGFR 68-60, 33 FR 10049, July 12, 1968, as amended by CGFR 68-126, 34 FR 9011, June 5, 1969; CGD 73-49R, 38 FR 12289, May 10, 1973; CGD 80-120, 47 FR 5721, Feb. 8, 1982; CGD 86-016, 51 FR 9962, Mar. 24, 1986; CDG 76-080, 54 FR 36976, Sept. 6, 1989; CGD 97-057, 62 FR 51043, Sept. 30, 1997]

§ 42.03-10 Foreign vessels subject to this subchapter.

(a) *General.* All existing foreign merchant vessels of 150 gross tons or over, and new foreign vessels of 79 feet in length or more, loading at or proceeding from any port or place within the jurisdiction of the United States or its possessions for a foreign voyage by sea, or arriving within the jurisdiction of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted, are subject to 46 U.S.C. 5101-5116, and the regulations in this part applicable to such service. All foreign merchant ves-

sels of 150 gross tons or over, loading at or proceeding from any port or place within the United States on the Great Lakes of North America, or arriving within the jurisdiction of the United States on the Great Lakes, are subject to 46 U.S.C. 5101-5116 and the regulations in part 45 of this subchapter applicable to such service.

(b) *Canadian vessels.* All vessels of Canadian registry and holding valid certificates issued pursuant to Canadian laws and regulations are assumed to be in compliance with the applicable provisions of 46 U.S.C. 5101-5116, the International Convention on Load Lines, 1966, and the regulations in this subchapter.

(c) *Vessels of countries signatory to or adhering to the 1966 Convention.* The enforcement and control of load line requirements regarding vessels of countries signatory to or adhering to The International Convention on Load Lines, 1966, (the 1966 Convention) are as described in § 42.07-60 in this part, which is in accord with provisions of Article 21 of the 1966 Convention. Such vessels when holding currently valid certificates issued pursuant to the 1966 Convention, or recognized under such Convention, are assumed to be in compliance with the applicable provisions of such Convention. Such vessels are deemed to be in compliance with the load line requirements found to be equally effective as those established in this part and therefore in compliance with the applicable load line provisions of 46 U.S.C. 5101-5116, as amended, and the regulations in this part as authorized by such laws. Vessels engaged in navigation on the Great Lakes are subject to application of seasonal international marks as specified in Part 45 of this subchapter.

(d) *Vessels of countries not signatory to or adhering to the 1966 Convention.* (1) Vessels of countries not signatory to or adhering to the 1966 Convention, when within the jurisdiction of the United States, shall be subject to 46 U.S.C. 5101-5116, and the regulations in this subchapter as authorized by such laws.

(2) Vessels of countries signatory to or adhering only to International Load Line Convention, London, 1930 (the 1930 Convention), and holding valid certificates issued under that Convention, are

subject to the applicable law described in paragraph (a) of this section and the regulations prescribed thereunder in this subchapter.

[CGD 80-120, 47 FR 5722, Feb. 8, 1982, as amended by CGD 97-057, 62 FR 51043, Sept. 30, 1997; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.03–15 The Great Lakes of North America.

(a) The term “Great Lakes of North America” means those waters of North America which are defined in § 42.05–40, and in the exception in Article 5(2)(a) of the 1966 Convention.

(b) The expressions in the regulations in this part, such as “voyages by sea,” “proceed to sea,” “arrive from the high seas,” etc., shall be construed as having no application to voyages on the Great Lakes or portions thereof unless specifically provided otherwise in Part 45 of this subchapter.

[CGFR 68-60, 33 FR 10050, July 12, 1968]

§ 42.03–17 Special load line marks for vessels carrying timber deck cargo.

(a) Certain vessels having load line marks not related to carriage of timber deck cargo may be assigned timber load lines if they are in compliance with the applicable requirements governing timber deck cargoes in this subchapter. The timber load lines apply and may be used only when the vessel is carrying timber deck cargo.

(b) A new or existing vessel having timber load lines assigned to it, when carrying timber deck cargo, may be loaded to the vessel’s timber load line applicable to the voyage and season.

[CGFR 68-60, 33 FR 10050, July 12, 1968, as amended by CGD 80-120, 47 FR 5722, Feb. 8, 1982]

§ 42.03–20 Equivalentents.

(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 a particular provision shall be made or arrangement shall be adopted, the assigning authority, with the prior approval of the Commandant, may accept in substitution therefor any other fitting, material, apparatus, or equipment or

type thereof, or any other provision or arrangement: *Provided*, That it can be demonstrated by trial thereof or otherwise that the substitution is at least as effective as that required by the regulations in this subchapter.

(b) In any case where it is shown to the satisfaction of the assigning authority and the Commandant that the use of any particular equipment, apparatus, or arrangement not specifically required by law is unreasonable or impracticable, appropriate alternatives may be permitted under such conditions as are consistent with the minimum standards set forth in this subchapter.

[CGFR 68-60, 33 FR 10050, July 12, 1968]

§ 42.03–25 Experimental installations.

(a) Complete information (including plans, necessary instructions and limitations, if any) on proposed experimental installations affecting any fitting, material, appliance, apparatus, arrangement, or otherwise shall be submitted to the assigning authority for evaluation. After acceptance by the assigning authority, the complete information of such installation shall be forwarded to the Commandant for specific approval prior to installation. Complete information shall also be furnished for any associated installation(s) deemed necessary to prevent endangering the vessel during the trial period of proposed experimental installations.

(b) The use of approved experimental installations shall be permitted only when in accordance with instructions and limitations as specifically prescribed for such installations by the Commandant.

[CGFR 68-60, 33 FR 10050, July 12, 1968]

§ 42.03–30 Exemptions for vessels.

(a) For an individual vessel or category of vessels, upon the specific recommendation of the assigning authority, the Commandant may authorize an exemption from one or more load line requirements. Such recommendation and authorization will depend upon provision of any additional features as deemed necessary by the authorities to