

Fleeting or assist towing vessel means any commercial vessel engaged in towing astern, alongside, or pushing ahead, used solely within a limited geographic area, such as a particular barge fleeting area or commercial facility, and used solely for restricted service, such as making up or breaking up larger tows.

Foreign trade means any trade that is not domestic trade.

From the nearest land means from the baseline from which the territorial sea of the United States is established in accordance with international law.

Fuel oil means any oil used as fuel for machinery in the vessel in which it is carried.

Inland vessel means a vessel that is not oceangoing and that does not operate on the Great Lakes.

Instantaneous rate of discharge of oil content means the rate of discharge of oil in liters per hour at any instant, divided by the speed of the vessel in knots at the same instant.

Integrated tug barge means a tug and a tank barge with a mechanical system that allows the connection of the propulsion unit (the tug) to the stern of the cargo carrying unit (the tank barge) so that the two vessels function as a single self-propelled vessel.

Large primary structural member includes any of the following:

- (1) Web frames.
- (2) Girders.
- (3) Webs.
- (4) Main brackets.
- (5) Transverses.
- (6) Stringers.
- (7) Struts in transverse web frames when there are 3 or more struts and the depth of each is more than 1/15 of the total depth of the tank.

Length or L means the distance in meters from the fore side of the stem to the axis of the rudder stock on a waterline at 85 percent of the least molded depth measured from the molded baseline, or 96 percent of the total length on that waterline, whichever is greater. In vessels designed with drag, the waterline is measured parallel to the designed waterline.

Lightweight means the displacement of a vessel in metric tons without cargo, fuel oil, lubricating oil, ballast water, fresh water, and feedwater in tanks, consumable stores, and any persons and their effects.

Major conversion means a conversion of an existing vessel that:

- (1) Substantially alters the dimensions or carrying capacity of the vessel, except a conversion that includes only the installation of segregated ballast tanks, dedicated clean ballast tanks, a crude oil washing system, double sides, a double bottom, or a double hull;
- (2) Changes the type of vessel;
- (3) Substantially prolongs the vessel's service life; or
- (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (G-MOC).

MARPOL 73/78 means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention. A copy of

MARPOL 73/78 is available from the International Maritime Organization, 4 Albert Embankment, London, SE1, 7SR, England.

New vessel means:

(1) A U.S. vessel in domestic trade that:

(i) Is constructed under a contract awarded after December 31, 1974;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(iii) Is delivered after December 31, 1977; or

(iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1974;

(B) In the absence of a contract, conversion is begun after June 30, 1975; or

(C) Conversion is completed after December 31, 1977; and

(2) A foreign vessel or a U.S. vessel in foreign trade that:

(i) Is constructed under a contract awarded after December 31, 1975;

(ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(iii) Is delivered after December 31, 1979; or

(iv) Has undergone a major conversion for which:

(A) The contract is awarded after December 31, 1975;

(B) In the absence of a contract, conversion is begun after June 30, 1976; or

(C) Conversion is completed after December 31, 1979.

Non-petroleum oil means oil of any kind that is not petroleum-based. It includes, but is not limited to, animal fat and vegetable oil.

Oceangoing has the same meaning as defined in §151.05 of this chapter.

Officer in charge of a navigational watch means any officer employed or engaged to be responsible for navigating or maneuvering the vessel and for maintaining a continuous vigilant watch during his or her periods of duty and following guidance set out by the master, international or national regulations, and company policies.

Oil means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. This includes liquid hydrocarbons as well as animal and vegetable oils.

Oil cargo residue means any residue of oil cargo whether in solid, semi-solid, emulsified, or liquid form from cargo tanks and cargo pump room bilges, including but not limited to, drainages, leakages, exhausted oil, muck, clingage, sludge, bottoms, paraffin (wax), and any constituent component of oil. The term "oil cargo residue" is also known as "cargo oil residue."

Oily mixture means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to—

(1) Slops from bilges;

(2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(3) Oil residue; and

(4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

Oil residue means—

(1) Oil cargo residue; and

(2) Other residue of oil whether in solid, semi-solid, emulsified, or liquid form resulting from drainages, leakages, exhausted oil and other similar occurrences from machinery spaces.

Oil spill response vessel means a vessel that is exclusively dedicated to operations to prevent or mitigate environmental damage due to an actual or impending accidental oil spill. This includes a vessel that performs routine service as an escort for a tank vessel, but excludes a vessel that engages in any other commercial activity, such as the carriage of any type of cargo.

Oil tanker means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

Other non-petroleum oil means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

Permeability of a space means the ratio of volume within a space that is assumed to be occupied by water to the total volume of that space.

Petroleum oil means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

Primary towing vessel means any vessel engaged in towing astern, alongside, or pushing ahead and includes the tug in an integrated tug barge. It does not include fleeting or assist towing vessels.

Product means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

Segregated ballast means the ballast water introduced into a tank that is completely separated from the cargo oil and fuel oil system and that is permanently allocated to the carriage of ballast.

Slop tank means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

Tank means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

Tank barge means a tank vessel not equipped with a means of self-propulsion.

Tank vessel means a vessel that is constructed or adapted primarily to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that—

(1) Is a vessel of the United States;

(2) Operates on the navigable waters of the United States; or

(3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States. This does not include an offshore supply vessel, or a fishing vessel or fish tender vessel of not more than 750 gross tons when engaged only in the fishing industry.

Tankship means a tank vessel propelled by mechanical power or sail.

Vegetable oil means a non-petroleum oil or fat not specifically identified elsewhere in this part that is derived from plant seeds, nuts, kernels, or fruits.

