

Title 33 CFR part 160, Subpart C, Notice of Arrival Regulations: Common Questions and Interpretations
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A. 33 CFR 160.203

1. Citation

Title 33 CFR 160.203(b)(2) and 33 CFR 160.203(b)(4):

(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:

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

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

2. Scenario

A tug towing a barge departed from a U.S. port and arrived in a U.S. port. It did not submit a NOA and was not carrying certain dangerous cargoes (CDCs). The previous transit was a departure from a Canadian port to an arrival at a U.S. port. In that latter situation, the vessel submitted an accurate and complete NOA.

3. Question/Issue

Was the tug required to submit a NOA when it left a U.S. port for another U.S. port?

How far into the past does the language "operating solely in the United States" refer to? In other words, does the language "operating solely" or "operating exclusively" mean that a vessel can *never* visit a foreign port or travel outside the COTP zone to be eligible for the exemption?

4. Discussion

No. The tug was not required to submit a NOA for a U.S. port when its departure point was a U.S. port and was not carrying CDC.

When applying applicability and exemptions to specific vessels in determining whether or not a NOA is required, Units should consider the exemptions in context of "operating" on a particular transit – from one point of departure to the next point of arrival. "Operating" should be applied to the vessels' current and particular transit. The adverbs "solely" or "exclusively" should be applied to vessel's current operations, i.e. particular transit – from point A to point B. For instance, if a vessel departs a foreign port, bound for a U.S. port, it is not operating solely within the U.S. and is not eligible for the exemption. If the same vessel departs a U.S. port, bound for another U.S. port, it is now currently operating solely within the U.S. and may be eligible for the exemption.
