Table of Contents

3 Points of Contact
4 Public Use Forms
5 NVIC Description
6 Transportation Worker Identification Credential (TWIC)
7 Notice of Arrival (NOA)
9 Ballast Water Management Mandatory Reporting
11 MARPOL Reception Facilities
12 Oil and Hazardous Material Transfers
13 Freight Vessel Exams
14 Tank & Chemical Vessel Exams
15 Cargo Operations w/ Expired Certificate of Compliance (COC)
16 User Fees
17 Common Captain of the Port Orders
18 Letters of Deviation (LOD)
19 Appeal Procedures
20 Force Majeure
21 USCG Security Boardings
22 Pollution Incident (Chemical/Oil)
23 Marine Casualties
24 Serious Marine Incident (SMI)
26 Vessel Traffic Service (VTS)
27 Vessel Traffic Service Anchorages
28 Vessel Traffic Service New York Measure: “Bergen Point”
29 Vessel Maintenance while at Anchor
30 Severe Weather Requirements
32 Kill Van Kull and Newark Bay VTS Measures
USCG Sector New York
Main Points of Contact

Phone (718) 354-xxxx

24 Hour
Fax 4125
Vessel Traffic Services 4088
Command Center 4353
Vetting Duty Officer 4348

Officer in Charge Marine Inspections (OCMI)
CDR Brian Gilda 4240

Safety and Security Operations
Mr. John Hillin 4244
LCDR John Hahn 4093

Port State Control
Fax 4249
LT Paul Mangini 4277
CWO Ralph Savercool 4257
CWO Derek Gibson 4062
General Info Desk 2140, 4387, or 4166

Security Boardings
LTJG Jose Mercado 4280
ENS David Ruhlig 4287

Facilities
LTJG Tiffany Johnson 4286
MSTC Hector Melendez 4018

Investigations / Pollution
24 hrs 4353
LCDR Mark Bottiglieri 4222
LT Thomas Casey 4227
# Coast Guard (CG) Authorized for Public Use Forms

<table>
<thead>
<tr>
<th>Form Number</th>
<th>Title</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CG-1356</td>
<td>Bill of Sale of Vessel by Governmental Entity</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-2554</td>
<td>Private Aids to Navigation Application</td>
<td>09/01/05</td>
</tr>
<tr>
<td>CG-2633</td>
<td>Application for Waiver &amp; Waiver Order</td>
<td>11/01/07</td>
</tr>
<tr>
<td>CG-2692</td>
<td>Report of Marine Accident, Injury or Death</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-2692A</td>
<td>Barge Addendum</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-2692B</td>
<td>Report of Required Chemical Drug &amp; Alcohol Testing</td>
<td>04/01/04</td>
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<tr>
<td></td>
<td>Following a Serious Marine Incident</td>
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<tr>
<td>CG-3752</td>
<td>Application for Inspection of U.S. Vessels</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-4143</td>
<td>Application for Class I Private Aton Artificial Islands</td>
<td>09/01/05</td>
</tr>
<tr>
<td></td>
<td>&amp; Fixed Structures</td>
<td></td>
</tr>
<tr>
<td>CG-4355</td>
<td>Characteristics of Liquid Chemicals Proposed for Bulk</td>
<td>06/01/04</td>
</tr>
<tr>
<td></td>
<td>Water Movement</td>
<td></td>
</tr>
<tr>
<td>CG-4593</td>
<td>Application, Consent &amp; Approval for Withdrawal of</td>
<td>06/01/04</td>
</tr>
<tr>
<td></td>
<td>Application for Documentation</td>
<td></td>
</tr>
<tr>
<td>CG-4917</td>
<td>Defect/Non-Compliance Report</td>
<td>09/01/05</td>
</tr>
<tr>
<td>CG-4918</td>
<td>Campaign Update Report</td>
<td>09/01/05</td>
</tr>
<tr>
<td>CG-5397</td>
<td>Application for Simplified Measurement</td>
<td>06/01/04</td>
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<tr>
<td>CG-5401A</td>
<td>Application for Certificate of Adequacy for Reception</td>
<td>06/01/04</td>
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<tr>
<td></td>
<td>Facility</td>
<td></td>
</tr>
<tr>
<td>CG-5401B</td>
<td>Application for a Reception Facility Certificate of</td>
<td>06/01/04</td>
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<tr>
<td></td>
<td>Adequacy for Residues, Etc.</td>
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</tr>
<tr>
<td>CG-5401C</td>
<td>Application for a Reception Facility Certificate of</td>
<td>06/01/04</td>
</tr>
<tr>
<td></td>
<td>Adequacy for Garbage - Form C</td>
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<tr>
<td>CG-5432</td>
<td>Fixed OCS Facility Inspection Report</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-6025A</td>
<td>Vulnerability and Security Measures Addendum</td>
<td>05/01/03</td>
</tr>
<tr>
<td>CG-6039</td>
<td>Application for Continuous Synopsis Record (CSR)</td>
<td>06/01/04</td>
</tr>
<tr>
<td>CG-6083</td>
<td>Application for Approval/Revision of Pollution Response</td>
<td>12/01/07</td>
</tr>
</tbody>
</table>

Last Modified 7/17/2008 – Users must check USCG site for public use form revisions, etc. This list is not all-inclusive.