Wing tank means a tank that is located adjacent to the side shell plating.

§157.04 Authorization of classification societies.

(a) The Coast Guard may authorize any classification society (CS) to perform certain plan reviews, certifications, and inspections required by this part on vessels classed by that CS except that only U.S. classification societies may be authorized to perform those plan reviews, inspections, and certifications for U.S. vessels.

(b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, evidence from the governments concerned showing that they have authorized the CS to inspect and certify vessels on their behalf under the MARPOL 73/78.

(c) The Coast Guard notifies the CS in writing whether or not it is accepted as an authorized CS. If authorization is refused, reasons for the refusal are included.

(d) Acceptance as an authorized CS terminates unless the following are met:

(1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(3) Copies of any plans, calculations, records of inspections, or other documents relating to any plan review, inspection, or certification performed to meet this part must be made available to the Coast Guard.

(4) Each document certified under §§157.116(a)(2), 157.118(b)(1)(ii), and 157.216(b)(1)(11) must be marked with the name or seal of the authorized CS.

(5) A copy of the final documentation that is issued to each vessel that is certified under this part must be referred to the Commandant (G-MOC), U.S. Coast Guard, Washington, D.C. 20593-0001.

Subpart B—Design, Equipment, and Installation

§157.08 Applicability of Subpart B.

NOTE: An “oil tanker” as defined in §157.03 includes barges as well as self-propelled vessels.

(a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(b) Sections 157.11 (a) through (f), 157.12, 157.15, 157.19(b)(3), 157.33, and 157.37 apply to each vessel to which this part applies that carries 200 cubic meters or more of crude oil or products in bulk as cargo, as well as to each oceangoing oil tanker to which this part applies of 150 gross tons or more. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(c) Section 157.21 applies to each oil tanker to which this

part applies of 150 gross tons or more that is oceangoing or that operates on the Great Lakes. This section does not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(d) Sections in subpart B of 33 CFR part 157 that are not specified in paragraphs (a) through (c) of this section apply to each oceangoing oil tanker to which this part applies of 150 gross tons or more, unless otherwise indicated in paragraphs (e) through (m) of this section. These sections do not apply to a foreign vessel which remains beyond the navigable waters of the United States and does not transfer oil cargo at a port or place subject to the jurisdiction of the United States.

(e) Sections 157.11 (a) through (f), 157.12, and 157.15 do not apply to a vessel, except an oil tanker, that carries less than 1,000 cubic meters of crude oil or products in bulk as cargo and which retains oil mixtures on board and discharges them to a reception facility.

(f) Sections 157.11 (a) through (f), 157.12, 157.13, and 157.15 do not apply to a tank vessel that carries only asphalt, carbon black feedstock, or other products with similar physical properties, such as specific gravity and cohesive and adhesive characteristics, that inhibit effective product/water separation and monitoring.

(g) Sections 157.11 (a) through (f), 157.12, 157.13, 157.15, and 157.23 do not apply to a tank barge that cannot ballast cargo tanks or wash cargo tanks while underway.

(h) Sections 157.19 and 157.21 do not apply to a tank barge that is certificated by the Coast Guard for limited short protected coastwise routes if the barge is otherwise constructed and certificated for service exclusively on inland routes.

(i) Section 157.09(d) does not apply to any:

- (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;
- (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or
- (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(j) Sections 157.09 and 157.10a do not apply to a new vessel that:

- (1) Is constructed under a building contract awarded after June 1, 1979;
- (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;
- (3) Is delivered after June 1, 1982; or
- (4) Has undergone a major conversion for which:
 - (i) The contract is awarded after June 1, 1979;
 - (ii) In the absence of a contract, conversion is begun after January 1, 1980; or
 - (iii) Conversion is completed after June 1, 1982.

(k) Sections 157.09(b)(3), 157.10(c)(3), 157.10a(d)(3), and 157.10b(b)(3) do not apply to tank barges.

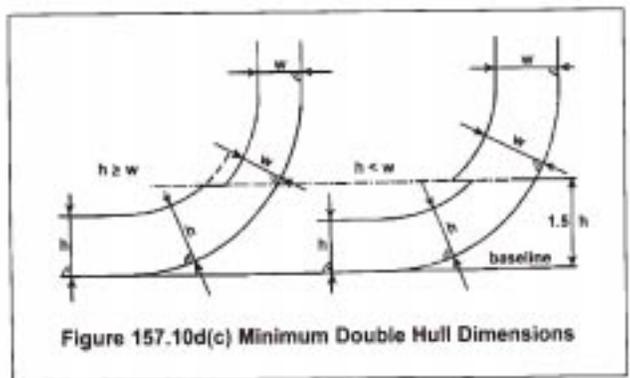
(1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(m) Section 157.12 does not apply to a U.S. vessel that:

- (1) Is granted an exemption under Subpart F of this part; or
- (2) Is engaged solely in voyages that are:
 - (i) Between ports or places within the United States, its territories or possessions;
 - (ii) Of less than 72 hours in length; and
 - (iii) At all times within 50 nautical miles of the nearest land.

(n) Section 157.10d does not apply to:

- (1) A vessel that operates exclusively beyond the navigable waters of the United States and the United States Exclusive Economic Zone, as defined in 33 U.S.C. 2701(8);
- (2) An oil spill response vessel;
- (3) Before January 1, 2015—
 - (i) A vessel unloading oil in bulk as cargo at a deep-water port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or
 - (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities—
 - (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and
 - (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05-10.
- (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;
- (5) A barge of less than 1,500 gross tons as measured under 46 U.S.C., Chapter 145, carrying refined petroleum in bulk as cargo in or adjacent to waters of the Bering Sea, Chukchi Sea, and Arctic Ocean and waters tributary thereto and in the waters of the Aleutian Islands and the Alaskan Peninsula west of 155 degrees west longitude; or
- (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.



