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✓ Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER E—LOAD LINES [CGFR 66-70]

PART 43—FOREIGN OR COASTWISE VOYAGE

Subpart 43.03—Special Load Line Provisions Applicable to Certain Ships

The International Convention on Load Lines, 1966, with annexes, was signed for the United States at London on April 5, 1966, and recommended to the U.S. Senate on September 12, 1966 (see Senate Ex. Doc. S. 89th Cong., 2d sess. for the Committee on Foreign Relations). The U.S. Senate consented to its ratification on October 13, 1966. It was ratified by the President on November 4, 1968, and notice of the U.S. acceptance has been deposited with the Inter-Governmental Maritime Consultative Organization in London.

The International Convention on Load Lines, 1966, will enter into force 12 months after at least 15 governments, including 7 each with not less than 1 million gross tons of shipping, have become parties. Procedures are provided for amending the convention by (a) unanimous acceptance, (b) after consideration in Inter-Governmental Maritime Consultative Organization, or (c) after adoption by a special conference.

The purpose of the convention is to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded, having regard to the need for safeguarding life and property at sea. Annexes, forming an integral part of the convention, embody regulations for determining load lines indicating the depth to which vessels may be loaded according to the geographical zone and the season of the year in which they operate. Certificates are prescribed for issuance to ships surveyed and marked in accordance with the convention, or validly exempted.

The convention and regulations are designed to bring up to date the principles and rules that have been applied for 33 years under the Load Line Convention signed at London on July 5, 1930 (47 Stat. 2228; Treaty Series 858). Scientific developments, improvements in ship structures, and the experience gained in the past three decades have indicated the need to revise load line regulations so as to improve economy and safety in shipping. Great changes have occurred in ship design and construction, shipbuilding technology and ship operation. New types of closing appliances, in particular metal hatch covers, have improved the watertight integrity of ships. Other technical developments (the extensive use of welding, the rounded gunwale, etc.) have also become widespread. The vast increase in the size of ships, particularly tankers and bulk carriers, has made it necessary to extend the existing freeboard tables to cover ships up to a length of 1,200 feet.

The convention does not apply to ships of war, new ships less than 24 meters (79 feet) long, existing ships of less than 150 gross tons, pleasure yachts not engaged in trade, and fishing vessels. Ships solely navigating the Great Lakes and the St. Lawrence River, the Caspian Sea, and certain South American rivers are also excepted. A ship not normally engaged on international voyages but which, in exceptional circumstances, must undertake such a voyage may be exempted if safety requirements are met. Exemptions are also available for ships engaged in sheltered voyages between neighboring ports and ships embodying novel features useful in research and development, provided that safety requirements of the countries visited are complied with.

Existing treaties on load lines continue to have full effect as regards (a) ships to which the new convention does not apply and (b) ships to which it applies, in respect of matters for which it has not expressly provided.

When the International Convention on Load Lines, 1966, does come into force,

RULES AND REGULATIONS

it will provide load lines for a different range of vessel size than the 1930 Convention and additionally for unregistered vessels. Specifically, new vessels 79 feet (length) or greater will require load lines, while load lines for existing vessels are based on a minimum of 150 gross tons. Many large ships not covered in full previously will now be covered by definite regulations. Also, existing ships which meet the additional requirements of the new convention will generally enjoy a reduced freeboard (i.e. increased capacity) when compared with load lines now assigned under the 1930 Convention. All existing vessels which cannot meet the additional requirements will remain under the 1930 Convention until it is renounced, at which time they will get a 1966 Load Line Certificate with a freeboard essentially identical to their present freeboard as a ship "not complying with" additional requirements.

During the intermediate period before the 1966 Convention comes into force, it has been determined desirable to permit Assigning Authorities under the International Load Lines Convention, 1930, as permitted by administrative provisions contained therein, to utilize certain provisions in the 1966 Convention for those ships not specifically covered in the 1930 Convention. For example, the 1930 Convention does not prescribe tabular freeboards for tankers (and special type vessels as referred to in Art. 8 therein) above 600 feet in length nor for other vessels above 750 feet in length, but leaves the tabular freeboards of such vessels to be determined by the respective Governments.

For those vessels desiring to utilize certain provisions in the 1966 Convention and which meet certain prescribed requirements, special load line provisions are prescribed as a new Subpart 43.03 in 46 CFR Part 43, which are set forth below in this document.

It has been also determined that the substitution of an equivalent minimum bow height for the forecastle required by Rule 94 of the International Load Line Convention, 1930, is permitted under the substitution provision in Article 18 of the 1930 Convention. In this regard, the minimum bow height as specified in Regulation 39, Annex I, of the 1966 Convention is accepted as being at least as effective as the requirement to have a forecastle in Rule 94 of the 1930 Convention.