# Navigation & Vessel Inspection Circulars (NVIC)

<table>
<thead>
<tr>
<th>References</th>
<th>A Navigation and Vessel Inspection Circular (NVIC) provides detailed guidance about the enforcement or compliance with certain Federal marine safety regulations and Coast Guard marine safety programs. While NVIC's are non-directive, meaning that they do not have the force of law, they are important &quot;tools&quot; for complying with the law. Non-compliance with a NVIC is not a violation of the law in and of itself; however non-compliance with a NVIC may be an indication that there is non-compliance with a law, a regulation, or a policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applies to</td>
<td>NVIC's are used internally by the Coast Guard to ensure that inspections and other regulatory actions conducted by our field personnel are adequate, complete, and consistent. Likewise, mariners, the marine industry, and the general public use NVIC's as means of determining how the Coast Guard will be enforcing certain regulations or conducting various marine safety programs. NVIC's are issued by the Assistant Commandant for Marine Safety, Security and Environmental Protection and address any of a wide variety of subjects, including vessel construction features; mariner training and licensing requirements; inspection methods and testing techniques; safety and security procedures; requirements for certain Coast Guard regulatory processes; manning requirements; equipment approval methods; and special hazards.</td>
</tr>
<tr>
<td>Tips</td>
<td>NVIC's are numbered consecutively by year, e.g., NVIC 7-02 would be the seventh NVIC issued in 2002. The &quot;zero&quot; NVIC, numbered 00, is always the index of NVIC's in force or still current at the beginning of the calendar year. Thus, NVIC 00-99 would be a list of all NVIC's that have not been cancelled before January 1, 1999.</td>
</tr>
<tr>
<td>Point of Contact</td>
<td><a href="http://www.uscg.mil/hq/g-m/nvic/">http://www.uscg.mil/hq/g-m/nvic/</a></td>
</tr>
</tbody>
</table>
Transportation Worker Identification Credential (TWIC)

References

- 33 CFR 101-106 – Maritime Security
- 33 CFR 125 – Waterfront Facilities
- 46 CFR 10, 12, & 15 – Merchant Marine Officers & Seamen

Applies to

Vessels, structures, and facilities of any kind, located under, in, on, or adjacent to waters subject to the jurisdiction of the United States.

Requirements

TWIC is a common identification credential for all personnel requiring unescorted access to secure areas of MTSA-regulated facilities and vessels, and all mariners holding Coast Guard-issued credentials. TSA will issue workers a tamper-resistant "Smart Card" containing the worker’s biometric to allow for a positive link between the card itself and the individual. Company, vessel, and facility security officers and personnel responsible for security duties are required to obtain a TWIC.

Individuals who frequently access secure areas in the course of their employment will also need to obtain a TWIC. These populations include but are not limited to:

- Agents
- Other maritime professionals
- Chandlers
- Facility employees who work in a secure area
- Port Chaplains
- Non-credentialed mariners in vessel crew
- Longshoremen
- Truckers bringing/picking up cargo at a facility
- Surveyors
- Drayage truckers

Tips

USCG will publish in the Federal Register the TWIC compliance dates for each Captain of the Port Zone (COTP). In accordance with the TWIC Final Rule, USCG will provide at least 90 days notice prior to the compliance date. In no case will the compliance date be later than April 15, 2009. The dates for the initial enrollment periods can be found on the TWIC website.

Point of Contact

LTjg Tiffany Johnson
Chief, Shoreside Compliance
(718) 354-4286
Tiffany.A.Johnson@uscg.mil

Resources

NVIC No. 03-07 – Guidance for the Implementation of the Transportation Worker Identification Credential Program in the Maritime Sector
http://homeport.uscg.mil/
www.tsa.gov/twic
Notice of Arrival (NOA)

References

33 CFR 160 Subpart C

Applies to

U.S. and foreign vessels bound for or departing from ports or places in the United States must submit a NOA, if over 300 gross tons. (When NOT carrying dangerous cargo, towing vessels, barges, and US vessels operating solely between ports with U.S. are exempt.)

Requirements

Deadline for submitting a NOA:

<table>
<thead>
<tr>
<th>Voyage Time</th>
<th>NOA submission prior to entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>96 hours or more</td>
<td>At least 96 hours</td>
</tr>
<tr>
<td>Less than 96 hours</td>
<td>At least 24 hours AND before departure</td>
</tr>
</tbody>
</table>

Deadline for updating or changing a NOA:

<table>
<thead>
<tr>
<th>Voyage Time</th>
<th>NOA submission prior to entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 hours or more</td>
<td>At least 24 hours</td>
</tr>
<tr>
<td>Less than 24 hours</td>
<td>At least 12 hours</td>
</tr>
</tbody>
</table>

Any changes to the arrival or departure time that are less than 6 hours need not be reported. The exception to this rule is if the vessel is scheduled for an “at sea” Coast Guard Boarding. A vessel selected for such must report estimated time of arrival changes of more than 30 minutes directly to Sector New York Command Center via VHF-FM Channel 16.

To expedite and streamline NOA changes, submit only:

1. The vessel's name;
2. Original NOA submission date;
3. The port of arrival;
4. The specific items to be corrected;
5. The new location of the vessel at the time of sending the NOA update.

Submission Requirements:

Specific NOA information required to be submitted is listed under 33 CFR 160.206.
Notice of Arrival (NOA) (continued)

Tips

Enter U.S. Destination Port with both City and State
Make sure to enter New York, New York if calling upon the Port of New York.

U.S. Destination Receiving Facility - Terminal or Anchorage information. Please be very specific as to which facility, berth, anchorage, terminal, and city and state.

Additional Ports of Call - Be specific with port and receiving facility information, and only list consecutive U.S. Ports allowed in accordance with 33 CFR 160.206(d).

Crew and Passenger Information - Cruise ships submit passenger lists via APIS and are exempt from direct SANS submission.

For crew or persons in addition to the crew, you must list each person’s full name, date of birth, nationality, passport number or mariner’s document number. Coast Guard inspectors will compare the NOA information and actual passports. Typographical errors will be treated as an inaccurate NOA submission.

Updates - If you make a mistake after sending a NOA, correct the mistake and update your NOA immediately with the NVMC. It is better to catch and correct your own NOA errors than to risk enforcement actions. When in doubt as to whether you need to submit or update a NOA, err on the side of caution and submit one.

Last Five Ports Of Call - Ensure the dates of arrival and departure of the vessel’s last five ports of call listed on the NOA match those listed on the required list of ten port facilities to be kept by the International Ships Security.

