

**Availability of Direct Final Rule:  
74 Federal Register 21554, May 8, 2009  
46 CFR 8.320 – International Air Pollution Prevention (IAPP) Certificate**

**Background:**

Title 46 CFR 8.320 states that the Coast Guard may authorize a Recognized Classification Society (RCS) to issue certain international convention certificates on its behalf. In a Direct Final Rule (DFR) published in 74 Federal Register 21554, May 8, 2009, the International Air Pollution Prevention (IAPP) certificate tentatively will become one of those certificates on August 6, 2009.

The Coast Guard will now accept applications from RCS, and encourages RCS to do so.

**Obtaining an IAPP Certificate from an ACS:**

Vessel owners and operators may contact their cognizant OCMI or Authorized Classification Society (ACS) for application, inspection/survey, and issuance of an IAPP Certificate and its Supplement.

Only RCS that have been delegated the authority to issue IAPP Certificates on behalf of the Coast Guard in accordance with 46 CFR 8.320 may issue IAPP Certificates to U.S. flagged vessels. A list of ACSs and their delegated authorities is provided on the Coast Guard's Alternate Compliance Program web page at <http://www.uscg.mil/hq/cg5/acp/> by selecting the "Summary Table of Authorizations" tab.

As of May 2008, the Coast Guard has not authorized any RCS to issue IAPP Certificates on behalf of the Coast Guard. A regulatory change to 46 CFR 8.320 is required to authorize RCSs to issue IAPP Certificates on behalf of the Coast Guard.

As discussed above, the DFR amending 46 CFR 8.320 to including the IAPP Certificate is now published and available.

**Application Instructions for RCS Authorization:**

Now that the DFR has been published, RCSs whom wish to issue IAPP Certificates on behalf of the USCG should submit a request letter to the Coast Guard. In accordance with 46 CFR 8.320, the request for authorization letter shall also provide applicable class rules, classification society procedures, and any interpretations used for the issuance of the IAPP Certificate. Foreign classification societies must also provide evidence that the reciprocity provisions of 46 CFR 8.120 are met (see 46 CFR 8.120(c)).

The effective date of the DFR is 90 days after the date of publication in the Federal Register. If an adverse comment, or notice of intent to submit an adverse comment, is received by 45 days after the date of publication, the Coast Guard will withdraw this DFR and publish a timely notice of withdrawal in the Federal Register.

Although the Coast Guard will accept applications at any time, the Coast Guard will not send approval letters until 55 days after publication (ten days after the 45 day adverse comment period deadline). In any case, Coast Guard authorizations for RCSs to issue IAPP Certificates on behalf of the Coast Guard will not be effective until 90 days after the date of the DFR publication in the Federal Register. This means, approvals may not allow RCSs to issue IAPP Certificates on behalf of the Coast Guard prior to the rule's effective date (90 days after the publication date of the DFR.).

In addition, please be aware that Coast Guard approval of applications is subject to any changes in the rule prior to the effective date.

A request to obtain IAPP Certificate issuance authorization from the Coast Guard shall be sent to:

U.S. Coast Guard,  
Director of Commercial Regulations and Standards (CG-52)  
2100 2nd ST SW  
Washington, DC 20593