§157.10d Double hulls on tank vessels.

(a) With the exceptions stated in §157.08(n), this section applies to a tank vessel—

- (1) For which the building contract is awarded after June 30, 1990; or
- (2) That is delivered after December 31, 1993;
- (3) That undergoes a major conversion for which:
 - (i) The contract is awarded after June 30, 1990; or

(ii) Conversion is completed after December 31, 1993; or

(4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

NOTE: 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(b) Each vessel to which this section applies must be fitted with:

(1) A double hull in accordance with this section; and

(2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(c) Except on a vessel to which §157.10d(d) applies, tanks within the cargo tank length that carry any oil must be protected by double sides and a double bottom as follows:

(1) Double sides must extend for the full depth of the vessel's side or from the uppermost deck, disregarding a rounded gunwale where fitted, to the top of the double bottom. At any cross section, the molded width of the double side, measured at right angles to the side shell plating, from the side of tanks containing oil to the side shell plating, must not be less than the distance *w* as shown in Figure 157.10d(c) and specified as follows:

(i) For a vessel of 5,000 DWT and above: $w=[0.5+(DWT/20,000)]$ meters; or, $w=2.0$ meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(ii) For a vessel of less than 5,000 DWT: $w=[0.4+(2.4)(DWT/20,000)]$ meters, but in no case less than 0.76 meter (30 in.).

(iii) For a vessel to which Paragraph (a)(4) of this section applies: $w=0.76$ meter (30 in.), provided that the double side was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(2) At any cross section, the molded depth of the double bottom, measured at right angles to the bottom shell plating, from the bottom of tanks containing oil to the bottom shell plating, must not be less than the distance *h* as shown in Figure 157.10d(c) and specified as follows:

(i) For a vessel of 5,000 DWT and above: $h=B/15$; or, $h=2.0$ meters (79 in.), whichever is less, but in no case less than 1.0 meter (39 in.).

(ii) For a vessel of less than 5,000 DWT: $h=B/15$, but in no case less than 0.76 meter (30 in.).

(iii) For a vessel to which Paragraph (a)(4) of this section applies: $h=B/15$; or, $h=2.0$ meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross sections where the turn of the bilge is not clearly defined, tanks containing oil must be located inboard of the outer shell—

(i) For a vessel of 5,000 DWT and above: At levels up to 1.5*h* above the base line, not less than the distance *h*, as shown in Figure 157.10d(c) and specified in Paragraph (c)(2) of this section. At levels greater than 1.5*h* above the base line, not less than the distance *w*, as shown in Figure 157.10d(c) and specified in Paragraph

(c)(1) of this section.

(ii) For a vessel of less than 5,000 DWT: Not less than the distance *h* above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(2) of this section. At levels greater than *h* above the line of the mid-ship flat bottom, not less than the distance *w*, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(1) of this section.

(4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(i) The aggregate volume of the double sides, double bottom, forepeak tanks, and afterpeak tanks must not be less than the capacity of segregated ballast tanks required under §157.10(b). Segregated ballast tanks that may be provided in addition to those required under §157.10(b) may be located anywhere within the vessel.

(ii) Double side and double bottom tanks used to meet the requirements of §157.10(b) must be located as uniformly as practicable along the cargo tank length. Large inboard extensions of individual double side and double bottom tanks, which result in a reduction of overall side or bottom protection, must be avoided.

(d) A vessel of less than 10,000 DWT that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes must be fitted with double sides and a double bottom as follows:

(1) A minimum of 61 cm. (2 ft.) from the inboard side of the side shell plate, extending the full depth of the side or from the main deck to the top of the double bottom, measured at right angles to the side shell; and

(2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the vessel's bottom, measured at right angles to the bottom shell.

(3) For a vessel to which Paragraph (a)(4) of this section applies, the width of the double sides and the depth of the double bottom may be 38 cm. (15 in.), in lieu of the dimensions specified in paragraphs (d)(1) and (d)(2) of this section, provided that the double side and double bottom tanks were fitted under a construction or conversion contract awarded prior to June 30, 1990.

(4) For a vessel built under a contract awarded after September 11, 1992, a minimum 46 cm. (18 in.) clearance for passage between framing must be maintained throughout the double sides and double bottom.

(e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1) The collision bulkhead; or

(2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forward perpendicular;

(ii) On a vessel of less than 10,000 DWT tons that is constructed and certificated for service exclusively on inland or limited short protected coastwise routes, the lesser of 7.62 meters (25 ft.) or 5 percent of the vessel length, but in no case less than 61 cm. (2 ft.), aft of the headlog or stem at the freeboard deck; or

Page 335—Paragraph 379, line 1; read:

Stepping Stones Light (40°49'28"N., 73°46'29"W.), 46 ...
(48/02 CG1; LL/02) 18/03

Page 337—Paragraph 399, line 3; read:

tank. **Throgs Neck Light** (40°48'16"N., 73°47'26"W.), 60 ...
(48/02 CG1; LL/02) 18/03

COAST PILOT 2 32 Ed 2003 Change No. 4

Page 126—Paragraph 1975, line 2; read:

Longitude 72°02'West, and west of longitude 71°55'West.

§165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(a) *Location.* All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position 41°57'05"N., 070°34'42"W.; then running southeast to position 41°56'40.5"N., 070°41'04.5"W.; then running southwest to position 41°56'32"N., 070°34'14"W.; then running northwest to position 41°56'55.5"N., 070°34'52"W.; then running northeast back to position 41°57'05"N., 070°34'42"W.

