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164.35 Equipment: All vessels.
164.37 Equipment: Vessels of 10,000 gross tons or more.
164.38 Automatic radar plotting aids (ARPA).
164.39 Steering gear: Foreign tankers.
164.40 Devices to indicate speed and distance.
164.41 Electronic position fixing devices.
164.42 Rate of turn indicator.
164.46 Automatic Identification System (AIS).
164.51 Deviations from rules: Emergency.
164.53 Deviations from rules and reporting: Non-operating equipment.
164.55 Deviations from rules: Continuing operation or period of time.
164.61 Marine casualty reporting and record retention.
164.70 Definitions.
164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.
164.74 Towline and terminal gear for towing astern.
164.76 Towline and terminal gear for towing alongside and pushing ahead.
164.78 Navigation under way: Towing vessels.
164.80 Tests, inspections, and voyage planning.
164.82 Maintenance, failure, and reporting.

AUTHORITY: 46 U.S.C. 2103, 3703, 70034; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.46 also issued under 46 U.S.C. 70114 and Sec. 102 of Pub. L. 107–295. Sec. 164.61 also issued under 46 U.S.C. 6101. DHS Delegation No. 00170.1, Revision No. 01.3.

## § 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraphs (c) and (d) of this section, or for foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) Sections 164.70 through 164.82 of this part apply to each towing vessel of 12 meters (39.4 feet) or more in length operating in the navigable waters of the United States other than the St. Lawrence Seaway; except that a towing vessel is exempt from the requirements of § 164.72 if it is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, and used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response; or

(4) Any other vessel exempted by the Captain of the Port (COTP). The COTP, upon written request, may, in writing, exempt a vessel from § 164.72 for a specified route if he or she decides that exempting it would not allow its unsafe navigation under anticipated conditions.

(c) Provisions of §§ 164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

(d) Provisions of § 164.46 apply to some self-propelled vessels of less than 1600 gross tonnage.

[CGD 83–004, 49 FR 43466, Oct. 29, 1984, as amended by CGD 94–020, 61 FR 35072, July 3, 1996; USCG–2000–8300, 66 FR 21864, May 2, 2001; USCG–2003–14757, 68 FR 39367, July 1, 2003]

## § 164.02 Applicability exception for foreign vessels.

(a) Except for § 164.46(c), none of the requirements of this part apply to foreign vessels that:

(1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(2) Are in:

(i) Innocent passage through the territorial sea of the United States; or

(ii) Transit through navigable waters of the United States which form a part of an international strait.

[CGD 77–063, 44 FR 66530, Nov. 19, 1979, as amended by CGD 79–148, 45 FR 54039, Aug. 14, 1980; USCG–2003–14757, 68 FR 39367, July 1, 2003; 68 FR 60569, Oct. 22, 2003; USCG–2005–21869, 80 FR 5334, Jan. 30, 2015]

## § 164.03 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition