

required to meet the night only requirement.

(2) An orange flag meeting the standards of 46 CFR 160.072. One is required to meet the day only requirement.

(3) Pyrotechnics meeting the standards noted in Table 175.130.

(b) Any combination of signal devices selected from the types noted in paragraphs (a) (1), (2) and (3) of this section, when carried in the number required, may be used to meet both day and night requirements. *Examples*—the combination of two hand held red flares (160.021), and one parachute red flare (160.024 or 160.036) meets both day and night requirements. Three hand held orange smoke (160.037) with one electric distress light (161.013) meet both day and night requirements.

TABLE 175.130—PYROTECHNIC SIGNAL DEVICES

Approval number under 46 CFR	Device description	Meets requirement for	Number required
160.021	Hand Held Red Flare Distress Signals <sup>3</sup> .	Day and Night .....	3
160.022	Floating Orange Smoke Distress Signals.	Day Only .....	3
160.024	Parachute Red Flare Distress Signals.	Day and Night <sup>1</sup> ....	3
160.036	Hand-Held Rocket-Propelled Parachute Red Flare Distress Signals.	Day and Night .....	3
160.037	Hand-Held Orange Smoke Distress Signals.	Day Only .....	3
160.057	Floating Orange Smoke Distress Signals.	Day Only .....	3
160.066	Distress Signal for Boats, Red Aerial Pyrotechnic Flare.	Day and Night <sup>2</sup> ....	3

<sup>1</sup> These signals require use in combination with a suitable launching device approved under 46 CFR 160.028.

<sup>2</sup> These devices may be either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device approved under 46 CFR 160.028.

<sup>3</sup> Must have manufacture date of 1 Oct. 1980 or later.

[CGD 81-038-A, 47 FR 24548, June 7, 1982]

**§ 175.135 Existing equipment.**

Launchers manufactured before 1 January, 1981, which do not have approval numbers are acceptable for use with meteor or parachute signals listed in Table 175.130 under § 175.130 as long

as they remain in serviceable condition.

[CGD 76-183, 44 FR 73024, Dec. 17, 1979, as amended by CGD 81-038-A, 47 FR 24548, June 7, 1982; USCG-1998-3799, 63 FR 35534, June 30, 1998]

**§ 175.140 Prohibited use.**

No person in a boat shall display a visual distress signal on waters to which this subpart applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

**Subpart D—Ventilation**

**§ 175.201 Ventilation.**

No person may operate a boat built after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power, or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR 183.610 (a), (b), (d), (e), and (f) and 183.620(a).

[CGD 76-082, 44 FR 73027, Dec. 17, 1979]

**PART 177—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS**

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- 177.01 Purpose and applicability.
- 177.03 Definitions.
- 177.04 Order of unsafe condition.
- 177.05 Action to correct an especially hazardous condition.
- 177.07 Other unsafe conditions.
- 177.08 Regulated boating areas.
- 177.09 Penalties.

AUTHORITY: 46 U.S.C. 4302, 4311; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.45 and 1.46.

SOURCE: CGD 72-71R, 37 FR 13347, July 7, 1972, unless otherwise noted.

**§ 177.01 Purpose and applicability.**

This part prescribes rules to implement section 4308 of Title 46 United States Code which governs the correction of especially hazardous conditions on recreational vessels and uninspected passenger vessels on waters subject to the jurisdiction of the United States and, for a vessel owned in the United States, on the high seas, except operators of:

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(a) Foreign boats temporarily using waters subject to United States jurisdiction;

(b) Military or public boats of the United States, except recreational-type public boats;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes and which is clearly identifiable as such;

(d) Ship's lifeboats.

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CGD 84-099, 52 FR 47534, Dec. 14, 1987; CGD 84-099, 53 FR 13117, April 21, 1988]

#### § 177.03 Definitions.

As used in this part:

(a) [Reserved]

(b) *Boat* means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

(c) *Coast Guard Boarding Officer* means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of August 4, 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

(d) *Operator* means the person who is in control or in charge of a boat while it is in use.

(e) *Use* means operate, navigate, or employ.

(f) *Vessel* includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

[CGD 72-71R, 37 FR 13347, July 7, 1972, as amended by CDG 84-099, 52 FR 47534, Dec. 14, 1987; USCG-1999-5040, 67 FR 34760, May 15, 2002]

#### § 177.04 Order of unsafe condition.

(a) The Commandant has redelegated to Coast Guard District Commanders, with the reservation that this authority shall not be further redelegated, the authority, under 46 U.S.C. 4308, to issue orders applicable to a specific boat within the District Commander's jurisdiction designating that boat unsafe for a specific voyage on a specific

body of water when it is determined, under the provisions of § 177.07(g), that an unsafe condition exists.

(b) Each order issued by a Coast Guard District Commander under the provisions of paragraph (a) of this section will contain:

(1) Notice that the person upon whom the order is served has the right under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the order;

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain:

(i) The text or substance of the order which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) An advisement that if the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(c) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (b) of this section contains adequate justification, the District Commander will initiate prompt action to repeal the order. If the District Commander determines that repeal of the order is not justified, the District Commander will issue prompt written notice of denial to the petitioner.

[CGD 95-057, 60 FR 34150, June 30, 1995]

#### § 177.05 Action to correct an especially hazardous condition.

An operator of a boat who is directed by a Coast Guard Boarding Officer to take immediate and reasonable steps necessary for the safety of those aboard the vessel, under section 4308 of Title 46, United States Code, shall follow the direction of the Coast Guard Boarding Officer, which may include direction to:

(a) Correct the especially hazardous condition immediately;

(b) Proceed to a mooring, dock, or anchorage; or