(b) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP of the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

(FR 5/30/02) 18/03

Page 128—Paragraph 2053, line 6 to Paragraph 2058; read: Broadcast.

§165.160 Safety and Security Zones: Liquefied Hazardous Gas Vessel, Liquefied Hazardous Gas Facility and Designated Vessel Transits, New York Marine Inspection Zone and Captain of the Port Zone.

(a) *Location.* The following areas are safety and security zones:

(1) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 200-yard radius of any Liquefied Hazardous Gas (LHG) vessel or LHG facility.

(2) All waters of the New York Marine Inspection Zone and Captain of the Port Zone within a 100-yard radius of any Designated Vessels.

(b) *Designated Vessels (DVs).* For the purposes of this section, DVs are: Vessels certificated to carry 500 or more passengers; vessels carrying government officials or dignitaries requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; and

barges or ships carrying petroleum products, chemicals, or other hazardous cargo.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(3) The Captain of the Port will notify the maritime community of periods during which these zones will be enforced by methods in accordance with 33 CFR 165.7 and will identify DV vessel transits by way of electronic mail broadcast.

(FR 1/22/03) 18/03

Page 131—Paragraph 2215; insert after:

§165.169 Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone.

(a) *Safety and security zones.* The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are safety and security zones:

(1) *Indian Point Nuclear Power Station (IPNPS).* All waters of the Hudson River within 300-yard radius of the IPNPS pier in approximate position 41°16'12.4"N., 073°57'16.2"W. (NAD 83).

(2) *U.S. Coast Guard Cutters and Shore Facilities.* All waters within 100 yards of: Each moored, or anchored, Coast Guard Cutter; Coast Guard Station New York; Staten Island, NY; Coast Guard Station Sandy Hook, NJ; Coast Guard Station Kings Point, NY; and Coast Guard Aids to Navigation Team New York, Bayonne, NJ.

(3) *Commercial Waterfront Facilities.* All waters within 25 yards of each commercial waterfront facility that is capable of accepting barge, ferry or other commercial vessels. For purposes of this section, "commercial waterfront facility" means all piers, wharves, docks and similar structures to which barge, ferry or other commercial vessels may be secured; areas of land or water under and in immediate proximity to them; buildings on such structures or contiguous to them; and equipment and materials on such structures and in such buildings.

(i) When a barge, ferry or other commercial vessel is conducting transfer operations at a commercial waterfront facility, the 25-yard zone is measured from the outboard side of the commercial vessel.

(ii) Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the commercial waterfront facility and do not stop or loiter within the zone.

(4) *Liberty and Ellis Islands.* All waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island.

(5) *Bridge Piers and Abutments, Overhead Power Cable Towers, Piers and Tunnel Ventilators.* All waters within 25 yards of any bridge pier or abutment, overhead power cable tower, pier or tunnel ventilators south of the Troy, NY Locks. Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the waterfront facility and do not stop or loiter within the zone.

(6) *New York City Passenger Ship Terminal, Hudson River, NY* (i) *Location.* All waters of the Hudson River bound by the following points: From the northeast corner of Pier 96 where it intersects the seawall, thence west to approximate position 40°26'23.1"N., 073°59'59.0"W., thence south to approximate position 40°45'55.3"N., 074°00'20.2"W. (NAD 1983), thence east to the southeast corner of Pier 84 where it intersects the seawall, thence north along the shoreline to the point of origin.

(ii) *Enforcement period.* This zone will be enforced whenever passenger vessels are pierside at Pier 88, 90 or 92 or whenever the passenger ship terminal or the adjacent Intrepid Sea, Air and Space Museum, Manhattan is being used as an Emergency Operations Center. The activation and termination of a particular zone will be announced in accordance with 33 CFR 165.7.

(7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY.*—(i) *Location: 200-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens in approximate position

40°46'32.1"N., 073°53'22.4"W. thence to 40°46'52.8"N., 073°53'09.3"W., thence to 40°46'54.8"N., 073°52'54.2"W., thence to 40°46'59.3"N., 073°52'51.3"W., thence to 40°47'11.8"N., 073°53'17.3"W., thence to 40°47'13.0"N., 073°53'16.1"W. on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9"N., 073°52'17.9"W., thence to 40°47'16.7"N., 073°52'09.2"W., thence to 40°47'36.1"N., 073°51'52.5"W., thence to 40°47'35.1"N., 073°51'50.5"W., thence to 40°47'15.9"N., 073°52'06.4"W., thence to 40°47'14.5"N., 073°52'03.1"W., thence to 40°47'10.6"N., 073°52'06.7"W., thence to 40°47'01.9"N., 073°52'02.4"W., thence to 40°46'50.4"N., 073°52'08.1"W., thence to 40°46'26.8"N., 073°51'18.5"W., thence to 40°45'57.2"N., 073°51'01.8"W., thence to 40°45'51.2"N., 073°50'59.6"W., thence to 40°45'49.5"N., 073°51'07.2"W., thence to 40°45'58.8"N., 073°51'13.2"W., thence to 40°46'02.3"N., 073°51'20.1"W., thence to 40°45'48.4"N., 073°51'37.0"W., (NAD 1983) thence along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points:

Onshore at Steinway, Queens in approximate position 40°46'32.1"N., 073°53'22.4"W., thence to 40°46'50.6"N., 073°53'07.3"W., thence to 40°46'53.0"N., 073°52'50.9"W., thence to 40°46'57.6"N., 073°52'47.9"W., thence to 40°47'11.8"N., 073°53'17.3"W., thence to 40°47'13.0"N., 073°53'16.1"W., on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position