Potential Enforcement Actions

Captain of the Port Order for denial of entry or expulsion from Port
Additional security measures
Notice of Violation or Civil Penalty ranging from $3,000 to $32,500 for EACH error

Points of Contact

National Vessel Movement Center
408 Coast Guard Drive,
Kearneysville, West Virginia, 25430
Phone: 1-800-708-9823, or 1-304-264-2502.
Fax: 1-800-547-8724, or 1-304-264-2684.
Email: sans@nvmc.uscg.gov
Website: http://www.nvmc.uscg.gov/

Coast Guard Sector New York Vessel Arrivals Desk
Phone: (718) 354-4348
Ballast Water Management (BWM) Mandatory Reporting

References
33 CFR 151 Subpart D

Applies to
The master, owner, operator, person in charge, or vessel agent of any vessel equipped with ballast water tanks that is bound for ports or places of the United States, must ensure complete and accurate Ballast Water Reporting Forms are submitted in accordance with 33 CFR 151.2041, and signed ballast water records are kept on board the vessel for a minimum of two years in accordance with 33 CFR 151.2045.

Requirements
Ballast Water Reporting: All vessels, both foreign and domestic, that are bound for ports or places in the U.S. and are equipped with ballast water tanks, must submit Ballast Water Management (BWM) reports, regardless of whether the vessel operated outside the U.S. Exclusive Economic Zone (EEZ). Reports must be submitted either 24 hours before arrival to each U.S. port or place of destination when a voyage is more than 24 hours; or before departing each port or place of departure when a voyage is less than 24 hours.

All vessels bound for the Hudson River north of the George Washington Bridge must Fax a BWM report to the U.S. Coast Guard, Sector New York at (718) 354-4249, before the vessel enters U.S. waters. Any vessel not sending a report may be denied authorization to transit north of the George Washington Bridge for failure to comply with Ballast Water Reporting requirements.

For all other U.S. Ports:
1. All vessels bound for the Great Lakes must Fax a BWM report to the U.S. Coast Guard, COTP Buffalo, at (315) 769-5032,
2. Online Reporting to the National Ballast Information Clearinghouse (NBIC) at http://invasions.si.edu/NBIC/bwform.html, or by E-mail to ballast@si.edu; or,
3. Fax your report to the Commandant, U.S. Coast Guard, c/o the NBIC at (301) 261-4319.

If any information changes you must send a revised (amended) form before the vessel departs the waters of the United States.

For additional Mandatory Practices: See 33 CFR 151.2035 (a), (b).

Tips
Make sure, if you are visiting consecutive U.S. ports and coming from outside the EEZ, that you submit your last, first, and second, ports of call in your ballast water report.

Coast Guard Ballast Water Management Information. Reporting forms, instructions, regulations, and additional educational material can be obtained at http://www.uscg.mil/hq/g-m/mso/estandards.htm.

You are highly encouraged to submit your Ballast Water Report electronically.
BWM Mandatory Reporting (Continued)

Potential Enforcement Actions

- Willful Violations = Class C Felony
- Civil Penalty
  - Maximum Penalty $27,500 per day
- Notice of Violation
- Expulsion from port
- Denial of entry into port

Points of Contact

National Ballast Information Clearinghouse at (443) 482-2339
Or contact:
Commandant, (G-MSO-4)
2100 2nd Street, SW
Washington, DC 20593-0001
(202) 267-2716
MARPOL Reception Facilities

References

33 CFR 158 – Reception Facilities For Oil, NLS, and Garbage

Applies to

Each port and terminal located in the United States or subject to the jurisdiction of the United States that is used by oceangoing tankers, or any other oceangoing ships of 400 gross tons or more, carrying oily mixtures, or used by oceangoing ships to transfer NLS's, except those ports and terminals that are used only by tank barges that are not configured and are not equipped to ballast or wash cargo tanks while proceeding en route, and ships carrying NLS operating under waivers under 46 CFR 153.491 (b).

Requirements

33 CFR 158 outlines the requirements for a reception facility that receives the types of ships listed above. All facilities/terminals that receive these ships must have certificates on file with the local COTP outlining preexisting contracts to receive these types of wastes.

List of Facilities that Currently Hold a Certificate of Adequacy in the New York COTP

<table>
<thead>
<tr>
<th>OIL &amp; GARBAGE COAs</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALLSTATE SHIPPING LINE, LLC</td>
</tr>
<tr>
<td>AMERADA HESS - BAYONNE</td>
</tr>
<tr>
<td>AMERADA HESS - PERTH AMBOY</td>
</tr>
<tr>
<td>AMERADA HESS - RENSELEAR</td>
</tr>
<tr>
<td>AMERADA HESS - ROSETON</td>
</tr>
<tr>
<td>AMERADA HESS 2ND RESERVE</td>
</tr>
<tr>
<td>ASI – NEWARK</td>
</tr>
<tr>
<td>ATLANTIC SALT</td>
</tr>
<tr>
<td>BP MARINE</td>
</tr>
<tr>
<td>BP PRODUCTS - CARTERET</td>
</tr>
<tr>
<td>BROOKLYN CRUISE TERMINAL</td>
</tr>
<tr>
<td>CADDELL DRY DOCK</td>
</tr>
<tr>
<td>CASTLE PORT MORRIS</td>
</tr>
<tr>
<td>OIL COA</td>
</tr>
<tr>
<td>NATIONAL GYPSUM</td>
</tr>
<tr>
<td>ASI – RED HOOK - BROOKLYN</td>
</tr>
<tr>
<td>GARBAGE COA</td>
</tr>
<tr>
<td>KUEHNE CHEMICALS</td>
</tr>
<tr>
<td>WESTWAY FEED PRODUCTS</td>
</tr>
<tr>
<td>KINDER MORGAN LIQUID TERMINAL</td>
</tr>
<tr>
<td>TREMLEY POINT</td>
</tr>
<tr>
<td>NLS COAs</td>
</tr>
<tr>
<td>CASTLE PORT MORRIS</td>
</tr>
<tr>
<td>KUEHNE CHEMICALS</td>
</tr>
<tr>
<td>WESTWAY FEED PRODUCTS</td>
</tr>
<tr>
<td>KINDER MORGAN LIQUID TERMINAL</td>
</tr>
<tr>
<td>Hudson Tank Terminal</td>
</tr>
<tr>
<td>IMTT - BAYONNE</td>
</tr>
</tbody>
</table>

Point of Contact

LT Jg Tiffany Johnson
Chief, Shoreside Compliance
(718) 354-4286 – Office
Tiffany.A.Johnson@uscg.mil
# Oil and Hazardous Material Transfers

**References**

33 CFR 156 – Oil and Hazardous Material Transfer Operations.
33 CFR 155 – Pollution Prevention Regulations for Vessels.

**Applies to**

Transfer of oil or hazardous material on the navigable waters or contiguous zone of the United States, to, from or within each vessel with a capacity of 250 barrels or more.

