

§ 69.9 Definitions.

As used in this part—

Commandant means Commandant of the Coast Guard at the following addresses: Commanding Officer, Marine Safety Center, U.S. Coast Guard, 4200 Wilson Boulevard Suite 400, Arlington, VA 22203 for visitors. Send all mail to Commanding Officer (MSC), Attn: Marine Safety Center, U.S. Coast Guard Stop 7410, 4200 Wilson Boulevard Suite 400, Arlington, VA 20598–7410, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

Convention means the International Convention on Tonnage Measurement of Ships, 1969.

Convention Measurement System means the system under subpart B of this part.

Dual Measurement System means the system under subpart D of this part.

Great Lakes means the Great Lakes of North America and the St. Lawrence River west of a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63 degrees west.

Gross tonnage means a vessel's approximate volume. Under the Convention Measurement System, it means the total volume of all enclosed spaces modified by a coefficient. Under the Standard and Dual Measurement Systems, it means the total volume of all enclosed spaces less certain exempt spaces. Under the Simplified Measurement Systems, it means the product of a vessel's length, depth, and breadth modified by a coefficient.

National Vessel Documentation Center means the organizational unit designated by the Commandant to process vessel documentation transactions and maintain vessel documentation records. The address can be found in § 67.3 of this subchapter.

Net tonnage means a measure of a vessel's earning capacity. Under the Convention Measurement System, it means the volume of the actual cargo and passenger spaces modified by a formula based on the vessel's volume. Under the Standard and Dual Measurement Systems, it means the gross tonnage less certain deducted spaces.

Under the Simplified Measurement System, it means the gross tonnage modified by a coefficient.

Overall length means the horizontal distance between the foremost part of a vessel's stem to the aftermost part of its stern, excluding fittings and attachments.

Simplified Measurement System means the system under subpart E of this part.

Standard Measurement System means the system under subpart C of this part.

Tonnage means the volume of a vessel's enclosed spaces as calculated under a measurement system in this part. Tonnage calculated under the Standard, Dual, or Simplified Measurement System is based on tons of 100 cubic feet each. Tonnage calculated under the Convention Measurement System is based on tons of 100 cubic feet modified by a logarithmic function.

Vessel engaged on a foreign voyage means a vessel—

(a) Arriving at a place under the jurisdiction of the United States from a place in a foreign country;

(b) Making a voyage between places outside of the United States;

(c) Departing from a place under the jurisdiction of the United States for a place in a foreign country; or

(d) Making a voyage between a place within a territory or possession of the United States and another place under the jurisdiction of the United States not within that territory or possession.

Vessel of war means "vessel of war" as defined in 46 U.S.C. 2101.

[GCD 89–007; GCD 89–007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95–014, 60 FR 31606, June 15, 1995; CGD 95–072, 60 FR 50463, Sept. 29, 1995; 60 FR 54106, Oct. 19, 1995; CGD 96–041, 61 FR 50728, Sept. 27, 1996; USCG–2007–29018, 72 FR 53965, Sept. 21, 2007; USCG–2009–0702, 74 FR 49230, Sept. 25, 2009; USCG 2013–0671, 78 FR 60149, Sept. 30, 2013]

§ 69.11 Determining the measurement system or systems for a particular vessel.

(a) *Convention Measurement System (subpart B)*. (1) Except as otherwise provided in this section, this system applies to a vessel documented or to be

documented under part 67 of this chapter and to a vessel engaged on a foreign voyage.

(2) This system does not apply to the following vessels:

(i) A vessel of less than 79 feet in overall length.

(ii) A vessel operating only on the Great Lakes, unless the owner requests measurement under this system.

(iii) A vessel that is not engaged on a foreign voyage and that had its keel laid or was at a similar stage of construction before January 1, 1986, unless the owner requests measurement under the Convention Measurement System or unless, on or after January 1, 1986, the vessel undergoes a change that the Commandant finds substantially affects the vessel's gross tonnage.

(iv) A vessel of war.

(v) A non-self-propelled vessel not engaged on a foreign voyage, unless the owner requests measurement under this system.

(3) A vessel made subject to this system at the request of the owner may be remeasured only under this system.

(4) For the purpose of vessel documentation, a vessel measured under this system is not required to be measured under another system.

(5) A vessel the keel of which was laid or that was at a similar stage of construction before July 18, 1982, (except a vessel measured under this system at the request of the owner or because of a change that substantially affects the vessel's gross tonnage) may retain its tonnage in effect on July 18, 1994, for the application of relevant requirements under an international agreement (except the Convention) or other laws of the United States. However, if the vessel undergoes a change after July 18, 1994, that the Commandant finds substantially affects the vessel's gross tonnage, the vessel must be remeasured only under this system.

(6) A tonnage assignment under this system does not affect the applicability to the vessel of international agreements to which the United States Government is a party that are not in conflict with the Convention or with the application of International Maritime Organization (IMO) Resolutions A.494(XII) of November 19, 1981, A.540(XIII) of November 17, 1983, and

A.541(XIII) of November 17, 1983. When applicable to the vessel, these Resolutions provide interim schemes for using the vessel's existing gross tonnage, instead of the gross tonnage under the Convention Measurement System, for applying the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978, (STCW), and the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL), respectively.

(b) *Standard Measurement System (subpart C)*. This system applies to a vessel not required to be measured under the Convention Measurement System if the vessel is to be documented or if the application of a law of the United States to the vessel depends on the vessel's tonnage. Upon request of the owner, this system also applies to a documented vessel measured under the Convention Measurement System when Standard Measurement System tonnages are to be used in applying the provisions of a law under 46 U.S.C. 14305.

(c) *Dual Measurement System (subpart D)*. This system may be applied, at the owner's option, instead of the Standard Measurement System, to a vessel eligible or required to be measured under the Standard Measurement System.

(d) *Simplified Measurement System (subpart E)*. This system may be applied, at the owner's option, instead of the Standard Measurement System to the following vessels:

(1) A vessel that is under 79 feet in overall length.

(2) A vessel of any length that is non-self-propelled and not engaged on a foreign voyage.

(3) A vessel of any length that is operated only for pleasure and operated only on the Great Lakes.

[CGD 87-015b, 54 FR 37657, Sept. 12, 1989, as amended by CGD 92-058, 57 FR 59938, Dec. 17, 1992; CGD 95-028, 62 FR 51203, Sept. 30, 1997]

§ 69.13 Deviating from the provisions of a measurement system.

(a) In measuring a vessel under a measurement system in this part, all provisions of that system applicable to the vessel must be observed.