40°47'12.9"N., 073°52'17.9"W., thence to 40°47'16.7"N., 073°52'09.2"W., thence to 40°47'36.1"N., 073°51'52.5"W., thence to 40°47'35.1"N., 073°51'50.5"W., thence to 40°47'15.9"N., 073°52'06.4"W., thence to 40°47'14.5"N., 073°52'03.1"W., thence to 40°47'07.9"N., 073°52'09.2"W., thence to 40°47'01.4"N., 073°52'06.1"W., thence to 40°46'50.0"N., 073°52'14.6"W., thence to 40°46'22.2"N., 073°51'16.0"W., thence to 40°45'57.2"N., 073°51'01.8"W., thence to 40°45'52.4"N., 073°51'00.2"W., thence to 40°45'50.6"N., 073°51'07.9"W., thence to 40°45'58.8"N., 073°51'13.2"W., thence to 40°46'04.0"N., 073°51'23.3"W., thence to 40°45'51.2"N., 073°51'38.8"W., (NAD 1983) thence along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(7) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(7)(i) of this section. That lies outside of the waters described in paragraph (a)(7)(ii) of this section: Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(7)(i) and (a)(7)(ii) of this section will be communicated by the Captain of the Port to the public by marine broadcast, or local notice to mariners, or notice posted at <http://www.harborops.com>. (8) John F. Kennedy Airport, Jamaica Bay, Queen, NY.

(i) *Location: Bergen Basin.* All waters of Bergen Basin north of 40°39'26.4"N.

(ii) *Location: Thurston Basin.* All waters of Thurston Basin north of 40°38'21.2"N.

(iii) *Location: 200-Yard Zone.* All waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position

40°38'49.0"N., 073°49'09.1"W., thence to 40°38'42.5"N., 073°49'13.2"W., thence to 40°38'00.6"N., 073°47'35.1"W., thence to 40°37'52.3"N., 073°47'55.0"W., thence to 40°37'50.3"N., 073°47'53.5"W., thence to 40°37'59.4"N., 073°47'32.6"W., thence to 40°37'46.1"N., 073°47'07.2"W., thence to 40°37'19.5"N., 073°47'30.4"W., thence to 40°37'05.5"N., 073°47'03.0"W., thence to 40°37'34.7"N., 073°46'40.6"W., thence to 40°37'20.5"N., 073°46'23.5"W., thence to 40°37'05.7"N., 073°46'34.9"W., thence to 40°36'54.8"N., 073°46'26.7"W., thence to

40°37'14.1"N., 073°46'10.8"W., thence to 40°37'36.9"N., 073°45'52.8"W., thence to 40°38'00.8"N., 073°44'54.9"W., thence to 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(iv) *Location: 100-Yard Zone.* All waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens in approximate position

40°38'49.0"N., 073°49'09.1"W., thence to 40°38'45.1"N., 073°49'11.6"W., thence to 40°38'02.0"N., 073°47'31.8"W., thence to 40°37'52.3"N., 073°47'55.0"W., thence to 40°37'50.3"N., 073°47'53.5"W., thence to 40°38'00.8"N., 073°47'29.4"W., thence to 40°37'47.4"N., 073°47'02.4"W., thence to 40°37'19.9"N., 073°47'25.0"W., thence to 40°37'10.0"N., 073°47'03.7"W., thence to 40°37'37.7"N., 073°46'41.2"W., thence to 40°37'22.6"N., 073°46'21.9"W., thence to 40°37'05.7"N., 073°46'34.9"W., thence to 40°36'54.8"N., 073°46'26.7"W., thence to 40°37'14.1"N., 073°46'10.8"W., thence to 40°37'40.0"N., 073°45'55.6"W., thence to 40°38'02.8"N., 073°44'57.5"W., thence to 40°38'05.1"N., 073°45'00.3"W., (NAD 1983) thence along the shoreline to the point of origin.

(v) *Enforcement period.* The zones described in paragraphs (a)(8) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(8)(iii) of this section that lies outside of the waters described in paragraph (a)(8)(iv) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(8)(iii) and (a)(8)(iv) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>

(9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY.*— (i) *Location: 150-Yard Zone.* All waters of Eastchester Bay within approximately 150 yards of Rodman Neck bound by the following points: Onshore in approximate position

40°51'30.4"N., 073°48'14.9"W., thence to 40°51'29.9"N., 073°48'20.7"W., thence to 40°51'16.9"N., 073°48'22.5"W., thence to 40°51'07.5"N., 073°48'18.7"W., thence to 40°50'54.2"N., 073°48'11.1"W., thence to 40°50'48.5"N., 073°48'04.6"W., thence to 40°50'49.2"N., 073°47'56.5"W., thence to 40°51'03.6"N., 073°47'47.3"W., thence to 40°51'15.7"N., 073°47'46.8"W., thence to 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Eastchester Bay within approximately 100 yards of Rodman Neck bound by the following points: Onshore in approx-

imate position

40°51'30.4"N., 073°48'14.9"W., thence to 40°51'30.1"N., 073°48'19.0"W., thence to 40°51'16.8"N., 073°48'20.5"W., thence to 40°51'07.9"N., 073°48'16.8"W., thence to 40°50'54.9"N., 073°48'09.0"W., thence to 40°50'49.7"N., 073°48'03.6"W., thence to 40°50'50.1"N., 073°47'57.9"W., thence to 40°51'04.6"N., 073°47'48.9"W., thence to 40°51'15.9"N., 073°47'48.4"W., thence to 40°51'23.5"N., 073°47'41.9"W., (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(9) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(9)(i) of this section that lies outside of the waters described in paragraph (a)(9)(ii) of this section. Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(9)(i) and (a)(9)(ii) of this section will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://www.harborops.com>.