Use of the load line provisions in 46 CFR Subpart 43.03 below, which are applicable to certain ships when qualifying under the requirements therein, will not result in a load line on any such vessel which in the judgment of the Commandant would be above the actual line of safety.

It is hereby found that emergency conditions exist and it is necessary in the public interest to permit qualified ships to utilize the special load line provisions as set forth in this document. It is

found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon and effective date requirements) is contrary to the public interest, and therefore, these actions are exempt from such requirements under the provisions of section 4 of that Act (5 U.S.C. 553).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard by section 632 of Title 14, U.S. Code and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521) and 167-48, dated October 19, 1962 (27 F.R. 10504) and the authorities cited with the regulations below, the following actions are ordered:

1. The load line regulations in 46 CFR Part 43 shall be amended by inserting after § 43.01-100 a new Subpart 43.03, consisting of §§ 43.03-1 to 43.03-20, inclusive.

2. The special load line provisions designated as 46 CFR Subpart 43.03 shall be effective on and after the date of publication of this document in the FEDERAL REGISTER.

**Subpart 43.03—Special Load Line Provisions
Applicable to Certain Ships**

Sec.

43.03-1	General.
43.03-3	Special determinations.
43.03-5	General requirements for all ships.
43.03-10	Additional requirements applicable to tankers.
43.03-15	Ships, other than tankers, not satisfying the flooding and damage stability criteria.
43.03-20	Ships, other than tankers, which do satisfy the flooding and damage stability criteria.

AUTHORITY: The provisions of this Subpart 43.03 issued under sec. 2, 45 Stat. 1403, as amended, sec. 2, 49 Stat. 888, as amended; 46 U.S.C. 85a, 88a. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-48, Oct. 19, 1962, 27 F.R. 10504.

NOTE: Except where specifically noted otherwise in Subpart 43.03, the regulation numbers in the text of this subpart are those of Annex I to the International Convention on Load Lines, 1966.

§ 43.03-1 General.

(a) The International Convention on Load Lines, 1966, was ratified by the President on November 4, 1966, and the notice of U.S. acceptance has been deposited with the Inter-Governmental Maritime Consultative Organization in London. During the intermediate period before the 1966 Convention comes into force, the provisions of that Convention may be utilized so far as they in no way contravene the provisions of the International Load Line Convention, 1930, and if they are utilized in accordance with the special provisions in this subpart. The following general conditions are necessary prerequisites to the use of the 1966 Convention:

(1) All applicable provisions of the International Convention on Load Lines, 1966, must be met;

(2) There can be no contravention of the International Load Line Convention, 1930, while it remains in force; and

(3) In no case shall a freeboard be assigned to any vessel which is less than the final freeboard expected when the International Convention on Load Lines, 1966, comes into force.

(b) The following three classes of ships having International Load Line Certificates will be eligible for freeboards assigned according to certain provisions of the 1966 Convention:

- (1) Tankers over 600 feet in length.
- (2) Steamers, as defined in § 43.05-1 (a), over 750 feet in length.
- (3) Special type ships over 600 feet in length.

CROSS REFERENCE: See Article 8 of International Load Line Convention, 1930, and paragraphs (7) to (9) of Regulation 27 of International Convention on Load Lines, 1966.

(c) Since the assignment of U.S. Coastwise Load Line Certificates is not limited by the effective International Load Line Convention, the minimum length limits in paragraph (b) of this section do not apply for the assignment of coastwise load lines. Therefore, effective immediately, existing §§ 43.15-98 and 43.30-75 may be considered replaced by the applicable provisions of the International Load Line Convention, 1966, without exception. However, existing vessels having load lines assigned in accordance with § 43.15-98 or § 43.30-75 may retain such assignments at the owner's option.

§ 43.03-3 Special determinations.

(a) It is considered that the substitution of equivalent bow height for the forecastle required by Rule 94 of International Load Line Convention, 1930, is justified under Article 18 of the 1930 Convention, which allows " * * * any other arrangement: *Provided*, That such Administration shall have been satisfied that the fitting, * * * or the arrangement substituted is in the circumstances at least as effective as that specified in this convention". In this regard, the arrangement of bow height specified in Regulation 39, Annex I, of the 1966 Convention is accepted as at least as effective as the requirement to have a forecastle in Rule 94 of the 1930 Convention for tankers.

(b) Any U.S. ship which may be given a reduced freeboard as a tanker or as a ship of special type shall have a forecastle as prescribed or an equivalent bow height and be given a minimum Winter North Atlantic freeboard, which is the Winter freeboard plus an addition at the rate of 1 inch per 100 feet in length, even though this latter requirement is not included in the 1966 Convention. Moreover, the flush deck penalty and the correction for round of beam shall be applied: *Provided*, That application of the latter must not result in the final as-

signed freeboard being less than that permitted by the 1966 Convention.

§ 43.03-5 General requirements for all ships.

