

Title 33 CFR part 160, Subpart C, Notice of Arrival Regulations: Common Questions and Interpretations
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C. 33 CFR 160.204

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- 1. Citation** Title 33 CFR 160.204, definitions for *crewmember* and *persons in addition to crewmembers*:
- As used in this subpart:
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.
- Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.
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- 2. Scenario** The eNOAD has a "crew manifest" and a "passenger manifest." For certain individuals, it is unclear which list they should be on.
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- 3. Question/Issue** Under which list should a vessel place someone who is not a passenger but not a crewmember, such as fish processors, riders, surveyors, masters' wives, etc?
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- 4. Discussion** Those personnel who do not meet the definition in 33 CFR 160.204 for *crewmember* should be listed under the "passenger manifest" or list.
- US Coast Guard regulations define a *crewmember* as listed above. In many cases, individuals such as processors on fishing vessels and ship riders are not crewmembers because they are not essential for propulsion and safe navigation or to provide services for others onboard. Therefore, they do not meet the definition for *crewmember*.
- Coast Guard regulations also define *persons in addition to crewmembers* as listed above, which simply means anyone onboard that does not meet the definition for a crewmember. Therefore, the individuals mentioned earlier would likely fit this definition.
- CBP also uses the eNOAD system to fulfill their Advanced Passenger Information System (APIS) requirements located in 19 CFR 4.7b. CBP also has a definition for crewmember, which is similar to the Coast Guard's definition. However, in that regulation, CBP uses the term *passenger* similar to how the Coast Guard uses the term *persons in addition to crewmembers*. The CBP definition for a *passenger* in 19 CFR 4.7b(a) is "any person being transported on a commercial vessel who is not a crew member."
- When the eNOAD system was created to capture both CG NOA requirements and CBP APIS requirements, the terms crew list or manifest and passenger list or manifest were adopted.
- Therefore, persons such as processors who are not crewmembers, but who many do not traditionally think of as passengers, should be placed in the "passenger" section of the eNOAD.
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