(10) *Port Newark/Port Elizabeth, Newark Bay, NJ.* All waters of Newark Bay bound by the following points:

40°41'49.9"N., 074°07'32.2"W., thence to 40°41'46.5"N., 074°07'20.4"W., thence to 40°41'10.7"N., 074°07'45.9"W., thence to 40°40'54.3"N., 074°07'55.7"W., thence to 40°40'36.2"N., 074°08'03.8"W., thence to 40°40'29.1"N., 074°08'06.3"W., thence to 40°40'21.9"N., 074°08'10.0"W., thence to 40°39'27.9"N., 074°08'43.6"W., thence to 40°39'21.5"N., 074°08'50.1"W., thence to 40°39'21.5"N., 074°09'54.3"W., (NAD 1983) thence northerly along the shoreline to the point of origin.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 and 165.33 apply.

(2) Vessels not actively engaged in legitimate transfer operations shall not stop or loiter within that part of a commercial waterfront facility safety and security zone extending into the navigable channel, described in paragraph (a)(3) of this section, without the express permission of the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

(3) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon begin hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(FR 1/22/03; FR 2/19/03)

18/03

1399; read:
penalties under 33 U.S.C. 1232.

Subpart C—Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargos
§160.201 General.

This subpart contains requirements and procedures for submitting Notices of Arrival (NOA) and Notice of Hazardous Condition. The sections in this subpart describe:

- (a) Applicability and exemptions from requirements in this subpart;
- (b) Required information in an NOA;
- (c) Required changes to an NOA;
- (d) Methods and times for submission of an NOA and changes to an NOA;
- (e) How to obtain a waiver; and
- (f) Requirements for submission of the Notice of Hazardous Conditions.

§160.202 Applicability.

- (a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.
- (b) This subpart does not apply to recreational vessels under 46 U.S.C. 4301 *et seq.*
- (c) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.
- (d) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.

§160.203 Exemptions.

- (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:
 - (1) Passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.
 - (2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.
 - (3) Vessels operating upon the following waters:
 - (i) Mississippi River between its sources and mile 235, Above Head of Passes;
 - (ii) Tributaries emptying into the Mississippi River above mile 235;
 - (iii) Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the Red River; and
 - (iv) The Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between those two points.
- (b) If not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo, the following vessels are exempt from NOA requirements in this subpart:
 - (1) Vessels 300 gross tons or less, except for vessels entering any port or place in the Seventh Coast Guard Dis-

trict as described in 33 CFR 3.35–1(b).

(2) Vessels operating exclusively within a Captain of the Port Zone.

(3) Vessels arriving at a port or place under force majeure.

(4) Towing vessels and barges operating solely between ports or places in the continental United States.

(5) Public vessels.

(6) Except for tank vessels, U.S. vessels operating solely between ports or places in the United States on the Great Lakes.

(c) Vessels less than 500 gross tons need not submit the International Safety Management (ISM) Code Notice (Entry (7) to Table 160.206).

(d) Vessels operating solely between ports or places in the continental United States need not submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206).

(e) This section does not exempt any vessel from compliance with the U.S. Customs Service (USCS) reporting or submission requirements.

§160.204 Definitions.

As used in this subpart:

Agent means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

Barge means a non-self propelled vessel engaged in commerce.

Carried in bulk means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

Certain dangerous cargo (CDC) includes any of the following:

(1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(2) Division 1.5D blasting agents for which a permit is required under 49 CFR 176.415 or, for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(3) Division 2.3 “poisonous gas”, as listed in 49 CFR 172.101 that is also a “material poisonous by inhalation” as defined in 49 CFR 171.8, and that is in a quantity in excess of 1 metric ton per vessel.

(4) Division 5.1 oxidizing materials for which a permit is required under 49 CFR 176.415 or for which a permit is required as a condition of a Research and Special Programs Administration exemption.

(5) A liquid material that has a primary or subsidiary classification of Division 6.1 “poisonous material” as listed 49 CFR 172.101 that is also a “material poisonous by inhalation,” as defined in 49 CFR 171.8 and that is in a bulk packaging, or that is in a quantity in excess of 20 metric tons per vessel when not in a bulk packaging.

(6) Class 7, “highway route controlled quantity” radioactive material or “fissile material, controlled shipment,” as defined in 49 CFR 173.403.

(7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(8) The following bulk liquids:

- (i) Acetone cyanohydrin,
- (ii) Allyl alcohol,
- (iii) Chlorosulfonic acid,
- (iv) Crotonaldehyde,
- (v) Ethylene chlorohydrin,
- (vi) Ethylene dibromide,
- (vii) Methacrylonitrile, and
- (viii) Oleum (fuming sulfuric acid).

Charterer means the person or organization that contracts for the majority of the carrying capacity of a ship for the transportation of cargo to a stated port for a specified period. This includes “time charterers” and “voyage charterers.”

Crewmember means all persons carried on board the vessel to provide navigation and maintenance of the vessel, its machinery, systems, and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

Great Lakes means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far as Saint Regis, and adjacent port areas.

Gross tons means the tonnage determined by the tonnage authorities of a vessel’s flag state in accordance with the national tonnage rules in force before the entry into force of the International Convention on Tonnage Measurement of Ships, 1969 (“Convention”). For a vessel measured only under Annex I of the Convention, gross tons means that tonnage. For a vessel measured under both systems, the higher gross tonnage is the tonnage used for the purposes of the 300-gross-ton threshold.

