

§ 160.214

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| If your voyage time is— | You must submit an NOA— |
| (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:

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| 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 Form 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

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least 24 hours before entering the U.S. port or place of destination.

[USCG–2002–11865, 68 FR 9543, Feb. 28, 2003; 68 FR 63735, Nov. 10, 2003]

EFFECTIVE DATE NOTE: By USCG–2002–11865, 68 FR 27908, May 22, 2003, in §160.212, paragraph (c) was suspended, effective May 22, 2003.

§ 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 Sector Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

[USCG–2002–11865, 68 FR 9543, Feb. 28, 2003, as amended by USCG–2006–25556, 72 FR 36328, July 2, 2007]

Subpart D—Crewmember Identification

SOURCE: USCG–2007–28648, 74 FR 19140, Apr. 28, 2009, unless otherwise noted.

§ 160.300 Applicability.

(a) This subpart applies to crewmembers on the following vessels in the navigable waters of the United States en route to a U.S. port or place of destination or at a U.S. port or place:

- (1) A foreign vessel engaged in commercial service, and
- (2) A U.S. vessel engaged in commercial service and coming from a foreign port or place of departure.

(b) This subpart also applies to the operators of the vessels listed in paragraph (a) of this section.

§ 160.305 Exceptions.

Requirements in this subpart do not apply to crewmembers and operators on a vessel bound for a U.S. port or place of destination under *force majeure*.

§ 160.310 Definitions.

As used in this subpart, and only for purposes of this subpart—

Acceptable identification means a:

- (1) Passport;
- (2) U.S. Permanent Resident Card;
- (3) U.S. merchant mariner document;
- (4) U.S. merchant mariner credential;
- (5) Transportation Worker Identification Credential (TWIC) issued by the Transportation Security Administration under 49 CFR part 1572; or
- (6) Seafarer's Identification Document (SID) issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185.

Commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

Crewmember means all persons carried onboard a vessel to provide: navigation services; maintenance of the vessel, its machinery, or systems; arrangements essential for propulsion or safe navigation; or services for other persons onboard.

Foreign vessel means a vessel of foreign registry or operated under the authority of a country except the United States.

Navigable waters of the United States means the same as this term is defined in 33 CFR 2.36(a). This includes a 12-nautical-mile wide U.S. territorial sea as measured from the baseline, U.S. internal waters subject to tidal influence, and certain U.S. internal waters not subject to tidal influence.

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.

Passport means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

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.

§ 160.315 Crewmember identification requirement.

(a) A crewmember subject to this subpart must carry and present on demand an acceptable identification. An operator subject to this subpart must ensure that every crewmember on the vessel has an acceptable identification in his or her possession when the vessel is in the navigable waters of the United States. For purposes of this section, a crewmember may secure his or her acceptable identification with the vessel's master, so long as the identification can be presented on demand.

(b) Compliance with the requirements in this section does not relieve vessel crewmembers and operators of any requirements under the Immigration and Nationality Act (INA) or INA implementing regulations. Likewise, compliance with INA requirements does not relieve vessel crewmembers and operators of the requirements in this section.

§ 160.320 Sanctions and vessel control.

Failure to comply with this subpart will subject the crewmember and operator to a civil penalty under 46 U.S.C. 70119 and the vessel to control under 33 U.S.C. 1223(b).

PART 161—VESSEL TRAFFIC MANAGEMENT

Subpart A—Vessel Traffic Services

GENERAL RULES

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