

Coast Guard, DHS

§ 81.5

ALTERNATIVE COMPLIANCE

- 81.5 Application for a Certificate of Alternative Compliance.
- 81.9 Certificate of Alternative Compliance: Contents.
- 81.17 Certificate of Alternative Compliance: Termination.
- 81.18 Notice and record of certification of vessels of special construction or purpose.

EXEMPTIONS

- 81.20 Lights and sound signal appliances.
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SOURCE: CGD 76-130, 42 FR 17111, Mar. 31, 1977, unless otherwise noted. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981.

§ 81.1 Definitions.

As used in this part:

72 COLREGS refers to the International Regulations for Preventing Collisions at Sea, 1972, done at London, October 20, 1972, as rectified by the Proces-Verbal of December 1, 1973, as amended.

A vessel of special construction or purpose means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

Interference with the special function of the vessel occurs when installation or use of lights, shapes, or sound-signaling appliances under *72 COLREGS* prevents or significantly hinders the operation in which the vessel is usually engaged.

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

§ 81.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of *72 COLREGS* without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the *72 COLREGS*. These regulations set out the procedure by which a vessel may be certified for alternative compliance. The information collection and record-keeping requirements in §§ 81.5 and 81.18 have been approved by the Office

of Management and Budget under OMB control No. 2115-0073.

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

ALTERNATIVE COMPLIANCE

§ 81.5 Application for a Certificate of Alternative Compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the *72 COLREGS* light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following information:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its:

- (i) Official number;
- (ii) Shipyard hull number;
- (iii) Hull identification number; or
- (iv) State number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The *72 COLREGS* Rule or Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) A statement of how full compliance would interfere with the special function of the vessel.

(6) A description of the alternative installation that is in closest possible compliance with the applicable *72 COLREGS* Rule or Annex section.

(7) A copy of the vessel's plans or an accurate scale drawing that clearly shows:

§ 81.9

(i) The required installation of the equipment under the 72 COLREGS,

(ii) The proposed installation of the equipment for which certification is being sought, and

(iii) Any obstructions that may interfere with the equipment when installed in:

(A) The required location; and

(B) The proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

(Approved by the Office of Management and Budget under control number 2115-0073)

[CGD 77-136, 47 FR 13799, Apr. 1, 1982]

§ 81.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 81.5(a)(2);

(b) The provision of the 72 COLREGS for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the 72 COLREGS lights, shape, and sound signal requirements without interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the 72 COLREGS without interfering with the special function of the vessel;

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

[CGD 77-136, 47 FR 13800, Apr. 1, 1982]

33 CFR Ch. I (7-1-05 Edition)

§ 81.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 81.5(a) or the Certificate issued under § 81.9 is no longer applicable to the vessel.

[CGD 77-136, 47 FR 13800, Apr. 1, 1982]

§ 81.18 Notice and record of certification of vessels of special construction or purpose.

(a) In accordance with 33 U.S.C. 1605(c), a notice is published in the FEDERAL REGISTER of the following:

(1) Each Certificate of Alternative Compliance issued under § 81.9; and

(2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.

(b) Copies of Certificate of Alternative Compliance and documentation concerning Coast Guard vessels are available for inspection at Marine Safety, Security and Environmental Protection, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

(c) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by Coast Guard personnel.

(Approved by the Office of Management and Budget under control number 2115-0073)

[CGD 77-136, 47 FR 13800, Apr. 1, 1982, as amended by CGD 88-052, 53 FR 25119, July 1, 1988; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 78-82, 43 FR 54186, Nov. 20, 1978]

EXEMPTIONS

§ 81.20 Lights and sound signal appliances.

Each vessel under the 72 COLREGS, except the vessels of the Navy, is exempt from the requirements of the 72 COLREGS to the limitation for the period of time stated in Rule 38 (a), (b), (c), (d), (e), (f), and (g) if:

(a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and

(b) She meets the International Regulations for Preventing Collisions at