(a) All three classes of vessels mentioned in § 43.03-1(b) shall meet the following requirements in order to be assigned freeboards under this subpart:

(1) The Assigning Authority must be satisfied that the structural strength of the vessel is sufficient for the draft corresponding to the freeboard assigned (Regulation 1).

(2) Loading information must be provided to the master so he may arrange for the loading and ballasting of his ship in such a way as to avoid any unacceptable stresses in the ship's structure (Regulation 10(1)).

(3) The ship must have a minimum height of bow in accordance with Regulation 39.

(4) For any trunk to qualify for any freeboard allowance, its breadth must be at least 60 percent of the breadth of the ship (Regulation 36(1)(g)), and where there is no superstructure, the length of the trunk in order to qualify for an allowance must be at least 60 percent of the length of the ship (Regulation 36(1)(h)).

(5) No freeboard allowance in respect of any superstructure shall be given unless the superstructure is enclosed in accordance with Regulation 3(10)(b). Closures of nonaccess type openings in after bulkheads of superstructures will be recognized as weathertight if they meet the following provisions:

(i) The closure shall be a steel plate of equivalent strength and rigidity to the surrounding bulkhead and which fays directly to the bulkhead, and is securely hook bolted so as to effectively resist a hose test.

(ii) The opening shall be as small as practicable; shall have at least a 24-inch sill; and shall not need to be opened at sea.

§ 43.03-10 Additional requirements applicable to tankers.

(a) The following special regulations apply in addition to those in § 43.03-5) to all tankers seeking freeboard according to International Convention on Load Lines, 1956:

(1) Where applicable, calculations indicating compliance with the flooding and damage stability criteria set out in Regulations 27 (2) and (3) must be completed to the satisfaction of the Assigning Authority.

(2) Exposed hatchways on the freeboard and forecastle decks and on the top of expansion trunks must be provided with efficient watertight covers of steel or other equivalent material (Regulation 26(4)).

(3) The tanker shall comply with all the conditions of assignment in Chapter II of Annex I of the 1966 Convention which are applicable to a Type "A" ship.

(4) The deduction for excess sheer will no longer be allowed unless an enclosed

midship superstructure is fitted. The deduction will be calculated in accordance with Regulation 38(15).

(b) After meeting the general requirements and special tanker requirements, the new freeboard may be calculated using the basic freeboard table for Type "A" ship in accordance with Regulations 27 (2) to (4) and 28(1).

§ 43.03-15 Ships, other than tankers, not satisfying the flooding and damage stability criteria.

(a) The following special provisions shall apply to all vessels, where eligible under this subpart, which do not satisfy the stipulated flooding and damage stability criteria, and are in addition to those regulations mentioned in § 43.03-5 for all vessels:

(1) No flooding or damage stability calculations are needed.

(2) Exposed hatchways on the freeboard and forecastle decks must be provided either with weathertight hatch-covers of steel or other equivalent material complying with Regulation 16.

(3) The vessel complies with all the conditions of assignment in Chapter II of the 1966 Convention which are applicable to a Type "B" ship.

(4) Where a forecastle, if fitted, is less than .07L, the percentages of deduction in the table applicable to Type "B" ships in Regulation 37(2) will be reduced in accordance with the formula in Regulation 37(3)(c).

(b) After meeting the general requirements and special steamer requirements, the new freeboard may be calculated using the basic freeboard table for a Type "B" ship in accordance with Regulations 27 (5) and (6) and 28(2).

§ 43.03-20 Ships, other than tankers, which do satisfy the flooding and damage stability criteria.

(a) Ships fully complying with the provisions of paragraphs (7) and (9) of Regulation 27 of the International Convention on Load Lines, 1966, are regarded as ships of special type referred to in Article 8 of the International Load Line Convention, 1930. Such ships, where eligible under this subpart, may be assigned the freeboards provided for in the 1966 Convention subject to the following:

(1) Flooding calculation indicating compliance with the flooding and damage stability criteria set out in Regulations 27 (7) and (9), as applicable, shall be submitted and approved.

(2) Exposed hatchways on the freeboard and forecastle decks must be provided either with weathertight hatch-covers of steel or other equivalent material complying with Regulation 16 or with pontoon covers complying with Regulation 15(7), the strength of which shall be subject to the satisfaction of the Assigning Authority.

(3) With the exception of hatchway covers, the ship shall comply with the conditions of assignment in Chapter II

of Annex I of the 1966 Convention, which are applicable to a Type "A" ship.

(4) Where a forecastle, if fitted, is less than .07L, the percentage of deduction in the table applicable to Type "B" ships in Regulation 37(2) will be reduced in accordance with the formula in Regulation 37(3)(c).

(b) After meeting the specified requirements, vessels eligible under this section may have their freeboards calculated in accordance with Regulations 27 (7), (8), and (9), as applicable, and the Tables in Regulation 28.

Dated: January 3, 1967.

[SEAL]

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

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