

§ 45.5

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character, or where thick garboards are fitted, the distance is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel;

(3) In ships having rounded gunwales, this distance is measured to the point of intersection of the moulded lines of the deck and side, the lines extending as though the gunwale were of angular design; and

(4) Where the freeboard deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the distance is measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.

(f) *Depth for Freeboard (D)* means—

(1) Moulded depth amidships plus the thickness of the stringer plate with no allowance for sheathing; and

(2) In a vessel having a rounded gunwale with a radius greater than 4 percent of the breadth (B) or having topsides of unusual form, the depth for freeboard (D) of a vessel having a midship section with vertical topsides and with the same round of beam and area of topside section equal to that provided by the actual midship section.

(g) *Freeboard* means the distance measured vertically downwards amidships from the upper edge of the deck line to the upper edge of the related load line.

(h) *Freeboard Deck* means, normally, the uppermost complete deck exposed to weather and sea that has permanent means of closing all openings in the weather part thereof and below which all openings in the sides of the ship are fitted with permanent means of watertight closings except that—

(1) In a ship having a discontinuous freeboard deck, the lowest line of the exposed deck and the continuation of that line parallel to the upper part of the deck is the freeboard deck.

(2) At the option of the owner and subject to the approval of the Commandant a lower deck may be designated as the freeboard deck, if it is a complete and permanent deck continuous in a fore and aft direction at least between the machinery space and peak bulkheads and continuous athwartships;

(3) When this lower deck is stepped the lowest line of the deck and the continuation of that line parallel to the upper part of the deck is taken as the freeboard deck.

(i) *Superstructure* means a deck structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 percent of the breadth (B). A raised quarterdeck is a superstructure.

(j) *Enclosed superstructure* means a superstructure with enclosing bulkheads.

(k) *Height* of a superstructure means the least vertical height measured at side from the top of the superstructure deck beams to the top of the freeboard deck beams.

(l) *Length of a superstructure (S)* means the mean length of the part of the superstructure which extends to the sides of the vessel and lies within the length (L).

(m) *Flush deck ship* means a ship that has no superstructure on the freeboard deck.

(n) *Weathertight* means that in any sea conditions water will not penetrate into the ship.

(o) *Watertight* means designed to withstand a static head of water.

(p) *Exposed positions* means exposed to weather and sea.

(q) *Intact bulkhead* with respect to superstructure means a bulkhead with no openings.

(r) *Steel* means steel and materials with which structures can be made equivalent to steel with respect to such parameters as yield strength, total deflection, flexural life, or resistance to galvanic or stress corrosion.

§ 45.5 Seasonal application of load lines.

For the purposes of the law and regulations prohibiting submergence of load lines (46 U.S.C. 88c; 46 CFR 42.07–10), the fresh water and salt water load lines marked under this part apply during the following seasons:

(a) Summer load lines apply April 16 through April 30 and September 16 through September 30.

(b) Except for hopper dredges operating at working freeboards in accordance with subpart C of part 44 of this

chapter, the Assigning Authority may not allow for lesser freeboards.

(c) Intermediate load lines apply October 1 through October 31 and April 1 through April 15.

(d) Winter load lines apply November 1 through March 31.

§ 45.9 Seasonal application of load lines for vessels not marked under this part.

(a) For the purposes of the law and regulations prohibiting submergence of load lines (46 U.S.C. 88c; 46 CFR 42.07-10) the marks assigned to vessels holding international load line certificates apply during the following seasons:

(1) Vessels assigned freeboards as new vessels under the International Load Line Convention, 1966—

(i) Winter—November 1 through March 31.

(ii) Summer—April 1 through April 30 and October 1 through October 31.

(iii) Tropical—May 1 through September 30;

(2) Vessels assigned freeboards as existing vessels under the International Load Line Convention, 1966—

(i) Winter—November 1 through March 31;

(ii) Summer—April 1 through April 30 and October 1 through October 31;

(iii) Tropical—September 16 through September 30;

(iv) Tropical Fresh—May 1 through September 15.

(b) Except for hopper dredges operating at working freeboards in accordance with subpart C of part 44 of this chapter, the Assigning Authority may not allow for lesser freeboards.

[CGD 73-49R, 38 FR 12290, May 10, 1973, as amended by CGD 76-080, 54 FR 36977, Sept. 6, 1989]

§ 45.11 Issue of load line certificate.

(a) A vessel 79 feet in length and more, and 150 gross tons or over, the keel of which is laid or which has reached a similar stage of construction after April 14, 1973, must meet the requirements of this part.

(b) Except as prescribed in paragraph (a) of this section, any vessel that meets the requirements in subparts C and D of this part and the survey requirements in §§ 42.09-15 through 42.09-50 of this subchapter is entitled to as-

signment of freeboards and issue of a load line certificate under this part by the Commandant or his authorized representative.

(c) A vessel, the keel of which was laid or was at a similar stage of construction before April 14, 1973, that meets the requirements of this part that were in effect before April 14, 1973, and the survey requirements in §§ 42.09-15 through 42.09-50 of this subchapter is entitled to the assignment of freeboards calculated under the provisions of this part in effect before April 14, 1973, and to a load line certificate issued under this part by the Commandant or his authorized representative.

§ 45.13 Form of certificate.

The form of a load line certificate issued under this part is specified in appendix A to this part.

§ 45.15 Exemptions.

(a) The Commandant may exempt a ship from any of the requirements in this part if the chairman of the board of Steamship Inspections, Department of Transport, Canada, and the Commandant agree that the sheltered nature or the condition of that voyage make it unreasonable or impracticable to apply requirements of this part.

(b) The Commandant may exempt a vessel that embodies features of a novel kind from any of the requirements of this part if those requirements might seriously impede research into the development of such features and their incorporation in ships. Any such vessel must comply with the safety requirements that, in the opinion of the Commandant, are adequate for the service for which the vessel is intended and will insure the overall safety of the vessel. If the Commandant grants an exemption pursuant to this paragraph he communicates the details of the exemption and the reasons therefor to the chairman of the board of Steamship Inspections.

(c) A vessel that is not normally engaged on voyages to which this part applies but that, in exceptional circumstances, is required to undertake a single such voyage between two specific ports may be exempted by the