**Requirements**

Part 156 outlines specific requirements for transfer operations between vessels and fixed/mobile transfer facilities (tank trucks).

Each mobile or fixed facility providing services must be authorized by the U.S. Coast Guard and pertinent local authorities to conduct such transfer operations.

**Tips**

COTP New York requires notification of transfer if the transfer will be conducted by a mobile facility tank truck. If a mobile facility will be involved, it is the responsibility of the mobile facility operator or person in charge to contact the Sector New York Command Center to obtain a transfer notification reference number at least 4 hours prior to transfer.

**Potential Enforcement Actions**

Possible enforcement actions for failure to comply with regulations may include one or more of the following:

- Suspension Order: order issued by the COTP verbally or in writing requiring suspension of the transfer until one or more specified conditions has been satisfied.
- Letter of Warning
- Notice of Violation
- Civil Penalty

**Points of Contact**

The Sector New York Command Center can be reached at:
(718) 354-4353.

The Sector New York Shoreside Compliance Branch can be reached at:
(718) 354-4286
Freight Vessel Exams

References
46 USC 3303
International Convention for the Safety of Life at Sea, 1974
International Convention on Load Lines, 1966
International Labor Organization Convention 147
MARPOL 73/78
International Ship & Port Facility Code
33 CFR Part 154-156 and 164

 Applies to
All foreign freight vessels entering a port or place in the United States or a port or place subject to the jurisdiction of the United States.

Requirements
All freight vessels calling on a port or place within the United States or subject to the jurisdiction of the United States are subject to an annual Freight Vessel Exam conducted by the Coast Guard.

Examples of freight vessels include:
- Container vessels
- Roll-on Roll-off (RORO) vessels
- Break Bulk vessels

Typically, the annual exam will consist of the following:
- Examination of vessel documents, licenses and certificates.
- Testing of the emergency generator.
- Examination of sewage system.
- Operation of the main and emergency fire pump.
- Operation of bilge pumps.
- Testing of the fixed fire detection system.
- Testing of the watertight doors.
- Lowering of one lifeboat to embarkation.
- Testing of the steering gear.
- Testing of the oil water separator.
- Navigation equipment examination.
- Deck walk including living spaces, hospital space, and galley.

Tips
Foreign Freight vessels are not subject to the User Fees designated in 46 CFR 2.10-125.

The Coast Guard identifies vessels in need of Freight Exams. No notifications or requests are required by the agent.
Tank and Chemical Vessel Exams

References

46 USC 3303, 3711
International Convention for the Safety of Life at Sea, 1974
MARPOL 73/78
33 CFR Part 154-156 and 164
International Bulk Chemical Code

Applies to

Foreign Vessels that operate on the navigable waters of the United States, or transfer oil or hazardous material in a port or place under the jurisdiction of the United States

Requirements

46 USC 3711 requires foreign vessels that operate on the navigable waters of the United States, or transfer oil or hazardous material in a port or place under the jurisdiction of the United States have a Certificate of Compliance (COC) stating the vessel has been found in compliance with the applicable parts of the regulations.

COC certificates are valid for a period not to exceed 24 months with an annual inspection conducted prior to the 12-month anniversary date of the COC.

Generally, a COC exam will consist of an examination of the items mentioned under the Foreign Freight section of this guide with the following additional areas examined as applicable:

- Inert Gas System
- Crude Oil Wash
- Emergency Towing Operations
- Cargo Pump rooms
- Cargo Operational Requirements

Tips

Vessel agents shall contact the USCG to schedule COC Annual and Renewal Exams 7 days prior to arrival.

Cargo pump rooms must be certified “Safe for Workers” by a Marine Chemist prior to the Coast Guard inspection.

User Fees must be paid prior to inspection (See “User Fee” section of this guide).

In order to conduct cargo operations the vessel must hold a valid Certificate of Compliance (See “Cargo Operations with an expired COC” section of this guide).

Point of Contact

For questions concerning Foreign Tank Vessel exams contact: (718) 354-4348.
Cargo Operation w/ Expired Certificate of Compliance (COC)

References
Marine Safety Manual, Volume II

Applies to
All foreign tank vessels entering a port or place in the United States or a port or place subject to the jurisdiction of the United States wishing to conduct cargo operations with an expired Certificate of Compliance or an overdue biennial exam.

Requirements
Under Coast Guard policy, tank vessels overdue for an annual or biennial exam are to be inspected prior to conducting cargo operations.

To avoid delays to cargo operations, owners often request an examination prior to the expiration date of their COC. At the discretion of, and with prior approval from, the local OCMI/COTP, tankers with expired COC’s (renewal or annual) that are not more than three months past due, and with no indication that the vessel is not in compliance with applicable laws and regulations, should be able to conduct cargo operations. However, the exam in question must be completed prior to the vessels departure.

Vessels more than 3 months past the due date will be boarded prior to commencement of cargo operations.

Tips
To ensure your cargo operations request is processed without delay:
1. The form must be signed and stamped with the Master's signature and the vessel's seal.
2. All lines of the form shall be completed with data or N/A.
3. Submit the form 7 days prior to arrival.
4. Ensure the form is legible.
5. Provide a 24-hour contact number in case of clarification of issues that may arise during review of request.

Potential Enforcement Actions
- Termination of cargo operations.
- Letter of Warning
- Notice of Violation: $1500.00 for first offense.
- Civil Penalty: $32,500 per day.

