

§ 160.203

33 CFR Ch. I (7-1-01 Edition)

carrying certain dangerous cargo, which operate solely on the Great Lakes.

(d) Sections 160.207, 160.211, and 160.213 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 160.207, 160.211, and 160.213 do not apply to each vessel upon the waters of the Mississippi River between its sources and mile 235, above Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 96-026, 61 FR 33669, June 28, 1996; CGD 94-089, 61 FR 50234, Sept. 25, 1996; USCG-2000-7223, 65 FR 40058, June 29, 2000]

§ 160.203 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.

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 includes any of the following:

(a) Division 1.1 or 1.2 (explosive) materials, as defined in 49 CFR 173.50.

(b) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.

(c) Highway route controlled quantity radioactive material, as defined in 49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).

(d) Each cargo under Table 1 of 46 CFR Part 153 when carried in bulk.

(e) Any of the following when carried in bulk:

- Acetaldehyde
- Ammonia, anhydrous
- Butadiene
- Butane
- Butene
- Butylene Oxide

- Chlorine
- Ethane
- Ethylene
- Ethylene Oxide
- Methane
- Methyl Acetylene, Propadiene Mixture, Stabilized
- Methyl Bromide
- Methyl Chloride
- Phosphorous, elemental
- Propane
- Propylene
- Sulfur Dioxide
- Vinyl Chloride

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 (1) the safety of any vessel, bridge, structure, or shore area or (2) the environmental quality of any port, harbor, or navigable waterway of the United States. It may—but need not—involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.

Operator means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

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 to which a vessel is bound to anchor or moor.

Public vessel means a vessel that is owned or demise- (bareboat-) chartered by the government of the United States, by a State or local government, or by the government of a foreign

country and that is not engaged in commercial service.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 84-039, 50 FR 8614, Mar. 4, 1985; 50 FR 9426, Mar. 8, 1985; CGD 94-027, 59 FR 39459, Aug. 3, 1994; CGD 92-050, 59 FR 39966, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996; USCG-1999-5832, 64 FR 34715, June 29, 1999]

§ 160.205 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.

§ 160.207 Notice of arrival: Vessels bound for ports or places in the United States.

(a) The owner, agent, master, operator, or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, agent, master, operator, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of:

- (1) Name of the vessel;
- (2) Country of registry of the vessel;
- (3) Call sign of the vessel;
- (4) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
- (5) Name of the registered owner of the vessel;
- (6) Name of the operator of the vessel;
- (7) Name of the classification society of the vessel;
- (8) Name of the port or place of departure;
- (9) Name of the port or place of destination;

(10) Estimated date and time of arrival at this port or place; and

(11) Name and telephone number of a 24-hour point of contact.

(d) *International Safety Management (ISM) Code (Chapter IX of SOLAS) Notice.* If you are the owner, agent, master, operator, or person in charge of a vessel that is 500 gross tons or more and engaged on a foreign voyage to the United States, you must provide the ISM Code notice described in paragraph (e) as follows:

(1) *ISM Code notice beginning January 26, 1998, if your vessel is*—a passenger vessel carrying more than 12 passengers, a tank vessel, a bulk freight vessel, or a high-speed freight vessel.

(2) *ISM Code notice beginning January 1, 2002, if your vessel is*—a freight vessel not listed in paragraph (d)(1) or a self-propelled mobile offshore drilling unit (MODU).

(e) *Content and Manner of ISM Code Notice.*

(1) ISM Code notice includes the following:

(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel.

(ii) The date of issuance for the vessel's Safety Management Certificate, and,

(iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.

(2) If you meet the criteria in paragraph (d) of this section, you must give the ISM Code notice to the Coast Guard Captain of the Port of the port or place of your destination in the U.S. at least 24 hours before you enter the port or place of destination. The ISM Code notice may be combined and provided with the report required by paragraph (a) of this section.

[CGD 79-026, 48 FR 35404, Aug. 4, 1983, as amended by CGD 86-055, 54 FR 14078, Apr. 7, 1989; CGD 94-027, 59 FR 39460, Aug. 3, 1994; CGD 91-045, 59 FR 40189, Aug. 5, 1994; CGD 94-089, 61 FR 50234, Sept. 25, 1996; CGD 97-067, 62 FR 65206, Dec. 11, 1997; 63 FR 5458, Feb. 3, 1998; CGD 97-067, 63 FR 44117, Aug. 17, 1998]