



DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2022-0751]

Certificate of Alternative Compliance for the PHILLY SHIPYARD, INC. HULL NO. 038, O.N. 1321554

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Chief of the Prevention Division, Fifth Coast Guard District, has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the PHILLY SHIPYARD, INC. HULL NO. 038, O.N. 1321554. We are issuing this notice because its publication is required by statute. Due to the construction and placement of the fore masthead light and aft masthead light arrangements, PHILLY SHIPYARD, INC. HULL NO. 038, O.N. 1321554, cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's design and construction. This notification of issuance of a certificate of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificate of Alternative Compliance was issued on October 07, 2022.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or e-mail Mr. Julio A. Martinez, Marine Safety Specialist, Inspections and Investigations Branch, Fifth Coast Guard District, U. S. Coast Guard; telephone (757) 398-6689, email julio.a.martinez@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International

Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law, however, specified 72 COLREGS provisions are not applicable to a vessel of special construction or purpose if the Coast Guard determines that the vessel cannot comply fully with those requirements without interfering with the special function of the vessel.¹

The owner, builder, operator, or agent of a special construction or purpose vessel may apply to the Coast Guard District Office in which the vessel is being built or operated for a determination that compliance with alternative requirements is justified,² and the Chief of the Prevention Division would then issue the applicant a certificate of alternative compliance (COAC) if he or she determines that the vessel cannot comply fully with 72 COLREGS light, shape, and sound signal provisions without interference with the vessel's special function.³ If the Coast Guard issues a COAC, it must publish notice of this action in the **Federal Register**.⁴

The Chief of the Prevention Division, Fifth Coast Guard District, U.S. Coast Guard, certifies that the PHILLY SHIPYARD, INC. HULL NO. 038, O.N. 1321554 is a vessel of special construction or purpose, and that, with respect to the horizontal distance between the fore masthead light and aft masthead light arrangements, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel. The Chief of the Prevention Division, Fifth Coast Guard District, further finds and certifies that the horizontal distance of 19.68 meters between the fore masthead light and aft masthead light arrangements, are in the closest possible compliance with the applicable provisions of the 72 COLREGS.⁵

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

¹ 33 U.S.C. 1605.

² 33 CFR 81.5.

³ 33 CFR 81.9.

⁴ 33 U.S.C. 1605(c) and 33 CFR 81.18.

⁵ 33 U.S.C. 1605(a); 33 CFR 81.9.

Dated: October 11, 2022.

Michael C. Reed,
Captain, U. S. Coast Guard,
Chief, Prevention Division,
Fifth Coast Guard District.

[FR Doc. 2022-22473 Filed: 10/14/2022 8:45 am; Publication Date: 10/17/2022]