Point of Contact
Requests for cargo operations may be faxed to: (718) 354-4249.
User Fees

References
46 CFR 2.10-125
46 USC 2110

Applies to
Each foreign tankship of a country party to the International Convention for the Safety of Life at Sea, 1974.

Requirements
Each foreign tankship of a country party to the International Convention for the Safety of Life at Sea, 1974, must pay for examination for the issuance of a Certificate of Compliance or examination for the annual endorsement to the Certificate of Compliance.

The Fee for these examinations is $1,100 regardless of the size of the vessel. All follow up visits necessary for corrections of deficiencies related to the examination are included in the fee.

Tips
Proof of payment (i.e.; copy of check or money order and express mail receipt) for the examination must be received by Sector New York before any examination services will be provided.

Ensure the vessel’s IMO # is written on the check.

Potential Enforcement Actions
Possible enforcement actions include:
- Letter of Warning
- Notice of Violation: $500.00 for first time offense
- Civil Penalty: $6,500 per violation

Points of Contact
User Fees shall be sent to the following address:
USPS
USCG Vessel Inspection Fees
P.O. Box 70952
Charlotte, NC 28272-0952

FedEx / UPS / DHL
Wachovia QLP Wholesale #2000020792765
Lockbox NC0810
Lockbox # 70952
1525 West WT Harris Blvd.
Charlotte, NC 28262

User fees help desk: (800) 941-3337

Proof of payment (e.g. copy of check or money order and express mail receipt) should be faxed to: (718) 354-4249.
## Common Captain of the Port Orders

### References

- 33 CFR 3.05-30   New York Marine Inspection Zone and Captain of the Port Zone.
- 33 CFR 160 Ports and Waterways Safety

### Applies to

Any vessel within the COTP New York zone.

### Requirements

In order to ensure the safety and security of the port of New York, vessels may be required to complete a variety of safety and administrative measures prior to entering or departing the port. These steps will be clearly articulated in a Captain of the Port Order, normally faxed to the agent, VTS, and the pilots. Some common COTP orders are listed below:

- **Propulsion or steering failure**
  - Class report attesting to repairs prior to departure
  - Follow tow plan within port

- **Cargo migration**
  - Marine chemist prior to port entry
  - Class approved inerting plan prior to port entry
  - LEL less than 10% in effected tanks prior to entry
  - If LEL greater than 10%, offload source cargo at Gravesend
  - Class report for repairs prior to departure

- **Loss of anchor**
  - Follow tow plan within port
  - Class report for repairs prior to departure

- **Notice of Arrival**
  - Make corrections to NOA
  - Remain offshore until proper 96 or 24 hour window has passed

### Tips

COTP orders are faxed to agents. Agents must convey the order to the vessel Master. Read the COTP order carefully and call the number listed on the order if you have any questions or need clarification.

### Potential Enforcement Actions

- Denial of entry
- Expulsion from port
- Order to anchor
- Prohibition of vessel operation and cargo transfers
- Notice of Violation or Civil Penalty

### Point of Contact

Questions regarding COTP orders should be directed to the Sector New York Command Center at: (718) 354-4353.
# Letters of Deviation (LOD)

<table>
<thead>
<tr>
<th>References</th>
<th>33 CFR 164.53</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applies to</td>
<td>Self-propelled vessels more than 1,600 gross tons operating in U.S. waters.</td>
</tr>
</tbody>
</table>
| Requirements     | Vessels MUST report any navigational equipment that is not working properly to the COTP. At the COTP’s discretion an LOD may be issued that authorizes the vessel to deviate from the U.S. navigational regulations during one transit. Vessels are expected to fix the broken equipment prior to departure from port. LOD’s can be issued for the following equipment:  
  - Automatic Identification System (AIS)  
  - Radar  
  - Gyrocompass  
  - Echo depth sounder  
  - Automatic Radar Plotting Aid (ARPA)  
  - Steering gear systems  
  - Electronic position fixing device |
| Tips             | You can request an LOD by calling the Sector Command Center. You should also indicate the non-operational navigational equipment on the NOA. |
| Potential        | Denial of entry  
  | Enforcement Actions | Order to anchor  
  |                  | Notice of Violation or Civil Penalty |
| Point of Contact | Questions regarding Letters of Deviation should be directed to the Sector New York Command Center at: (718) 354-4353. |
# Appeal Procedures

## References

- 33 CFR 160.7 – Appeals from orders or direction issued by the Captain of the Port.
- 46 CFR 1.03-20 – Appeals of Officer in Charge of Marine Inspection.

## Requirements

The Code of Federal Regulations provides reconsideration and formal appeals of any decision or action of an OCMI or COTP by using the following procedures:

1. When requesting a decision or action be reconsidered or reviewed, such request must be made within 30 days after the decision is rendered or the action is taken.
2. When making a formal appeal of decision or action, the appeal must be submitted in writing, and received by the authority to whom the appeal is required to be made, within 30 days. When appealing decisions made by the OCMI or COTP, the appeal should be directed to the cognizant District Commander via the COTP.
3. The appeal must contain a description of the decision or action being appealed and the appellant’s reasons why the decision or action should be set aside.
4. Failure to submit a formal appeal in accordance with the procedures and time limits results in the decision or action becoming final agency action.

## Point of Contact

*Appeals should be addressed as follows:*

Commander  
USCG Sector New York  
212 Coast Guard Drive  
Staten Island, New York 10305  
Attn: Chief, Port Safety and Security Branch
# Force Majeure

## References
International Convention for the Safety of Life and Sea (SOLAS), 1974, Article IV

## Applies to
All vessels engaged in innocent passage through U.S. territorial waters.

## Requirements
The principle of force majeure generally means that a vessel forced into coastal state waters by virtue of distress, whether brought about by natural or man-made causes, is generally not subject to coastal state jurisdiction during a reasonable period of time necessary to remedy such distress.

A vessel claiming force majeure will be immune from all coastal state enforcement actions that arise inevitably from their entry in distress, unless the status is waived by the flag state of the vessel or the claim is found to be false.