Hazardous condition means any condition that may adversely affect the safety of any vessel, bridge, structure, or

shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

Nationality means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

Operator means any person including, but not limited to, an owner, a charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

Persons in addition to crewmembers mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

Port or place of departure means any port or place in which a vessel is anchored or moored.

Port or place of destination means any port or place in which a vessel is bound to anchor or moor.

Public vessel means a vessel that is owned or demised (bareboat) chartered by the government of the United States, by a State or local government, or by the government of a foreign country and that is not engaged in commercial service.

Time charterer means the party who hires a vessel for a specific amount of time. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

Voyage charterer means the party who hires a vessel for a single voyage. The owner and his crew manage the vessel, but the charterer selects the ports of destination.

§160.206 Information required in an NOA.

(a) Each NOA must contain all of the information items specified in Table 160.206

TABLE 160.206.—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels	Towing vessels controlling vessels carrying CDC
<i>(1) Vessel Information:</i>			
(i) Name;	x	x	x
(ii) Name of the registered owner;	x	x	x
(iii) Country of registry;	x	x	x
(iv) Call sign;	x	x	x
(v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number;	x	x	x
(vi) Name of the operator;	x	x	x
(vii) Name of the charterer; and	x	x	x
(viii) Name of classification society.	x	x	x

(2) <i>Voyage Information:</i> (i) Names of last five ports or places visited; (ii) Dates of arrival and departure for last five ports or places visited; (iii) For each port or place in the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state; (iv) For each port or place in the United States to be visited, the estimated date and time of arrival; (v) For each port or place in the United States to be visited, the estimated date and time of departure; (vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting; and (vii) The name and telephone number of a 24-hour point of contact.	X X X X X X X	X X X X X X X	X X X X X X X
(3) <i>Cargo Information:</i> (i) A general description of cargo, other than CDC, onboard the vessel (e.g.: grain, container, oil, etc); (ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable; and (iii) Amount of each certain dangerous cargo carried.	X	X X X	X X X
(4) <i>Information for each Crewmember Onboard:</i> (i) Full name; (ii) Date of birth; (iii) Nationality; (iv) Passport or mariners document number (type of identification and number); (v) Position or duties on the vessel; and (vi) Where the crewmember embarked (list port or place and country).	X X X X X X	X X X X X X	X X X X X X
(5) <i>Information for each Person Onboard in Addition to Crew:</i> (i) Full name; (ii) Date of birth; (iii) Nationality; (iv) Passport number; and (v) Where the person embarked (list port or place and country).	X X X X X	X X X X X	X X X X X
(6) <i>Operational condition of equipment required by §164.35 of this chapter.</i>	X	X	X
(7) <i>International Safety Management (ISM) Code Notice:</i> (i) The date of issuance for the company's Document of Compliance certificate that covers the vessel; (ii) The date of issuance for the vessel's Safety Management Certificate; and (iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.	X X X	X X X	X X X
(8) <i>Cargo Declaration (Customs Form (1302) as described in 19 CFR 4.7.</i>	X	X	X

(b) Vessels operating solely between ports or places in the continental United States need submit only the name of and date of arrival and departure for the last port or places visited to meet the requirements in entries (2)(i) and (ii) to Table 160.206 of this section.

(c) You may submit a copy of INS Form I-418 to meet the requirements of entries (4) and (5) in Table 160.206.

(d) Any vessel planning to enter two or more consecutive ports or places in the United States during a single voyage may submit one consolidated Notification of Arrival at least 96 hours before entering the first port or place of destination. The consolidated notice must include the name of the port or place and estimated arrival date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of §160.208 of this part concerning requirements for charges to an NOA.

§160.208 Changes to a submitted NOA.

(a) Unless otherwise specified in this section, when submitted NOA information changes, vessels must submit a notice of change within the times required in §160.212.

(b) Changes in the following information need not be reported:

(1) Changes in arrival or departure times that are less than six (6) hours;

(2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(c) When reporting changes, submit only the name of the vessel, original NOA submission date, the port of arrival, the specific items to be corrected, and the new location or position of the vessel at the time of reporting. Only changes to

NOA information need to be submitted.

§160.210 Methods for submitting an NOA.

(a) *Submission to the National Vessel Movement Center (NVMC).* Except as provided in paragraphs (b) and (c) of this section, all vessels required to submit NOA information in §160.206 (entries 1-7 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV, 25430, shall do so by:

- (1) Telephone at 1-800-708-9823 or 304-264-2502;
- (2) Fax at 1-800-547-8724 or 304-264-2684; or
- (3) E-mail at SANS@NVMC.USCG.gov.

Note to paragraph (a): Information about the National Vessel Movement Center is available on its Web site at <http://www.nvmc.uscg.gov/>. You may submit the notice using any electronic format available on the NVMC website.

(b) *Saint Lawrence Seaway transits.* Those vessels transiting the Saint Lawrence Seaway inbound, bound for a port or place in the United States, may meet the submission requirements of paragraph (a) of this section by submitting the required information to the Saint Lawrence Seaway Development Corporation and the Saint Lawrence Seaway Management Corporation of Canada by fax at 315-764-3235 or at 315-764-3200. The Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(c) *Seventh Coast Guard District.* Those vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP). The Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS, as required by paragraph (d) of this section.

(d) *Submission to the United States Customs Service's Sea Automated Manifest System (AMS).*

(1) Beginning July 1, 2003, the Cargo Declaration (Customs Form 1302) in entry (8) in Table 160.206 must be submitted electronically to the USCS Sea AMS by one of the following methods:

- (i) By direct connection with USCS or by purchasing the proper software; or
- (ii) Using a service provider or a Port Authority.

