

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 District 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 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 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,