The burden of proof that a vessel has a valid claim of force majeure rests with the vessel Master. A claim of force majeure is supported only by the existence of overwhelming conditions (e.g. fire, severe storm, disablement, mutiny) that threatens the loss of vessel, crew, or cargo.

In addition, a vessel’s claim of force majeure will be voided if:
- The vessel is in the vicinity of the territorial waters with the intent to violate that nations law; or
- The vessel violates the nation’s law after it enters the territorial seas.

## Tips
Each Coast Guard COTP has the authority to verify, accept, or reject claims of force majeure. Even if a vessel exhibits a valid force majeure claim, the COTP may nevertheless take action to remove a hazard to life or property under the authority of the Ports and Waterways Safety Act (33 USC 1221, et seq.).

## Point of Contact
Requests for claims of force majeure should be directed to the Sector New York Command Center at: (718) 354-4353.
USCG Security Boardings

References

33 USC 1226
33 USC 1232
33 CFR 160.7

Applies to

All vessels issued a Port Security Captain of the Port Order (COTP) prior to entering the Port of NY/NJ.

Requirements

Vessel is required to be inspected by CG Security Boarding Team prior to the vessel transiting North of Ambrose Tower. Boarding will be completed while vessel is anchored at Ambrose Anchorage (or other designated location), and no cargo operations, lightering, or bunkering shall take place until the conclusion of the Security Boarding.

Tips

The CG will notify a vessel’s agent approximately 24 hours before a vessel arrives at Ambrose that it requires a Security Boarding before entering port. The notification will come via telephone, and the COTP will be faxed to the agent’s office.

The Vetting Duty Officer (VDO) (formerly PSDO) is responsible for scheduling and updating all Security Boarding operations. If a vessel’s arrival time changes, notify the VDO as soon as possible so the Boarding Time can be adjusted. Also, inform the VDO of any berth, tide, or cargo restrictions that may affect the vessel’s schedule.

Potential Enforcement Actions

If further security action on a vessel is necessary after the CG Boarding, the agent will be notified as soon as possible. Further action would most likely stop or delay the vessel from entering the Port of NY/NJ. If the vessel is issued a Port Security COTP while in the Port, it may be required to cease cargo operations and leave the port.

Points of Contact

Vetting Duty Officer
Desk: (718) 354-4348
Cell: (347) 682-0544
Fax: (718) 354-4140
Pollution Incident (Chemical/Oil)

References

- Title 42 United States Code Chapter 103
  
  http://www.access.gpo.gov/uscode/uscmain.html
- Title 46 United States Code Chapter 61
  
  http://www.access.gpo.gov/uscode/index.html
- Title 33 Code of Federal Regulations Part 153
  
  http://www.gpoaccess.gov/cfr/index.html
- Federal Register Vol. 70, No. 241 & 245, Dec 16, 2005
  
  http://www.gpoaccess.gov/fr/index.html

Applies to

All commercial vessels in United States Territorial Seas regardless of Flag State, and all tankers inside the Exclusive Economic Zone (200nm) regardless of Flag State. Applies to U.S. Flag vessel regardless of location.

Requirements

Any discharge that creates sheen on or near a waterway; or release of a Reportable Quantity (RQ) into the environment must immediately notify the National Response Center (NRC). A discharge of oil of 10,000 gallons or greater or a release of a RQ of chemicals require steps be taken in accordance with the Serious Marine Incident procedures.

Notification of the NRC meets the notification requirements of 46 CFR 4.05-1. Submit CG-2692 and, if required, CG-2692B to the nearest Coast Guard unit within 5 days following the incident.

Tips

- NRC Website http://www.nrc.uscg.mil/nrchp.html

Potential Enforcement Actions

Failure to make immediate notification to the Coast Guard COTP can result in a civil penalty fine ranging from $5000 to $32,500.

Failure to provide a CG-2692 with-in 5 days to nearest United States Coast Guard unit can result in a civil penalty fine ranging from $1,000 to $32,500.

Discharge/Release can result in a civil penalty fine ranging from $250 to $10,000.

Points of Contact

- National Response Center (NRC) telephone number: (800) 424–8802
- Send CG-2692 to Sector New York by mail or FAX:
  
  Commander
  Sector New York, Prevention Department
  212 Coast Guard Drive
  Staten Island, NY 10305
  Fax: (718) 354-4224
Marine Casualties

References
Title 46 United States Code Chapter 61
http://www.access.gpo.gov/uscode/index.html
Title 46 Code of Federal Regulations Part 4
http://www.gpoaccess.gov/cfr/index.html
Federal Register Vol. 70, No.241, Dec 16, 2005
http://www.gpoaccess.gov/fr/index.html

Applies to
All commercial vessels in United States Territorial Seas regardless of Flag State, and all tankers inside the Exclusive Economic Zone (200nm) regardless of Flag State

Requirements
Inform the nearest Captain of the Port (COTP) of any Reportable Marine Casualty immediately after addressing resultant safety concerns.

Provide the nearest COTP with a CG-2692, Report of Marine Casualty within 5 days following the Marine Casualty

Tips
What is a Reportable Marine Casualty
1. Unintended grounding or bridge allision.
2. Intended grounding or bridge allision creating a hazard to navigation.
3. Loss or reduction of propulsion, steering, or control system affecting vessel’s maneuverability.
4. An occurrence affected seaworthiness or fitness for service/route, including but not limited to, fire, flooding, or failure or damage to fixed fire fighting systems, life-saving equipment, auxiliary power generating equipment, or bilge-pumping systems.
5. Loss of life.
7. Damage exceeding $25,000. Damage includes labor and materials but does not include cost of salvage, cleaning, gas freeing, dry-docking, or demurrage.
8. Any incident causing/potential to cause “Significant Harm to the Environment.”

Potential Enforcement Actions
Failure to make immediate notification to the Coast Guard COTP can result in a civil penalty fine ranging from $5,000 to $32,500.

Failure to provide a CG-2692 with-in 5 days to nearest United States Coast Guard unit can result in a civil penalty fine ranging from $1,000 to $32,500.

