



16711
MOC Policy
Ltr No. 1-00

MAY 3 2000

From: Commandant
To: Distribution

Subj: ACCEPTANCE OF THE INTERNATIONAL CODE OF SAFETY FOR HIGH-SPEED CRAFT (HSC CODE) AS EQUIVALENT TO MEETING TITLE 46, CODE OF FEDERAL REGULATIONS (CFR), SUBCHAPTER H OR SUBCHAPTER I

1. PURPOSE. This announces the Coast Guard's decision to accept the International Code of Safety for High-Speed Craft (HSC Code) as an equivalent to meeting the requirements of 46 CFR, Subchapter H or Subchapter I, for passenger or freight vessels meeting the definition of "high-speed craft".

2. BACKGROUND.

a. On January 10, 1996, the Coast Guard published a final rule that amended the small passenger vessel regulations under 46 CFR, Subchapter T and created a new class of small passenger vessel under 46 CFR, Subchapter K. Among the many changes to these regulations, the Coast Guard included a provision that accepts the HSC Code as an equivalent to meeting the requirements of Subchapters T and K. Specifically, under 46 CFR 114.540 (Subchapter K) and 46 CFR 175.540 (Subchapter T): *The Commandant may accept compliance by a high speed craft with the provisions of the International Maritime Organization (IMO) "Code of Safety for High-Speed Craft" as an equivalent to compliance with applicable requirements of this subchapter.* Although this "blanket" equivalency provision exists for small passenger vessels of less than 100 gross tons, no such regulatory provision exists for passenger vessels of 100 gross tons or more, where 46 CFR, Subchapter H would apply. However, under the general equivalency provision of Subchapter H, as given by Subpart 70.15, the Commandant has, on an individual basis, accepted the use of the HSC Code as equivalent to meeting the requirements of Subchapter H. These individual equivalency determinations were based upon the Coast Guard's judgement that the HSC Code provides for a level of safety equivalent to that of Subchapter H.

b. Although to date the Coast Guard has not received any individual requests to accept the use of the HSC Code as an equivalent to Subchapter I for a high-speed cargo vessel, the same rationale used for accepting its equivalence to Subchapter H should apply. The HSC Code is considered an appropriate standard for regulating the safety of any high-speed craft, regardless of vessel service. In fact, any vessel constructed on or after 1 January 1996 that engages in international voyages and that meets the definition of "high-speed craft", is given the option to comply with the HSC Code in lieu of SOLAS regulations. Since the equivalency provisions of

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Subchapter I, as given by 46 CFR, Subpart 90.15, mirror that of Subchapter H, it is appropriate to extend this blanket equivalency for the HSC Code to Subchapter I vessels as well.

3. **DISCUSSION.** By announcing the Coast Guard's decision to accept the HSC Code as equivalent to meeting Subchapter H or I, the need for processing a separate equivalency determination for each individual vessel is eliminated. This blanket equivalency will allow the prospective builder and owner/operator of a high-speed craft to design, construct, outfit, and operate a high-speed craft in accordance with the HSC Code in lieu of meeting the requirements of Subchapter H or I. This ruling, however, is contingent upon the HSC Code being applied and complied with in its entirety. Also, it must be clearly understood that this equivalency determination is limited to the commercial vessel safety requirements of 46 CFR, Subchapter H and I. The requirements of other applicable federal regulations, beyond these subchapters, must still be met. This would include the miscellaneous requirements prescribed by 46 CFR, Subchapter A, the manning and licensing requirements of 46 CFR, Subchapter B, and the safety management, pollution prevention, and navigation safety regulations under Title 33 CFR.

4. **APPLICABILITY.** This policy is limited to high-speed craft that would otherwise be subject to inspection under 46 CFR, Subchapter H or Subchapter I. Specifically, this applies to a high-speed passenger vessel of 100 gross tons or more, or a high-speed freight vessel of more than 15 gross tons. Further, for the purposes of this policy, the definition of high-speed craft will be identical to that given by the HSC Code, i.e.:

A *high-speed craft* is a vessel capable of a maximum speed, in meters per second (m/s), equal to or exceeding:

$$3.7 \times \nabla^{0.1667}$$

where ∇ equals displacement corresponding to the design waterline (m^3).

5. **ACTION.** Officers-in-Charge, Marine Inspection (OCMIs) shall accept the use of the HSC Code as an equivalent to meeting Subchapters H or I, subject to the conditions discussed in paragraph (3) above. When submitting application for inspection and/or vessel plans to the OCMI or to the Coast Guard Marine Safety Center, vessel representatives should communicate their intention to apply the HSC Code in accordance with the terms of this policy.



B. G. BASEL

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