(2) To become a participant in Sea AMS, submitters must provide a letter of intent to USCS prior to first submission.

§160.212 When to submit an NOA.

(a) *Submission of NOA.* (1) Except as set out in paragraph (a)(2) of this section, all vessels must submit NOAs within the times required in paragraph (a)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit an NOA before departure but at least 12 hours before entering the port or place of destination.

(3) Times for submitting NOAs are as follows:

If your voyage time is—	You must submit an NOA—
-------------------------	-------------------------

(i) 96 hours or more; or	Before departure but at least 96 hours before entering the port or place of destination; or
(ii) Less than 96 hours	Before departure but at least 24 hours before entering the port or place of destination.

(b) *Submission of changes to NOA.* (1) Except as set out in paragraph (b)(2) of this section, vessels must submit changes in NOA information within the times required in paragraph (b)(3) of this section.

(2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(3) Times for submitting changes to NOAs are as follows:

If your remaining voyage time is—	Then you must submit changes to an NOA—
(i) 96 hours or more;	As soon as practicable but at least 24 hours before entering the port or place of destination;
(ii) Less than 96 hours but not less than 24 hours; or	As soon as practicable but at least 24 hours before entering the port or place of destination; or
(iii) Less than 24 hours	As soon as practicable but at least 12 hours before entering the port or place of destination.

(c) *Submission of the Cargo Declaration (Customs Forms 1302).* (1) Except as set out in paragraph (c)(2) of this section, all vessels must submit to USCS the Cargo Declaration (Customs Form 1302) in entry (8) to Table 160.206, within the times required in paragraph (a)(3) of this section.

(2)(i) Except for vessels carrying containerized cargo or break bulk cargo, vessels carrying bulk cargo may submit the Cargo Declaration (Customs Form 1302). Entry (8) to Table 160.206) before departure but at least 24 hours before entering the U.S. port or place of destination.

(ii) Vessels carrying break bulk cargo operating under a USCS exemption granted under 19 CFR 4.7(b)(4)(ii) may, during the effective period of the USCS exemption submit the Cargo Declaration (Customs Form 1302), (Entry (8) to Table 160.206) before departure but at least 24 hours before entering the U.S. port or place of destination.

§160.214 Waivers.

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirements of this subpart for any vessel or class of vessels upon finding that the vessel, route area of operations, conditions of the voyage,

or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

§160.215 Notice of hazardous conditions.

Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

(FR 2/28/03) 18/03

COAST PILOT 2 32 Ed 2003 Change No. 6

Page 20—Paragraph 395, line 3 to Paragraph 396, line 3; read:

bathymetric map are referred. The tidal datum of **Mean Lower Low Water** is used as Chart Datum along the east, west and Gulf coasts, including the coasts of Alaska, Hawaii, the West Indies and other United States and United Nations islands of the Pacific.

Mean Lower Low Water is defined ... (CL 68/03; NOS/03) 18/03

Page 46—Insert in Box after Part 117:
Part 157 Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk (33 CFR 157) 18/03

Page 205—Paragraph 94, line 1; read:
Cuttyhunk Light (41°24'51"N., 70°56'59"W.), 63 ... (48/02 CG1; LL/02) 18/03

Page 237—Paragraph 192, line 1; read:
Conimicut Light (41°43'01"N., 71°20'42"W.), 58 feet ... (49/02 CG1; LL/02) 18/03

Page 249—Paragraph 33, lines 1 to 2; read:
Block Island Southeast Light (41°09'10"N., 71°33'04"W.), 261 feet above the water, is shown from a ... (48/02 CG1; LL/02) 18/03

Page 254—Paragraph 83, line 1; read:
Race Rock Light (41°14'37"N., 72°02'49"W.), 67 feet ... (49/02 CG1; LL/02) 18/03

Page 254—Paragraph 86, line 4; read:
locality. **Little Gull Island Light** (41°12'23"N., 72°06'25"W.), ... (49/02 CG1; LL/02) 18/03

Page 257—Paragraph 128, lines 4 to 5; read:
passage are several rocks with depths of 17 to 19 feet over them. In December 2002, an obstruction in 64 feet of water, marked with three orange floats, was reported in about 41°10'06"N., 72°12'54"W. Tidal currents set through the pas-

sage with great ... (49/02 CG1) 18/03

Page 282—Paragraph 86, line 1; read:
Bartlett Reef Light (41°16'28"N., 72°08'14"W.), 35 ... (49/02 CG1; LL/02) 18/03

Page 285—Paragraph 116, lines 1 to 2; read:
Saybrook Breakwater Light (41°15'48"N., 72°20'34"W.), 58 feet above the water; is shown from a ... (49/02 CG1; LL/02) 18/03

Page 292—Paragraph 224, line 10; read:
islands. **Falkner Island Light** (41°12'43"N., 72°39'13"W.), ... (49/02 CG1; LL/02) 18/03

Page 296—Paragraph 264, line 1; read:
Southwest Ledge Light (41°14'04"N., 72°54'44"W.), ... (49/02 CG1; LL/02) 18/03

Page 297—Paragraph 277, line 7; read:
Ledge Light. In July 2002, there was an obstruction near the mouth of the entrance channel in about 41°12'59"N., 72°54'11"W. with 22 feet water over it. (CL 2345/02; 01/03 CG1) 18/03

Page 404—Paragraph 24; read:
Distances Between United States Ports (available on the internet only at <http://chartmarker.ncd.noaa.gov/nsd/ports.html>.) (01/03 CG7) 18/03