Points of Contact
Sector New York Command Duty Officer (24 hour availability)
(718) 354-4353 for initial report of casualty, send CG-2692 to Sector New York by mail or FAX:
Commander
Sector New York, Prevention Department
212 Coast Guard Drive
Staten Island, NY 10305
Fax: (718) 354-4224
Serious Marine Incident (SMI)

References
Title 46 United States Code Chapter 61
http://www.access.gpo.gov/uscode/index.html
Title 46 Code of Federal Regulations Part 4
http://www.gpoaccess.gov/cfr/index.html
Federal Register Vol. 70, No. 241 & 245, Dec 16, 2005
http://www.gpoaccess.gov/fr/index.html

Applies to
All commercial vessels in United States Territorial Seas regardless of Flag State, and all tankers inside the Exclusive Economic Zone (200nm) regardless of Flag State.

Requirements
A SMI is a Severe Reportable Marine Casualty that triggers a requirement for Drug & Alcohol Testing of personnel directly involved in the casualty. The criteria for a SMI are listed below in the Tips section.

The Marine Employer shall ensure that post-casualty testing occurs as promptly as possible. It is the duty of the mariner to comply with chemical testing when dictated by the employer, regardless of the casualty level.

Alcohol Testing of involved personnel must be completed within 2 hours.

Drug testing must be completed within 32 hours.

Submit CG-2692B, Report of Required Chemical Drug, and Alcohol Testing to the nearest Coast Guard unit within 5 days following the incident.

Tips
What is a Serious Marine Incident?

- One or more deaths.
- Injury requiring professional medical treatment.
- Property damage in excess of $100,000 (cost of labor and materials only).
- Loss of any vessel issued a Certificate of Inspection.
- Loss of a vessel 100 GT or greater
- 10,000-gallon oil spill or discharge of a reportable quantity of a hazardous substance.
### Serious Marine Incident (SMI) *(continued)*

| Potential Enforcement Actions | Failure to make immediate notification to the Coast Guard COTP can result in a civil penalty fine ranging from $5,000 to $32,500.  
Failure to provide a CG-2692 within 5 days to nearest United States Coast Guard unit can result in a civil penalty fine ranging from $1,000 to $32,500. |
|--------------------------------|---------------------------------------------------------------------------------------------------|
| Points of Contact              | Sector New York Command Duty Officer (24 hour availability)  
(718) 354-4353 for initial report of casualty  
Send CG-2692B to Sector New York by mail or FAX:  
Commander  
Sector New York, Prevention Department  
212 Coast Guard Drive  
Staten Island, NY 10305  
Fax: (718) 354-4224 |
Vessel Traffic Service

References
33 CFR 110.155 Anchorages
33 CFR 165.00-165.46 VTS
33 CFR 165.165 Regulated Navigation Area

Applies to
(a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;
(b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or
(c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

Requirements
The primary function of VTS New York is to instill good order and predictability on the waters of the Port of New York and New Jersey. This is accomplished by coordinating vessel movements through the collection, verification, organization, and dissemination of information.

The Vessel Traffic Center (VTC), an element of the Captain of the Port (COTP) New York at Fort Wadsworth on Staten Island, NY, is staffed by military and civilian personnel. The VTC utilizes a VHF-FM radiotelephone as the primary communications medium for interacting with vessels operating within the COTP zone. Multiple radar, communications, and other data sensory sites are located throughout the port to insure accuracy and redundancy regarding all vessel movements.

Tips
In order to ensure that vessel routing, transit scheduling and anchorage assignments are conducted in the most efficient manner, the VTC urges agents representing vessels that are visiting the port to communicate any requests in a timely fashion.

Potential Enforcement Actions
Letter of Warning
Notice of Violation
Civil Penalty

Points of Contact
The 24 Hr contact information for the Vessel Traffic Center is as follows:

Phone: (718) 354-4088 / Fax: (718) 354-4125
E-Mail: D01-SMB-VTS-WatchOfficer@uscg.mil
Vessel Traffic Service Anchorages

References
33 CFR 110.155(d) Anchorages
33 CFR 165.00-165.46 Vessel Traffic Service

Applies to

Requirements
In addition to the requirements, set forth in 33 CFR 110.155(d) (i)-(x) all vessels wishing to anchor within the above mentioned Federal Anchorage Areas must coordinate all actions with Vessel Traffic Service New York.

Tips
The Vessel Traffic Service administers the Federal Anchorages within the Port of New York and New Jersey. Deep-water anchorages are a limited and highly utilized commodity crucial to the economic efficiency of the harbor. As such, the VTS seeks to maximize its utilization in the most equitable manner. The VTS adheres to FIFO (first-in-first-out) policies that are in accordance with the guidance set forth in CFR 110.155. However, coordination efforts by the VTC with vessels agents promote a congenial effort of “best-use.” The VTS grants waivers to extend vessels presence in the anchorage beyond the permitted times in order to minimize ships expenses and demurrage rates when possible. Waivers for such requests must be submitted to the VTC as soon as possible.

Potential Enforcement Actions
Letter of Warning
Notice of Violation
Civil Penalty

Points of Contact
The 24 Hr contact information for the Vessel Traffic Center is as follows:
VHF-FM: Channel 12
Phone: (718) 354-4088
Fax:     (718) 354-4125
E-Mail: D01-SMB-VTS-WatchOfficer@uscg.mil
Vessel Traffic Service New York Measure:
“Bergen Point Area”

References
33 CFR 161.11 – VTS Measures

Applies to
Vessels 700 Ft or greater; Vessels 40 Ft or greater.

Requirements
Bergen Point Area:

All waters in an area bounded to the west by KVK Channel Lighted Buoy 18 (LLNR 37335), to the east by KVK Channel Lighted Buoy 12 (LLNR 37310), and to the north by Newark Bay Lighted Buoy 5 (LLNR 37400).

