

Subj: REGULATORY INTERPRETATION FOR NOTICE OF ARRIVAL REGULATION

applied and consequently, industry must know the requirement of each individual port in order to submit a proper NOA to that COTP.

5. Guidance.

a. A vessel submitting a NOA when moving within ports or places of a COTP zone (i.e. a vessel carrying CDCs), should only do so if the vessel is actually moving from one port to another port. Moving from one dock to another dock, one berth to another berth, or one anchorage to another anchorage within one port is not considered a transit from a "port or place" to a different "port or place" and therefore, no NOA is required. Making this clarification does not pose additional risk since the Coast Guard has already vetted the vessel, its cargo, and its crew through the Intelligence Coordination Center (ICC), CBP, and other agencies, prior to its initial arrival.

b. This clarification reduces the public burden since movement on and off berth within a port is sometimes spontaneous. Requiring a vessel to notify the Coast Guard 24 hours prior to that type of movement is impractical, hindering transportation and mobility in the port. If those responsible for the vessel are uncertain whether the movement is to a different port, (e.g. Houston to Galveston, Los Angeles to Long Beach), they should contact the cognizant COTP and request clarification.

c. The regulation specifies that a port or place of destination is where a vessel is bound to anchor or moor. Without amending regulatory language, COTPs should not apply this definition to a sea buoy or pilot station. Requiring arriving vessels to submit the NOA based on arrival at a sea buoy or pilot station is not consistent with the CFR. All NOAs to U.S. ports or places should address where the vessel is bound to anchor or moor.

1) In very rare situations, the COTP (under the authority of 33 U.S.C. 1226), can request information from arriving vessels beyond what is required in 33 CFR 160 by issuing a COTP Order outlining the additional information required.

6. G-PCV will add the interpretation as a Frequently Asked Question (FAQ) on the National Vessel Movement Center (NVMC) website (<http://www.nvmc.uscg.gov/faq.html>). G-PCV will also prepare a "Notice of Interpretation" for publishing this interpretation in the Federal Register.

7. Sector Commanders/OCMIs/COTPs may distribute this information to local shipping agents and other industry contacts to promote dissemination of this policy pending publication of the "Notice of Interpretation".

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Distribution: All Areas/Districts (p) Officers
All Sectors/Activities/MSOs/MSUs