Vessels greater than 800 ft. in length may only transit the Bergen Point area with two assist tugs. Vessels 700 ft. in length backing out of the Arthur Kill must transit the Bergen Point Zone 90 minutes prior to, or following, slack water at Bergen Point. Vessels with 40 ft. draft or greater must transit the Bergen Point Zone 60 minutes prior to, or following, slack water at Bergen Point. Vessels must maintain at least 2 feet of clearance transiting under the Bayonne Bridge. MHW clearance at the center span of the Bayonne Bridge is charted at 151 ft.

The Bergen Point area will be closed to navigation when visibility is less than 1 nautical mile.

The Bergen Point area will be closed to navigation when wind speed is measured to be 20 kts. or greater.

Tips
High winds (34 knots or greater) will trigger further restrictions, as will low visibility (1 mile or less). Contact the VTS at the below phone/fax numbers or on the designated VHF-FM frequency for further information on these restrictions.

Enforcement Actions
Letter of Warning
Notice of Violation
Civil Penalty

Points of Contact
The 24 Hr contact information for the Vessel Traffic Center is as follows:
VHF-FM: Channel 12
Phone: (718) 354-4088
Fax: (718) 354-4125
E-Mail: D01-SMB-VTS-WatchOfficer@uscg.mil
Vessel Maintenance While at Anchor

References
33 CFR 165.00-165.46 - Vessel Traffic Service
33 CFR 110.155 - Federal Anchorages

Applies to
All vessels anchored in Federal Anchorage Areas

Requirements
1. No vessel may anchor unless it maintains the capability to get underway within 30 minutes except with prior approval of VTS New York.
2. No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without prior approval of VTS New York.
3. Each vessel in a "dead ship" status must engage an adequate number of tugs alongside during tide changes. A tug alongside may assume the Channel 16 FM radio guard for the vessel after it notifies VTS New York.
4. No vessel may lighter in a "dead ship" status without prior approval from VTS New York.

Beginning on November 1, 2006, agents will be required to submit a request to enter a Dead ship status from the VTS via the Homeport website. The Vessel Traffic homepage at Homeport has an electronic form in Word format that is to be e-mailed to D01-SMB-VTS-WatchOfficer@uscg.mil Confirmation of assignment will be returned to the sender within 2 hours.

Dead ship requests for assignment may be submitted at any time. Emergency Dead ship notification requires immediate notification to the VTC via telephone or VHF communication on VTS frequencies.


Anchorage Administration

Tips
The request to enter into a Dead ship status to conduct maintenance or repairs should be submitted to the VTS as early as possible. A general rule for approving such requests is to ensure that a sufficient number of tugs are alongside the vessel one hour before slack water and one hour after slack water as measured at the Narrows. The VTS generally requires the assisting tugboats to have horsepower equivalent to 10% of the Deadweight Tonnage of the vessel entering Dead ship status.

Potential Enforcement Actions
Letter of Warning
Notice of Violation
Civil Penalty

Point of Contact
The Vessel Traffic Center can be reached at: (718) 354-4088
Severe Weather Requirements

References
Captain of the Port New York Policy

Applies to
All vessels as noted below

Requirements
Winds sustained at 15 kts or gusting to 20 kts from the North or Northwest while on an ebb current:
- All barges in the Bay Ridge anchorage shall have tugs alongside.

Winds sustained at 25 kts regardless of the wind or current direction:
- All barges or ships anchored in a “dead ship status” in any anchorage not attached to permanent mooring (i.e., Robbins Reef mooring ball) shall have tugs alongside.
- All barges alongside anchored ships shall have tugs alongside.
- All ships and tugs in an anchorage shall have their engines online.
- All ships engaged in bunkering or lightering operations may have no more than one barge alongside.

Gale Conditions: Winds sustained at 34 kts regardless of the wind or current direction:
- All ships at anchor in Bayridge, Gravesend, Perth Amboy, or Anchorage 19 shall have a Pilot aboard.
- All lightering and bunkering operations shall be suspended with all barges removed from anchored vessels.
- Based on their ship’s particular characteristics and loading conditions, masters of ships at anchor should consider ordering tugs to assist their vessels in maintaining position in the anchorage.
- Vessels not certificated for operation above a gale or only certificated for river use shall cease operation.

Winds sustained at 40 kts regardless of the wind or current direction:
- The transfer of hazardous cargo between vessels or barges and waterfront facilities shall be suspended.
- All ships in Stapleton Anchorage shall either have a pilot aboard or arrange with the Sandy Hook Pilots to have a pilot on call ready to respond at the Staten Island pilot station. All ships in other anchorages inside the port shall have a pilot aboard.
- Barges may be ordered out of specific anchorages by the COTP/VTS Director. Tug/barge combinations may go to a berth or transit to an area, such as north of the George Washington Bridge, and anchor/ride out the storm. Tug/barge combinations will not be ordered out of the Port of New York and New Jersey.
- Depending on actual harbor conditions, the COTP/VTS Director may impose restrictions on vessel movements into, out of, or within specific areas of the Upper and Lower Bay.
- Unattended barges attached to mooring ball shall have at least one tug standing by in the immediate vicinity.
Severe Weather Requirements (continued)

Requirements Continued

- Winds sustained at 60 kts regardless of the wind or current direction:
  - The COTP/VTS Director may impose a complete harbor closure affecting all commercial operations. Light tugs assisting other vessels/barges and emergency vessels will normally be the only vessels allowed to operate during these conditions.

  Line of severe thunderstorms or squall line approaching the area with expected winds greater than 25 kts:
  - The COTP/VTS Director may impose any of the restrictions outlines above as early as necessary to ensure safety measures are in place prior to the onset of the severe weather.


Tips

The Vessel Traffic Center references the NOAA weather informational websites. This information is readily available for the general public and maritime community to reference for planning purposes. The below web-link provides the data that the VTS references in real-time for planning purposes:


Agents are urged to plan accordingly to ensure that a timely response and positioning of assist vessels, pilots and other requirements are affected in order to adhere to these requirements.

Potential Enforcement Actions

- Letter of Warning
- Notice of Violation
- Civil Penalty

Point of Contact

The Vessel Traffic Center can be reached at: (718) 354-4088